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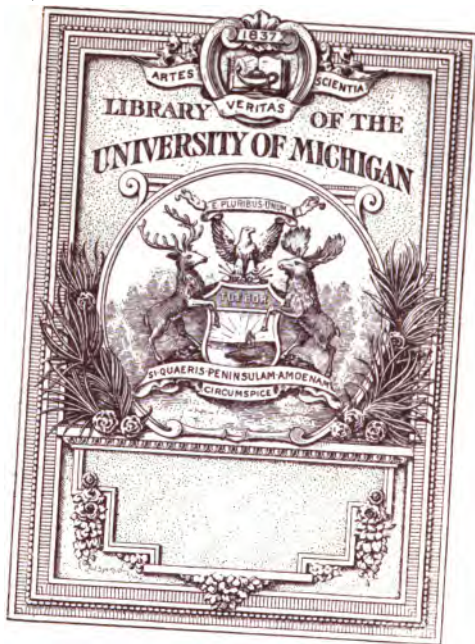
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A  
MORAL AND POLITICAL SKETCH  
OF THE  
UNITED STATES  
OF  
NORTH AMERICA.

BY ACHILLE MURAT,  
CI-DEVANT PRINCE ROYAL OF THE TWO SICILIES, AND CITIZEN  
OF THE UNITED STATES.

WITH  
A NOTE ON NEGRO SLAVERY,  
BY JUNIUS REDIVIVUS.



LONDON:  
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## TRANSLATOR'S PREFACE.

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In submitting the following Work to the British public, the Translator deems it unnecessary to detain the reader by many prefatory remarks. The subject is one of acknowledged interest just now; and, therefore, information respecting it, which comes recommended by long experience, amidst diversified opportunities of observation, can hardly fail to be acceptable, particularly when, as in the present instance, those qualifications are further enhanced by considerable talent in the communication, and as much impartiality as is consistent with a just appreciation of what is excellent.

Our Reform Bill has opened the door to improvements in our social condition, but it

comes to us so late that, in relation to its immediate consequences on the fortunes of many, it must be considered as the seed rather than the crop; the means to an end, not the end itself; and that end even yet so distant that they cannot wait for it. Accordingly, there is a restlessness among the middle portions of the community; and many eyes, familiar with disappointment here, are turned to distant regions, in search of an eligible spot to which they may transport themselves and families. To such, the United States, from affinity of institutions, manners, and early associations, have necessarily considerable attractions.

But there is another respect in which the United States is still more interesting to us as a people; and that is in the working of the machinery of their government. We are now looking at our institutions with a view to their amendment, and we are sensible of the advantages of comparison in the formation of a sound judgment. People do not trouble themselves, as they used to do, about the abstract preferableness of this or that form

of government, but they inquire by what means the greatest happiness can be diffused among the greatest number of people at the least cost. Few of them are any longer the dupes of that vaunted prosperity in which a nation may be called rich and flourishing; while the majority of individuals who compose it, with difficulty find the means of subsistence. Diffusion, not accumulation, is now regarded as the true test of prosperity, and a flushed head with paralytic extremities is, whether in the body politic or the individual, held to be symptomatic of disease and dissolution. To what extent the institutions of the United States are deserving of imitation is an enquiry too extensive to be at present entered into; but as the country is now feeling the evil consequences of long-continued profusion in expenditure, we are not likely to increase our troubles by keeping their example before us, when our civil and pension lists come under discussion.

The author's opinions on some of the subjects discussed will not meet with universal assent, but he is entitled to hold and utter them, and

truth cannot lose by investigation ; moreover, the age is favourable to it. Let us glance at an instance or two.

The subject of Slavery is discussed in a Note at the end of the volume, and an opposite view presented to that of the author, whose reasoning thereon, however ingenious, will be generally thought, in this country, to give a dangerous prominence to that law of the strongest which casuists have agreed to consider untenable, because destitute of support from moral considerations. Can that reasoning be sound to which the weak and defenceless cannot assent but to their injury ?

Religion, according to our author, is abundant in the United States, but not without a plentiful infusion of secular feelings. It is difficult to say how much of the latter ought to be tolerated in our present state of existence ; but, certainly, the American mode is of all modes the least exposed to censure, since the expenses of any religion are wholly and voluntarily paid by its members. Let us hope, too, that there is more sincerity of devotion than he

supposes, and that an unattractive and distasteful form of speech is not necessarily indicative of hypocrisy.

The author describes Mr. Owen's system as undisguised atheism. This assertion must surely have been hazarded on purely negative grounds. Mr. Owen, in his lectures, does indeed generally confine himself to the concerns of this world, considering them to come most properly within his sphere of usefulness; but it seems not a necessary inference that he does not therefore believe in another. There are numerous examples everywhere of one world being on the lips, and the other in the thought.

Law proceedings in the United States resemble our own, and with little abatement of their cumbrousness and uncertainty; this, connected with the comparative cheapness of law there, tends to feed a spirit of litigation which the author acknowledges and good-naturedly endeavours to extenuate.

After so much has been said, by Mrs. Trollope and others, in disparagement of the manners of the Americans, there is something hu-



miliating in the acknowledgement, which nevertheless must be made, that the Americans, as a people, are free from those meanest of all idolatries, so continually obtruded upon us in England, the worship of wealth and title, apart from all worthier distinctions. There is a spot or two of the sort in America, but the general texture of society is free from it.

It is unnecessary to extend remark farther; the reader is referred to the author's Dedication, a part of the work which ought not to be passed over, as it illustrates his general views, and the grounds upon which he entertains them.

## DEDICATORY PREFACE

TO

COUNT THIBEAUDAU.

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*March 18, 1832.*

**MY DEAR FRIEND,**

It was at your suggestion that I began, about six years ago, to write the following Letters upon the United States, and it was to you that the first four were addressed: it is therefore with peculiar propriety that I dedicate the whole to the friend but for whom my work would never have seen the light. I trust you will receive the last six letters with the same indulgence as you did their precursors. An interval of nearly six years has elapsed between their composition; notwithstanding which, the intention of the work remains equally seasonable, that of making known in Europe, and particularly in France, the institutions of the United States, and the manners of the inhabitants.

Indeed, this task becomes every day more im-

portant, for a form of government more or less similar to theirs is the point towards which Europe is gravitating, not only since our time, but since the revival of letters, and the first moment in which Greek and Roman civilization began to penetrate the dark clouds of barbarism. The white race, to which you and I belong, is eminently perfectible; that even is its distinction among other sorts of men. This race had attained, without foreign assistance, to a very high degree of civilization (from which, even in some respects, we are still very distant), when the barbarians of the North, who fell upon it, came to slacken its progress, and throw it back in its intellectual career. As a frozen liquid added to a quantity already in a state of ebullition stops that effect immediately, and is warmed itself in the same proportion as the boiling liquor with which it is mixed is cooled; in like manner the barbarians, at the very time they were apparently destroying Roman civilization, were profiting by it, and were themselves gaining in light what they made the conquered people lose. The march of the human mind, therefore, did not stop; neither did it retrograde, but all its vital forces were employed in counteracting the effects of the invasion of the barbarians, and in harmonizing and combining the new materials, which had thrown the established economy into disorder.

Centuries were necessary to this labour, but it was at last accomplished. The sciences were im-

mediately carried back, by the study of their books, to the point at which the ancients had left them; and the improvements we have made upon them are too evident to need more than an allusion.

It was not, however, the same with political institutions. They had been completely undermined long since, and the very traditions of liberty were lost under the feudal slavery. The interest of two powerful classes, the nobility and the clergy, resisted every attempt at amelioration. Barbarism was obliged, however, in the end, to yield to the progressive march of light, and to the ardent desire for intellectual emancipation which it created: it was then that governmental matter became divided. The devil's plan was adopted. Mixed systems were introduced. The payment of kings was continued, but on condition that they should do nothing. The barons were even willing to listen to the humble representations of the Commons. The latter, however, became from day to day more powerful, and we are now arrived at the time in which they are every thing, and the barons nothing but fossil remains of past ages, still considered as necessary parts of those worn-out and antiquated pieces of mechanism, called 'constitutional monarchies' by the liberals, and 'state governments' by the kings of the Holy Alliance when they promised them to their subjects.

All these old mechanisms have been acknowledged defective, and an excellent workman is at this

moment occupied in patching up the oldest, and that which has served as a model for all the others. They are only good at most as governments of transition, to prepare a future generation for the enjoyment of a system unknown to its ancestors. But you well know that the best machines are always the most simple, and of the latest invention. It is to suppress the useless wheel-work that the greatest improvements in mechanism are limited. The same thing must take place in the moral order. But the cogs of the wheels must be altered, those which are superfluous quietly removed, and above all, the whole well greased, to prevent it from creaking, and that it may not break all at once. This reparation when completed may be an improvement; it is, however, better to build after a plan than to replaster an old tenement; and the general destruction effected in the last forty years has certainly made us leap far above those periods of transition which might have absorbed perhaps many generations.

People desired, and now desire, a rational government. The questions to be asked are, Has it been obtained? Have they not got into the old track? Have they not destroyed one species of tyranny only to establish another? Has liberty gained by the change? The happiness of the people as a body (for that is really the vital question) has it been increased? These questions do not apply to the revolution of 1830; for the answer

would be too easy, it would be forcing an open door; but they regard the first great leap of 89, and all the governments which have ruled us since that time. I am far from denying that a great progress has been made; but have not the people a right, considering the price that has been paid for it, to ask whether it ought not to have been greater? People have lost themselves in search of a theoretical liberty, while they have altogether neglected that practical liberty which is of main importance. The United States alone have obtained the latter.

You will immediately ask me if I think the constitution of the United States the best possible, and if I think it applicable to France, or any part of Europe? This question has been asked me a thousand times: I do not answer it, at least at present, for it is not that which is of immediate concern. It is not so much the constitution and laws of the United States that I admire and love, as the reason why the United States have this constitution, and these laws. It is the *principle* of the government. You ask me if it is the republic? Not so; the republic is but a consequence more or less necessary of the principle in question.

This principle, from which so much good has emanated, and which is destined to govern the world, is what is called in America "Self-government,"—  
GOVERNMENT BY THE PEOPLE THEMSELVES. Provided the people govern, I am satisfied. Of little

consequence is the form of the machine and who turn the wheels, provided it be so constructed as to receive and obey the least breath of public opinion, that it be then strong and irresistible, but powerless to disobey or resist it.

That is, in my opinion, the great problem, which has been resolved in no satisfactory a manner in America. Do people concern themselves much about it in Europe? Public opinion, it is true, was once consulted, and consented to give itself a master. A second time it pronounced in favour of the same man; in a non-official manner, truly, but not on that account the less energetically. But, with this exception, when has the nation manifested a will? There have been twenty changes of government during the last forty years, but (without speaking of those which have been imposed by the foreigner) they have always been effected by a minority. For even supposing Paris unanimous, the provinces have never been consulted.

I think I know my own affairs best; and moreover that, even if I deceive myself, it is my own affair, and nobody has a right to thwart me. I think I have a right to prevent any one from coming to teach me magisterially what is my best interest, and force me despotically to submit my judgment to that of another. I think, also, that the general interest is the result of all the particular interests, and that the government should, in like manner, be the result of all the individual wills.

But in Europe it is not so. There is too much desire to govern. Every thing becomes matter of government, as well as matter of taxation. What does it signify whether it be the republic or the Bourbons, who cause me to be watched by the high police, who open my letters, exercise a censorship over my newspapers, and require me to procure a passport when I desire to avail myself of my natural right of locomotion? What have I gained by the republic, if it is as tyrannical, as dear, as suspicious, as the monarchy? What imports it whether the nobility be old or new, as long as there is a nobility? What interest have I in personal changes of the government, when my voice will have as little influence with the new comers as with the previous depositories of power; when I shall remain either deprived of my vote, or have it neutralized by other votes bought or intimidated? It was against all these things I wished to see a revolution made. It will be time enough afterwards to trouble oneself about and discuss calmly the form of the government. That is only of secondary importance.

There was a time, immediately after the revolution of July, that I thought the thing was done. Lafayette understands republican institutions, as I do, in the American manner. He had proclaimed their existence; he had announced the commencement of the best of republics. I thought that all political police was going to be destroyed; that all



constraint on the liberty of locomotion was going to be suppressed; that the election of their representatives was henceforth to be given to the people themselves, and not to electors comprising the aristocracy of citizens; that an elective senate was about to replace a chamber of peers; that the initiative of the chambers was to become in future the ordinary mode of presenting laws; that the right of petition would cease to be a word without meaning; that ministerial responsibility was to be at last established, as well as that of all inferior persons in office; that all accumulation of places would be strictly interdicted; that trade would be rendered free by the abolition of monopolies and restrictions, which arrest it at every step in passing from one *commune* to another; that a system of duties would be adopted, which should protect industry without forcing it into unnatural channels; that a budget would be presented defining all the expenditure in a specific manner; that sinecures would be abolished, and useless expenses suppressed; that the discussions of political matters in the tribunals would cease to be subjected to influence; that grand juries (*jurys d'accusation*) would be established; that every accused person would be admitted to bail, except in capital cases; that means analogous to writs of *habeas corpus*, *mandamus*, and *quo warranto*, would be invented to protect the liberty of the subject, to insure the execution of the laws, and to prevent the encroach-

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ments of power; that the *communes*, the towns, and even the departments, would be free from *la centralization*, would cease to be in tutelage to the capital; that they would have the election of their magistrates, the disposal of their revenue, and the right of assessing themselves, provided that privilege did not cramp the internal trade; that the will of the people governed would at last be established every where, instead of the good pleasure of the governors. I thought sincerely that in foreign affairs a system worthy of France would be adopted; that it would not be mixed up in any confederacy of kings; that it would not tie its hands by any abstract doctrine of intervention or non-intervention, but that in that respect it would follow its interest and its glory. I was deceived, . . . . . all Europe was so too, for it flew to arms.

Full of these soft illusions, burning to see the place of my birth, to embrace old friends and a beloved family, whom I had (in my delirium) invited to meet me in Paris, I leave my plantation and my studies, and set off, believing that the cause of liberty was sure to be attacked, and sure also that a defender more would not be refused, that it would not be against me that the ranks of the French army would be closed. I hasten, but it takes me near three months to come from my home to Europe. . . . My God! what is my disappointment! . . . . And is it to arrive at such fine results as these, that the whole world has been

shaken to its foundations? We have certainly advanced some steps in the career of liberty, but alas, how few! . . . It would certainly be better to postpone these alterations to the day in which the accounts will be definitively arranged between liberty and despotism, and which cannot be long deferred, than to sacrifice the lives of so many brave patriots for nothing, or next to nothing. . . . In short, the entrance into France continued to be interdicted to me as under the government by divine right. In the meantime war was going to commence. The French army was in motion, but its ranks were closed to me. What was to be done? A neighbouring nation had conquered its liberty even more completely than France had known how to conquer hers. It was to support its liberty that France was advancing. On the other hand, the Dutch seemed to rely upon the assistance of Prussia. Even the position which the French army took showed that its leader expected a general war, for he manœuvred so as to take the line of the Meuse against the Prussians, leaving the Belgians and the Dutch to manage between them. A general war, a real duel, hand to hand, between revolution and counter-revolution, was about to ensue, and I should have taken no part in it! If the French army was closed against me, that of its allies was not. I arrived among them, asked and obtained service. A prince, not one of those who are afraid of their

shadow; a prince who understands liberty better than any of the journals of the movement at Paris, or the Tory journals of London who rail against it every day, held out his hand to the exile, and received him in such a manner as to command his gratitude: It is secured to him. The storm passed off, however, in frowns. I, therefore, gave up the command I had received, ready to take it again on the first report of war (for I did not reckon upon serving during peace), but not without having been harassed by the representatives of the despotic powers. This is all right: I do not complain of it; quite the contrary. Those delicate attentions with which these worthies pursue, with all their power, a young man who has never yet been distinguished for any thing whatever, who has still done nothing for history, show the opinion they have of him. I am very proud of it. They serve to reveal my resources to me. This persecution extends from great to little things. It forms a part of my existence, so much am I accustomed to it. If, on the one hand, it is attempted (without success, however,) to get me dismissed from the Belgian service, (perfectly right, since I entered it only to fight against them;) on the other, a celebrated ambassadress refuses to endorse a subscription card to a ball (of which she was patroness,) for a lady, declaring it would compromise her very much with her court if she did it! What elevated views!

The only persecution which would be sensibly

felt by me would be that of the French government, because it pretends to represent France. In the time of Charles X. I should not have cared, because it had not that pretension. But the thought would be cruel to me, that it was the nation that continued my exile. That would destroy one of the few illusions which yet remain to me.

But let us leave this personal digression, and return to the hopes with which the revolution of July has inspired me. You will consider, no doubt, that it was the republic I desired. Not at all; it was GOVERNMENT BY THE PEOPLE THEMSELVES. The republic is but one of the means of arriving at that end. It is liberty I desire: no matter under what name, provided I have the thing.

But you will say, Do you think it possible to France or Europe? Let us distinguish. If it were desired, first of all, to destroy every thing, have recourse to anarchy, and from these rude materials construct a republican edifice, preserving and making the best of all the tools and means of the government of despotism, I do not think that liberty would ever be attained. That experiment has already been tried once. But I am firmly convinced that it might be established in a better way. Let the government once sincerely desire it; let it cease to encroach continually upon the people, to desire to fix every thing, settle every thing, foresee every thing, prevent every thing; let it leave to each branch of power, to each opinion, to each

party, and to each individual, the degree of power and moral weight which respectively belongs to them, and that will approach very near to liberty, if it be not the thing itself.

I repeat it, all the governments of Europe, to whatever party they belong, are always too fond of governing. The executive power, for instance, no matter what may be its form, ought not to direct public opinion, but follow it. Its province is not to make laws, but to execute them. If chambers, so elected as to be really the representatives of the nation, and without any ministerial influence, pass bad laws, that is not the affair of the administration. *Fate voi, gran duca, le gale sone vostre*, it says to them; I wash my hands of it. It cannot be responsible for that; but the nation will take care to see justice done to itself, and the representatives, whether ignorant or traitorous, who may have voted for a measure proved bad by experience, will be turned out at the next election, and the measure repealed by a new chamber.

Do you think that an executive power, which should adopt as a maxim, not in anywise to direct legislative opinion, but follow it; which should recommend some laws, but propose none, leaving the chambers to make use of their initiative; which should not offer any opposition to the reductions they might make in the budget, but strictly confine itself within the limits fixed by them; should have no secrets, and be ready to open to them all its port-

folios, and to give all the information they might require;—do you think, I say, that an executive power, who should thus act, would not soon establish liberty in the country it governed? This is what Washington did. He was the first president. It was he who created the part. If he had amused himself finessing with congress, wishing to play the master, putting his nose in every thing, directing the state-elections, or dictating decisions to the courts of justice,—liberty, it is true, would have been established, because the people knew it and would have it; but the period would have been retarded, and he would have been overturned, bequeathing, probably, to his country a long career of anarchy. The task of government ought to be divided among many. Each should be employed in his department for the general good. They who pay, they who suffer by your faults and your mistakes, are at hand to reward or punish at the next election.

This government of upright dealing exists at present in Belgium, therefore perfect liberty is enjoyed there; and if commercial prosperity is not yet returned, that is owing to the diplomatic position of the country, and to causes wholly independent of the government and the people. I do not think the nation has much to congratulate itself upon in its representatives: they lose too much time. As to the Senate, it sleeps tranquilly, nobody troubles himself about it, and it troubles itself about nobody.

The people will apply a remedy in this quarter at the next election; but the government keeps itself strictly within its prerogatives, with a good faith which does it infinite honour. The courts of justice are independent, and lately showed it in the affair of a journalist of the orange party, who was let off, orangist as he was; for the laws are for all alike. Such a decision speaks equally in praise of the tribunal and the government, against an agent of whom it was given; and makes every one feel that he lives in a country wherein his liberty is protected. It is objected that the government falls into the hands of the catholics. I am sorry for it; but what is to be done, if the majority of the nation belongs to that faith? The nation must be altered before a change can take place in its representation, and, in the meantime, the only alternatives are submission or leaving the country.

I foresee your objections. A government like this, say you, could not be established in France, because Mr. Such-an-one could not remain at the head of the administration. What a capital misfortune! So much the worse for Mr. Such-an-one. But, you rejoin, here is a number of functionaries, full of ability and experience, who have sworn to and faithfully served all the successive governments of the last forty years. The nation would reject them immediately, they have not its confidence. How then shall we do to govern?—Without them. Have I not told you that it is 'GOVERNMENT BY



THE PEOPLE THEMSELVES' that I seek? The governors who possess not the confidence of the governed ought, without question, to be shewn the door. The people will find plenty of persons ready to undertake the management of their affairs, nor will they be at a loss how to select them. But, you add, do you think the people are sufficiently enlightened respecting their own interests to make a wise choice?—Not, perhaps, now; and if the present rulers continue, never will be. It is like expecting a person to learn to dance while his feet are tied. But let the system of election be introduced, and in a very short time everybody will become accustomed to think of public matters. Let us suppose, for example, that in one of the least enlightened departments the people have to elect a prefect. I concede to you, that the first year they will make a bad choice. They will be ill governed, and find it out. There will certainly be two or three persons desirous of becoming prefects, and who will be obliged to go and solicit people's votes from door to door, instead of frequenting the anti-chambers at Paris, as is now done. One will say to the electors, "Gentlemen, you are governed in such a way. If I am elected, I will do so and so, and every thing will go on well."—"Every thing would go on ill," says another candidate. "The bad government of the present prefect is not owing to the cause stated, but to this. . . . And this is the way in which I would take upon myself to remedy it." In short,

there would be as many opinions as candidates, and the people would be called on individually and contradictorily to decide these questions, and would inform themselves about them. Journals would soon be published in each department, as vehicles for local politics, and to support the different candidates. Every question would thus be brought home to each person; public affairs would become the constant topic of conversation; and, at the end of three or four elections, the people would be sure to choose proper persons.

But, perhaps, you will say, and this is the last objection I shall answer, would Europe permit us to adopt a more perfect system of liberty? Have we not been obliged to accept pardon for our revolution, by not following up the consequences? Really, I do not know that the French nation would have needed the ratification of Europe, in order to make the changes it desired at home. And if you were afraid of Europe, and were constrained by fear not to follow up the principle of the revolution after having effected it, why effect it? But by what right would the foreigner intermeddle with what you do in France? It certainly is not by the right of the strongest, for if the counter-revolution has princes and armies in its favour, the revolution has the people everywhere. They have made some progress in 40 years, and France would no longer find enemies among them. You have seen the sympathy excited in the English nation by the revolu-

tion of July. The old prejudices are destroyed; an alliance founded upon common interests and upon the force of circumstances, not upon vain diplomatic oaths, exists between France and England, and ensures the triumph of the cause of liberty in Europe. France free has no enemies among the people. But in order to preserve this elevated and advantageous position at the head of civilization, it is necessary that it be wise, in other words, that it be disinterested; that it does not think of making conquests, but of ensuring the liberty and independence of other nations upon a principle of equality and reciprocity. It was thought, formerly, that the prosperity and riches of nations were increased by the misery of their neighbours; but this notion has been exploded, and it is now ascertained that there will be no liberty nor stable prosperity for France until she shall be surrounded by nations at once great, powerful, rich, but above all, free. Do not think, however, that I recommend the principle of non-intervention; I should then be a dupe. As long as kings could interfere in the affairs of nations to prevent them from attaining their liberty, the system of intervention was the political law of Europe; but since 1830, since it has been feared that France assists the revolution party elsewhere, in order to procure herself allies, everybody has adopted the principle of non-intervention. Gentlemen, this is not fair. It is necessary that we try a little, in our turn, your system of intervention, our

only object being to remove the evil which it has done to us in your hands.

The fact is, however, that every nation ought to concern itself in its own affairs, and not permit any other to interfere in them; but, above all, they should absolutely refuse to acknowledge the right of an alliance of powers to take upon themselves to preside over the destinies of the world. Let them treat with all the powers individually, well and good; but let them keep aloof from congresses and conferences. Finely have they treated the poor nations whom they have been intrusted to protocolise? Look rather at Greece, which these ten years has been under the hands of unskilful operators. France has no need of coadjutors. She desires the good of all. Her own first, afterwards that of others. Acting upon these principles, therefore, let her interfere here, refuse to interfere there; permit no further the intervention of a third party; but let her in each particular step be guided by the nature of the thing, without being tied by any metaphysical principle, which could only render her the dupe of her enemies, or the Don Quixote of liberty.

Let her renounce then all propagandism; let her not suffer herself to be dazzled, either by the tinsel of philanthropy or of Christianity; let her not revive the times of the Crusades. But, when her interest guides her thereto, let her assist other nations in regaining their nationality, their unity, their natural frontiers, and their liberty. Never

will she be sure of her own while Italy and Germany are not united, free, and flourishing. The liberty of the civilized world will be then established. The tendency of the age is not only towards free governments, but towards the establishment of great powers, and the absorption of small. In our day, great rivers and mountains have ceased to be boundaries. There are roads to go everywhere; but even if they could stop armies, they could not stop books and newspapers. Every thing tends to government by public opinion, to which end unity of language is necessary. It is language, then, which determines the boundaries of nations. All who speak German are German, all who speak Italian are Italian, and so of the rest. The time will come when there will be only a government, by language; then peace will reign in Europe. For the great powers who compose it will know their interests too well to dispute for nothing, and their boundaries will be settled in a stable manner by language.

What is to be made then of their armies, of all those turbulent elements which exist in the bosom of European societies, with this addition of population which starves them? Colonies, moral conquests over barbarism. Let the armies of the European powers quit Europe for Asia and Africa. Let there no longer remain an armed man in the mother country, unless it be to recruit continually the conquering and civilizing armies that it would keep up

abroad. This was the policy of Rome in the midst of barbarians: let it once more be that of Europe. France has just set a noble example. The conquest of Algiers opens the way and serves as an example for other conquests. Africa and Asia are large enough to offer a vast field, in which French chivalry may reap glory. As to power, France has enough.

But, I repeat it, this general peace among the *languages* of Europe, cannot take place until the nations have acquired 'GOVERNMENT BY THEMSELVES,' because it is only then that they will be governed according to their real interests, and that the equilibrium of their power will be established upon a firm footing. Once established, nothing can disturb it, and their future peace will be as well secured as that of the internal States of America.

It is there, in a few generations, that it will be necessary to go for models of the arts of peace, for I can foresee nothing to trouble theirs. But, even now, it is the American Union which gives us the best model of government. I have endeavoured to describe it as I have seen it. I must admit, that nothing in the United States has astonished me. Every thing is reasonable, and became familiar to me with great facility; what astonishes me is that every other nation is not governed in the same manner.

I expect that my letters will draw upon me much criticism. There will be superficial travellers who

will find that I have not described faithfully. Let them remember, that they cannot pretend to know the country as intimately as I do, who, not only have lived there more than nine years, but who have engaged in all sorts of business. I married there, and there I have a family and numerous friends dear to me, and whose esteem I highly prize. I have travelled a good deal about the country, am settled in the woods, where I have seen a new nation spring up; have seen it pass through all the possible degrees of civilization. I am a lawyer, a planter, an officer of militia; I have filled, according to circumstances, other offices, either by the appointment of government or the election of my fellow-citizens. There is not one of the questions adverted to in these letters that I have not discussed daily, and often in public. In short, I am truly become an American in heart and habits, and certainly I shall always feel myself honoured by the title of citizen of the United States, and by the proofs of esteem and attachment which I have received every where from this nation,—a nation the most reasonable, the most sensible, and the least easy in the world to be dazzled. And dazzled by what? . . . . I was poor, alone, exiled . . . . I found there a country, which Europe refused me.

I am aware, that among the opinions I support in these letters, many are not those of the majority; but they are mine. As a free citizen of the United States, I have a right to express my opinion upon

men and things; I have said nothing here which I have not supported often in Florida by my vote, and I flatter myself that my friends will recognize my conversation in my style.

Why cannot I, my dear friend, enable you to judge of this, and renew with you our Hirtemburg confabulation in the garden of those good brothers G——! We were prisoners there; but Austria has not still found out the art of confining the mind. It was under the yoke of its despotism that you communicated to me the results of your long experience, and guided my young reason in the study of the theory of liberty. I have since observed the practice of it myself, and it is right that I present you the fruits of my labour. Accept them, as well as the assurances of a long friendship which has survived ten yéars of absence.

ACHILLE MURAT.



ERRATA.

- Page 12, line 9, *for the state, read, an individual*  
13, — 16, *omit the word own*  
22, — 25, *omit the word either*  
44, — 9, } *for capital, read capitol*  
58, — 20, }  
73, — 12, *for government, read governments*  
78, — 17, *for factories, read forges, (usinee)*  
83, — 10, *for every body, read some persons, and for terms, read term*  
85, — 3, *for right, read rights*  
94, — 8, *for old age, read on the brink of*  
99, *last line, for let, read take*  
113, line 25, *for were, read was*  
138, — 22, *for cannot, read could not*  
158, — 16, 17, *for court, wigs, read court-wigs*  
240, — 22, *for her, read his*

SKETCH  
OF THE  
UNITED STATES OF AMERICA.

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LETTER FIRST.

GENERAL VIEW OF THE UNION.—*Introduction; Erroneous Notions of Travellers; New England States—Massachusetts, Connecticut, New Hampshire, Vermont, Maine, Rhode Island; Central States—New York, Philadelphia, New Jersey, Delaware, Maryland; Southern States—Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Kentucky; Western States—Old and New Countries, their comparative Advantages for Settlers; concluding Remarks.*

*Wascissa, near Tallahassee, (Florida);  
June 1826.*

You recall to my recollection, my dear friend, the promise I made you on quitting Europe, to sketch you, calmly and on the spot, a picture of my country. Should you still retain the same desire to settle here, nothing would give me more pleasure; I wish more than I dare hope, that it may be so. But this is not to the

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purpose; since you desire a description from me, it shall be my endeavour to satisfy you. You know my character sufficiently to feel assured, that, although prepossessed in favour of my adopted country, I shall speak of it with candour, and state faithfully its merits and defects; for, knowing that my representations may influence the serious determinations of yourself or some of your friends, I should severely reproach myself if I laid a foundation for future regrets.

If I were addressing a man of business, desirous only of information relative to the investment of his capital and the interest of money, I should say to him—look at our growing prosperity, and you will see in it a guarantee of the eligible employment of your fortune. But this is not your object, at least not your principal one; your life has been devoted chiefly to public affairs, and you would come here to find principles of government more conformed to your own. It is, then, of the moral condition of society that you require information.

Europeans who visit this country, with the exception of a few naturalists, intent only upon pebbles and herbs, confine themselves to a drive or two through our atlantic towns, and return to Europe persuaded that we are a nation

of shopkeepers. These are almost all people in business, who see no other society but that of their correspondents; they have no consciousness of the government, and do not trouble themselves about it: I have heard many of them deny even its existence. Few visit the interior, or hear politics spoken; not that, in this free-speaking country, the subject is avoided from any motives of distrust, but because there is a fear of being wearisome in talking upon subjects which might not be interesting to foreigners. The consequence is, that such persons, in general, return to Europe with a favorable impression of our politeness and ability, and a notion that the government still exists because nobody meddles with it, everybody being occupied with his own affairs. There are, however, exceptions; some English travellers have penetrated into the interior, their avowed motive being to study man; but, for the most part, these have been Methodists, or other sectarians, who have viewed everything through the medium of their own ridiculous fancies. Their works, besides, are full of British prejudices, by no means favorable to their conquerors.

But even though England might, by these means, possess a correct idea of the United States, that would be no reason for concluding that

France or the Continent are equally possessed of it. Indeed, from my own experience, I believe that in neither are juster ideas entertained of England itself than there are of America.

The fact is, we are much more an agricultural than a trading people; but we are, above all, a thinking and discussing people. Our politics are so different from those of Europe, that the few foreigners who do give them any attention, absolutely comprehend nothing about them.

You have only to cast your eye over a map of the United States, to be convinced that the agricultural interest preponderates greatly over those of the commercial or manufacturing.

The first grand division of the Union is between the States which recognise slavery, and those which do not.

All the States to the south of the Potomac and North Maryland, all those called "Slave-holding States," are entirely agricultural. The little commerce which is carried on there is in the hands of some inhabitants of the northern parts; and it is only a few years ago since Maryland first engaged in manufactures. In all that extent of country, Baltimore is the only city in the east, and New Orleans in the west, which so employ capital. At Charleston, Savannah, &c. the capital employed belongs to

merchants of New York; and the trade there is carried on by their agents. To the north-west of this line, the country is entirely agricultural; and it is the same with Pennsylvania, except Philadelphia. To the north-east, the interests are divided at least equally.

This first division involves a delicate point in our policy. The northern States are jealous of our slaves and of our prosperity; we envy them nothing. All that they produce we consume. They have more capital than we, but less revenue. As long as they confine themselves to preaching against slavery, and to forming establishments upon the coast of Africa, &c. we shall not make ourselves uneasy; but if their spirit of proselytism should lead them so far as to attempt the emancipation of the blacks, the State legislatures would put a curb upon them; and if Congress consented to make laws upon this matter, as it attempted to do at the time the State of Missouri was admitted into the Union, the finest edifice raised by man, the American Confederation, would be destroyed; the Southern States would be obliged to separate from those of the North: such an event, however, is merely imaginary. The hypocritical sympathy which a certain class of men in the North affect for our slaves, will not hasten

their emancipation by a single day; and will only render their situation, in particular cases, less supportable. This emancipation, which every enlightened man desires, can only be reasonably expected from time, and the private interest of the proprietors. To precipitate this measure would be to expose the Southern States to internal convulsions, and the Union to disorder, without producing any advantage to the Northern States.

Another great distinction observable in the character of the people, is among the inhabitants of the South, of the North-east, of the West, and of the centre. It is so strong, as to change entirely the aspect of the country.

The six New England states, Massachusetts, Connecticut, New Hampshire, Vermont, Maine, and Rhode Island, form of themselves a constellation extremely remarkable among the States of the Union. Their interests, their prejudices, their laws, even their follies and their very accent are the same. They are what in the rest of the Union we call *Yankees*; a name which the English have very erroneously extended to all the nation. These six republics are one fraternity. Their industry and their capital are immense; they cover the ocean with our flag, and furnish our navy and merchant-

ships with seamen; they have also given birth to many of our greatest men. Their character is very remarkable, and admits of comparison with no other people on the earth. The most gigantic enterprises do not frighten them, nor are they above engaging in those of small detail; all which they conduct with a spirit of order and minuteness quite peculiar to themselves. These men seem born to calculate shillings and pence, but they raise themselves thereby to count by millions, without losing anything of their exactness, or of the littleness of their ordinary views. They betray a shameless avidity after profit, and, like Petit-Jean, candidly tell you

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

This spirit of calculation and avarice is strangely blended with the strict observance of the Sunday, which they call Sabbath, and of all the puritanical practices of the Presbyterian religion, which they have generally adopted. They are in this respect so scrupulous, that a brewer was reproved in church for having brewed on the Saturday, by which the beer had been exposed to work on the Sabbath. They call this morality, which, according to them, consists much more in not swearing, singing, dancing, or

\* Without money honour is but a disease.



walking, on Sunday, than in not making a fraudulent bankruptcy. This species of religious hypocrisy is so natural to them that the greater number practise it as a thing of course. They glory in calling themselves "the country of steady habits," not because they are more virtuous than other people, but because they assume a contrite air once a week, and eat nothing on Saturdays but cod-fish and apple pies. Boston, their capital, abounds, however, in men of literary eminence: it is the Athens of the Union; it was the cradle of liberty, and produced many of its most zealous champions in the council as well as in the field. Instruction is much more generally diffused there than in any other part of the world. They possess, in fact, all the elements of greatness, and evince enlarged views, without foregoing anything of that petty spirit of detail which mixes itself with all their proceedings. Everywhere a Yankee may be recognized by his adroitness in asking questions about what he already knows, by the evasive manner in which he answers questions addressed to himself without ever affirming anything, and particularly by the address with which he manages to eclipse himself when there is something for him to pay. In politics these six States are united, they vote as

one man. Here is the seat of the commercial interest, although since some years, they turn their attention to manufactures also, with the success which accompanies all that they undertake. The country is very populous, very well cultivated, and even in it the capital employed in agriculture is as considerable as that absorbed in commerce.

The central States are very far from being so united in interest, or having so marked a physiognomy. The State of New York forms a nation of more than a million of souls. The city of New York contains a hundred and twenty thousand inhabitants;\* the houses built there during the last year are not less than fifteen hundred, and it is expected that three times that number will be built during the present. Nothing can exceed the spirit of enterprise, activity, and industry of the people. Here are no straitened views; people speak of but millions of dollars; business is done with unequalled rapidity, and yet in general so as to escape any severe shocks: everything advances with giant, but at the same time regular, steps. This state of things has received a fresh impulse from the genius of the present governor, M. de

\* Now more than a hundred and fifty thousand.—  
(October 1, 1831.)

Witt Clinton, who originated the idea of the great canal which unites Lake Erie to the sea. The internal activity of this State is so great, and so entirely absorbed within itself, as to leave none for its affairs with the Union. Accordingly, its influence is hardly felt there, for having everything within itself, it unites in its own deputation the interests of agriculture, commerce, and manufactures: the commercial interest, however, predominates. It is worthy of remark that this State has sent to the national councils very few men of superior mind. The people are absorbed and annihilated in their internal politics, which are extremely complicated, and are said to be full of very silly intrigues. A stranger can comprehend nothing of all this, but may perceive that parties are bitter and personal, two very bad signs.

Pennsylvania, New Jersey, and Delaware, form a group more resembling each other. The people are distinguished by their goodnature, tranquillity, and industry. Except in Philadelphia, the manufacturing and agricultural interests prevail. These States are in great part peopled with peaceable Quakers and Germans. Everything goes on quietly, without shock or anything to excite observation. If Boston is the abode of literature, Philadelphia

is that of science; which gives, perhaps, to its society a tinge of pedantry.

A year or two ago, New Jersey attempted to leap forward in the perilous career of great enterprises, and to imitate its northern neighbour, but after committing some errors, it has now returned to wiser principles. The legislature this year peremptorily refuses to incorporate new banks, and has even withdrawn the charters of some of the old ones.

Maryland is also divided in interest, like these other States; for while Baltimore is one of the most trading cities of the Union, the rest of the country is agricultural and manufacturing. The character of the people is a singular mixture of the simplicity and good nature of the Pennsylvanian Quakers, and the pride of the Virginian planters. It is the only State in which religious intolerance exists, rather through ancient habit than actual prejudice; the Jews cannot vote there. This State finds itself, with respect to its Negroes, and perhaps in a higher degree, in the same difficulty as Virginia.

This latter State has, during a long period, played the chief part in the Union, by means of its politics and its great men: it is the birth-place of four of our presidents. But Virginia is much fallen in splendor, for which, indeed,

it was principally indebted to party irritation. Its interests are wholly agricultural and manufacturing. The people are noble, generous, and hospitable, but coarse, vain, and haughty. They pride themselves, above everything, on their frank honesty; and their laws, usages, and politics, partake of this laudable ostentation. They are very united as a people; and never is the opinion of the State given unsupported by the suffrage of *all Virginia*. Their politics, however, are apt to be personal, factious, turbulent, and noisy. It is, beyond comparison, the State most abundant in lawyers, or at least in persons studying the law; and who, although they boast much of democracy, are the only real aristocrats of the Union: witness the right of suffrage from which the populace is excluded in this State.

Tobacco and corn are the staple cultivation of Virginia and Maryland; the first of these articles requires slave labour, the other is more profitably cultivated by free hands. Tobacco exhausts the land very rapidly, and only thrives in new and very fertile soils; hence it follows that, these lands being now nearly exhausted, at least comparatively, and the price of tobacco being diminished, owing to the quantity grown in the west, the planters are reduced to cultivate corn, and are obliged to rid themselves of their

slaves, who are no longer profitable. The day, therefore, is not distant when we shall see these two States unite themselves with those of the North against the slaveholding States. However, since a year or two, they, particularly Virginia, have successfully undertaken the culture of short cotton, which has given fresh value to their negroes, and may perhaps restore Virginia to its former splendor. But since then, short cotton, in common with all other cottons, has undergone a great reduction in price, in consequence of which all the southern States are in a declining condition.

North Carolina is a bad imitation of Virginia; its interests and politics are the same, and it navigates in its own waters. Notwithstanding its gold mines, it is the poorest State of the Union, and the one which supplies most emigrants to the new lands.

South Carolina, Georgia, Alabama, Mississippi, and Louisiana, constitute what is properly called the South. Their interest is purely agricultural; their productions are cotton, long and short, sugar, rice, and maize, all which require slave-labour, and yield a sufficiently good profit to deter them from any other employment of their funds. The excellence of the land, together with the luxurious climate, so well second the

labour of the cultivator, that it is much more advantageous to employ the negroes in the field than in the factory.\* Although character necessarily varies considerably over so large an extent of country, the features of a common race are discernible. Their frankness, generosity, hospitality, and liberality of opinion, have become proverbial, and form a perfect contrast to the Yankee character, much to the disadvantage of the latter. In the midst of this group stands South Carolina, conspicuous for a combination of talents unequalled throughout the Union. The society of Charleston is the best I have met with in my travels, whether on this or on your side of the Atlantic. In respect to finish, and elegance of manners, it leaves nothing to be desired, and, what is of more value with people who, like you and me, attach little importance to mere politeness, it swarms with real talent, and that without the alloy of pedantry. In all questions of a common interest, this State always leads. The politics of the other States, except Georgia, are not yet sufficiently of a decided character to justify me in speaking of them. As to Georgia, with pain I must declare to you, that nothing can equal the fury of its factions, unless it be those of Kentucky; in the latter,

\* I have now some doubts of this.

however, the contention is for principles; whilst the disputes of Georgia are merely about men. The present governor has pushed matters so far that the evil is in a fair way of being cured by its very excess.

The other States form the west; incomparably the largest and richest part of the Union, it will be ere long, if it be not already, the most populous; power will follow shortly, as well as luxury, instruction, and the arts, which are its consequences. Their interests are manufacturing and agricultural; the former bearing the chief sway. The character of the people is strongly marked by a rude instinct of robust liberty, degenerating often into licentiousness, a simplicity of morals, and an uncouthness of manners, approaching occasionally to coarseness and cynical independence. These States are too immature to enable me to say much of their politics, which are, for the most part, sour and ignorant. Universities, established everywhere with luxury, afford promise of a generation of better informed politicians, who will have their fathers' faults under their eyes to assist in their own enlightenment.

Our country is so happily constituted, that we may, without great danger, make trial of a law or a constitution. The States, like good



swimmers, support one another, and are always ready to keep above water the adventurer that may be near sinking. The Federal Constitution, besides, is at hand, to prevent too dangerous experiments. Its limits arrest speculation at a safe point, and this is the prime consideration: each citizen, to whatever state he may belong, is obliged to consider the Federal Constitution as the safeguard and source of that greatness to which our Republics will be elevated.

I have spoken to you of the manufacturing, commercial, and agricultural interests, without defining in what they consist. You will conjecture, I have no doubt, that the western States are full of manufactures, but you will be mistaken. Their interest is not constituted by the manufactures which they actually have, but by those which they reckon upon having. It is two years ago since a reform of the tariff duties was submitted to Congress. This proposition put everything in motion; the old parties were roused, but in vain; the interest of the people was too manifest, and they saw it too clearly to admit of this being made a party question. The inland towns, part of the central States, and almost all the west, voted in support of a measure which favored their manufactures, present or future. The maritime towns, and

some places upon the eastern canals, composing the commercial interest, were opposed to whatever might diminish, even temporarily, the activity of commerce. All the south, uniting its interests to those of the commercial, expressed themselves strongly against the tariff. What will seem to you singular, I was, I remember, among the very few who combatted this blindness. The tariff passed, but amended in such a way as to deprive it of much of its force, although enough remained to do a great deal of good, as our planters begin to find out, since an internal market for their cottons opens upon them in the north and the west, instead of their being left dependent upon foreigners. In this case, I beg you will observe, that the east and the south were united against the west: in the event of an European war, the contrary would take place, the west and the south would unite.

Independently of the two divisions I have indicated, there exists a third: the old and the new lands or countries. This division, which is explained by its name, cannot be denoted upon the map, because there are many of the new country districts inclosed within the old; however, it may be stated in general terms that the 'territories,' and all the west of the Alleghany mountains, are new. This division is the most

interesting to you. It is the point which you must especially examine. Will you fix yourself in a part of the country newly, or anciently peopled? Both have their disagreeables and their advantages; if you dislike trouble, are satisfied with your position in the scale of beings, and do not care about advancing yourself therein, your income being sufficient to live upon,—reside in the old countries; you will find in them the arts of Europe, its luxury, its politeness, and a little more hospitality, but you will be a foreigner there for the first five years; and then all the oversights you may have committed during that time will be reckoned with you. Another inquiry to be made is, what profession will you adopt? for you must not think of living here without occupation, you would wither with ennui, and lose all consideration. If you intend to devote yourself to commerce, or if your early homage has been paid to Esculapius, the old countries offer you most resources. It is only there that business, commercially speaking, is carried on upon a large scale, and your licensed murders will be lost in the crowd, whilst the touching recital of a miraculous cure, ingeniously inserted in the daily papers, will put into your hands the lives and the purses of a new volley of patients. Agriculture will bring you nothing,

and will employ all your time. It is only profitable to the small proprietors, to those who are accustomed themselves to work at the plough. The bar opens to you a wide field; but you will have to contend against the first men in the nation as your rivals, and you will infallibly be crushed. Nevertheless, for an European, this division of the country may be preferable: it more resembles Europe; but if he is not very much persecuted in his own country, or if his love for our institutions is not extreme, I advise him to remain at home. But, instead of that, what if he come into our new countries; and muster courage to plunge suddenly into our habits, our laws, and our forests? Leaving behind him for some years the remembrance of partaken delicacies, let him harden himself against privations, by a passing effort. If he destine himself to trade, let him establish a market where none are in existence; if to the bar, let him be the first pleader in the first cause, in the first term, in a new court; if he be a physician, let him establish his reputation where he will have nobody, not even the dead, to contradict him; if he would be an agriculturalist, let him grub about new soils alone, without a neighbour, depending only upon himself; and he will be very liberally recompensed

for his pains. He will find himself in fact, if not in law, naturalized from the day of his arrival, for nobody will interfere with him. If you come from Europe or from a remote state, you have not to struggle against established prejudices, acquired reputations. There all depends on individual effort; every one must depend upon himself. No government, in reality, makes itself felt; no social grimace shackles the march of the mind. This condition of things does not last long; four or five years, at most, and you see start up villages, towns, universities, &c.; then you will find yourself interested in all these, and may say with pride

*"Quorum pars magna fui."*

And if, as many do, you retain a taste for rural life in the woods, set out, emigrate for two or three years towards the west, carrying with you your light baggage, until the Pacific Ocean stops your progress. This, however, would not be according to my taste: I should prefer the city of which I had seen the first stone laid, for which I had helped to clear the ground; to watch its rising in the magically short space of three or six years, until it became a new sovereign State; to see new laws, a new social edifice elevate itself on a spot, from whence the barbarous cries of the Indian had been wont to

terrify his timid prey; to hear our interests discussed, or our sinners frightened by the not less barbarous accents of a Methodist preacher. This is the step I have myself taken, feeling myself disgusted with public affairs and society, and being of too active a temperament to remain idle. For a foreigner, this step has another advantage; he almost unconsciously leaps over those five years of probation in which he is not yet a citizen, although he has ceased to be, in point of fact, a foreigner; an awkward situation, which he escapes in the wilderness.

I do not shut my eyes to the difficulties and privations with which such a resolution is attended, particularly to foreigners. The greatest inconvenience is the multitude of rogues and intriguers, who, from all parts of the United States, take up their abode in a new country, and who are sometimes so numerous as to possess themselves of the government. This, however, is but a momentary evil; the honest people, sooner or later, regain the ascendancy, which cannot be other than a very agreeable occupation. I know nothing so amusing as to be employed in shewing these gentry to the door. It is the image of a revolution, as hunting is the image of war. Besides this principal objection, there is a sort of courage necessary to sever

one's self for some years from all society suited to the education and habits of an accomplished man, to give up theatres, the comforts of life, a good house, the newspaper every evening, and one's letters every morning.

“Ici point de bon vin qui nous grise et nous damne.”

We have nothing to produce the same effects but whiskey, known to you under the name of *schnaps*. We live very simply, without ostentation. All this changes in two or three years; and, indeed, he who is so effeminate as to regard these temporary privations as too high a price to pay for that manly independence which I have described, may remain at home, we do not desire his company.

On looking over my letter, I see that it will not be intelligible if I let it go alone. Be it so. I regard this beginning as a sort of engagement to furnish you with information about my country until you tell me you have had enough, or until you come here yourself to prove to me that I have satisfied you of the numberless advantages which our government, and ours alone, possesses over those of Europe. I have unfolded to you some views new to France, where nothing is known of us but as the United States. The twenty-four independent republics which compose them, which have their constitution, their

laws, their politics, their parties; which move in sublime order, without hitherto jostling in the respective orbits traced out for them by the federal government, nobody speaks of these, nobody concerns himself about them. It is to their internal politics and their mutual relations that I propose to direct your attention.

You must contemplate the tranquil and majestic march of this republic. You can form no idea of it; you, who have only known liberty but in the midst of tempests, (in which, indeed, it has also its charms,) and attacked by parties equally subversive of its principles. Here principles are irremovably established in minds and hearts. The people are unanimous respecting the government. There are no differences of opinion but about persons and secondary measures. Shall a bank be established? shall a canal be made here or there? shall a law be made against usury? shall we send such or such an one to Congress? These are the objects which occupy not a bustling minority, but all the nation. There is a stir until the law is made, or the election over; afterwards, there is no further question about it: nobody thinks of protesting. I propose, then, to draw your attention to the internal politics of these republics, and to the relations which subsist among themselves.



## LETTER SECOND.

GENERAL VIEW—ORIGIN AND HISTORY OF PARTIES: *Fundamental Principles of the Government; Federalist and Democrat; Form of the Government; First Congress; Senate and House of Representatives, the President, their respective powers; Presidents—Washington, Adams, Jefferson, Madison; their Characters; Election for President; Characters of the Candidates, Adams, Jackson, Crawford, and Clay.*

*Wascissa, near Tallahassee, (Florida);  
July 1826.*

I HAVE said nothing in my last Letter of the parties which divide the republic. It is, however, necessary that I should do so, to complete the general picture. If all men had the same tastes, and all equally well understood their proper interests, there would be no parties, no clashing, no divisions; but neither would there be any more alterations, diversities, or novelties; man transformed into a mere machine at his ease, would vegetate all the same, like wheat in the midst of a field. Would he be more happy? Mr. Robert Owen thinks he would; and upon that principle establishes his new societies. For

my part, I think differently: pleasure consists only in the accomplishment of our desires, as happiness does in that of our passions; but in order that desires may become passions, there must be opposition; without opposition, then, there is no happiness, no collision of opinions out of which the truth is elicited. The powers of the mind are as different as those of the body. Hence it is that men vary not only in their desires, but in the means of satisfying them.

Herein is the distinction between a party and a political interest; the one is a matter of fact, acknowledged by every body, the other a difference of opinion respecting the means of attaining it; in the meantime, the blindness of passion is sometimes so great as to affect our real interest, and even ignorance makes us deceive ourselves. The inhabitants of the South, for instance, are in this predicament with respect to the tariff of duties: they mistake their own interest, not through the blindness of passion, but through ignorance of the true principles of political economy. In Spain, on the contrary, the miserable rabble who bawl "*Viva el rey absoluto! muera la nacion!*" must be in nothing short of a paroxysm of madness, on such a point, to mistake their true interests.

With us there is nothing of this species or party; the fundamental principles of government are fixed. By the law, the sovereignty is in the people; this is no more matter of speculation; whatever abstract opinion may be with regard to this subject, here it is a matter of fact, acknowledged by the written law of the country. The nation is free to declare its will, either individually, through the press, &c., or collectively, by means of conventions and meetings, which every citizen has the right to convoke, and which take an official character when they are composed of a majority. The constitution recognises the right of resistance to oppression. It is not, then, upon the form or the principles of government that parties turn; it is principally upon the measures of administration, and upon public men. Parties emanating from such differences of opinion are favorable to the public object; they are the winds which make the vessel proceed, and to which it can always adjust itself; other parties are currents which run it aground, and hurry it away inevitably to its destruction. For the rest, whatever party fury may occasionally exist, is rendered harmless by the habitual attachment to government, which is common to everybody. At the last election for President, all the Union was

split into very violent parties; the day on which he was elected all these parties disappeared, or rather adjourned until the next election; but it never occurred to any body to resist the forms of the constitution, although the successful candidate had decidedly a majority against him. I have seen in the country places very tumultuous elections, drunken people, boxing, &c.; but I have never seen the least attempt to violate the suffrage-box, or the freedom of the voters.

A party does not consist only in a difference of opinion upon an isolated measure; it is a body of men having one political code, according to which they judge of men and measures, and having leaders from whom they receive their impulse more or less blindly. According to this definition, there exist only two parties in the United States; both of which, under changes of name, are likely to be perpetuated as long as the government: these are the Federalists and the Democrats. To comprehend their history, it is necessary to revert to their origin; and to explain their principles, a brief sketch of the complicated plan of our constitution will be an assistance.

When the English colonies, which had made so many sacrifices during the war with France,

and shown so lively an attachment to the mother country, were forced to have recourse to arms to resist the tyranny of George the Third and his venal Parliament, nobody entertained a thought of independence; very few men foresaw it, and the mass of the people were opposed to it: Washington himself, at the beginning, had no idea of such a thing. The colonies at that time formed thirteen governments, perfectly unconnected with each other, having all a representative constitution, and receiving governors from England. A common interest induced them to form a Congress, composed of plenipotentiaries of sovereign States. When this Congress proclaimed the independence of the colonies, there was still no question of any compact among them: it was simply an alliance against a common enemy. In 1778 these States formed a Confederation, which was far from being as close as the Germanic Confederation. A Congress, composed of delegates, elected in each State, in a different manner, voting by States, represented during the recess by a committee of the States, had the power to make peace or declare war, to assess among the States the contingents of men and money, to contract debts, to settle a federal coinage, to establish the post, to create courts of Admiralty, and, in

fine, to decide differences among the States. The States, on their side, renounced, in time of peace, the privilege of raising land and sea forces for their own account, but nominated officers for their own contingent; they renounced treating among themselves except through Congress; the citizens of one State became entitled to enjoy in all the others the same rights as the citizens of the particular State in which they might originate; the States retained the power of regulating internal commerce; and, in general, all other sovereign rights not expressly delegated to Congress. These articles were not ratified until 1781, and in full rigour until 1787. It is easy to perceive the weakness of this compact, and that anarchy and probably war between the States would be very possible consequences. A new constitution was proposed, and, after much opposition, was at last adopted and ratified by the States; and, with some slight amendments, it continues still to govern us. The history of every federative government has demonstrated the feebleness of the authority which is compelled to have recourse to other governments. To remedy this inconvenience, it was determined to invest the federal government with power to address itself directly to individuals, and to

compel their obedience. To that end, matters of government were divided into two classes: objects of general and objects of private interest. War and peace, the army and navy, foreign commerce, the post and the mint, belong exclusively to the federal government. The civil and criminal laws, as well as the internal administration, were preserved to the States. The army was rendered independent of them; they had no longer a contingent to furnish; but the federal government might raise troops at will. It was rendered equally independent of the States for its expenses by the creation of a national treasury, and the power to raise contributions. A judicial federal power was instituted to take cognizance of cases between foreigners and citizens, between citizens of different States, between States, and of cases in which the United States are party. The Admiralty jurisdiction was given to it.\*

This reform in the powers of Congress rendered necessary another in its form. Whilst it had no authority but over the governments of

\* The State of New York has always contested the exclusive admiralty jurisdiction of the courts of the United States; but it seems that the constitution is clear upon that point. For the rest, this difference of opinion has not yet been decided.

the States, it might be composed only of plenipotentiaries; but when its power extended to individuals, it was necessary that they should be represented there. Hence the institution of two Chambers, the Senate and the House of Representatives. The former is composed of two members from each State, whatever may be its population. They are appointed for six years by the State-legislature, and receive instructions. The latter is composed of deputies of the people of the United States, divided into electioneering districts, each comprising a population of forty thousand souls; they are not subject to any instructions, and their functions last two years. In both Chambers the votes are individual. The concurrence of both is necessary to the passing of a law.

The executive power resides in the President, who is elected for four years, and in the Senate which ratifies treaties, consents to and advises peace and war, and the nomination to the various government offices.

The judicial power is confided to a supreme court, to circuit courts, and to district courts.

You see from this relation that every citizen exerts an influence on three perfectly distinct powers, and is represented three times, or in three ways: as a citizen of the United States in



the House of Representatives, as a citizen of his particular State in its own legislature, as a member of the Confederation and part of a sovereign State in the federal Senate. The Congress, then, is composed of two elements, the one repulsive, the other attractive. The Senate represents the individual interests of the separate States, the House of Representatives the interests of the people in general, or of the citizens of the Union. From this order of things, extremely complicated, but entirely new, is produced a system of balance and counterpoise infinitely superior to anything which before existed. The strength of this government is incalculable. It is so constructed as to be sensible to the least breath of public opinion, and is powerless in opposition to it.

This government was very imperfectly understood at the time of its introduction, and its enemies were numerous until experience had confirmed its solidity. Those who were in favor of the constitution took the name of Federalists, their opponents that of Democrats. The Federalists of that time consisted, 1stly, of people of enlarged views, (when Washington was their chief,) desirous of rendering the Union of the States perpetual; 2dly, of people who found the small States too circumscribed a theatre for

their ambition; 3dly, of a remnant of the tory or aristocratic party, who saw in the adoption of this constitution a great step gained towards a monarchy, or a re-union with England. This last division of the Federalist party was, for a long time, at the head of it, but it has now completely disappeared. The Democratic party was composed, 1stly, of genuine republicans, intoxicated with the momentary triumph which the peace had just given them over England, and much too confident in the strength of the separate States; 2dly, of some ambitious men who, having figured in their own State, anticipated that they should be eclipsed on a new theatre in which they did not feel themselves sufficiently powerful to appear; 3dly, of some sensible people upon whom the fear of a monarchy was stronger than that of a division of the Union.

At that time the French revolution was extending its benefits and its ravages over all continental Europe. England, unable to subdue it, calumniated it in its newspapers, which were the only ones read here, owing to the identity of the language. The Federalists compared the Democrats to the Jacobins, and prognosticated the same anarchy if they triumphed; whilst the Democrats called the

Federalists agents of England, enemies of national independence, aristocrats, &c. This first division continued and created a French and an English party, which lasted during the government of Bonaparte. At this time, these parties (who were only Federalists and Democrats disguised under other names) played a part more decidedly national, by means of the continental system, the effects of which were felt even by us. The inhabitants of the sea-ports, and all that I have described to you as constituting the commercial interest, here, as was the case in Europe, became anti-French, and, consequently, English and Federalists. Those, on the contrary, who thought like Jefferson and Patrick Henry, considering the great towns as the ulcers of the republics, were confirmed in their principles.

The restrictions on commerce caused a general irritation, which was increased by the arbitrary measures of England; people began to foresee a war. The Federalists feared it, and opposed themselves to it, whether because they thought that it would enfeeble the federal government, or because they did not like the idea of uniting with France against England, or, in short, because it appeared to them that commerce would suffer still more by a war, even of short

duration, than by the shackles imposed on it by the belligerent powers of Europe. The Democrats, on the other hand, saw in the war a fair chance of the States regaining their primitive independence, and of humbling England. Full of a noble national spirit, they dared to flatter themselves with success in so unequal a struggle. Events thus gave birth to two new parties, those of war and peace, which were still but the old parties considered under a different point of view.

Washington was elected president at the time of the acceptance of the constitution. He was one of the first to recommend an union as close as possible among the States; and although he was too wise and too firm to become either the chief or the tool of a party, he was generally thought to favor the principles of the Federalists. His firmness towards the ambassador of the French republic confirmed this opinion. To his administration succeeded that of Mr. Adams, who was all English, all tory; and became so unpopular, that he could not get re-elected. The excess of his Federalism turned the scale in favor of the Democrats, who elected Mr. Jefferson. Without possessing, to speak fairly, talents so superior as have been

represented, he was a philosopher, a scholar, and an amiable man.

Never did anybody render himself so popular, and understand so well how to organize a party. He was so much master of his own, that, whatever measure the administration proposed, took immediately the name of Democrat, and was carried by that party. We had, during his presidency, an opposition party, who, as in England, blindly opposed the administration, and called itself Federalist.

Mr. James Madison, who had commenced his career with the Federalists, but who afterwards occupied a distinguished rank in the other party, succeeded Jefferson in the presidency and in his influence over his party. He declared war. This measure occasioned a schism in the Federalist party, and soon after its apparent destruction, and the abandonment of the name. I have stated that some of the Federalists were republicans and patriots, whilst others were aristocrats and English. The former resided principally in the south, the latter in the north and east. Both opposed going to war as strongly as they could; but no sooner was it declared, than the former joined the army, and shed their blood for the common

cause, whilst the others opposed themselves to every defensive measure.

Parties, at this epoch, were to be found acting in perfect opposition to their principles. But for the idolatry of the Democrats to Jefferson, and the excitement of passion, the constitution would probably have suffered by war; but this was, in point of fact, what consolidated it for ever. The Democrats, in spite of their mistrust of the Federal government, voted an army of one hundred thousand men, and some direct contributions, (which they considered as unconstitutional and impolitic in the general government;) they restored the navy, which Mr. Jefferson had annihilated, and by their confidence in the administration, increased its energy tenfold, by putting the militia in motion, in all the States in which they were masters. The Federalists, on the contrary, threw every obstacle in the way of government. The governor of Connecticut refused to call out the militia upon the demand of the President. In short, after two unfortunate campaigns, chiefly through the fault of those in the north, deputies from the different States of New England assembled at Hartford, to consult on the means of putting an end to this unnatural war, (as the partisans of England called it.) This convention was secret; it sent a deputa-

tion to Washington; but it arrived just at the moment of peace, and therefore made no communication. This convention has been accused of desiring to separate the New England States from the Union; but, as its deliberations were secret, nothing certain can be affirmed on that point; and I wish, for the credit of those gentlemen, that it may not have been so, although I have some doubt on the subject.

If the war had not always been very successful, nothing could be more glorious than the peace by which it was followed. It sealed the triumph of the Democratical party. That party had succeeded beyond its most sanguine hopes, and made the most of victory. The Federalists who took part in the war, renounced a name now become odious, and it ceased to be applied except to the members of the convention at Hartford and their partisans, by way of reproach. All the newspapers, all the speeches, &c. proclaimed the cessation, the triumph, or the reconciliation of parties, each according to his colour; but it was well understood that party existed no longer. All irritation disappeared, and the very names were forgotten except in election disputes.

You will not fail to see, however, that these two parties, (in the primitive sense of their ap-

plications, divested of all accidental circumstances,) are the essence of government, and under different names ought to be perpetuated. They serve as counterpoises to each other, and preserve the government in a right medium. A single observation will suffice to dissipate any fears that may be entertained of their future influence; it is that neither of them desire to alter the constitution, but both have a wholesome fear of its destruction; the one through the encroachments of the Federal government, the other through those of the governments of the States. They are two vigilant centinels, whose object is negative and preventive.

It seems that at the present session of Congress these two parties are to appear divested of all external ornament. The treaty of Georgia, with the Creeks, and the internal improvements-question, will probably give rise to a division. I shall apprise you of what passes.

You have no doubt seen that the newspapers make a great deal of noise about the last election for President, and I have no doubt that many persons in Europe have expected that a civil war was on the point of breaking out. Nothing could be more ridiculous than such a notion; the parties of whom I am about to speak were nothing of importance; all the irritation arose



out of the personal opinions which each person entertained of the candidates. It is true that a remnant of the Federal party bestirred themselves in favour of Mr. Adams, whilst the opposite opinion, the Democratic, was divided between his three rivals. The local, or sectional feelings, entered greatly into this Election. All the east voted for Mr. Adams, whilst the west was divided between Jackson and Clay: Georgia was for Crawford. If you would know the history of it, here it is. First of all you should know that the manner of electing the President differs in the different States. Each State sends a number of electors equal to its delegation to Congress; they vote individually; but in some states the people vote for all their electors together, which is called election by General Ticket; in others, the people are divided into districts, each of which nominates an elector, this is called voting by District; in others, the electors are nominated by the legislature. If none of the candidates have one more than half of the votes, the election devolves upon the House of Representatives, who are obliged to choose out of three candidates who have the most voices in voting by State.

Four candidates offered themselves, all men of considerable talent, but whose merit was differently estimated by every one: some ex-

alting them to the skies, others calumniating them without measure. Here are their names and their titles to recommendation :

1st, John Quincy Adams, of Massachusetts, son of the former President. The greater part of his life has been passed in public employments, but always out of the United States. He has been professor of Belles Letters, and is altogether a literary man. He was always of the Federal party, until lately that he has been endeavouring to depreciate it. He is remarkable for his style, and his reserved and diplomatic manners; and is of the school that believes it is necessary to deceive the people, in order to govern them. At the time of the election he was Secretary of State.

2d, Andrew Jackson, of Tennessee; educated for the bar, where he distinguished himself: at the commencement of the last war, he headed some militia, and displayed great military talents against the Indians. Appointed to the command of the army, he gained the famous victory of New Orleans, and saved, by his civil no less than his military talents, all the west from invasion. He has always been a Democrat; he is distinguished by his austere Republicanism, his courage, the clearness of his views, his uprightness, probity, and purity, above all sus-

pcion. At the time of the election, he was member of Congress for the State of Tennessee.

3d, W. H. Crawford, of Georgia; his career has been chiefly legislative and diplomatic; he has been ambassador to France. He too has always been a democrat; if he is remarkable for anything, it is for a turbulent spirit of intrigue and corruption. He was Secretary of the Treasury at the time of the election, and he is reported to have made the influence which that office gave him subservient to his private views.

4th, Henry Clay, of Kentucky; his career has been legislative; he was one of the plenipotentiaries to Ghent. He is distinguished by his eloquence, his address, his talents as a lawyer, and his personal amiability. He was Speaker of the House of Representatives, and possessed great influence among them.

Jackson lost the election by very few votes; Adams followed him at a distance; and Crawford followed close upon Adams. The House had then to choose out of these three Candidates. Their respective strength in the House, where the vote is taken by States, was found pretty nearly equal, and the election depended upon the part which the friends of Clay would take. They sided with Adams. Public opinion loudly denounced this election, for Jackson had un-

questionably a very considerable majority over either of his competitors. The nation thought that its will should have been law to its representatives. The clamour redoubled when, as the first act of his administration, the new President appointed Mr. Clay Secretary of State. From one end of the Union to the other were to be heard cries of scandal, corruption, and venality. These reports were perhaps exaggerated, but the proofs of an odious bargain seem to me too clear to be rejected.

In Europe, what would have been the consequences of such an election, in which the choice of the people had been defeated by intrigue and the most shameful corruption? A civil war would have taken place, and during some years there would have been two Presidents. Here there was nothing of the sort. Everybody submitted to the law, promising himself to take care not to be duped at the next election. There cannot be a more majestic spectacle than that of a nation submitting with dignified silence under the yoke of laws of its own ordaining. Although the present President is, in my opinion, the worst choice which the representatives could have made, and although I do not expect anything great from the present administration, I think, however, that this example of submission

to the law, will have the happiest effect on the future. Public opinion, moreover, is so strong here, that, whatever may be the administration, it is carried along with it; and if it does not do good, it cannot do any harm. Would not such a state of things be desirable everywhere?\*

I forgot to tell you that on the 18th of January we laid, at Tallahassee, the first stone of the future capital. A year ago, this was but a forest; now there are more than a hundred houses, two hundred inhabitants, and a newspaper. On this occasion an excellent oration was delivered, and there was a dinner of fifty persons. Is not this magic?

\* The parties adjourned after the election of Mr. Adams by the House of Representatives, and at the next election Andrew Jackson was elected by an immense majority. He is the actual President, and although his administration has not come up to the idea his friends had formed of it, it is probable that he will be reelected for another term of four years.

## LETTER THIRD.

DESCRIPTION OF THE NEW SETTLEMENTS.—*What is meant by a Territory ; Indian Traders, (white men) ; Indians ; Squatters, their habits and characters ; Nature of the Country ; Formation of the Territorial Government ; Sales of Public Lands, preparatory proceedings, general bustle, the auction-day a day of great interest, results of the sale ; New Residents ; a Post-office established ; increased Facilities and Comforts ; New Plantation ; First Court of Justice, singular arrangements ; Office of Delegate ; A Country Election, mode of conducting it, its humours and oddities ; Situation of the New Planter ; Supplies from the North ; Lawyers, Pettifoggers, Jobbers, their manœuvres ; Celebration of Holidays, a Barbecue, a Ball, the band ; Session of the Legislature ; The Territory becomes a State ; concluding Remarks.*

*Lipona ; July, 1826.*

You ask me what is meant by a territory ? a question, though not very easy, I will however attempt to answer.

The picture I am about to bring before you will remind you of those heterogeneous beings

spoken of in the Greek fables; you will behold a new Proteus continually changing form under my pencil. May the copy possess in some degree the interest of the original.

It is nothing less than the birth of a nation, and the history of its progress to maturity, that I am going to sketch to you. Do not smile,—you will see it in a dozen years raise itself gradually from barbarism and ignorance, to the summit of civilization. This is a miracle, of which twelve States present the confirmation; and, at this moment, three infant States, which are yet as it were upon the stocks, afford us the opportunity of observing the process of this transformation, and of taking nature in the act. Here we see pass under our eyes, and may study, what historians represent to us as the labour of ages. These countries resemble the enchanted gardens of Armida;—people and nations multiply in an eternal spring:

E mentre spunta l'un, l'altro matura.

TASSO.

You have no doubt been struck, on looking over a map of the United States, with the small proportion which the States occupy. Did you ever ask yourself by what process these immense countries, which belong to the Confederation,

are peopled and governed? I will endeavour to tell you. Without entering into a history of any particular territory, my relation may serve as generally applicable to them all.

The Indians occupy the space beyond the limits of the States, and even within many lands, which, either willingly or otherwise, the Confederation give up to them by little and little. When I speak of Indians, I must not be understood precisely to mean savages. It is here indeed that the wonderful process of civilization commences: many nations or tribes to the west of the Missouri, who have never seen a white man, nor had direct intercourse with him, are, without doubt, savages; but the *Creek*, or the *Cherokee*, enclosed in the midst of civilization, cultivating his lands, having organised a representative government, and established schools, is more civilized than the Irish or Austrian peasant.

A white man arrives among a nation, still entirely savage, and living in all the barbarism and pride of ignorance and anarchy; this man is in general what is called an Indian trader. An intrepid hunter, a shameless cheat, he undertakes the perilous trade of going across countries, and through unknown dangers, to sell to the Indians, powder, arms, coarse stuffs, but



particularly whiskey, in exchange for skins. They in general settle upon some navigable river, at the extreme circumference of civilization. These white men usually live with Indian women, who serve them as interpreters. Every year they come into some large town to supply themselves with provisions, and are for a long time the sole medium of communication between the man of their colour, and the red man. Very soon the Indians not only accustom themselves to the conveniences of life, but can no longer do without them; and, instead of hunting, as formerly, for their means of subsistence, they now do so chiefly with a view to profitable traffic. Thus is the first degree of civilization established.

On the other hand, the American hunter forms a class as enterprising as intrepid. The return of an Indian trader, with a rich booty, brought from a yet unexplored region, in which he has found the chase abundant, the earth fertile, the water salubrious, very soon causes an emigration of men of a like sort. How shall I describe them to you, after COOPER, in his *Pioneers*, and the *Last of the Mohicans*? They are inimitable. I refer you to those two romances: there you will see that they adopt the life of the savage more from inclination than necessity,

and that they unite to his address, his patience, and his daring courage, the softness and humanity of the white man. It is by them the knowledge of the new countries is first gained ; they explore every part of them, and spread reports more or less exaggerated.

The Indian, meanwhile, does not remain stationary. He can no longer do without a gun, some powder, liquors, and blankets ; he settles himself near some dealer, and begins to buy horses and cattle. The introduction of tools offers him the facility of building excellent huts ; the women (squaws) begin to clear all the ground adjacent, and to plant a little maize and tobacco ; in short, Indian villages spring up in the desert. The Indian trader does good business ; other dealers follow him ; the country becomes inundated with hunters ; they mix with the Indians, and are not long without having some dispute with them. It is generally on occasion of one of these disputes, which almost always terminate in war, that the government of the Union interferes for the first time. The Indians kill the whites whom they meet, and sometimes even advance into the midst of the settlements, and massacre women and children. The hunters, on their side, continue the war with no less ardour, and are not

long before they receive the assistance of some troops of the line, or of the militia of a neighbouring State. The Indians are defeated, their huts burnt, their cattle destroyed, and hostilities terminate with a treaty of peace, after they have been taught to appreciate the power of the United States.

The Indians select chiefs, who assemble upon some central spot, where they find prepared to meet them, commissioners from the United States. There they have a *talk*, or conference. The articles of the treaty are in general the following: 1st, the Indians renounce the greater and more fertile part of their lands, and the government, under the name of *reserve*, guarantees to them such part of it as it thinks proper. 2d, the United States pay to them an annuity, part in cattle, tools, agricultural implements, and provisions, and part in money. 3d, the United States establish near the nation an agent, without whose permission no white can trade, nor even pass the frontier. 4th, the Indians also are not to pass their limits without a passport from the agent. 5th, it is to him that both the Indians and the whites must carry any complaints they may have to make against each other, and he is to see justice done between them. 6thly, the United States establish an

agency house, a blacksmith, a carpenter, and a schoolmaster, for the use of the nation. 7thly, if the crops have been destroyed, the United States allow rations until the next season. Some of these reserves are still found in the old States, and even in New England. Thus packed in, the Indians apply themselves to agriculture. In some instances in the south they have prospered, and are become civilized; but, in general, they have fallen into idleness and misery, and diminished in number to a frightful extent: some tribes, once powerful, are now utterly extinguished.

But let us leave the Indians and turn to the white population now extended around them. The war which has taken place has made the country of which it has been the theatre better known; the government begins to take an interest in it, and establishes there, within reach of the agency house, a military post composed of forty men, troops of the line.

The first species of settlers, or cultivators, is what we call Squatters. These are poor citizens, generally not very industrious, who, not possessing the means of buying land, live upon those of others, and work them until they are expelled by the proprietors. Their poverty is entirely the fruit of their idle and drunken

habits, for those among them who are industrious never fail to make a fortune. There are, however, many of them who, although industrious, and with the means of rapidly augmenting their substance, pursue this sort of life from choice, from taste, and, perhaps, even from habit. For the most part, they have a wife and children, some negroes, and, sometimes, very numerous flocks. They rarely raise two crops from the same land; on the contrary, they quit a district as soon as it becomes peopled. Under their hands the country soon assumes a new aspect: every seven or eight miles rise up huts, formed from the trunks of trees. Iron is too dear for them to permit themselves the use of it; wood, therefore, supplies its place, even for hinges and locks. One of these huts may easily be constructed in two or three days; one may see them spring up like mushrooms. More than once when on horseback in the woods, in search of my horses or strayed oxen, I have met in the very midst of the forest, a cart loaded with household furniture and children, and one or two men escorting about thirty cows and hogs. After the questions, Where do you come from? Where are you going? which are always cordially answered, the head of the family has asked me some

details relative to the country, and requested me to direct him to the creek, or the nearest spring. A week after I have been astonished to see a good hut there, a field of cattle, and some poultry; the wife spinning cotton, the husband destroying trees by making a circular incision in them, called a girdle,—in short, settling their household gods without making any inquiry as to whom the land belonged. Frequently, also, I have seen them, after a few days' sojourn, abandon their dwelling for the slightest cause, and transport themselves—God knows where. This population of Squatters is sometimes very numerous; it attracts the speculator in cattle and the pedlars, a sort of travelling packs, who do not differ from those of Europe, except that their shop is in a cart.

Among these first settlers, of whom some are destined to make large fortunes, whilst others continue always wandering, there exists no form of government; every dispute is amicably terminated by the fist. As they live out of the United States, they have neither election nor politics; the land or the houses have, in their eyes, but a secondary value; they attach the idea of property only to the cattle; each of these has its mark; and if any are stolen, he assembles his neighbours, and, the proofs in hand,

they go together to the thief, and administer to him a punishment more or less severe. According to their morality, cow stealing is the greatest crime; no laws yet exist; and, in the meantime, the population increases in a way to make Mr. Malthus and his friends tremble for the consequences; religion is limited to the observance of Sunday, and to going to hear some wild Methodist, wandered into a country which he soon abandons, as too poor and too laborious to work upon.

Around the huts which I have described, the eye opens upon irregular fields; the trees are still standing, but dead; props of cleft wood surround them. Numerous pathways, well beaten and indicated upon the barks of the trees, lead from one hut to another, and some cart-roads wind across the forest in the shade of the old trees.

In the meantime the eyes of the enterprising citizens of the neighbouring States are opened upon this rich booty; some of them go to look at it; it is mentioned at Congress. Government proposes to form into a territory the space between such and such limits; a bill defines the form of the territorial government; in this first stage it is as follows: Istly, the executive power is vested in a governor, appointed by

the President of the United States for a fixed number of years. He appoints to the territorial offices, and has the power of pardoning offences against the territory, and of delay when the offence is against the United States: he is assisted by a Secretary of State, who is also Treasurer. 2dly, the legislative power is in a council, composed of twelve members appointed every year by the President of the United States. They have a general power of making laws, which must, however, be sanctioned by the Governor, and may be rejected by Congress. 3dly, the judicial power consists of a judge for every district into which a territory may be divided; he unites the jurisdiction of the United States and of the territory. 4thly, a delegate is every two years elected by the nation to represent it at Congress, where, however, he has no vote. Thus is completed this very simple government, which I must now show in action.

The second step, which generally follows very closely the creation of a territorial government, is the establishment of a land district. I have already said that all the vacant lands belong to the United States; the question is how to sell them. In all the States which have been admitted into the Union, this rule does not hold good; at Kentucky there existed land



warrants from the State of Virginia, to which the country originally belonged. In Louisiana, and in Florida, concessions of land made by the old governments, and the rights acquired by the old inhabitants, from real or pretended purchases from the Indians, occasionally produce a perplexity as to titles, which it is sometimes found impossible to adjust. For this purpose, recourse is generally had to an administrative commission, who, without deciding upon the conflicting claims of individuals, confines itself to separating the alienated lands from those remaining in the power of the United States: it is only of those of this latter species that I now propose to speak.

There exists at Washington a department for the public lands, in correspondence with the different districts into which the country is divided. When it is proposed to create a new district, this department assigns the external limits, and, in general, a central spot destined for the building of a city, probably the future capital of the State. A Surveyor-General is appointed; he removes with his family and assistants to the starting place; from this point, with the assistance of the compass, the surveyors begin by sketching the base and meridian, going north and south, east and west, in a direct

line, across woods, marshes, rivers, &c.; the line is marked upon the trees, on each side of the chain, in such a way, as to make it easy to follow. Every six miles the surveyors fix a post; from these posts other lines are drawn parallel to the base and meridian, which divide the country into squares of six miles. Each of these squares is called a township, and is numbered according to its position; each township is afterwards divided into squares of one mile, by lines traced upon the trees, in the same manner but with different marks; these second divisions, called sections, contain six hundred and forty acres, and are divided by imaginary lines into eighths, of eighty acres each. The sections and eighths are numbered in each township, and these numbers are indicated upon the posts found at the corners, so that on meeting with a line in the midst of the woods, and following it to the corner, one knows where one is.\* One provision is very important; the section No. 16 of each township is appropriated to defray public education, and cannot be sold. This operation gives employment to many people, the Surveyor-general usually making

\* For instance, the house from which I write is situated, eastern half of the S. E. quarter of section 8, township 1, range 3, S. E. from Tallahassee.

advantageous contracts with the surveyors, for so much work as he may think proper. The maximum price fixed by the law is four dollars per ordinary mile, which is not too much, if one considers that each surveyor must have six or seven men with him to assist him.

While these geodætical operations are taking place, the government gets organised; the governor, generally a distinguished man, and intending to settle in the territory, arrives with his family and negroes. The judges arrive in their turn; the lawyers follow them, with what Figaro calls "all the ravenous law-shops of the country."\* All these official persons have families and friends who come to settle. The legislature assembles in the middle of a wood; a log-hut is erected, a little larger, but as rudely constructed as usual; and there the rustic assembly sits with as much dignity, and often with as much talent, as it could do in the capital. What can be the subjects of legislation, it will be enquired, in a society so new, and of which, so to speak, there exists but the framework; they are these: to determine a spot for the capital and other towns, if deemed expedient; divide the territory into counties; organize the justices of peace and the superior courts;

\* "Toute l'enragée boutique à procès du pays."

make civil and criminal laws (for this assembly, though held in tutelage to Congress, is already sovereign); in short, to petition Congress upon all subjects that it may deem proper.

This first session of the council gives an immense advance to the territory; but that which gives it body is the sale of the public lands. The President, when he thinks proper, issues a proclamation, announcing, that at such a time and place, certain public lands will be sold. A register and a receiver are appointed by the President, and the great auction day at length arrives, a day of the highest importance to the little growing society. Immediately on the issuing of the proclamation, the country begins filling with strangers; some seeking for lands to settle in as soon as possible; others for a son or a son-in-law; others merely speculators, who buy only to sell again. These all spread themselves over the country with their compasses in hand, according to the marked lines, examining the lands, taking notes, keeping profound silence, and avoiding one another. Perhaps some of them have bought from a surveyor the supposed secret of an excellent and unknown section: little portable plans, mysteriously figured, circulate privately. Nothing is talked of but lands, their qualities, probable prices, &c. In-

trigues and knavery the most unblushing display themselves in all their lustre.

The rising capital in which this sale takes place has, however, assumed a form since the session of the council. A plan has been adopted; the streets have been cleaned; the lots sold on credit; a capitol or court-house has been decided on. A crowd of people are waiting at the sales, at the courts, at the assemblies of the legislatures. Taverns rise up, empty the greater part of the year, their open walls are filled on these memorable occasions beforehand. The cloth is laid for thirty persons. Two or three large rooms, which you would not deign to call barns, receive, in a dozen beds, twice that number of occupants; those who cannot find better room extend themselves in their bed-clothes on the floor. No places reserved for dining or sleeping; we are too much of republicans for that. Every one pays his dollar, and has a right to eat and sleep where he pleases, provided he does not disturb a former occupant. It is understood that a bed contains two individuals, and nobody is so ridiculous as to trouble himself about who is next to him, any more than in the pit of a theatre.

The great day at last arrives. The crowd of busy and curious people is augmented; the

speculator, the jobber, are in motion and consultation. The farmer, whose object is to settle, is calm: he has limited his views, and fixed his price. The hour approaches: the poor squatter runs about the town; he has been labouring all the year that he may buy the land upon which his house is situated; perhaps, for want of a dollar or two, it will be taken from him by greedy speculators. Anxiety and trouble are depicted upon his honest and wild countenance. A jobber accosts him, pities him, and offers to withdraw his pretensions for the sum of three dollars; the poor simpleton gives them to him, not doubting that the jobber cannot now bid against him. This is what is called hush-money. The crier puts up the lands by eighths, beginning by a section and township in regular order; the prices are different, but the sale always opens at one dollar twenty-five cents per acre;\* this is the lowest price at which the United States sell. An old Indian village, a situation for a mill, the plantation of a squatter, a place to which a road or a river leads, or which seems likely to become the seat of a city or entrepot, are so many circumstances which augment the value of lands tenfold or more; all the sales, too, being made according to lines

\* Lately reduced to 75 cents.—*Translator.*

real or imaginary, it often happens that the field or dwelling of a squatter is found cut in two. The sale, and the bustle which it occasions, continue until all the lands contained in the proclamation have been offered; those which remain after that in the possession of the United States may be entered for 100 dollars per eighth. Those, then, who are acquainted with the good lands, and know that they are the only ones, do better to wait till this time; for there being no competitors, they obtain them at a low price.

And now, the sale being over, the speculators, their titles in their pockets, have returned home to see what will come of them; the planter is gone to seek his negroes and his family; the poor Squatter is returned to his home with a full heart, not having been able to realise his hopes, and being obliged to go still once more in search of a spot on which to settle; it may be also, that he is hired, as manager, to the planter who has bought his house and lands. For the rest, it must be observed, that it is the planter's interest to leave the squatter upon the land until he has need of it himself, for his presence doubles the value.

Meanwhile the inhabitants of the townships, particularly the innkeepers, have made a good deal of money. Instead of their log-houses, ele-

gant houses of timber-work and planks, painted all sorts of colours, have risen, as if by enchantment, in the midst of the woods, now called a town. Trees are felled on all sides; the burnt stumps indicate the streets and public places. The importance of the place is soon augmented by a post-office (there was none before,) and the residence of a post-master, an important personage; for, in the present state of things, the accession of a family, or even of an individual, is not a matter of indifference. By this time newspapers are abundant; every one, besides a paper from Washington, or from some Atlantic town, receives that of the village from which he has emigrated; for every village has its own, and we shall soon have ours. Reviews and magazines, literary journals, novelties of every sort, come to us from New York, Philadelphia, and England, at a moderate price, and a month or two after their publication over the Atlantic. I had read, I have no doubt, the last romance of Sir Walter Scott before it had reached Vienna. But let us leave the city at this point, and see if the country places have made progress in proportion.

The planter having returned home, sold his lands and house, and added to the number of his negroes, has set out with all belonging to



him; his goods and provisions in carts, his negroes on foot, himself and his family in a wheeled carriage, or on horseback, according to his circumstances. They encamp every evening, traverse the deserts, open ways, make bridges, and arrive at last upon the new property. The first thing to be done is to build huts, from the trunks of trees, for the negroes and the family; this takes two or three weeks: during which time they bivouac. A field is soon opened and planted; but the great difficulty is to subsist the first year. Maize is scarce, always dear, and carriage very expensive. Happy is the squatter who has made a good crop and can dispense with it, if he is near a planter. He gets his own price, he "enters" his lands, becomes a planter himself, and lays the foundation of an independant fortune. And now, instead of little irregular clearings, for small huts scattered among trees, we have great ones of fifty to a hundred acres, for the first year, surrounded with good fences or hedges; villages, with regularly-built huts for the negroes, and a large log-house, containing three or four very convenient rooms, with kitchen, stable, &c. for the family. These buildings, it must be admitted, look very miserable outside; but go in! This country is

the country of contrasts: within this almost savage habitation you will find a family as well brought up, and as intelligent, as you do in Boston or New York. Its manners are not rustic; it has left the world for a time, and is engaged in creating a new one around it. It receives its letters, its newspapers, and is acquainted with the politics of the day. In one of these establishments you will often meet with some one whose name you have been accustomed to read with respect in the newspapers, figuring with eclat at Congress or in the State legislatures. This is some citizen come to lay the foundation of a new country. The women, in particular, support their privations with a patience truly angelic, soften by their presence the excessive wildness of the scene, and produce a most singular contrast. A planter never comes alone; he persuades some relations and friends to emigrate with him, or at least to come and see the country; the greater part of these visitors settle there. In the midst of this infant plantation, and of this circle of old acquaintances, he lives happy and tranquil at home, and it is but seldom that business calls him out.

He is, however, obliged to serve upon the jury, for the first court is about to sit, and the

sheriff is come to summon him, and to dine with him. A judge arrives, generally a man of merit, but not unfrequently, in this state of society, the refuse of the other tribunals. No court-house is yet in existence; the judge therefore selects the largest room of a tavern or a spacious loft. I have seen the court sitting in a warehouse, in which planks laid upon barrels of pork or meal formed the seats of the audience. A court-week is of course an occasion of excitement and profit for the inn-keepers. The people come in crowds from fifty miles round, either on business or out of curiosity. The epoch of this concourse is turned to account by all those who have any thing to gain by the public; one offers his negro for sale; another exhibits the graces of his stallion, that he may attract customers; the lawyers look out for clients; the doctor for patients. The sheriff opens the court and calls the causes, the noise ceases. Upon a couple of planks are ranged twenty-four freemen, heads of families, house-keepers, forming the grand jury. What an assemblage! from the hunter in breeches and skin shirt, whose beard and razor have not met for a month—the squatter in straw hat, and dressed in stuffs manufactured at home by his wife—the small dealer, in all the exaggerated

graces of the counter, sitting beside the blacksmith;—up to the rich planter recently arrived: all ranks, all professions, are here confounded. Silence is commanded. The lawyers begin their pleadings with more or less talent. The judge makes his charge with as much dignity as if he sat at Westminster, and the verdicts savour nothing of the whimsical appearance of the court and the jury. In the evening the court adjourns till the next day, when the same scene takes place. It must be added, that the pleaders harangue the people in the taverns upon the justice of their cause, &c. This is also the moment selected by candidates for the office of delegate to present themselves to the people; they and their friends are busy in gaining the suffrages of the multitude by every possible means of persuasion, and sometimes of deception. Stories of the candidates are, by turns, related and denied; each harangues, or gets his friends to harangue, the people in his behalf. Disputes ensue and finish, in general, by boxing, particularly towards evening, when temperance is not the order of the day; for each candidate has treated his friends.

It is, however, in the country places that an election should be seen. The day arrives. For some months previous the candidates and their

friends have been in motion, making their calls from habitation to habitation, trying to persuade, accuse, explain, &c. In general, the friends take more trouble than the candidates themselves. The governor, by proclamation, fixes the day, and divides the country into precincts, in each of which he chooses a central house, and appoints three election-judges. These three dignitaries of a day, meet on the morning, and swear, kissing the Bible, to conduct themselves with integrity, &c. They seat themselves round a table at a window. An old cigar box, duly patched up, with a hole in the lid, a sheet of paper, and a writing-desk, form the materials of the establishment. Every one presents himself outside of the window, gives his name, which is registered upon the paper, deposits his ballot in a box presented to him, and withdraws; if the judges doubt his qualification as to residence or age, they administer an oath to him. Within the room every thing passes in an orderly manner; but it is not the same outside. The wood is soon filled with horses and carts. The electors arrive in troops, laughing and singing, often half tipsy since the morning, and exciting one another to support their favourite candidate. They or their friends present themselves to the electors as they

arrive with ballots ready prepared, often printed, and expose themselves to their jokes and coarseness. Every new comer is questioned about his vote, and is received with applause or hisses. An influential man presents himself to vote, declares his opinion and his reasons in a short speech; the tumult ceases for a moment, and he draws away many people after him; nobody offers to molest him. In the meantime the whiskey circulates; towards evening every body is more or less tipsy; and it is not often that the sovereign people abdicate their power without a general battle, in which nobody knows what he is about, and in which all those who have managed to retain their carriage take good care not to embroil themselves. Every one goes home to sleep. The judges scrutinize the suffrages, and send the result to the capital. The next day beater and beat are as good friends as if nothing had happened, for every one has learned, from his childhood, to submit to a majority. *Vox populi, vox Dei*, is here an absolute axiom. It should be observed, that the public interest does not suffer from these tumults, because, generally, every one has made up his mind long before voting, and holds to it, drunk or sober. The excitement of an election is very soon over. Before it takes place nothing

else is talked of; the next day there is no more question about it than about the great Mogul.

The post of delegate is the most sought after of any in the territory; for, besides the advantage of being a member of Congress, of passing the winter in the midst of feasts and the best company, of being personally known to the most distinguished persons in the Union, his influence over the destinies of the territory is immense. He is consulted, *ex-officio*, upon all that regards it, and it is generally upon his presentation that the offices are filled. He has been making promises to the people which he will try to fulfil. These will probably be roads, canals, post-offices, to change the districts of the courts, to augment or diminish their number, to obtain gratis public lands for the purpose of building towns, to erect bridges, to increase the number of members of the legislature, to have such a law confirmed or rejected, &c. He will succeed in some of these objects, and fail in others; his party will endeavour to justify him, the other will find everything wrong he may do; and amidst this conflict of opinions, it is an even bet whether he will be re-elected, the more so, as, during his two years of office, the interests of the population will have changed, and even the population itself.

The first year the planter is provided by what he has brought with him; provisions, tools, and everything he requires to clothe his negroes; but it is otherwise afterwards. Assorted cargoes are sent from the Atlantic towns by our immense rivers or canals; warehouses are established in the rising towns; they yield large profits, for in them everything fetches two or three times its value. The first things sent are provisions, such as beef, pork, and salt fish, ham, butter; bacon, spirits, different sorts of meal, and stuffs for the family and the negroes, cast-iron, earthenware, saddlery, ironmongery, medicine, &c. Everything is sold pell-mell in the same shop by the same person. The dealer, who, in general is only the co-interested clerk of some great northern house, usually brings with him his family, and also the graces and fashions of the great town from whence he comes; he dresses himself in a most incredible style, and forms a perfect contrast to the rest of the population. He does in general very good business, although he is often obliged to give credit to the planter until the next harvest. He engages almost always the productions of the country from whence he sets off to the north, when the first cargo is exhausted, and to which he returns with a new assortment.



The lawyers of every description, from the juris-consult to the notary, also arrive. Our country abounds in poor devils, without any pecuniary means, who, however, have received a sort of education. They study the law without external assistance, engaged at the same time in some trade, or in the army, a counting-house, or a tavern: and as soon as they can sustain an examination, get themselves admitted, and live by it. I need not tell you how many of them spring from nothing. Being generally pettifoggers, the greater part seek to sow dissensions among the poor ignorant people, and involve them in law proceedings, during five or six sessions, solely to extract a few dollars. Nothing can be more respectable than the bar at the old States, but nothing more miserable than the assemblage, who, in a new country, multiply round a court. Many of these gentry, however, become, through practice, very skilful in their profession, make money, and acquire principles and consideration. Some lawyer regularly educated for his profession, however, very soon comes to establish himself in the country: he monopolizes the practice, and the fees; and the pettifoggers, thus eclipsed and annihilated, are obliged to quit or to seek their fortune in some other way.

It is at this period that the territory becomes the prey of vagabonds, bankrupts, jobbers of every sort, who appear to meet here from every part of the Union. Before, the country was too poor, and did not offer any prey of sufficient importance; and, at a more advanced period, their tricks and pretensions are seen through. There is, however, a species of sharpers who are worth a separate notice. I have mentioned that up to this period our territorial proprietors had a great part of their lands conceded to them by the former government. Jobbers buy for a mere nothing the doubtful titles from the poor original grantees; frequently they make false titles, or buy lands from the Indians, which is contrary to the law, and therefore nul. They get drawn out some fine well-coloured plans of their possessions; and if the titles are doubtful, they have lawyers ready, who, after due consultation, pronounce all clear. Provided with these instruments of deception, they go into a country in which emigration is commencing, and exchange their imaginary lands against any sort of real property. You can have no idea of the address and talent which some of them have displayed, and of the extent of their plans. They sometimes become powerful enough to shackle the march of civilization. They gain

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much influence by their impostures, and are sometimes able to control the elections.

But this state of corruption is never of long duration: the population increases every day, society becomes formed, and these vampires are obliged to withdraw. The first indication of regular society is generally public holidays. The 4th of July, the day of independence; the 22d of February, the birthday of Washington; the 3d of January, the battle of New Orleans; are so many occasions. Sometime, before a public meeting is convened at a tavern, and a chairman and secretary (for everything is done in form,) are appointed by acclamation. An orator proposes to celebrate the day, and gives his reasons; afterwards another moves that there be a dinner; the proposition is discussed, and is opposed for want of a room large enough to contain those who would desire to partake of it. Another proposes a barbecue,—dining in the open air: this is supported, and carried; another, that a speech be delivered: carried also.

Somebody proposes a ball; but there are only three ladies in the town who dance. Had there been four, assuredly the motion would have passed. The meeting appoints a chairman, and a managing committee, and separates. The resolutions, duly signed, are inserted in the

newspaper, (for already there is a weekly one,) to the great satisfaction of the editor-printer, who is short of matter. On the day appointed, the citizens form themselves into a procession, and proceed to the church, or the tavern, to the court-house, or to a granary, according to circumstances, and hear a speech, which is in general sensible and eloquent; for I must always remind you of the contrast which is found here between the man and what surrounds him.

From thence the meeting repairs under the trees, where an ox and some pigs roasted, await them. The expense is defrayed by subscription, and toasts are given expressive of the political opinions of the people. The following year there are another barbecue, speech, and ball. The ball is also by subscription. This time the court-house has been prepared for the purpose; the judge's bench is occupied by an old negro scraping the violin, accompanied by two little negroes playing the tambourine and triangle; tallow-candles illuminate the scene; but the women are as pretty and as smart as at New York. The planter has doffed his coarse hunting-jacket, and drawn from his trunk the blue frock of former times and of another country, and his manners are those of the best society.

The defects of the music do but augment the mirth of the dancers.

In the mean time the sessions of the legislature have been held, and every year has witnessed an accession to its numbers. The government has taken its seat; courts of justice, respectable for the talents of the judge and of the bar, have been established in each county; every year the number of these has been doubled. Taxes upon negroes, cattle, &c. have been imposed; charters of incorporation have been granted to different towns: the time has arrived to pass to the second degree of territorial government. This consists in giving to the people the election of the Council, and other privileges in the judicial organization, on which I cannot enlarge without entering into too many details of a technical nature. The people are not long before they experience the benefits of this self-government. Public opinion takes a decided character; the intriguers and sharpers reform or quit the country; in short, the last steps are made with the greatest rapidity. Emigration continues in geometrical progression; capital accumulates; a public bank is established. From year to year a census is ordained.

At last the desired period arrives, in which

the territory counts forty thousand souls, and it is admitted to the rank of a State. A convention is assembled to organize its constitution, which consists always of an elective governor, and two legislative chambers. The legislature sends two senators, and the people a representative, to Washington; and the new State begins to revolve in its orbit, augmenting its strength by such or such an interest, and affecting the equilibrium and political balance in the senate.

In this rapid sketch I have not spoken of religion, because, usually in this state of society, it is a disgusting imposture under the name of methodism, or baptism, and I care not to speak of it. In proportion as the people become enlightened, religion, however, becomes more pure, and one may judge of the progress of civilization by the establishment of a presbyterian church, but particularly by that of an episcopal one, which is best of all. In the state of society which I have endeavoured to describe, education and religion are conjoined, and go hand in hand. Preparatory schools, in the hands or under the influence of the ministers, and academies in the hands of some Yankees, are all which exist. But as soon as the territory becomes a State, and often even sooner, the sixteenth section becomes its property, and is available to the

establishment of a permanent fund for public education, employed either in detail in each town, or centralized in universities, colleges, &c. This subject is, however, of sufficient importance to be treated of separately.

I have only spoken of the south. I have never travelled in the north-east parts of the United States. I imagine, however, that my description in great part applies to them also, if you suppress the negroes, and suppose the squatters more active and industrious: religion also enjoys there a more considerable share of attention; the land speculations in the north, have also, I believe, been made in a more liberal spirit. The speculator is not contented to wait the result, but improves the lands by making roads, establishing factories, and farming them out to others. These variations are decisive, but I cannot follow them into their details.

I shall conclude this sketch with one important reflection. We have bought Louisiana of France, and Florida of Spain. These countries were peopled, and had laws in general so opposed to the spirit of our government, that when even they shall have attained the necessary population to become States, a territorial government will be immediately required to amalgamate them,

and break their ancient habits. It would not be the same with the British possessions upon the Continent, and in the West Indies; they are organized in provinces which have their legislatures and their laws. To unite them to the Union, nothing is to do but to admit and receive their senators and representatives at Congress. But God preserve us from them! The augmentation of influence which the southern interest would receive, would be far from equalling the proportion which would accrue to the north. In the present state of the Union, it is the only chance of dissolution which menaces it. In twenty years, when the south shall have gained an ascendancy sufficient to secure its interests from danger, this accession of territory will be desirable; but much more for the subjects of his Britannic Majesty than for us.



## LETTER FOURTH.

**ON SLAVERY.**—*Erroneous Notions on the Subject; the Question argued on the principle of Natural Right; Purchasers at Guinea; Necessity of having Slaves in New Countries; Political Advantages; Advantages to the Slave; Character and Treatment of the Negroes; Description of a Plantation; Treatment different in different places; Laws concerning Slavery; Free Negroes; Difficulty of the Question respecting them; Societies in Favour of Emancipation, &c.; the Colonization Society; Conclusion.*

*Lipona; February 1827.*

I AM sorry to see that you partake of the prejudice, too general in Europe, against our southern States. Like many other things, slavery seen from a distance has quite another physiognomy than when seen near. The severity of the law is softened by its exercise; abuses destroy each other, and thus the horrible and monstrous in theory become frequently perfectly tolerable in practice. It is, then, to correct your notions, and to give you a just idea of the condition of our negroes, that I

devote the present Letter. Upon our continent and islands there is no subject more important; and I often ask myself, how does it happen that out of so many writers of travels in America, not one has given to it the attention it merits? You may find, indeed, in some English travellers, disgusting and exaggerated pictures of the filth of the negroes, and the cruelty of the masters, but I defy you to show me a page of common sense on the subject of slavery.

Without changing the condition of the working classes and, consequently, all the social relations; without creating entirely different manners, and exercising the greatest influence over religion and education; slavery is and will be the grand pivot on which our internal politics must turn. Its influence is felt in all our parties, even in those which seem to have the least connexion with it.

I shall not refute the gross and ridiculous calumnies against the slave owners; they are not worth the trouble. It is not sentimental pathos that must be opposed to the general practice of all ages, but sound arguments, well founded in morality and, above all, in political economy. Why have not the friends of the blacks had recourse to this mode? Calumnies and prejudices owe their existence in Europe

chiefly to British jealousy. The English ministry, desirous of preventing emigration to the United States, have condescended to employ mercenary authors to write travels full of lies against the people and the government. In all these books, which have been very popular with John Bull, slavery is always made a very prominent feature.

Another cause of error is the growth in England, and, as a consequence, the establishment here, of certain religious sects, having a theocratic tendency, and of which I shall speak to you another time. They seem to imagine that they ought to save our souls at the expense of our lives and properties; and the English ministry, to avail itself of their influence, has been obliged to second them. It is to these sects we owe the suppression of the slave-trade, and the laws to protect the liberty of horses; and to them also England will, ere long, owe the loss of her West India colonies; for the proceedings of its government are diametrically opposite to reason.

The motives which a man may have for not becoming an owner of slaves, can be but of two classes: they must be founded either on right or on calculation. I shall endeavour to destroy them; and, first of all, justify the right

of the master, in order to show you afterwards that, at certain periods of society, this order of things is equally advantageous to the slave and to the master. There can exist no doubt upon the question of right, where there is a desire to be explicit and to be understood. Error has arisen from considering the right as an absolute thing, whilst it is always relative in respect to custom and to the person. According to individual right, which everybody improperly terms natural right, the individual has a right to appropriate to his use any external object; and to destroy every obstacle which may oppose his wishes. Whether the subject of his desire be a stone, a plant, or an animal, does not at all affect its subjective quality as an external object or an obstacle. But the individual can only judge subjectively. It must be borne in mind, however, that this right of the individual is relative but as it respects himself, for the obstacle has an equal right to appropriate the individual to its use, or to destroy him; in this case he changes place and name. A man meets a lion: he has incontestibly the right to appropriate to himself the lion's skin, but the lion has a right equally incontestible over the flesh of the man. But, as the one defends his skin, and the other his flesh, it happens that the

spontaneity objective of each of them becomes an obstacle to the other which he has a right to destroy. Here, then, are two unquestionable rights placed before us: there does not, nor cannot, exist between them any arbiter but the great general laws of nature. The man does not pretend to make the lion acknowledge his right to skin him, or to punish him if he do not submit; he pretends to force him, to constrain him.

The social state brings about great changes in the rights of individuals; however, the three following rules may be regarded as indisputable. 1stly, Societies act among themselves as individuals act between one another, without being regulated otherwise than by individual (natural) right. 2dly, Societies act according to the same right towards individuals who, in respect to them, are foreigners. 3dly, The members of a society recover their individual independence towards objects foreign to the laws of that society.

A man catches a horse and tames him. Has he acquired any right over that horse in respect to that horse? No: he has the right to appropriate the horse to his use; the horse has the right to throw him to the earth, and to gallop away. The laws of nature, which secure

victory to the strongest, but above all to the most skilful, decides this conflict of individual right. The horseman has, however, acquired a social right over this horse, not towards it, but towards society; society is engaged to protect his industry and his labour, and to secure to him the use of their fruits. It will interfere to prevent this horse from being killed or stolen; if it escape, society will assist the horseman in re-catching it, will permit him to exchange the advantage he may have acquired by its labour against any other advantage acquired by another, and to substitute that other in his rights.

Without doubt, a man has no right over another man in respect of that other; nevertheless he may have a right over him in respect to society. Firstly, if, both being members of society, they are bound by any contract whatever, the violator of the contract commits a moral offence, for which he merits a punishment from society proportionate to his offence. Secondly, if one only of the two be a member of society, and if it guarantee to that one any rights whatever over the other, in such a case there being no contract, there can be no moral offence, nor no punishment; but in case of resistance, a combat, which each has a right to push to the utmost, and in which the member of

society has a right to demand its assistance. In fine, the slave has as much right to resist his master, and to make his escape, as the master has the right to appropriate him to his use, and to constrain him to obedience. There exists no contract between them, consequently no reciprocal right: for one social right can only be founded upon another. Error has arisen from wishing to attach to the slave a moral duty of passive obedience, which is absurd; for that would suppose a contract, in which all the advantages would be on one side, and all the disadvantages on the other, a contract which is null *ipso facto*. The master has, meanwhile, as much right to be supported in his authority over his slave as over his horse.

But let us leave these abstract considerations and come to particular cases. At the time of the colonization of America, there certainly did not exist any contract between the Indians and the whites; they had then, reciprocally, the right to appropriate each other to their respective uses, and to destroy one another whenever they might think proper. According to the eternal laws of nature, the weakest in physical power, but the most skilful, triumphed, and the natives were reduced to slavery in all the Spanish possessions in America, which were then inha-

bited by a soft and effeminate people. It was not the same in the United States; warlike nations resisted the attacks of the whites, and often exercised their right of destroying them, and appropriating their spoils to themselves. The whites treated with them, and concluded by making, with most of them, conventions, more or less advantageous.

All labour deserves its price. Merchants went to the coast of Guinea, and there purchased slaves from nations who had no compact with theirs; these slaves were sold either in virtue of the laws of their society, which considered slavery as a legal punishment, or because they had been taken in war, and appropriated to the use of the conqueror. But the merchants might have taken them for nothing, as that would not affect their right. If I catch a wild horse in the plains of Missouri, the trouble of taking him and taming him, the risk that I run of his escaping, are all considerations which constitute the price I pay. The intervention of society is limited to satisfying itself that none of its members had an anterior right to my booty. Every society has, without doubt, the right of regulating the labour of its members, and of interdicting such and such species of industry; but, in the present case, quite the contrary hap-



pened. All the nations of Europe, more or less, encouraged the slave trade. Many colonies attempted to resist the introduction of slaves into them, but were forced, by the metropolitan towns, to open their ports to this traffic; thus were the masters supported, not only by abstract right, but by the express and positive legislation of the society of which they were members.

The revolution on our continent, although almost simultaneous, was, nevertheless, partial; each colony preserved its independence throughout the struggle, and when the Thirteen United Republics were acknowledged, though a central government was established, they remained not the less sovereign States, perfectly independent of each other in everything concerning their internal legislation. At the time of the revolution, a portion of the United States had already got rid of their slaves; since then, their example has been imitated by others; and, at a future time, more will probably imitate it, but some of them are so situated as to make it absolutely impossible for them to do without slaves, and these States will probably continue to have them for a long time to come. No authority has the right, or has ever pretended to have it, to regulate their domestic affairs; yet questions, relative to slavery, are every day sub-

mitted to Congress. The United States, who possess the exclusive right of regulating commerce, have prohibited the slave-trade since 1808. Nobody complains of this measure, which was announced long before; but I do not hesitate to say, that any attempt to make laws respecting our slaves would compel the Southern States to separate themselves from the Union. This is an obligation founded upon the right which every man has to defend his life and property. Would you believe that there are people so foolish as not to be sensible of this, and so short-sighted as to be willing to run the risk?

The general opinion in the southern States is, I believe, that slavery is necessary, but that it is an evil. I am far from considering the matter in that light; on the contrary, I am tempted to consider it, in certain periods of a nation's existence, as a good. How, for instance, can great capitals be employed in agriculture in a new country, without slaves? To this resource we owe the rapid population of our deserts. Just as the marble formed into a statue is first dug from the quarry with the pickaxe, then cut by the chisel, and afterwards polished by the file, so is it necessary that a savage land, before it becomes capable of receiving an eminently civilized people, should

previously possess different classes of population. There must be a succession of tools to cultivate the soil, no less than a succession of books to educate a man, and a succession of institutions to educate a people. In countries cut off from the north, where all the land is fertile, where numerous rivers render communication easy, where the heat of summer is tempered by sea-breezes and the elevation of the soil, a population of small proprietors may establish themselves, and enjoy, in a few years, all the conveniences of life. But in the immense southern plains which are watered by great rivers, only at considerable distances; where the good lands are in an infinitely small proportion with the eternal heaths, where the heat of the climate renders labour in the open air fatal to any white man; large capitals, and a black population, are necessary to put the earth into cultivation. If small proprietors alone attempted similar settlements, they would become entirely cut off from civilization, and exhaust their resources in carriage and stores. Labour would be too dear for them, for it would be necessary to pay for the risks that every one run for his life. Great capitalists, on the contrary, discover the oasis of the desert, transport all at once, an entire population, open roads, make bridges, drain

marshes, and after some years of expense, realize immense profits. Under the protection of these great proprietors, the country soon abounds in people of moderate fortune. Ere long the great fortunes are divided, by the death of the possessors; small proprietors subsequently take their places; the number of these latter increase; they become naturalized to the climate, and from that time partake the labour with the negroes, to whom the climate is extremely salubrious, for it is never of heat that they complain. Lands, which are now considered of no value, are thus brought into cultivation, as soon as all the good lands are taken, and the pasture-system begins to be adopted.

If slavery, in political economy, facilitates the population of our southern States, its effect on society is not less advantageous. The planter, released from all manual labour, has much more time to cultivate his mind. The habit of considering himself as morally responsible for the condition of a great number of individuals, gives to his character a sort of austere dignity favourable to virtue, and which, tempered by arts, sciences, and literature, contribute to make the southern planter one of the most perfect models of the human race: his house is open to every comer with a generous

hospitality; his purse is too often equally so, even to profusion; the habit of being obeyed gives him a noble pride in his intercourse with his equals, that is to say, with any white man, and an independence of views in politics and religion, which form a perfect contrast with the reserve and hypocrisy to be met with but too often in the north. To his slaves he is a father rather than a master, for he is too strong to be cruel.

In politics the effect is not less favourable. Our country is still young, the population is thinly sown, every one has his business; here are no idle people, no cockneys, no populace; but it will not be always so. Already, in the great northern towns, on many occasions, tumults have arisen among the working classes and the sailors. Are we destined to see renewed among us the scenes of the Roman forum? To protect us against such scenes, shall we have recourse, as in England, to the cavalry? The remedy would be worse than the evil. An insular State has nothing to fear from similar commotions, for the other States would come to support it; but what would become of the Union, if Congress were to be dissolved by, or be subjected to, the populace of Washington? To deny citizens the right of voting, because

they have not a certain fortune, as Virginia has done, is, no doubt, one way; but that is contrary to the spirit of our institutions, and the fixing of this sort of regulation is always arbitrary; besides, that would never prevent the people from conspiring. Compare the elections in the great cities of the south, and of the north; what tumult in the one, what tranquillity in the other. In the north the inferior classes of society tumultuously invade the election places, and drive away, so to speak, by their indecent conduct, every intelligent and enlightened man. In the south, on the contrary, all the inferior classes are blacks, slaves, mutes; enlightened people conduct the elections quietly and reasonably; and it is perhaps to that alone that may be attributed the superiority of talent which may be remarked in the Congress of the United States in favour of the south.

Hitherto I have only spoken of the comparative advantages of slavery, as it respects the masters; but the slaves are the first who profit by this state of things. In all countries, and in all times, a great majority of the human race is condemned to subsist by manual labour; and I do not doubt that this portion of society is more happy in a state of slavery than otherwise. Compare the condition of our negroes,

well clothed, well fed, and having no care for tomorrow, no trouble with regard to their family; compare it, I do not say, with the degraded race of free negroes and mulattoes, having all the burden of liberty, without any of its advantages, but with the white labourers of Europe, working two or three times as much, and always, in old age, dying of hunger, they and their families. I do not scruple to say that our negroes are more happy, not only than the labourers in the English manufacturing towns, but even than the peasants are generally in any part of Europe. You will tell me that the mere idea of liberty counterbalances the privations and disquietudes to which this same liberty gives rise. I will answer that is true, as it respects you and me, but that there must be a certain degree of instruction, a certain moral energy, to relish the noble idea of liberty. Take an Austrian, Hungarian, or Bohemian peasant, transport him into America, and tell him that he is free: the first Sunday he will find nobody to waltz with him; he will curse the country, its liberty, and its elections, and prefer returning to his *Schatz*, to his *Verwalter*, to his *Wirths-Haus*, and to his *Robert*. On the other hand, if you transported one of our Squatters into Europe, making him partake of

all imaginable advantages, the idea of being obliged to acknowledge a superior would render him miserable. Those who, in destroying the feudal system in Austria, imagine that they will ameliorate the condition of the peasant, deceive themselves grossly, unless they commence by enlightening him; this change in his mental condition ought to precede, for he will not live happy while he feels his moral degradation. This is nearly the case with the free negroes and mulattoes in some parts of the Union; but our slaves are happy, and do not desire any change. Although the contrary has been asserted, the negro is incontestably an inferior race of man to the white, and does not seem capable of the same intellectual enjoyments. Why have they remained savage from the commencement of the world until the present day? Why do they become savage as soon as they are left to themselves, as is the case at this moment at Hayti. Their felicity is limited to animal felicity, and that they enjoy more liberally in the state of slaves than they could do either free or savage. This picture does not accord, no doubt, with that of Mr. Wilberforce and his saints. But you will ask me, how can a negro be happy under the whip of an overseer, continually exposed to see himself separated from



his family, or to see it dishonoured by the libertinism of a master or a manager? All this is pathos misapplied. I hire a white labourer; he forces the door of my warehouse, robs me, is discovered, and condemned to the public works, dishonoured for life, and loses the little morality and honesty he had; his evils are perhaps aggravated by those of his family, to the support of whom his labour was necessary. Let one of my negroes do as much, he is whipped and corrected. The bodily pain once undergone, he feels no bad consequence from it, and innocent children do not suffer for the fault of their father. Whatever may be said on the subject, cruel punishments do not take place, for they would be contrary to the master's interest. If a hired labourer do not work, I send him away; but I cannot thus get rid of my negroes, and I am obliged to force them to work by corporal punishment. In large plantations, in which some hundreds of negroes are united, a discipline and rules of police, more or less rigorous, are necessary, without which every thing would soon be destroyed or stolen. As to seeing themselves separated from their family, it is necessary, first of all, that they have one; generally they attach themselves to a woman and keep to her; but they are often

inclined to change. Those among them who are religious marry, it is true, at the church, but every time they have a change of wife, they do the same; and I know some of them who have been married a dozen times, and have as many wives living, each of whom has as many husbands. As to dishonouring the young negresses, that would indeed be curious. It is in vain that their modest blush is hidden by the colour of their skin. How many times have I learned, with affright, that my young friends had quitted the bed which my hospitality had prepared for them to slip into the cotton-house! I dreaded seeing, the next day, my negro Virginus immolate his daughter Dolly; but not at all; the good father was too sure of her virtue. I have seen him smile at the tempter, and politely ask him for a quid of tobacco, as if in mockery of the inutility of his efforts. As to the virtue of the old negresses, mothers of families, who would have the courage to meddle with it? Far from this state of things being an aggravation of the condition of the slaves, I consider the perfect liberty they enjoy in this respect as a sort of compensation for their servitude. Although the masters try to encourage marriage, by throwing in the way of the contracting parties a number of little advantages,

it is not often that a negro marries upon the plantation where he lives; he likes better to go to his neighbour's.

A well-regulated plantation is, in truth, a very interesting spectacle: every thing prospers and goes forward there in a perfectly orderly manner. Each negro has a hut; in general they are disposed in regular order; he has some poultry and pigs to himself, grows his own vegetables, and sells them at market. At sunrise the sound of a horn calls him to labour; every one has a task proportioned to his strength and abilities; in general, this task is concluded by three or four o'clock in the afternoon; at noon the labour is interrupted by dinner. The task done, no more work is required of him; he cultivates his garden or hires himself to his master for some extra labour, or rather, goes to see his wife or mistress upon the neighbouring plantations. On the Sunday morning he puts on his fine clothes and goes to the habitation to receive his weekly ration: he employs the rest of the day as he pleases, very often in dancing. The overseer has only to give out the tasks in the morning, and to see, in the evening, that they are all well performed. The master takes a turn on horseback over the fields, and gives general orders; all this goes

on by rule, like a regiment; and I have known six months slide away without having even to scold. Nevertheless, there are, from time to time, quarrels and thefts to punish. At Christmas, the negroes have three days' rest; twice a year the stuff necessary for their clothing is given to them, which they make up themselves, according to their taste.

Those who live in the house are treated exactly like the white servants in Europe; they are, in general, born and brought up in the family, of which they consider themselves as forming part; there they become very much attached and very faithful; every time the master has a child, he gives him immediately a little slave of its own sex and age, who is brought up with it, and becomes its confidential servant. The little negresses, or mulatto girls, thus brought up in the house, are, in general, excellent sempstresses, and often very pretty; the mistresses pay great attention to their morals, particularly if they live with ladies of the family; if they conduct themselves amiss, the punishment they most fear is that of being sold.

Besides these two classes of negroes, there are many labourers, such as carpenters, blacksmiths, tailors, &c.; in general, the proprietors let them on hire, and treat them like white

labourers. Very often the masters content themselves with requiring an annual compensation for their skill, and allow them to let themselves out as they please.

Does this picture, which is a true one, resemble the absurdities printed by the missionaries? It is easy to take a particular case, to exaggerate it, to generalize it, and afterwards to compose declamations. There does not exist, it is true, any law to protect the slave from the ill-treatment of the master; but he has, in public opinion, a stronger protection than all laws; the man who would let himself be carried away by his passions, in the way described by some English writers, would lose for ever the character of a gentleman.

The negro husbandman is not treated everywhere in the same manner. In Virginia and Maryland, for instance, the farmers do not give them task-work; they lodge them in large brick-houses, have their provisions cooked for them, in short treat them like the farm-servants in Europe. The consequence is, that the slave, losing sight of the distance which separates him from the freeman, is discontented at not being quite his equal, and at not receiving wages; he becomes insolent, is punished, deserts, is retaken, and finishes, probably, by being sold to an emigrant

in some new country, who soon brings him to submission. In these new countries the proprietors, in general, besides the old family negroes, carry away all that their means permit them to buy. A certain degree of severity, therefore, becomes necessary, at first, to restore order to this heterogeneous mass; the more so, as the labour, being irregular, cannot be divided into tasks, and that the new slaves try the character of their master; a little energy on his part, however, soon terminates this time of trial and disorder.

It would be impossible to give you a digest of the laws concerning slavery, for they vary in different States. The constitution of the United States secures to the master the right of pursuing his run-away slave into the States in which slavery is not recognised; the particular laws of the different States afford every facility to the master in the like case. To steal a slave, or to aid in his escape, is almost everywhere a capital offence. A negro, free or slave, cannot travel without a passport; and every white has, in that case, a right to arrest him, and to deposit him in the nearest gaol, where he is detained, if he cannot prove his freedom. The children follow always the condition of the mother. The penalty of death is

inflicted on the slave who attacks a white, or resists him violently. The testimony of a slave is not received in a court of justice against a white. In fine, almost everywhere the penalty of death incurred by a slave, may be commuted in his sale, on condition of his exportation from the State.

The laws concerning free negroes are much more complicated, and have given rise to much discussion both in and out of Congress. The equivocal situation of this population renders it very dangerous to our Southern States; it is they, and not our slaves, who are discontented; it is of them, and not of us, that these latter are jealous. All the Southern States have laws to regulate emancipation, which, in general, cannot be granted, but on condition that the emancipated slaves quit the State within a certain time. They are submitted to a very severe police, and in some places, to particular taxes. In some States they are obliged to have guardians of their property; in most they may be sold to pay the debts contracted by their former masters before their emancipation, or even to pay their prison fees, if they are stopt travelling without a passport, or a certificate of their liberty. It seems, in short, that the main object of legislation in the Southern States is to diminish this

unfortunate, but dangerous, class, or at least to promote their emigration to the north; but they cling to the southern climate. And, besides, it is a gross mistake to suppose they are better treated in the north, or in New England. In thirteen of the twenty-four States they are not admitted to vote by the constitution; and in almost all the others there are particular laws which prevent them; it is only in Pennsylvania and New York that they possess that right.

By very severe laws, some of the southern States have prohibited the importation of free slaves, and have subjected them to severe penalties if they willingly violate those laws. The constitutionality of this measure has given rise to a question which is not yet decided, and which will not be, probably, for a long time; it is a delicate one, and nobody likes to grapple with it. The constitution of the United States (art. 4, sect. 2, §1<sup>er</sup>.) declares that every citizen of a State shall enjoy, in all the other States, the rights which their citizens respectively enjoy. But a free negro of New York is a citizen of that State, and, consequently, of the United States; but a free negro of South Carolina is neither a citizen of that State nor of the United States; the free negroes of New York pretend to enjoy at Charleston the rights



of citizens. In the south, it is objected to them, that they ought to be assimilated to the free negroes, and not to the citizens of the States in which they may happen to be. When I say that they pretend, it is not them,—they do not care about voting,—but it is their white friends who raise this pretension for them. The question has not yet been decided, and everybody holds by his own explanation.

At the time of the admission of the State of Missouri into the Union, in 1820-21, an article of the constitution of the new State, which prohibited the admission of free persons of colour within its limits, gave place, in Congress, to a long and dangerous debate; the article was, however, approved, with the condition, that it should not be applicable to any citizen of another State; which is only embroiling the matter more and more, instead of elucidating it. The discussion upon the admission of this State, commonly called "the Missouri question," violently agitated the Union, and, at a certain period, threatened its dissolution. To avoid grappling with similar questions, some States have imposed a poll-tax upon every free individual of colour, and even authorize his sale, if he cannot pay it otherwise. Is not this measure as unconstitutional as the other?

This class of free men of colour is very embarrassing, for if, on the one side, common sense says, that once free, they ought to be entirely assimilated to the white citizens; on the other side, a prejudice, stronger than any reason, retains them in a state of moral degradation, and excludes them from any honourable occupation. This prejudice is even stronger in the east, where they are treated with much more contempt than in the south. They are very dangerous to our slaves, who envy their idleness; they have among them preachers who are connected with the religious societies of the north, of whom I shall speak presently, and who do not cease to work upon our slaves, in order to make them discontented. If you reflect, that the life and property of every inhabitant of a southern State are concerned in these measures, you will not fail to see that, constitutionally or not, we cannot give up on that subject; and that a separation from the Union would take place, if the attempt were made to constrain us. However disastrous this step might be, it would be better to hazard it, than to be annihilated. With us these questions are not speculative, they affect the private interest of every one; it is then ridiculous to seek to persuade us to the contrary. You would much de-

ceive yourself, however, if you thought we run any danger. The Union is as safe on this side as on any other; the division of interests and of opinion only serve to produce an agitation and often tempests, which prevent the political ocean from stagnating. In fact, who are they who desire the sudden emancipation of our slaves? Enthusiasts or religious hypocrites. It is true, that these noble Don Quixotes have a mighty support in public opinion in the north; but can that be compared with the unanimity of the south, founded upon the mainspring of politics, private interest? Besides, the southern States are stronger and richer; a separation would be a much heavier blow to the north than to us. Their vessels would continue to export our tobacco, our cottons, and our sugars; but they would pay duties, and they could not sustain the competition of English manufactures. We should continue to supply ourselves with provisions from the best market. The religious enthusiasm of a Yankee does not carry him so far as to save his soul at the expense of his manufactures and commerce. They have therefore taken much less part in the societies for emancipation, abolition, manumission, transportation, colonization, &c., than the honest Quakers of Pennsylvania and Maryland.

It would require a hundred mouths, each with a hundred tongues, and lungs of brass, to recite to you the different charters of these societies; besides, it is necessary to know them. Some try, it is said, to make our slaves revolt, thinking, thereby, to save our souls; but I can hardly credit so great a degree of absurdity. The most part try to get emancipation for the slaves, take under their protection those who have already been emancipated, and prevent the laws, which are already so severe, from becoming still more so. Their object is good, but they conduct themselves so imprudently, that they become dangerous to the masters, while they do as much good to their *protégés* as Don Quixote used to do to his. The Colonization Society, however, deserves to be particularly distinguished. It has bought or taken, I do not know which, but at last it has got a place in Africa, called Liberia, where it sends the free negroes who consent to emigrate; they there become savages as fast as they can; but that is all the same to us, provided we get rid of them. The great difficulty is the slowness of the society's operations; it transports, per annum, two or three dozen penitent street-porters and loose girls from the great Atlantic towns, and in 1820 we had 233,527 free persons of colour.

Two or three years ago, an envoy from St. Domingo, a very respectable man, Mr. Grainville, came to visit the northern States, and persuaded a great number of persons to emigrate to Hayti; but they almost all came back again, preferring the idleness and corruption of our great towns to honest industry in a free country.

In concluding this picture of slavery and its consequences, allow me to make another observation against the ridiculous projects of our Quixotic emancipators. What is the use of hurrying time? The total abolition of slavery will take place in the United States whenever free labour becomes cheaper than that of slaves. Is it Christianity which has abolished slavery in Europe? Is it Islamism which perpetuates it in Asia? Neither the one nor the other have produced these results; it is only to the calculations of private interest that we must attribute these contradictory effects. Formerly slavery was general in the United States; but in proportion as free labour become cheaper, the legislatures have abolished it. The same thing is taking place under our eyes just now in Virginia and Maryland: the population having increased, the price of labour and that of slaves have fallen. The proprietors rid them-

selves of them as fast as they can; these slaves are bought to be sent into the New States, where manual labour is dear. In a few years, there will remain hardly any slaves in these two States, and then the legislature will do well, for form's sake, to abolish slavery. The same thing will eventually take place in all the present and future States, and the Union will finally get rid of this domestic plague.

It is more difficult to know how we shall manage with the free negroes; it is, meanwhile, very clear, that they would cease to be dangerous, if they were not supported by those whose chief business it is to meddle with what does not concern them. General and universal philanthropy is, doubtless, a very fine thing; but it is not to it that we owe our liberty and our prosperity; it has never, that I know, made anybody the richer; it is our duty to apply ourselves assiduously to our own affairs, without regarding those of our neighbours. This is a political maxim which Washington has bequeathed to us, and which might be very usefully adopted by the various religious sects with which we are variegated.

## LETTER FIFTH.

ON RELIGION.—*Tranquillity of America contrasted with the general Agitation in Europe; Variety and number of Religious Sects in America, their Harmony; Rigid Practices of the First Settlers in New England; Unlimited Toleration first established by Penn; Arrangements respecting Church and Chapel Property, and the Payment of Ministers; Episcopalians; Presbyterians; Tenets of the Methodists and Baptists; Description of a Methodist Camp Meeting; Equivocal Tendency of these Meetings; Unitarianism extending in the United States; Dr. Channing; Presbyterians; their character, tenets, zeal, and activity; Education for the Pulpit, mode of providing for numerous Preachers; Foreign Missions; Itineracy within the Union; Effects produced by the Preachers in the first instance, and subsequent reaction; Societies, a Female one to provide Wives for the Missionaries; names of others; Great Expense of the American Clergy, voluntary on the part of the People; Splendour of their Buildings for Religious Societies; Religion, though diffused, on the decline in the United States; Unitarianism on the increase; Mr. R.*

*Owen, the Harmonists, Miss Wright, their exertions, and opinions; Mr. Owen's incomplete success in America; his Public Discussion with Mr. Campbell; his Visit constitutes an Epoch; Silent spread of Scepticism.*

*London; March, 1831.*

WHILE a death-struggle is waging in Europe between those who would maintain institutions, the offspring of ages of barbarism, and those who would raise them to a level with modern enlightenment; while in every civilized part of the globe, a more or less considerable portion of every nation is agitated with a desire for a state of liberty, which they do not know, and which they seek more from instinct than calculation, marching towards that great end by fallacious paths, which only lead them further from it; it is curious to observe the tranquillity which prevails in the United States, the only country in the world in which the principles of liberty are established without mixture or opposition. It is a government something similar to this which is now called for by the wishes of all the nations of Europe; but owing to their ignorance of the object of their desires, their efforts are almost always ill directed. These reflections are sug-



gested to me by the popular tumults which have lately taken place in France, during which the people amused themselves by pulling down crosses from churches; and by the law which assimilates the rabbins to the catholic priests and protestant ministers, in making them pensioners of the State. It is not for me to criticise or to approve what has been done in France; I shall content myself with giving you a sketch of the state of religion in the United States, where it exists free and independent of the government without being at all in each other's way. You will easily gather, from what I am about to tell you, my own opinions on this subject.

Do not suppose however that I am going to undertake an exposition of all the dogmas of the thousand and one sects which divide the people of the United States. Merely to enumerate them would be impossible, for they change every day, appear, disappear, unite, separate, and evince nothing stable but their instability. From the pure doctrines of Unitarianism to the gross absurdities of Methodism, all shades may be found here, and every opinion has its partisans, who live in perfect harmony together. Among this variety of religions, everybody may indulge his inclination, change it whenever he pleases, or remain neuter, and follow

none. Yet, with all this liberty, there is no country in which the people are so religious as in the United States; to the eyes of a foreigner they even appear to be too much so; but that is only apparent, as I shall explain to you.

When the States of New England were first peopled by persons banished from the mother-country on account of religion, they established among themselves a species of theocratic government. Although the persecutions they had suffered ought to have taught them tolerance, they began to persecute with all their might Quakers, Catholics, and witches. They had digested a code of laws called, I know not why, "blue laws," which established a variety of ridiculous practices as an integral part of good morals. The Sunday was to be observed in the most rigorous manner; on that day people were not permitted either to travel or to walk in the streets, (except to and from church,) nor to cook, nor even to kiss their wives. A particular cut was prescribed for the hair, and certain dishes allowed only at particular times of the year. A thirty-sixth of the public lands were set apart in each town to endow a school and a church, of any denomination whatever, provided it were Protestant. In the States colonized by government, such as Virginia

and South Carolina, the Church of England was established as in the mother-country, and so it remained until the revolution. The Catholics, banished from England, founded Maryland, and then introduced intolerance. Louisiana and the Floridas, settled by French and Spaniards, had churches and convents richly endowed. It was reserved to the great Penn to be the first to establish unlimited toleration in the colony of Pennsylvania. This system was gradually followed by the other colonies, and is now the law in all the States. On the adoption of the constitution of the United States, the principle of general toleration was not only adopted as part of the federal compact, but Congress was even interdicted from legislating upon religion. In all the States, the churches and their property, if they have any, belongs not to the ministers, but to the congregations. Thus, when a new city is founded, a lot is put aside for the first congregation which may demand it; trustees are appointed, to whom and to their successors in office the lands are given or sold for the use of such or such congregation. From that moment the corporation is formed, and becomes a person empowered to *bargain and sell, to sue and be sued*, according to the conditions prescribed by the

charter of incorporation. This body corporate collects gifts, borrows money, builds a church, sells part of the pews, lets others, sells or lets choice places in the churchyard, &c.; and when all this is done, elects a pastor, pays him, keeps him, dismisses him, changes him, as it pleases. Sometimes a minister has a fixed salary only, sometimes only fees, besides the use of a house or the rent of the pews. In short, each congregation makes its agreement with its pastor, as it chooses. Many of these congregations are very rich, many are poor, or, wasting their means, become bankrupt, in which case, their church is sold by auction, like any other property. It often happens that a preacher is thought to preach some doctrine ill-sounding to pious ears. The bishop or the consistory excommunicate him; in which case, the congregation either changes its religion and keeps its pastor, or changes its pastor and keeps its religion. It generally happens, that the excommunicated pastor, with a minority of the congregation, form a new sect; then a new corporation is formed, and a new church built or bought. The sect takes, and other churches of the same denomination are established; or it dies with its founder, and the congregation either again changes its religion, or is divided, or remains

without a pastor; which last, however, is not very common.

The sects most spread in the United States are the Episcopalians, or Church of England, and the Presbyterians. In fact, almost all the rest may be reduced to these. Each State forms a diocese. In some, there is a fund belonging in common to all the episcopal congregations, to provide for the expenses of a bishop, a cathedral, and a seminary; in others, each congregation contributes a certain portion of its revenue for those purposes. An episcopal convention composed of a certain number of lay deputies from each congregation, and a certain number of the clergy, elects the bishop, pays him, and directs, in concert with him, all the spiritual concerns of the church in the State. Deputies from the State conventions unite, from time to time, in a general convention of the Protestant episcopal church in America.

The Presbyterians do the same thing, except that not having bishops, it is in the conventions that their supreme spiritual power resides. The same is the case with all the other sects who are numerous enough to follow the example. In short it is the doctrine of the sovereignty of the people which governs the Church as well as the State. Each congregation says to his

pastor, we will give you so much to preach such doctrines. When a congregation differs in doctrine with the convention, it must either give in, or make a schism, and that, as you may easily suppose, happens every day.

For the rest, all these congregations, conventions, &c. are only recognized by the law as corporations, having the faculty of buying, selling, sueing and being sued at law, in the same manner as other corporations whose object is charity, public works, or commercial speculations. Masonic lodges and chapters are incorporated in the same manner, as well as museums, picture galleries, and learned societies. The privileges of the clergy are limited to being exempt from militia duty, and from serving on the jury, the same as postmasters, schoolmasters, doctors, &c. In some States also they are exempt from paying tolls at bridges and gates, when travelling for religious purposes; in some others, they are ineligible to all public employments. But these privileges and these disqualifications apply equally to the ministers of all religions, provided they are recognized as such by a congregation, and do not continue if they quit the church. Everybody, indeed, who has the desire, may preach if he can find auditors, (a matter of no difficulty;) and from that moment he becomes

a clergyman. This takes place particularly with the Methodists and Baptists, the two most numerous sects in the United States, particularly in the south. They believe in predestination and efficient grace; they think that, as soon as a man has felt the grace, has been converted, and has been assured by the inward possession of the Holy Ghost of his election, that from that moment he can sin no more, but that it is the devil who sins in him. The Methodists are certainly the most extraordinary as well as the most characteristic, and the most spread of all the sects in the United States. They have bishops, congregations, churches, like other sects; but besides these they have meetings of those who are converted, or, to use their own expressions, 'of the saints,' at which everybody preaches, speaks, and sings. Where they have not regular churches, they have elders who exhort, and all the country is divided into circuits, each of which has a circuit-rider, whose business it is to visit all the churches, congregations, meetings, and families, in his district or circuit, and to cherish fanaticism everywhere.

Once or twice a year, in each district, is held what is called a camp meeting; for this purpose, a suitable place is selected in the woods, generally near a brook or a spring; a

large circular space is there cleared out, under the old shade of the giant trees of the forest; split logs serve for seats; a sort of rostrum or pulpit is erected, capable of containing a dozen preachers together. The most remarkable place, however, is the "pen," the *sanctum sanctorum*. It is a place of about twelve yards square, enclosed like a sheep-pen, and filled, to the height of about a foot, with clean straw. All the religious families of the neighbourhood come or send, beforehand, to build themselves a tent outside the cleared place; so that towards the appointed time of meeting, the forest assumes the appearance of a little village of rural huts, and greatly resembles the cantonment of a regiment of cavalry, except that it is not so regular. On the day appointed, generally a Sunday, families arrive in crowds, on horseback, in coaches, and in carts, bringing with them beds, furniture, and kitchen utensils; each family installs itself in its hut, as if for a stay of some months. All the methodist preachers, exhorters, elders, circuit-riders, &c. take care to be present, from a hundred miles round. The bishop, or the local preacher, or the circuit-rider, according to circumstances, commences the ceremony, by giving out a psalm, which is sung by the people; afterwards comes a prayer, then a ser-



mon, or two, or three, according to the inspiration of the preachers who fill the pulpit. The service continues in this manner almost without any interruption, for five or six days. I do not mean to say that everybody remains to listen or to preach all that time; on the contrary, everybody does as he pleases. The rich provide very good dinners in their cabins, and invite the preachers and the poor. This is a place chosen by the young people of both sexes to court and arrange marriages. Indeed, nothing can be more poetical than to wander in the shade of the forest, by moonlight, hearing from afar the singing of hymns, or the fervid eloquence of the inspired, with a young girl, all whose senses are agitated, and the reason staggered, by this clutter, whilst her mother believes her to be engaged in prayer. Piety in the heart of women has a soft influence which disposes them to love, and it cannot be a matter of surprise if, in these nocturnal walks, prayers are directed to others than the Lord, and other rewards obtained than those of the Spirit.

Indeed, a camp meeting is an excellent place for all sorts of business. It is a point of union for all the loungers and young people; for those who have bargains to make or to conclude, and for the candidates who mean to "electioneer," (a word which you have not in French,

but which you will be obliged to adopt whenever you have a government really free :) every one minds his business, sleeps, eats, makes love, cheapens a horse, depreciates or exalts a candidate. The holy place is deserted; silence for the first time reigns around the pulpit; the full moon, though in her mid career, is veiled by a passing cloud, and everything seems to invite to repose and to a suspension of the labours of the day; when—a preacher who has remained alone kneeling within the pulpit, rises up slowly; inspiration begins to visit him; he begins a hymn, at first with a very feeble voice, but which, *crescendo* by degrees, soon attains the melody of Stentor. Some pious souls retake their places upon the seats, other preachers join him, and curiosity soon reproduces an auditory. An enthusiastic and pathetic prayer follows: he engages the saints to pray for the conversion of the poor sinners who are in the midst of them; he represents to them the greatness of God's mercy, and the pains of hell; he exhorts them to lay aside false shame, and make a clear breast before their brethren. Five or six persons rise up, and advance slowly towards the *sanctum sanctorum*. At the sight of so many converts, the possessed saint becomes doubly heated: he

deputes two saints to pray with each of them. The new convert, kneeling upon the straw, sighs, accuses himself, sobs, and cries; whilst on each side a saint, kneeling beside him, vociferates in his ear a description, after his manner, of the glory of God, and the wickedness of Satan. These eighteen or twenty persons, men and women, in the pen, make a clutter that may be heard for some miles; everybody bawls, sings, prays, cries, preaches, together..... The owls, attracted by the odour of the kitchens, answer them from the tops of the trees, and fly away from this noise, which they cannot emulate. A young girl in the meantime had wandered in the woods longer with her lover than she supposed; time passes swiftly in the company of a beloved object, perhaps for the first time, and in the spring of life, dreaming of ages of happiness in a cherished union, tasting perhaps its reality in passionate declarations; . . . suddenly she is recalled to her senses by this clutter, her spirits still agitated, her soul in a strange state of emotion, her nerves stunned and shaken. She approaches, is troubled, fright seizes her; at first she believes herself damned—then converted—she enters within the sacred inclosure, there she is soon stunned and seized with hysteric con-

vulsions; she cries out, weeps, sobs, rolls herself on the straw in a frightful delirium. The assistants, the preachers and the saints, redouble their vociferations, the people cry Amen! The clutter and tumult increase: a conversion so sincere, so exemplary, must not be hidden by the shades of night; torches of pitch-pine, gathered from the neighbourhood, are soon brought, and cast a vivid light upon this scene of horror. The mother, the sisters, of the young girl run thither on hearing the noise, but instead of helping her, admire the mercy of God, who is pleased to call her among his saints. They join their voices to those of the people, and do not convey her into their cabin until she has become quite insensible. The following day she believes herself to be a saint, and no more subject to sin, whatever she may do. Further, she will give her experience, as it is called, for the edification of the community, and relates in public by what winding paths the Lord has been pleased to conduct her to himself, and exhorts others to follow her example. And such is the power of imitation on the nerves, that it rarely happens that a conversion of this sort takes place without some other persons falling into hysterics also. Frequently, twenty persons, of every age, sex, and colour, roll them-

selves together pell-mell upon the straw, with haggard eyes and foaming mouths, in the midst of the saints, who pray, sing, sob, and cry with joy, to see so signal a triumph obtained over Satan. Methodism equalizes everything, so that you may see an old negress preaching to her master, a negro praying by his young mistress. You think I am joking, that I am speaking to you of the farces of Saint Medard, which made so much noise in the time of Voltaire; but what will you say when you know that, among a people eminently reasonable, this sect is the most diffused, and reckons three times as many members as any other? It augments every day, and will, probably, in a few years, be the only religion among the ignorant classes of the people.

Unitarianism, on the other hand, is likely to become the predominant sect among enlightened persons. Although its followers are not yet very numerous, it, nevertheless, makes rapid progress. Nothing can be more simple than their doctrines. They do not believe in the Holy Spirit, nor consider Jesus Christ but as an inspired man, created to serve as a model to the world. They do not believe in the eternity of future punishments, and they deny the inspiration of the Old Testament. Their worship is pure,

elegant, and free from every species of ceremony or superstition; they address themselves solely to the reason, both in the judiciously selected hymns they sing, and in their sermons, which latter are in general moral discourses of considerable literary merit. They have at their head, at the present time, a man of the rarest merit, and of exemplary virtue, a genuine Plato—Dr. Channing: nothing can surpass his eloquence, or the purity of morals and doctrine which distinguish his preaching. The liberality of this sect draws upon them the enmity of all the rest, but particularly of the Presbyterians, who reproach them with being nothing but ill-disguised Deists, and with blaspheming the name of Christ every time they invoke it. Others deem the first reproach well-founded, and that they do not go far enough.

Of all the sects in the United States the most formidable is that of the Presbyterians. Its bilious children, austere disciples of the gloomy Calvin, have inherited all his gall and venom, and do not scruple to invest the Divinity with their spirit of vengeance and Satanic wickedness. According to their doctrine, all men, without distinction, have been created to be damned, and deserve it richly for having committed the crime of being born. God,

however, by a return of clemency, sent his Son to suffer for a part of the future race, and allows his merits to be applied to a small number of predestinated beings. Those, then, who are comprised in that number will be saved; the others, whatever may be their merits, will be damned, for good works cannot of themselves cancel original sin, and Jesus Christ does not apply the merits of his atonement but to whomsoever he pleases. Some of them go so far as to preach that good works are opposed to salvation, because they inspire a false confidence! Pretty religion, indeed! as well worship the devil at once, as a god of their fashion. This sect, which was and is still the predominant religion of Scotland, where the inimitable Sir Walter Scott has shewn it under its true colours and in his most forcible manner, is very numerous in the United States. Whether it be real belief, or whether it be hypocrisy, this sect shows more zeal for conversion than all the others put together. If it had been let alone, it would soon have brought us back to the time of the "blue laws." They are, it is true, divided into a thousand different sects in respect to doctrine, for few of their preachers go so far as I have just said; but in spite of that, they are all united by their discipline, and present a solid phalanx to those without, what-

ever disunion there may be among themselves. It is principally they who send out missionaries to preach everywhere, who publish tracts, and who found societies of a thousand different sorts.

In the United States, competition is the grand maxim of the public mind, and this distinctive feature is perceptible in everything,—in the government, in private enterprises, and in the church. Many young people receive an entirely literary education in the thousand and one colleges of the Union; those who have wherewith to live independent, or sufficient means to enter into a profession without depending absolutely upon it, can do very well; but there are many of them, the sons of poor husbandmen or mechanics, who have nothing, and yet cannot quit the Muses for the plough or the plane. This is particularly the case in New England, where everybody is well-educated. The most enterprising become lawyers or doctors, and, finding the ground near them pre-occupied, go and establish themselves on the frontiers. Many become schoolmasters; and, indeed, in all the Union, there is not a schoolmaster who does not come from these States. The more idle become preachers. This road never leads to equal emolument with the two



first, but it is more sure, and produces something from the first, whilst in them some reputation must be obtained before a man can make wherewith to live. If the young preacher possesses talent, he enters into disputes with the elders upon some obscure point of doctrine; he is excommunicated, raises a cry of persecution of the saints, founds a new sect, and his fortune is made. He may, however, fail in this attempt, and the surest step is to enrol himself quietly among the Presbyterian clergy. But how, with a limited number of good congregations which pay well, and which the old naturally desire to keep to themselves, how provide for this innumerable quantity of juvenile preachers? Herein priestly ingenuity displays itself.

First of all, missions must be sent to all the heathen nations. There are some of them in the two Indies, but particularly in the islands of the Pacific, in which the American priests have created for themselves a little Paraguay in the Sandwich Islands, where too they have done much harm by stopping the only trade for which the inhabitants of the country felt an inclination. Some of them may be found also among our Indians, whom they pretend to civilize, and to whom they do great injury, by encouraging them to oppose government, for fear

of losing their stations, which are excellent and very productive farms. Moreover, some of them are sent wherever, throughout the United States, there may not be a church of their denomination regularly established. They travel on horseback, stopping at the houses of the devout, where they and their horses are well taken care of, for which they make payment in prayers and sermons. They correspond with directing committees, raise subscriptions for building chapels, which perhaps will never exist, preach everywhere, convert, intrigue, sow dissension in families, and when they have made some impression upon a few dozen persons in a village, celebrate what they call a "revival of faith." To this end, five or six preachers at least unite and pray, sing and preach all day long for many following days. Enthusiasm seizes the minds of the people, particularly of the women; they fast, they make collections for building or repairing the church, or for some other pious object. They distribute bibles, tracts, and religious periodicals, organize some religious society, appoint a lay-committee to go from door to door to gather information as to the spiritual condition of families, and exhort them to go to church, and avail themselves of the present moment, while the door of mercy is open to re-

ceive them into the communion of saints. These gentlemen are indifferently received by people of a decided opinion; but timid people, who at first keep out of sight, are afterwards not proof against their persuasions, and thus swell the list of conversions despatched to head-quarters. The apparent effect of these "revivals" is to place a handsome new Bible in every house in the district, to displace a certain sum of money from the pockets of the citizens, in order to put it you may easily imagine where, to put a stop to enjoyment, break the violins and flutes, cause the dancing-master to emigrate, lengthen by a foot the faces of the inhabitants, and turn their complexions yellow. These effects, however, do not last long, for the ladies soon discover that metamorphoses of this sort do not improve their chances of getting husbands; and when the young preachers so holy and so eloquent, who displayed such fine teeth and a frill so well plaited, are gone away without making choice of any of the belles of the place, and are moreover replaced by a brigade of topographical engineers, come to make the plan of a canal, men who wear smart uniforms, swear, drink mint-julap, do not go to church, but love to dance,—gaity returns, and, to ensure their being captivated, faith disappears, faces become round

again, and the complexions of the fair recover the roses which belong to them.

Marriage is indeed a profitable speculation for young preachers; if they are handsome young men, dress well, have in however small a degree the gift of speaking, they appear with much advantage from the pulpit; and if the father of some rich young person is ever so little devoutly disposed, it depends upon him to secure to himself the benefit of spiritual advice, on the same conditions as the *malade imaginaire*, in Moliere, wishes to secure that of medicine. In general, however, if he is young, the preacher who marries a rich person throws off the gown and becomes a farmer or a merchant.

Pious souls have so much care for the comforts of the preachers, that there really exists in New England (at Newhaven, I believe,) a society of ladies whose object it is to provide wives for the missionaries destined to remote countries. If they have cast their eyes on some one, they take upon themselves the negotiation; but, independently of that, they have always ready a store of disposable beauties, pious girls, receiving a salary from the society on condition of being always ready to wed the first comer, and follow and assist him everywhere in his apostolic duty. Whenever the Foreign and

Home Missionary Society has determined to establish a new station, whether in Cochin China, the Islands of the Pacific, or in the western deserts, it fixes a salary for that duty, and makes choice of a young man to fill the post. He forthwith gives official information to the female society who find him a wife; they are married frequently without having seen each other before, and pass from the altar to the ship, which may be going half round the globe, before they have recovered from their astonishment at finding themselves together.

The great number of religious societies existing in the United States is truly surprising: there are some of them for every thing; for instance, societies to distribute the Bible, to distribute tracts, to encourage religious journals, to convert, civilize, educate the savages; to marry the preachers, to take care of their widows and orphans; to preach, extend, purify, preserve, reform the faith; to build chapels, endow congregations, support seminaries, catechise and convert sailors, negroes, and loose women; to secure the observance of Sunday, and prevent blasphemy, by prosecuting the violators; to establish Sunday schools, where young ladies teach reading and the catechism to little rogues, male and female; to prevent drunkenness, &c.

This last society in particular is very singular, and very much extended. The members engage never to drink any distilled liquor, nor to permit its use in their families; but nothing hinders them from drinking wine. In that they mistake the Creator for a bad chemist. The number of these societies is always increasing by hundreds, because there is forthwith one at least of each sort in each State, and for each sect or denomination. Thus there are Protestant-episcopal, Methodist-episcopal, Methodist, Presbyterian, Baptist, Evangelical, &c., Tract Societies for the State of New York, New Jersey, Pennsylvania, &c. &c. There is no end to them. Of course, whatever may be the object of the society, there must be at least a secretary and a treasurer, an office, office charges, printing, postage, clerks, and all the appointments of a public office, all which are filled by preachers, and more or less remunerated. This explains a little how it is that the vineyard of the Lord is so flourishing; it is by these means that immense sums are extracted from the pockets of the people. There is certainly no clergy so costly to the people as the American clergy; but it is only fair to add that these contributions are strictly voluntary, and I, for instance, have

no right to complain, for no preacher ever received a cent from me.

But that you may see their proceedings in all their lustre, transport yourself to the end of Nassau Street, in New York; there you will see a magnificent building, with white marble steps and front: it belongs to a Bible Society, as the gold letters above indicate. Go in: a long corridor gives access to numerous rooms with mahogany doors; read the inscriptions on these doors: "office of such or such society;" "office of the Reverend Mr. Such-a-one, treasurer or secretary of such or such society." Proceed further, you will find a great bloated reverend gentleman perched upon a three-foot stool before a desk, busy in posting his ledger; around him some junior reverends assist him in his labour. You are, to all intents and purposes, in a counting-house. I know it, because I have had drafts upon these gentlemen; and all the difference I have found between them and a banker has been, that they always invited me to give up the change to them, for the purposes of the society.

A young man, therefore, who enters into the church, always finds his place, and the means of making, if not a fortune, at least of drawing from thence a pleasant existence amidst abun-

dance. If he be good-looking, he marries; if a man of talent, he preaches, becomes the head of a sect, and writes; if he have an aptitude for business, he invents some new society, takes upon himself the direction of its affairs, and look about you as sharply as you please, you will be cheated.

You will ask me, probably, after reading this, if religion, supported by such means, and disposing of such capitals, does not make great progress, and if it does not bid fair soon to penetrate everything? On the contrary; with difficulty does it keep its footing: it is like a ship sailing against the tide, which seems to make much way if we look at the water, and remains stationary in respect to the shore; in the same way is the church carried away by the great current of opinions, literature, and modern philosophy, which nothing can resist. This, above all, is the great opposing power, and which will certainly end by overthrowing the Christian religion; perhaps even this overthrow, considered as that of a complete system, is more advanced in the United States than is generally believed. But, besides that, other causes conspire to the same effect; the rising influence of the Unitarian sect is, perhaps, one of the most powerful. Pure theists, enlightened and virtuous



philosophers, they do not, it is true, openly attack superstition, but they take away the support of their names, which is much. Boston, for instance, was the centre of bigotry; it is become that of this philosophic sect, and the chief seat of letters. Every distinguished man in that city, whether in politics or literature, is an Unitarian. The University of Cambridge, which is near by, is the head quarters of the sect, and it spreads from one end of the Union to the other. But, in addition to this, there are other philosophic sects which make a direct war on religion.

In this free country every one may entertain what opinion he pleases, publish it, and even live according to it, provided he does not offend against the civil law of the country. Accordingly, the United States have been the refuge of almost every visionary. It is from this cause that the Moravian brethren, the shaking Quakers, the Harmonists, Mr. R. Owen, and Miss Wright, have transplanted themselves here, and made it their home. I shall pass over the three first species of monomaniacs who have neither increased nor decreased since their foundation, about whom nobody troubles himself, and who exercise no influence upon the spirit of the age; but the two last merit more attention. Mr. Owen, you are aware, was the pro-

prietor of New Lanark, in Scotland, where he established a community of cotton-spinners: these people lived in common, their children were educated and well clothed, and, in the intervals of their labour, which, though shorter than in other factories, was more productive, they were occupied with literature and the arts: so judicious were the arrangements. Hence the idea struck him, that the existing state of society might be improved, so as to destroy entirely all the causes of moral and even of physical evil. To this end nothing was necessary but to live in common, according to the plan which he proposed. Possessed of an immense fortune, followed by some ardent disciples, himself extremely enthusiastic and very sincere, endowed with considerable aptitude for business, the art of persuasion, and invincible patience, he came to the United States to try to establish there his co-operative towns. His doctrine is undisguised materialism and atheism: he denies the existence of all morality, acknowledges no other object of existence than happiness, and regards everything a good which conduces to that end: he refers to physical order all the phenomena of moral order: he does not deny the existence of crime, but attributes it to the obstacles which existing society opposes to the

happiness of the majority, and thinks, by overturning these obstacles, to destroy them entirely. There can be no doubt that, if everybody was happy, there would be no crimes; but happiness is not equally distributed, a position on the truth of which Mr. Owen, in great part, rests his system. He pretends that every one has talents for a particular thing, of which he ought not to be vain, since it is the result of his organization; that all arts, trades, professions, are therefore equal in dignity; that all labour, therefore, should be equally remunerated; that if, in his corporative towns, every one worked six or eight hours a day, according as each was disposed, abundance would be the result, and all the enjoyments of luxury and the arts, and even an increase of capital, to be employed in the education of the next generation, who, born in the midst of abundance and happiness, educated without any of our prejudices, far removed from vice and want, ignorant even of their names, cannot fail to make immense strides in the sciences and arts conducive to happiness. But keep in mind, that there exists no curb to the unlimited liberty which this system allows. Marriage does not exist; everybody enters into and dissolves connexions at pleasure; the children are brought up at the common expense.

It is true, that far from encouraging libertinism, Mr. Owen pretends that man, being naturally inclined to monogamy, he will choose for himself a companion, and hold to his choice more faithfully than if he was constrained by laws. This is very probable. Dreaming, then, of the transformation of the earth into an universal Arcadia, of men and women into innocent beings, enjoying uninterrupted happiness superior to any thing we can conceive of in our present corrupt state,—announcing the destruction of the institutions of the country before the term of two years, and preaching Atheism, this honest enthusiast traversed the country, and finally bought very considerable property in the west. He previously lectured everywhere, even before Congress, and gained many partisans among the literary class, or rather, some young naturalists and medical students declared themselves his disciples. He set off with them to the back woods, there established a community, expended a great deal of money, and, after a time, returned. But Philadelphia was not yet deserted, the institutions of old society still remained; in a word, he had entirely missed his aim. He then returned to England, where he now is, declaring that America is, of all countries, the most corrupted and the least capa-

ble of receiving his doctrines. The society he founded exists, however, and even publishes a newspaper. His disciples, in adopting his theory up to a certain point, have abandoned the idea of his co-operative towns; the truth is, it was easier to find artists, doctors, and naturalists, than labourers, cooks, and sentimental shoe-blacks, well educated young men, who felt a natural taste for brushing clothes or mixing up in a mortar during part of the day, in order to pass the remainder in literary and philosophical conversations, devoting themselves, at the same time, to the pure and refined pleasures of sentimental love.

Owen then missed his aim; but he certainly constituted an epoch. His frank and polished, but irrevocable, manner of attacking revelation, produced a very great effect. He never takes offence, regarding a man who gives him a box on the ear in the same light as a tree which might fall upon his head: he tries to prevent it, but he does not vex himself about it. The clergy were all fairly stunned by his arrival, and dared not persecute him, for fear of increasing his influence. After some time, even a preacher, the Rev. Mr. Campbell, consented to enter into a public discussion with him in a church; it lasted several days, before a very

numerous auditory, and, on taking the show of hands, the minister had an immense majority. Notwithstanding this, the people are now accustomed to hear and read free discussion upon the foundations of their faith, and to reflect, without prejudice, upon these subjects. Thirty years ago, Thomas Paine was all but stoned for advocating doctrines which are now propagated by five or six papers in the United States. There is certainly an improvement.

These improvements would have been still much greater, if Mr. Owen's disciples had limited themselves to attacking old errors, without trying to engraft new ones, and without attempting to reform society. Miss Wright, a person of considerable mental power, has taken in hand the cause of women, so cruelly oppressed by the tyrannical masculine sex, and also those of the negroes and Indians. She adds, from time to time, some little diatribes against every species of social order, and runs about the Union preaching materialism and anarchy in the name of virtue and liberty.

Many other disciples of the same sect are established in the great towns, and try to produce a political convulsion by operating on the minds of the poor and working classes, and directing them against the rich and all social order

whatever. They preach Agrarian laws, the equal division of property, the universality of gratuitous classical education, and try by these means to increase their influence. They have already succeeded, even in the city of New York, to control one or two elections, but this infatuation can only be temporary. The people of the United States are too happy and too reasonable to let themselves be led away by a jugglery like this, a true atheistic St. Simonism. After all, these sects do much more good than harm, for, if they mislead some maniacs, they promote a collision of opinions, and thereby elicit truth and counter-balance the exertion of the clergy. The mass of the Athenian people were neither cynics, epicureans, nor peripatetics. These sects existed, and disputed among themselves; the people became enlightened, weighed their arguments, and doubted. It is to this point the people of the United States are tending. In another generation the nation will be no longer Christian, but it will not be Owenite. It will be wise, happy, and delivered from the yoke of the priests, which now weighs upon it.

It must be admitted, that looking at the physiognomy of the United States, its religion is the only feature which disgusts a foreigner. A Sunday, particularly in the north and east, is a

day of gloom, and well calculated to make one regret other countries, even Austria, to an exile. The Israelites in the desert longed for the flesh-pots of Egypt. On that day there is no theatre, no visiting; the shops are shut, the streets deserted, the communications interrupted. The post-office of the United States is barely permitted to send despatches, and this, thanks to the southern representatives. People go out only to go to church. Every body wears a sullen and taciturn air. Families have no cooking on that day; they live on the leavings of the day before. The women assemble in a circle, each with a Bible in hand, which she makes believe to read while yawning. The men do the like, or under that pretext shut themselves up in their closet and look into their private business, sure of not being interrupted on the sabbath, as it is called. But, who do they mean to deceive? I often said to myself, when looking on similar scenes, and knowing the individual opinions of the different members. The fact is that nobody is deceived, although there is a desire to deceive every body. Every body knows very well the degree of sincerity there is in the religion of his neighbour, but nobody likes to be the first to take off the mask. The master is there, every body is a candidate



for his favour in a country in which public opinion reigns without mixture. He must be flattered, and the flatterers deceive themselves as to his opinions. The notion generally entertained of the strength of religious prejudices is much exaggerated, and the time is not far distant which will terminate the influence of the clergy and the forced hypocrisy which it produces, and show that those who willingly submit to it, constitute a very feeble minority. The sceptical party has only to know its strength, to shake off entirely the yoke of superstition, and for some time it has been making immense progress towards that object. The influence of the clergy, moreover, is merely apparent; it is absolute, certainly, upon matters of form, but at bottom nobody cares for it. Even formerly it was not strong enough to hinder the election of Mr. Jefferson, who denied publicly all belief in the Bible. Now it could do still less: in fifty years it will be able to do nothing.

Note.—We suspect considerable exaggeration and some mistakes in the statements of the author throughout this chapter, particularly in regard to the Presbyterians and Mr. Owen's disciples.—Tr.

## LETTER SIXTH.

ON THE ADMINISTRATION OF JUSTICE. *The author's entrance into the profession of the Law, its agreeableness; general view of American law, its origin; the sovereignty of the people; constitution of the United States,—of the separate States; treaties with foreign powers; statute law; common law; different sorts of tribunals; the supreme court of the United States; inferior courts; jurisdictions of the several courts; different modes of proceeding; Chancery and Admiralty jurisdictions; district courts; Circuit courts; Writs, habeas corpus, mandamus, quo warranto; officers of the courts; the Judge, the Clerk, the Sheriff; Grand jury; Petty jury; witnesses; proceedings in court in criminal cases; in civil cases; in equity cases; conclusion.*

*Brussels; January 1832.*

MY life has been one of agitation. Placed by fate in many singular and contradictory positions, I have always been submissive to its decrees and curious to observe where the current on which I have been borne would carry me; and truly I have never had much cause to com-

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plain : on shores to which I have been carried, I hardly know how I have gathered many flowers, and, often, the region I have expected to find most barren has turned out the most fertile in agreeable sensations. I will give you an instance. Settled in a new country like that which I have described to you, some reverses of fortune rendered my financial position embarrassing. At the age of twenty-six I became a lawyer. One of my neighbours quitting practice, I purchased of him his professional library for a couple of oxen and a bill at long date; and thus provided I sat down to study law, during the dead season of winter, at the same time giving due attention to my plantation. I extricated myself from my difficulties. Moreover, where I looked for nothing but disagreeable and unprofitable toil, an employment directly opposite to my tastes, habits, and previous notions, I found a very engaging profession, one which I have since pursued with enthusiasm and never speak of but with delight. With us the lawyer is the first man in the State, the true aristocracy of the country; and besides the moral and political influence he enjoys, his life is a continual succession of interesting occupations in which he is at once an actor and a spectator. To me, indeed, nothing is comparable to the interior of a law-court. I could

pass my life in one with pleasure, even if doomed to be silent. Talk of the theatre! it is but a very feeble and awkward imitation of a court of justice. There, we have the thing itself. Tragedy, farce, melodrama, comedy, all are there, with the advantage too of much better actors, because they represent passions they really feel: I speak of interested parties and witnesses. It is necessary to have practised, to know the pleasure there is in pursuing an idea, in dislodging a law which seems to avoid you through twenty volumes; forcing it from one intrenchment to another. And when at last you hold it, after having verified a thousand citations, what a triumph! Is not this a much better thing than entrapping a red fox after a chase of twenty miles? You proceed to the hearing: how keenly you enjoy the surprise your discovery produces in the adverse party. He wishes to postpone the cause. You do not permit him, he must plead *instante*. The examination of witnesses begins. All are for him,—until you cross-examine them. I know nothing more amusing than to examine, before a good jury, a witness, half fool, half knave, and well tutored by the opposite party. What skill is necessary to make him contradict himself, and with what facility afterwards, do you demolish the edifice which your

adversary's reasoning has been building. The pleadings follow: the counsel is then an actor, and in his finest part; and if he acquit himself handsomely, whether he lose or gain the cause, he feels conscious of having done everything possible to do, and even his client, though a loser, concurs in the unanimous approbation of the assembly and the court. So that whatever may be the fate of the cause, it is always a means of triumph for the lawyer.

I can speak of this profession in no other manner than *con amore*, for the happiest hours of my life have been those which I have devoted to it, and I am now going to try, well or ill, to give you a sketch an imperfect one, no doubt, of the administration of justice in the United States. I shall endeavour to observe the best possible order, but I must apprise you beforehand that I have no books with me, and consequently cannot cite my authorities in due form. I shall also be obliged to make use of many technical words, because, owing to the difference of the laws, there are no corresponding terms in French, or I am unacquainted with them. I shall abstain from making any comparison between the American and French systems, because the latter is not so familiar to me, and because every one may do so.

Our government and institutions are an experiment. It is true that nearly two generations have passed away since the revolution to which the United States owe their existence, and that so far, if the progress we have in every way made be considered, it must be admitted that our attempt has not turned out amiss. But, as I have already had occasion to say, the principle of our government is wholly new, and very little known out of the country. It consists in the sovereignty of the law, and in the supremacy accorded to its ministers and interpreters: it becomes important, therefore, to examine into the origin of the law and its various kinds.

The people of the United States being sovereign, not only in theory and right, as elsewhere, but in practice, and by the written law of the country, have been pleased to give themselves a constitution and to confide to certain hands the exercise of its supreme power. As long then as the constitution exists, it is the law *paramount*, a supremacy to which everything must yield. The people have made it, the people alone can unmake or amend it; so far it is executive in all the courts of justice, and no law contrary to it can exist. Observe the great difference between England and the United States. In

England, according to the law of the country, the Parliament, composed of King, Lords, and Commons, is absolute, and knows no check to its authority. It can even reconstruct itself, as it has already done many times in history, and as it is now employed in doing. In the United States this power resides only in the people assembled in convention, or expressing their will in any other manner equally explicit.

All American law then is derived from the solemn declaration of independence made on the 4th of July, 1776, by the American congress. The nation then recognised itself free, independent, and sovereign, and until, by a new and equally solemn declaration, it gives itself a master, it is so in fact and in law.

As I have already stated, the present constitution of the United States was adopted by a convention in 1788; it has been already amended many times since, and, until it be changed, it remains our government. May it long continue to be so, and to protect our advancement! It is the sacred ark,—and woe to whoever touches it.

But besides the constitution of the United States, each State has its own; some older, some newer, than that of the United States. There are one or two of them even anterior to the revolution, and still bear the name of “char-

ters," being considered as granted by the proprietors or by the crown. When a territory attains a population of forty thousand souls, it is authorized by an Act of Congress to convoke a convention and to give itself a constitution; which constitution must be approved by Congress before the new State is admitted into the Union. I may add, that to make a constitution in the United States, where there are so many models before it, is not difficult. When the people of a State think they discover defects in the constitution, they do not revolt; there is no commotion; they simply try to get such persons elected members of the legislature as consent to summon a convention. The State of Virginia presents a remarkable instance. For a long time there were two parties opposed, one of which desired the overthrow of the constitution. What they found fault with was the fixing of an electoral rent-qualification, and the distribution of the representation, a measure which gave all the power and influence to the longest inhabited part of the State, whilst the more recent, although now the richest, was entirely sacrificed. Those who profited by the old constitution defended it; the others attacked it. Parties were nearly equal, and for many years all the elections turned upon this question. The legislature at last,



unwilling to pronounce on the question, ordained by a law, that at the next election every one should add to his vote the words "convention," or "no convention," and that the majority should decide. The innovators succeeded by a small majority. The convention was convoked and never, perhaps, sat an assembly so remarkable for its ability, virtue, and experience. All the distinguished men of the State were elected to be there, for every body is eligible to a convention, whatever office he may fill besides. Thus the members of Congress, the old presidents, the judges, as well of the United States as of the States, the officers of the federal army and navy,—all persons generally ineligible by their offices were there found together. After a very long and stormy session, they adopted a constitution which was submitted to the suffrage of the people, and passed also by a feeble majority; and it has now become the fundamental law of the State. This constitution extends the electoral right to every white man paying taxes, equalizes the representation and changes completely the organization of the tribunals. Was not this a better way of undertaking the reform of institutions than by cutting one another's throats for some years, to obtain after all only anarchy or despotism?

The constitution of the United States is above those of the States, so that if any one of these contained provisions contrary to that, it would be absolutely null. If, for example, a State convention adopted hereditary magistrates, or titles of nobility, such an article would be considered as of no force, and the courts of justice would refuse to act upon it. The constitution, therefore, both as respects the United States and each State, is the highest law, and that contrary to which no power can legislate.

Treaties with foreign powers are the second species of law in point of dignity. According to the constitution, they are the supreme law of the country, so that any law may be abrogated or amended by a treaty. This provision is very remarkable, for as treaties are negotiated by the executive power exclusively, and are ratified only by the president and senate, the constitution seems to give to these two powers the faculty of destroying of themselves Acts in which the house of representatives has also concurred. This provision is, however, a wise one; for if it become necessary, in order to make a treaty, that a law be modified, it is desirable to simplify as much as possible the means of doing so. Besides, as every financial measure must first be brought

before the house of representatives, it follows that any treaty which might have an influence upon the finances of the State, or might necessitate an expense in order to carry it into execution, could have no effect in this respect, but by an Act of the three powers, originating in the house of representatives. A compromise is thus effected between the two houses, as the senate does not ratify without being sure that the representatives will vote the supplies. Moreover, this question is still a little obscure, and, like many others, cannot be made clear but by judicial decisions.

The third species of law which prevails in the United States are the statutes, or written laws. These are Acts passed by the senate and house of representatives, and approved by the president. They are published as they are passed, and also at the end of each session. Of these laws there exist already many editions, with notes and references to the decisions of the courts, shewing their application. But this is only a small portion of the written law. In political or criminal matters, the laws of the United States in general suffice in the federal courts, (unless they decide by the *lex loci*, as I shall explain by and bye,) but in civil matters, and in the States, it is very different. First

of all, there is all the English written law, from the commencement, until the 4th of July, 1776; then the laws promulgated by the State from its commencement; in some States, such as Louisiana, Missouri, and Mississippi, the French and Spanish ordonnances have also their share of power. By the constitution of the United States, their laws are superior to those of the States in the very rare cases in which these two powers may have happened to legislate upon the same matter. But what complicates the matter more is that a statute must never be taken singly, but must be accounted as part, and being the complement of all the statutes *in pure materia*. A law, therefore, passed yesterday, repealing a law passed twenty years ago, revives, without intending it, a law of a century old, which latter may have been repealed merely by a clause in the law of twenty years ago. Between contradictory enactments, the last law has always the advantage, provided that the meaning be not obscure, in which case it must be interpreted by all which has been enacted upon the matter before, and above all by the decision of the courts. However, there are some general rules of explanation: for instance, every penal statute must be construed in favor of the accused; all fiscal statutes in

favor of the revenue; all civil statutes in the most equitable manner; but wherever the sense is clear, the statute must be construed literally: the maxim being *sic lex scripta est*.

We come at last to the fourth species of law; that truly which binds, enlivens, and harmonizes all the rest: I mean the common law, or law of custom. How shall I define it?—a gigantic incubus, extending from the remotest times down to our own days; an invisible being, which envelopes us like the air we breathe; it is the same, and yet constantly changing: it is a mysterious sybil, who has always a satisfactory answer for those who consult her; but an easy divinity, who allows its high priests to reconcile as they can its contradictory oracles, and changes its will according to their last decision. Its power covers, explains, modifies, everything; from the constitution to the gospel, everything submits to it: people, kings, and priests, nobles or plebeians, slaves or masters, all are equal before it. But if its might is irresistible, it is not tyrannical. It is always ready to listen to good advice, to profit by it, and to settle everything for the best.

How otherwise can I explain to you the existence of this law, which originated, if we are to believe legal writers, in the customs of the

ancient Britons; was modified by the laws and usages of the Anglo-Saxons; under the Normans, became mixed with the feudal doctrine; followed, step by step, the progress of enlightenment; and always exactly expressed the wants of the nation. Where shall I find it, that I may show it to you? It changes every day in every state. Sir William Blackstone, in his learned Commentaries, has taken it, as it were, on the wing, and made a portrait of it, which was no doubt very like it at the time; and in England people recognize it there still, although since his time it has been much altered and improved: meanwhile Blackstone continues an authority. This law consists in general and often contradictory maxims, overloaded with divisions, distinctions, decisions, which are still explained for fear they should be understood. On one side, for instance, my Lord Coke tells you, very gravely, that common sense is part and parcel of the law of England:—why have I not his book to quote to you?—but a little farther on he adds, that the Christian religion, as understood by the English church of his time, is also a portion of the same common law. Afterwards he tells you that the common law existed from time immemorial. He explains, finally, that the common sense of which he

speaks is not that of all the world, but a legal common sense,—moulded, probably, in the interior of the judges' wigs of his time.

But to what purpose do I hold up to you the apparent absurdities of the common law? I could heap up volumes of them. They would form but a very small spot on the beauty of the institutions which it has created. And, another thing, do these absurdities exist now? In England, perhaps, if I may believe Lord Brougham and Jeremy Bentham (a man of system, and too full of prepossessions to be lightly taken for a guide); but in America I can affirm that they have almost all disappeared. In England there exists a party who cling to the errors of times past; it is possible that, with the court, wigs, and gowns, it has preserved physical tortures, the "jury *de ventre inspiciendo*," the "wager of battle," and "the wager of law." I do not, however, believe it; but in America, where the past has no party, where all the nation presses forward into a glorious future of light and prosperity, they have all disappeared in practice; and it may be said emphatically, that common sense forms the chief part of the American common law.

The common law is of prior authority to any constitution, any written law, and even any tribunal,

for it is that which regulates the mode of proceeding in the legislative chambers, and even in conventions ; which indicates the manner of forming the statutes ; and, as soon as a tribunal is created, invests it instantly with all the powers necessary to its protection, regulates the forms of proceeding there, determines the extent of its jurisdiction, and the respective functions of its different officers. It is true that, from time to time, a statute comes blunderingly across its path ; but the great all absorbs it, harmonizes it, amalgamates it with the mass of legislation, comments on it, explains it, until the ground is forgotten, and nothing is known but the decisions to which it has given place. Is there one among a hundred English lawyers, or a thousand Americans, who have read the famous statutes of *Donis*, which regulate the possession of goods by mortmain and feudal tenures ; or the statute of frauds, which regulates reciprocal guarantees in personal matters ! every day, however, somebody cites them, or rather the incrustation of juridical decisions which cover them.

But you ask me, where then do you find, and where do you study your common law ? First of all in elementary books : that is to say, in the numerous treatises published upon the



whole law or its various parts, by eminent magistrates, who take care to cite the decisions of the courts, on which they rely. Every day there are new editions with explanatory notes, and such alterations as the law may have undergone since the previous edition. The last edition is, of course, the best. Secondly, in the reports of decisions in the superior courts; for each supreme court pays a reporter, whose duty it is to publish the decisions of the court, with the reasons which have guided it, and a succinct account of the cause. The infinite multiplication of these books of reports, both in England and the United States, have suggested the convenience of digests, setting forth, in alphabetical order, the subjects of all the decisions: they refer you to the most important or explicit cause of the sort, and abridge much labour and research.

When a doubtful question of law comes before an inferior court, it decides it by the decisions of the court of appeal to which it is subject, provided that court has already decided. In the contrary case, the court is guided by the decisions of the English courts, by those of the United States, or of the other States, and by the opinions of eminent juriconsults, as documentary information only, attaching to them

more or less weight according to the reputation of the judges who have put them forth. The court then decides, the judge, intrusted to deliver its opinion doing so at length in writing, and answering the arguments adduced by counsel. This opinion, which remains on the rolls of the court, becomes the law of that tribunal until it is reversed by a superior court. Any party thinking himself aggrieved by the opinion delivered may appeal from it to the proper quarter, and it is only when the supreme court of the United States, or of the State, has decided, that the law becomes fixed upon the matter. And, after all, as there are never two cases exactly alike, it is always easy for the superior court to discover some circumstance, sufficient to destroy the apparent analogy, and permit it to reform the first decision. This is what we of the trade call splitting a hair in four; which is not one of the least agreeable employments of the profession.

It is then chiefly in the courts that the law is to be acquired; the judges are its professors, their opinions the real lessons, as the pleadings of the counsel are the real theses. This is so true, that in England there exists no chair, no professorship for common law\*; those who are

\* It is true that, in 1758, Sir William Blackstone was appointed professor of a class of common law founded at the

intended for the bar being admitted into the studies of the practitioners, whom they attend to the courts, residing in their houses; submitting to an university discipline in buildings contiguous to the court of justice, called the inns of court, and receiving no other instruction than from the mouths of the judges, the real source and fountain of common law.

To understand perfectly the different sorts of courts which exist in the United States; it is necessary to consider them under different points of view, and first of all as to their origin. Now all the courts were created either by the constitution, or by a law of the constituted power, or they existed previously to any constitution and all laws, from time immemorial.

The first sort of courts are the key of the social arch; their duration is coeval with the constitution; they are one of the co-ordinate powers of the State, and above all laws of the legislature, which cannot change their privileges or give them new. The supreme court of the United

University of Oxford, by Mr. Viner. To this appointment we owe his excellent commentaries; but since his time, the chair of common law has become wholly a sinecure. A young man who is intended for the bar cannot learn enough at the university; and for other people, Blackstone is more than sufficient.

States is of this sort. Its composition and its jurisdiction being fixed by the constitution, cannot be altered; and, on more than one occasion, in which the Congress had thought proper, by a law, to confide to it additional functions, the court declared itself incompetent, and considered the law as nul and void. In almost all the States there exist courts of this kind, but you will not expect me to give you a detailed account of the legislation of the twenty-four States; they are, moreover, so much alike, that in describing to you those of the United States, and pointing out the more striking differences, you will be able to form a general idea of the whole.

In general, the constitution, after having established the supreme court, leaves it to the legislature to establish, distribute, and modify the inferior courts according to the interest of the moment. This is necessary in a country in which the progress of civilization is so rapid; for otherwise it would happen that vast and populous countries would be without tribunals, while there would be too many of them in the place by which colonization had commenced. The law which creates these courts, called statutory courts, is the condition of their existence, and regulates everything concerning them: it

belongs to themselves, however, to explain this law and apply it, always well understood under the superior sanction of the supreme court. All the courts of the United States, except the supreme court, and nearly all the state-courts, are of this kind ; and, for the most part, also, courts-martial, both military and naval, courts of chancery or equity, and corporation courts. Courts-martial originate in the regulations for the government of the army and navy, and correspond exactly with councils of war. Courts of equity do not exist in all the States: in some they are established by the constitution ; in others, their powers are confided to the ordinary judges. As to the corporation courts, they are granted by the legislature to the large towns, and are intrusted with the summary jurisdiction within the city, and to settle trifling civil actions which do not exceed a certain sum, which varies in each particular case. All these courts may be abolished, modified, and reconstructed, by the *fiat* of the legislature.

The courts existing from time immemorial, distinguished by the name of common-law courts, are like those which administer justice in England ; the origin of the King's Bench is lost in the darkness of time. I think, but am not however sure, that the court of Common

Pleas, which sets at Philadelphia, has existed likewise since the colonization of the country, without having been created by any law : it is, perhaps, the only court of record so situated in the United States ; but all justices of peace are so. These latter constitute the first step in the juridical hierarchy ; their existence is anterior to any constitution or law : their functions, both civil and criminal, as well as their jurisdiction, are determined by the common law : they are the same in England as in the United States. It is true, that their political or administrative functions vary, as well as the mode of their nomination, and the sum to which their civil jurisdiction extends. These different objects are defined by the constitution or the laws of each State. All justices of peace in the States belong in common to the United States, and exercise their functions in the federal courts ; they are the only magistrates who possess this double capacity.

Another aspect under which to consider the different courts is, with reference to their dignity : they are divided into courts of record and not of record ; the former are furnished with a register or record, which is supposed to report faithfully and uninterruptedly all that is said and done by or before the court from its com-

mencement. The truth of the record cannot be questioned or contradicted in any case; and I have seen a party put out of court because, by a mistake of the name, he had been described as dead upon the record. This is the absolute truth; any body may inspect the record by paying the registrar, and may take extracts under the seal of the court, which are valid, unless an error of the copyist be proved, or a diminution of record. All the civil and criminal courts are courts of record, and as such, possess, in virtue of the common law, the power of imprisonment and fine for any contempt which may be offered to them, whether directly or by disobeying their orders and decrees. Thus, as soon as a constitution or a law establishes a court, and says that it shall have a record, it gives to it, at the same time, a power clearly defined by the common law. Courts-martial, justices of peace, and some corporation courts, are not courts of record; every thing in them is supposed to be done orally, and they do not keep any register of their transactions. It is true, that justices of peace, in some States, are authorised to keep certain registers, but they do not possess the sacredness of the record, and are only considered as memorandums.

We come at last to the most important dis-

inction between the different courts, namely, their jurisdiction. I will endeavour to explain clearly the difference between the federal courts and the state courts, observing, that an exposition of the jurisdiction of the former may be received as applicable to the latter; for the state courts have full and entire jurisdiction in every thing which, by the constitution of the United States, has not been restricted to the federal courts. I shall consider, then, first of all, the civil, criminal, equity, and admiralty jurisdictions of the federal tribunals, according as it is given to them, in place, person, and matter, (*jurisdiction in loco, in persona, in subjecta materia.*) I shall analyze, afterwards, the federal system of the United States, and show of how many courts it is composed, and their original and appellate jurisdiction: I shall then do the like with the courts of some States.

To begin, then: the civil jurisdiction *in loco* of the federal courts extends over the district of Columbia, in which Washington is situated, over the lands in which this jurisdiction has been ceded to the United States by a special Act of a State, and over all the immense territory belonging to the Union, and comprised out of the limits of the States. In all these cases, the courts follow the *lex loci* or local jurispru-



dence. There is a little uncertainty as to whether the jurisdiction of the federal courts extends also, and up to what point, over the lands of the Indians, who are inclosed within the limits of the States.

Their civil jurisdiction, *in persona*, extends to any cause in which either the United States, or one of their officers as such, or a foreigner, are parties; to those between two foreigners or citizens of different States, and lastly, between a State and the citizen of another State. The courts are still, in these cases, obliged to conform to the local jurisprudence.

Their civil jurisdiction *in subjecta materia* embraces all cases to which the constitution of the United States, treaties with foreign powers, or the laws of the United States, give place: and in this case, it judges according to the constitution and laws of the United States; all suits on the part of the bank of the United States, for instance, is carried before these tribunals, because it is a federal institution, owing its existence to an Act of Congress. All disputes with the government of the United States, and about its revenue, belong equally to them.

In the United States, as in England, the criminal jurisdiction is confided to the same tribunals. There is no civil court and criminal

court district. Louisiana is the only State in which there is this distinction, and where there exists a tribunal of which the jurisdiction is purely criminal: all the other courts, as well state as federal, try, during the assizes, criminal and civil causes indiscriminately.

To bring a matter *in loco* within the criminal jurisdiction of the United States courts, it is necessary that the crime have been committed in the district of Columbia, or in places to which this jurisdiction has been ceded by a State; as is the case in the forts, arsenals, and dockyards, of the United States, or without the limits of the States, or lastly, in open sea: in all these cases, except the last, the court applies the penalty fixed by the local laws, in the last by the laws of the United States.

It is only in the cases of an ambassador or foreign consul that the criminal jurisdiction *in persona* belongs to the federal courts, and then they always try according to the local law.

Every action rendered criminal, or punished as such by the constitution, treaties, or laws of the United States, gives to their courts the criminal jurisdiction *in subjecta materia*; thus, therefore, rebellion against the United States, coining of false money, attempt on the safety of the post, &c. are crimes of which the cog-

nizance is reserved to the federal courts, in which they are treated according to the laws of the United States. Keep in mind, that the United States courts, being created by a law, have jurisdiction only in cases comprehended in that law; and that, as every penal statute must be construed in favor of the accused, unless a crime be very clearly foreseen by the laws,—any outrage whatever against “the peace and dignity of the United States,” (such is the technical phrase,)—they cannot punish it. The case would be different if they derived their power from the common law, because that has foreseen every thing.

Before stating in what cases the federal courts exercise a jurisdiction in equity, or chancery, (which is synonymous,) it is first necessary that I define what it is. Previous to the revival of letters, the priests were almost the only lettered persons: the church had almost exclusively profited by the discovery of the Pandects, and had incorporated them with the canon law. This law became, more or less, that of Europe, at the end of some centuries, except in England, where the feudal power of the barons, and the turbulent spirit of the commons, perseveringly resisted its introduction. From thence grew a continual struggle between the civil and criminal

tribunals, in which the common law was followed; and the ecclesiastical courts, which decided according to the common law. This ecclesiastical jurisdiction exists still in England in cases of divorce, testamentary proofs, &c.; but in the United States it belongs to the ordinary tribunals, except in South Carolina, and, perhaps, also in one or two States which have private lay-courts invested with this jurisdiction. The lay tribunals, however, resisted, with success, the encroachments of the ecclesiastical judges in England, and continually restricted their jurisdiction more and more; but, in the meantime, the English chancellors, who, in those remote times, were always bishops, performing at the same time the functions of almoners and keepers of the king's conscience, (titles which they still preserve,) claimed a discretionary power, which is descended to their lay successors in all cases in which the ordinary laws provide no remedy. They were considered to render justice, not according to fixed laws, but according to their conscience and natural equity: hence the distinction always made in England between law and equity. It may often happen that the law following previous decisions, and slow and certain forms, could not render perfect justice to parties, and might even decide unjustly;

in all such cases, recourse is had to the chancellor, and he provides a remedy: he has therefore the power, by particular writs, to suspend all suits in the courts of law, and even to suspend the execution of their decisions. He can never, however, take cognizance of a question of fact, but when it presents itself, he must send it before a jury in a court of law, which reports to him the verdict, and he then decides on viewing the whole. The chancellor proceeds alone, without a jury, upon written depositions, taken before commissioners: his power is considered wholly discretionary; but as the decisions of his predecessors are preserved in books of reports, he is obliged to conform to them, as well as to the received forms of his court. He does not give judgment, but grants orders or injunctions; and all contraventions are considered as contempts of court, and punished by fines and successive imprisonments, until they constrain the refractory parties to obedience. It would be difficult for me to make you comprehend this jurisdiction without giving you some examples: you should first of all be told that the court of Chancery is always open, day and night, while the courts of law are only open at certain periods of the year. If, for example, while I have an action pending before a court of law

against some one, he is disposed, before the time of trial, to evade the jurisdiction of the court, by quitting the country; upon my petition to the chancellor, he will issue a writ *de ne exeat*, prohibiting the person from going away, without satisfying him (the chancellor), in contradiction to me, that my interests shall not suffer by his absence; either by giving bail for his return in proper time, or for payment of the debt, in case of a verdict against him. If a dispute exists respecting the property of an estate, and the party in possession pulls down houses, cuts trees, or in any way whatever damages the property, the chancellor grants an injunction "to stay waste." So also he may, by an injunction "to stay proceedings," prohibit a party from bringing an action before some other has been tried; or even, in case of manifest fraud, prevent the bringing of an action without his permission; or cause the suspension of an arrest, in order to protect the rights of a third party. In all cases concerning trustees and minors the chancellor interferes, to see that justice is done according to the intention of the testator or founder of the trust. He may order the specific execution of a contract, explaining what the parties have equitably a right to exact of each other, &c. &c.

The United States have no chancellor. Some States have one; others have courts of chancery, with several degrees of appeal; others have none; but in this last case, the powers of chancery are confided to the ordinary judges; so that if, on one side, as judges of law, they take cognizance of an action, on the other, as judges of equity, they prevent parties and themselves from going on. This is the case with the federal courts; they can order the State courts, and those of the United States, in following the juridical hierarchy. From what I have said, it is easy to see that the equitable jurisdiction of the federal courts is coextensive with their civil jurisdiction, since it is, in fact, merely supplementary to it; and, like that, when it applies itself, *in loco* and *in persona*, it follows the local jurisprudence.

We now come to the admiralty jurisdiction, which belongs entirely to the federal courts: they decide according to the universal maritime law, and the laws of the United States pertaining to the matter; their manner of proceeding in all cases, *in personam*, is that of the common law, that is to say, by a jury, and the oral examination of witnesses; and in all cases *in rem* by the forms of civil law, that is, without jury and by written depositions. They are always,

however, obliged to conform themselves to the previous decisions of the courts which are superior to them in degree; so that even maritime law and equity are regulated by, and make part of, the common law.

No court can take the initiative in any matter except that of a flagrant insult to its dignity, so that every thing is unknown in a legal sense, until they are made cognizant of it by the required forms. The federal courts, therefore, never know what passes in the State courts, unless one of the parties come and put them in possession of the facts. But there exist many cases in which the jurisdiction of the federal courts and of the State courts is concurrent, for example, the civil jurisdiction *in persona*; for it is a privilege which the constitution affords to a foreigner to allow him to plead before the federal courts; and he may forego that privilege, by bringing his action before a State court, or not excepting to it as incompetent. The State court is not obliged to know him as a foreigner, but when once a case is before it, it is too late to object to its competency. Many of these conflicting jurisdictions, however, are not yet settled, nor will they be until they are severally brought under the consideration of the superior court of the United States.

All the territory of the United States covered



by the States, is divided into judiciary districts, in each of which sits a district court. It holds several sittings in the year, in different towns of the district, according to particular laws, which alter with the wants of the population ; and besides that, it is always open as a court of Chancery and Admiralty. It is before these courts that every matter must be first carried. There is but one judge to each district.

Several of these districts united form a circuit, which has a circuit court, composed of the judges of united districts, and presided over by a circuit judge. This court sits in the different towns within its province, and its jurisdiction is limited to hearing appeals from the district courts, upon which it decides definitively, if the sum in litigation do not exceed 5000 dollars. Like the other courts, it is considered always open to litigants in chancery and admiralty, before the circuit judge.

Lastly, the seven circuit judges unite at Washington, the first Monday in January of each year, and constitute the supreme court of the United States, the highest tribunal of the country. It is presided over by one of the circuit judges, who has the title of Chief-justice. This office is filled at present by the venerable John Marshall, one of the most profound jurists

and most upright and enlightened of men who have ever lived. It is perhaps to him and to his virtues that this court owes much of the consideration which it at present enjoys. The power of this court is immense; it decides in the last resort all doubtful points of the constitution, and refuses to execute the laws of Congress and of the States, when they are contrary. Hitherto it has fully justified the confidence reposed in it, and I regard it as the first authority in the United States, and as that which will preserve all the others in harmony as long as the constitution shall be the same. Its jurisdiction is purely appellate, except in criminal cases, against foreign ministers or consuls, in which it has an original jurisdiction.

The district of Columbia and the territory without the limits of the States, have particular and provisional courts until they become States themselves. The definitive appeal is always to the supreme court of the United States.

In all the States, except that of Georgia, a nearly similar system is followed; the number of degrees of appeal varies from two to three, but in all there is a supreme court, or even two where there exist separate equity courts; in all the inferior courts sit, in different places, several times a year, so as to bring justice to

the door of the litigants. Each State then possesses a legal unity, a tribunal which puts forth the decisions of the common law of that State, and expounds the laws of its legislature. But the State of Georgia has no less than eight,—the number of districts into which the State is divided. In each there is a judge, who is elected every three years by the people, and who holds, at different periods, in different quarters of his district, two sorts of courts, 'inferior,' and 'superior:' the first is a court of original jurisdiction, the second one of appeal, in which he is assisted by a special jury, (chosen by the parties in a particular manner,) so that the appeal of a cause is heard before the same judge, who is thus invested with the powers of chancery, and whose decisions in his district are definitive, for there exists no supreme court. There are then eight common laws in Georgia, and still they change every three years!! an absurd system which has not been long introduced, and cannot long continue among a nation so enlightened.

All these courts of record, as well as those of the United States, are intrusted to maintain and carry into execution the constitution and laws, and to prevent any encroachment. As I have already remarked, the court can never take the

initiative before the injured party has put it in possession of his complaint; but then the constitution and laws invest it with very extensive powers, according to the common law, for their defence. These are by-writs of *habeas corpus*, of *mandamus*, and of *quo warranto*.

By the first of these writs, the court directs any one who may be in possession of the person of another, to bring before the court, on such a day and hour, the body of such an one, or to state the reasons which prevent him from so doing. This writ is issued by the clerk, by order of a judge, not only at the instance of parties, but of the first applicant; it is always issued without any delay. The person to whom it is directed must produce the subject of the writ before the judge. No authority may resist the execution of this writ. If, therefore, any one is arbitrarily detained by any authority whatever, for instance, a young person shut up by her parents in order to force a marriage; a soldier by his officer, to constrain him to enlist; a sailor detained on board after his time of service has expired; an accused or criminal debtor in prison longer than the law authorizes; a negro arrested under pretext that he is a slave; a nun shut up in a convent, &c. &c. In all these cases, the wronged party, by him or her-

self, or an official defender, may demand this writ, and be brought before the judge who decides upon the cause of arrest or detention, and sets him or her at liberty if there be reason.

The court, however, upon a writ of *habeas corpus*, does not decide upon the merits of the cause of detention, but solely upon its legality. If, for instance, a writ of *habeas corpus* be addressed to a jailor, in order that he may produce a prisoner who complains of being illegally detained; and that he answer the writ by a copy of the commitment, showing that the detention is by order of a court having competent jurisdiction, that is sufficient; for the prisoner has other means of trying the grounds of his detention, namely, by writ of error or bill of exception; but if he be detained by order of the executive power, or of a military officer, or in any other illegal manner, the court causes him immediately to be set at liberty; and moreover, he may bring an action for damages and costs against his detainer, on the ground of false imprisonment.

The writ of *mandamus* is granted to any person aggrieved by the refusal of a public officer, or of a political corporation, to perform a certain duty. It is at first granted, under an alterna-

tive form, to do such a thing, or state the reason of refusal. It is only after a hearing of the parties, that the court renders the *mandamus* peremptory if there be reason. If, for example, a person has a right to a piece of land, in virtue of a law, and the administration of the public lands refuses to give it to him; if a man has been appointed to an office, and the officer intrusted with it refuses to deliver to him his warrant, to administer the oath to him, or to acknowledge him in that capacity; if a justice of peace, or any other inferior court, refuses to exercise some power belonging to it; in all these cases, the writ obliges them to perform it, unless they can assign some legal ground of refusal. But this writ is only obtained when there is no other remedy, and is not applicable to judiciary acts; for a superior court may even, in certain cases, by a *mandamus*, order an inferior court to pronounce a judgment, but not dictate what judgment. It is only in appeals or annulments that it can take cognizance of the decision pronounced.

The third 'writ,' that of *quo warranto*, is a writ by which the court demands, of any constituted authority whatever, by what warrant it claims such or such power. Upon this writ the court decides generally, and even in case of usurpation of power, and if the demand of the

writ has been made by a criminal information, it will pass sentence against the guilty party. These three writs are the safeguard of the citizen's liberty, inasmuch as the first secures his person against all arbitrary detention, the second is a check on the negligence of the magistrates, and forces them to execute the laws, whilst the third prevents any encroachments of power. I cannot imagine civil liberty in any place in which powers analogous to those of these three writs do not exist. Delay or disobedience to any of them is punished very severely, as an insult to the court; not by a fixed penalty, but by imprisonments and fines prolonged and repeated until obedience is obtained. These powers, though extended, are not dangerous, because the courts have no initiative, and though the son or the wife of the judge were to be illegally arrested, he could not take cognisance of it but at the instance of a third party.

Nothing can be more simple than the construction of an American tribunal. Those of the United States are in general composed of a single judge; this is also the case with almost all the inferior State tribunals. The superior court of the United States is, I believe, the most numerous tribunal in the union. The judges of the United States are appointed by

the president, with the consent and by the advice of the senate, hold their offices during good behaviour, and are not removable but by judgment of the Senate, sitting as a court of impeachment; for at any time that a judge or any other functionary of the United States, even the President himself, may give rise to complaints, founded on the exercise of his functions, in the judgment of the house of representatives, the latter transfers the case to the senate, which decides definitively upon the complaint, in depriving the functionary. This is the only judiciary function of the Senate which is not like the English House of Lords, the supreme court of justice of the country.

In all the states, except Georgia, where they are eligible and change every three years, the judges are irremovable, except by judgment of the senate, or of the two houses of the legislature united. In the State of New York alone, every judge resigns at the age of sixty years, an arrangement which deprives the people of its best magistrates. Almost everywhere they are appointed by the governor. In some States, however, they are elected by the legislature. They are every where very well paid (perhaps not enough, however), and enjoy great consideration and much influence.



The judge alone constitutes the court, but he cannot proceed without the officers of the court, which are, the clerk, the sheriff, and the counsel. The clerk, or registrar, is a very important personage. He it is who keeps the record and issues the writs and orders of the court. He is in general nominated by the judges or elected by the people, and is paid by the litigants for each official act. It is he who administers the oaths, of which there are a profusion in an American court.

But the sheriff (who in the courts of the United States is called marshal) is a very important officer also. He is the executive officer of the court, whether civil or criminal. There is one for each county, who is the officer for all the State courts within it. In like manner there is, in each district of the United States, a marshal, who executes the judgments of the court and serves its processes. My description of one of these functionaries will apply to the other. The marshals are appointed by the president; the sheriffs, in general, are elected by the people of the respective counties; however, in some States, I believe, they are appointed by the governors or the legislatures. These offices are very lucrative, but they involve a great responsibility, and the sheriffs are obliged to give

very heavy securities. Though the sheriff is a person who goes but seldom from his office, and acts almost always by deputies or substitutes, of whom he has an unlimited number; it is he, however, who is intrusted to make all summonses and serve all writs, that is to say, to communicate them to the parties, or to execute them when they are addressed to him. It is he who sells the property of debtors, or arrests them, if they do not otherwise pay, and gives possession of real property in dispute to those in favour of whom the court decides. He pursues and arrests prisoners, detains them, and executes them if they are condemned. In short, the court knows only him. He is responsible to the court for the execution of these writs, and must indorse upon each the "return;" in other words, the result. For instance, upon the back of a *capias ad respondendum* (a summons to appear), he indorses either "executed such a day, by giving a copy to the party, or to his wife," &c.; or "*non est inventus*," if he has not been able to find him. So, upon a writ *de venditioni exponas*, he indorses, "I have sold such property, on such a day, for so much, and have disposed of the funds in such a manner;" and so of the rest, whether civil or criminal. All these writs, thus returned, remain on the roll.

He has the faculty, when the case is litigious, to make a "special return;" in other words, to detail all the facts which have accompanied the execution or non-execution of the writ, in order that the court specify upon it. He is invested with a power which nobody can legally resist. He can arrest whom he will, seize and sell any property. He has under his orders, tipstaves, constables, serjeants, records, jailors, and executioners, as many of them as he may require. He can not only demand the assistance of the army of the United States, or of the militia, but he may also call upon the *posse comitatus*; in other words, order all the inhabitants of the county to assist and support him. He has even been known to require the judge to descend from his seat to assist him in arresting some troublesome malefactor. In fine, he is the physical power of society; nobody resists him. But if he is invested with powers so considerable, he is strictly responsible for all that he does. If he is deceived, and arrests me for another, I sue him for damages and costs, and even criminally, if any rude treatment has been resorted to without provocation. I do not defend my property against him, but render him responsible for any damage which may result to me from his proceedings. The double responsibility of

the sheriff is so well balanced that neither property nor individual liberty is ever endangered through it, and matters are much simplified by being all united in one person. Besides these functions, the sheriff also reports the result of elections held in the county: in some States, he is also receiver of the rates. These offices are held in great consideration, are very much sought after and are entirely paid by the parties.

But however well constituted the court may be, its walls would remain mute and deserted without the lawyers. Tribunals and litigants have certainly been invented for them, for they are the parties who most profit by them. There is in the United States but one class of lawyers, who perform the functions of conveyancers, attorneys, notaries, &c.; their legal title is counsellor at law. They are officers of the court, and, as such, take the oath of good conduct, and are subject to a disciplinary system. They may be suspended, or even broken by the court. They are admitted upon an examination, which takes place in full court, without any previous course of study being necessary.

The United States and the States employ a counsellor in each of their courts, but that does not constitute him a public officer: the United

States are his client, that is all. He appears in all their civil and criminal causes, and as the latter are always prosecuted in the name of the United States, or of the people of the State, it is he who pleads for them; but it is the people itself, by its grand jury, who prosecutes. He is paid like any other counsel, furnishing at the end of each term his account for fees, which the judge certifies. The office of attorney to the United States is much sought after, because, besides being very lucrative, as the United States are very good clients and payers, it gives precedence at the bar; but that is all, for the district attorney (as he is called) may be suspended by the court, or even broken like any other practitioner; neither is he prevented from undertaking other causes, provided they are not against the United States.

The attorney of the United States at the supreme court has the title of attorney-general; he is the head of the bar, the real minister of justice. The courts being entirely independent, equally of the executive and the legislative powers, it is only as party that the former can appear before them. All the district attorneys receive orders, instructions, consultations, from the attorney-general. He is consulted by the members of the government in all doubtful

cases. He orders or stops prosecutions in cases in which the revenue or the United States are concerned. But it is himself who pleads their cause before the supreme court, and even before the circuit courts when they are very important. He is considered part of the president's cabinet council.

But now that the court is constituted, I must endeavour to shew it to you in action: but for that purpose there must be a jury. Some time, then, before each term, and after the formalities required by law, which vary in each state, the clerk delivers to the sheriff two writs of *venire facias*, by one of which he commands him to call a grand jury, and by the other one or two lists of forty-eight petty jurymen each, taking care to select *boni et legales homines*. The qualifications implied by this clause vary a little in different States; however, they are in general the same as those required for voting, that is, being a freeman, of age, and paying any tax whatever. To be of the grand jury it is necessary to be a housekeeper. The sheriff selects the jury in rotation from a list which he keeps of all those eligible within his jurisdiction, in such a way, however, as that all parts of his county or district may be as equally represented as possible. He consults also their convenience in

summoning those who have other business at the place at which the court is held, and passing over those that would be too much inconvenienced by attending. This, however, is optional on his part, for those who are summoned must attend.

On the day fixed by law, the judge and all those who have business in court, or are attracted by curiosity, repair to the court-house. No particular dress distinguishes the judge nor any body else. No soldiers of any kind are to be seen there. A sort of rostrum constitutes the bench of the judge; seats on each side are prepared for the jury. The clerk sits at a table immediately under the judge. The lawyers are ranged round a table reserved for them in the centre; the audience behind; the sheriff and his people where they please. As soon as the court is seated, the sheriff opens the court by a proclamation uttered aloud. The noise ceases, for what was before but an assembly of equal citizens, becomes by the proclamation, a tribunal.

The sheriff having previously indorsed upon the *venire*, the names of the persons he has selected, the clerk calls them over. Those who are not present are fined, or, if they have no excuses, even imprisoned, for contempt of court. He commences always by the grand jury. It

must be composed of more than twelve, and less than twenty-four persons; in general from sixteen to twenty-three. When they have answered to their names, entered within the enclosure, and the judge has decided upon the validity of the excuses which some of them may have offered, and has appointed a foreman; the clerk administers to them the oath, engaging them to inquire into any breach of the laws which may have taken place within the county; and to represent it to the court, accusing nobody from malice, nor suffering fear to prevent them from making accusations: and further to keep strictly secret all that passes before them, or that they may learn. This oath taken, the judge delivers his charge, a sort of admonition, in which he instructs them in their duties, communicates any changes that may have taken place in the criminal law, and calls their attention more particularly to such or such a law, according to circumstances. That done, the grand jury retire into the room prepared for them. They forthwith receive a report from each magistrate of all persons accused, including those in custody, and those for whose appearance he has taken bail, the charges against them, and a list of the witnesses in support of them. For although the sheriff, or even any



citizen may, upon legitimate presumptions, arrest an individual, he is bound without any delay to bring him before a magistrate, who alone can commit or order him to find bail, and who is responsible in damages and costs for an illegal detention. The magistrate examines the accused, and the witnesses for and against. If he believe there is ground sufficient for a trial, he requires security for the appearance not only of the accused, but of the witnesses; and produces them before the grand jury on the first day of the next assizes. If there be no ground for trial, he forthwith discharges the accused.

The grand jury is furnished by the district attorney, with an indictment in the name of the people of the United States, or of the jury itself, according to the local forms; they examine into its probability, hearing only the witnesses in support of the charge, and without ever questioning the prisoner, who may always retract the confessions he may have made before the magistrate. For it is one of the first maxims of the common law that a prisoner may say nothing against himself. If the grand jury find that there is a probability of crime, the foreman indorses upon the indictment, 'a true bill,' but if they believe the accused innocent, he writes, '*ignoramus*;' and the prisoner is imme-

diately discharged. All these proceedings, as well as the examination of the witnesses, are, for obvious reasons, kept strictly secret.

But it is not only the magistrates who have the right of carrying complaints before the grand jury; this right belongs to every body, and is perhaps the most sacred of all civil rights. The charge remains secret until the grand jury have decided on the indictment, which the District Attorney draws up by their orders. In cases, also, of crimes against the United States, or the State, their attorney prefers a charge and an indictment in their name.

The grand jury have a right to call before them, under penalty of fine and imprisonment, all those whose evidence may be deemed by them elucidatory of the facts. When they have doubts upon a point of law, it is the judge's province to enlighten them. Their sittings continue from day to day, in a place appointed for them, until they have decided on all charges presented to them. Every day they lay before the court the indictments on which they have decided, and on the last day of the session make a general presentment. That is to say, they make a report on every thing which appears to them amiss in the present state of the county, not being however of a nature to furnish matter

for particular accusation. They say, for instance, that the roads are bad, that the police magistrates neglect their duty, that such a law, lately passed, does not fulfil its purpose, that such a measure ought to be adopted by the legislature. These presentments are considered as the expression of the wishes of the people, and the greatest attention is paid to them. They cannot pronounce an indictment, or make a presentment, without there being at least twelve of their number in its favour, whatever may be the number present. When they have made their presentment, they are dismissed.

While the grand jury is engaged in its inquiries, and sending prisoners before the court, the judge proceeds to the calling over of the names of the petty jury, to satisfy himself of their obedience to the summons; after which he calls on the causes. Here the practice varies a little as to forms, in different courts, but so little, essentially, that in speaking of the rules of the court in which I have practised, you may form a tolerable idea of the others.

In general the causes are called three times: the first to know in what stage they are, the second to fix the day of trial, and the third to dispose of them in one way or other. The criminal causes are mostly gone into first, in

order that no delay may take place in discharging the acquitted prisoners; then the civil causes, which must come before a jury; then, lastly, the motions of form, questions of right, and when the court has that jurisdiction, causes in chancery.

Let us see the manner of proceeding in a capital charge: the prisoner is brought before the court under the guard and responsibility of the sheriff; he stands before the judge, whilst he is told that the country, represented by a grand jury, charges him with murder. The indictment being read to him, he is asked to plead; he answers that he is not guilty, and that he will be tried by the country, that is, by a jury; for if he does not answer, or if he confess himself guilty, the court, after having warned him repeatedly of the consequences, is obliged to pass sentence upon him. These are the only questions which the court, or the jury, or any body, have a right to put to the prisoner upon the subject of the charge.

The next thing is to form a jury to proceed to trial: the clerk calls the first on the list of the jury, and placing him opposite to the prisoner, asks the latter if he will be tried by that person; if he says yes, the juror is sworn to decide between the people and the prisoner, and

he then takes his seat upon the bench, under the protection of one of the sheriff's officers. But the prisoner may object to a certain number of jurors (who vary from twenty to fifty,) without assigning any reason, and as many as he pleases, by giving a legal reason. If, for instance, a juror have been witness against him when examined before the magistrate; if he have been sworn in the same cause in another term; if he have formed and expressed an opinion of his affair of a nature to prevent him from being unprejudiced; he may be objected to both by the accused and the counsel for the prosecution; but the latter rarely avails himself of this prerogative. It often happens that the jury lists are exhausted before the twelve persons required have been found; in which case, the sheriff is authorised to call "talesmen," that is, to take the first persons to be had in the hall, the street, the town, or lastly, in the county, until a jury can be formed of twelve men, against whom the prisoner can make no objection. The jurors may be examined upon oath as to their impartiality; and as soon as the twelve are chosen, they are inclosed in their seats, under the protection of the sheriff, so that nobody can speak or communicate with them secretly: that done, the counsel for the prosecution re-

peats the accusation to the jury, always in presence of the prisoner, details his evidence, and introduces his witnesses in proof. Every witness introduced is sworn to tell the truth, the whole truth, and nothing but the truth; he is afterwards examined by the party who calls him; when he has done, the other party cross-examines him; then the first re-examines him; and then the second does the same, and so on, until nothing more can be extracted: this order is always observed both in civil and criminal cases. The court and the jury may question the witness when they please, but in general they leave it to the counsel, who perform the task very well: it is here, indeed, that they display their talent and their professional tact, by which more causes have been gained than by eloquence and learning.

But before allowing the counsel for the prosecution to examine a witness, the prisoner's counsel takes care to make all possible objections; for the law of evidence, perhaps the most logical portion of the common law, is full of extremely nice distinctions on this subject. There are, according to this law, two things to consider in a witness: his competency and his credibility; his competency must be tried by the court previous to his examination before the jury,

whose mind might be biassed by his depositions, though they might turn out not to be legal. If, then, he does not know the nature of an oath; if he is connected by ties of marriage with the prisoner; or if he have a pecuniary interest, however small, in the issue of the cause, he cannot be heard.

As to the credibility of the witness, that is entirely for the jury to decide, by giving to his evidence what weight they think proper; besides, some questions cannot be put, for a witness must only depose to what he has seen or heard in respect of the matter; he cannot express an opinion; he cannot report hearsays; he cannot be forced to say anything against his own honour or interest. Thus each new witness, and each question put to him, often gives rise to a discussion in which the court alone decides, without any interference of the jury.

If one of the parties thinks himself wronged by the decision of the court, he may protest in writing, and the judge is obliged to sign it: this is called filing a bill of exceptions for the decision of the judges, which does not prevent the cause from going on, but becomes a question of law, to be tried by a superior court, and a means of setting aside the decision.

After the counsel for the State has concluded

his exposition and the examination of his witnesses ; the counsel for the prisoner produces witnesses for the defence, and examines them, in contradiction to the other side, in the manner I have already described. Frequently the hearing of witnesses on each side lasts several days, during which, the jury are bound not to separate, not to speak of the matter, or listen to any thing on the subject. The accused, as well as the State, can compel the attendance of the witnesses necessary to his defence. This is done by a writ of *subpoena*, which is an order of the court to the witness to hold himself ready to give testimony in such a matter, under penalties of fine and imprisonment sufficient to bind him.

The hearing of witnesses concluded, the counsel for the prisoner recapitulates the contradictory evidence, and puts forth all his means of defence. In general a prisoner employs several lawyers, who speak one after another, the youngest commencing, and the eldest, or principal, concluding. Afterwards, the counsel for the prosecution replies ; then he may be again answered ; but it is always the accuser, in criminal matters, and the plaintiff, in civil, who has the last word. The pleadings ended, the judge sums up the whole matter to the jury, explains to them the law which governs cases



of the kind, and, without prejudicing their opinion upon the facts, points out to them that which they ought to receive as the law. This summary is called the judge's charge. The parties may take a "bill of exception" to the legal opinion it manifests.

And now comes the decisive moment, that which makes the heart of every prisoner beat, for in capital cases he must be present. This is the moment in which the jury retire to deliberate: they are conducted out of court by one of the sheriff's people, in whose charge they remain. They are shut up in a room furnished with a table, pens, ink, and paper, and a jug of water. When once a jury is thus shut up, nobody is allowed access to them, nor none of them can go out until they have unanimously agreed on their verdict. According to the old common law, they remained shut up until they were agreed; but in case one of the jury was to die of hunger, thirst, fatigue, or otherwise, or if he escaped, the cause could not be decided by the eleven others, and it would be sent before another jury; hence arose the modern practice of permitting the withdrawal of a jury, in cases where their agreement is impossible. This, however, is not considered necessary before a jury has been shut up, at least, twenty-four

hours, and often more; for as long as the judge has reason to hope that they will agree, it is his duty to keep them locked up: but when he is convinced that unanimity is impossible, then the list of the jury is called over, and dismissed in due form; the proceedings are void, and, at the next sessions, or immediately, if the parties consent, a new trial is recommenced before another jury. This, however, seldom happens: in general, after a time, of various duration, the jury declares its verdict; if not guilty, the prisoner is immediately released; but even if he is found guilty, he has still many chances of escape.

The counsel for the prisoner may move for another jury, and a new trial, in all cases in which any defect, as to competency, may have been discovered in any of the jury; or if any of the witnesses against him have been found to be perjured or suborned since their deposition; or if, by some accident or ignorance, the prisoner has been prevented from making use of some important evidence; the judge is then invested with a discretionary power, which, however, he is bound to exercise, according to precedents, to grant or to refuse a new trial; if he grants it, every thing that has been done is annulled, and it is necessary to begin again.

The defendant may also "move in arrest of judgment." This motion is grounded upon irregularities of form, or on "bills of exception," which must be tried by a superior court. The courts of appeal, in these cases, decide only upon the law, never on the ground of action; and if they differ from the inferior court, the matter is re-heard by another jury, but before the same judge, who is bound to conform to the decision of the court of appeal on the contested point.

It is very important to observe, that all these advantages are restricted to the defence; for the people's attorney cannot take advantage of them. If a prisoner is acquitted, there is an end of the matter: he cannot be tried again for the same crime. The law even carries its clemency so far that, in any capital matter, an accused person cannot have his life put in jeopardy but once for the same thing: it is considered exposed, by every appearance, before a jury, under a capital charge. If then, in this case, a jury grant a new trial, or a superior court annul the decision of an inferior, the accused is immediately released, by pleading "*autrefois convict*;" (tried before,) for his life cannot be put twice in jeopardy.

It is upon this humane provision of the law

that the motion for "quashing the indictment" is grounded. The common law requires a minute exactness in an instrument on which the life of a citizen depends; the smallest error is fatal to it. Not only the counsel for the prisoner, but any barrister acting as *amicus curiæ*, may point out defects which vitiate an indictment; but this is useless until a prisoner has been before a jury, since, as his life has not been in danger, another may be found, (as is often done, even after a verdict, in cases which are not capital;) whereas, after every thing has been exhausted for the defence, if an error of form, however insignificant, is found in the indictment, the accused is discharged. And this is the law which some people have been pleased to represent as a law of blood! It is impossible to afford more protection to the life and honour of the citizens against arbitrary power than is done by the common law of America, and I may say also of England. The maxim of this law is that it is better to let a hundred guilty escape than to punish one innocent person.

But if the jury find the prisoner guilty, and there is no defect of form, neither in the procedure nor in the indictment, the judge pronounces sentence, and nothing can save the prisoner but the pardon of the president or the

governor, according to the court in which he has been condemned. You see, then, that criminal justice is very expeditious; for if a man be arrested to-day, and the grand jury be sitting, he may be accused to-day, tried to-morrow, and nothing can prevent his being hanged the day following, unless he asks for time to sue for pardon. In general, however, prisoners are allowed to postpone their cause to the next term, but that can be done on their application only. If by the fault of the state-attorney, or by any fortuitous accident (such, for instance, as not being able to form a jury), the trial has been put off for three successive terms, the prisoner is entitled to his discharge. But he may be retaken on a new indictment, for there is no time limited within which the people must prosecute, and he cannot save himself by pleading "*autrefois convict*," since he has not been before a jury. The people's, or district attorney, is invested with the power of declaring that he will not proceed (*nolo prosequi*), whenever he may see that the charge cannot be sustained; and it is his duty to abandon it, in order to prevent useless expenses, as well to the prisoner as to the State.

In civil causes, justice is less expeditious: it requires at least two terms to try any action.

The common law, by a system of perfect analysis, has divided all civil inquiries into certain categories, and for each injury it has provided a particular remedy. It is necessary, therefore, to follow very strictly the form of action established for each category, and not waste time and labour by taking out a writ for one form of action which belongs to another. The Sybil must be consulted according to the rules of her temple, and then she will always answer justly, quickly, and with astonishing exactness; but if you come to put foolish questions to her, she will either remain silent or drive you from the temple, put you out of court, or, to speak to you in her language, declare your action a non-suit; you will then have the costs to pay, and may recommence fresh actions for the same injury until you have knocked at the right door.

Actions are divided into personal, real, and mixed, according to the nature of the thing claimed. The first and last alone are in use; the complicated forms of the second having caused their abandonment in practice. The first are very numerous, as the action of *assumpsit*, the most common of all, by which you demand damages for wrong done in not fulfilling an engagement; the action of debt, by which you demand the payment of a debt; of *detinue*, if you claim per-

sonal property which another has converted to his use; of trover, if, instead of the thing itself, you demand only damages and interest in its stead; of trespass, *quare clausum fregit*, to be indemnified for any damages done to your property by the defendant, his servant, or his cattle; of trespass *vi et armis*, when the injury for which you claim damages has been done on your person, or proceeds *ex delictu*; of trespass on the case, for any special damage sustained, whether in consequence of slander, libel, seduction, &c., &c. It would be too long to enumerate them all.

The mixed actions are much less numerous: they are resorted to only to decide questions of real property. The only actions of this sort in the United States are that of ejectment, to decide the right to real property; and that of trespass, *quare clausum fregit*, which decides on the possession.

It is impossible to imagine a cause of complaint for which the common law has not provided a form of action, but it is necessary to be well acquainted with them, and be well exercised in analysis, to apply them properly. When, therefore, the attorney has heard the complaint of his client, cleared away the mist of eloquence of the interested party, stripped it of all super-

fluous matters tediously narrated, and has at last found the gist of the action, he prepares a memorandum containing the names of the parties, the sum demanded, the nature of the action, and the signature of the plaintiff's attorney; this memorandum is sent to the clerk of the court in sufficient time before the opening of term, so that all the formalities required by law, and which vary in each State, may be observed.

Upon this memorandum, the clerk prepares a writ "*de capias respondendum*." This is an order from the court, enjoining the sheriff to summon the defendant to settle the demand of the plaintiff, or to appear before the judge on the first day of term, to answer the complaint. It is in general by this writ that all personal actions commence; however, in many cases, where there is a fear that the defendant may withdraw his person and property from the jurisdiction of the court, the suit commences by a "writ of attachment:" this is an order given to the sheriff to seize the property of the defendant, and hold it at the disposal of the court. This writ, however, is never granted but upon the oath of the plaintiff, that his demand is just, accompanied by an undertaking, with bail, by which he engages to



indemnify the defendant for all damages which may ensue to him in consequence of the attachment, if his demand should be rejected by the court. The defendant, on his side, may always obtain replevy from the seizure of his property by the sheriff, by engaging, with bail, to reproduce it whenever required. The duty of the sheriff, as soon as he has received these writs, is to execute them immediately, and to return them to the clerk on the first day of term, after indorsing upon them the result of his proceedings.

Besides the memorandum, the plaintiff's attorney must send to the clerk, before the first day of term, his declaration, setting forth, according to prescribed forms, from which it is dangerous to deviate, the injuries upon which the plaintiff's demand rests. The form of these declarations varies greatly, according to the sort of action adopted and the facts of the case; but there is never any necessity to state the real details of the matter: it is sufficient to state, in the received forms, the general facts which authorize the bringing of the action. It is only when the case comes into court that the full details of the affair are entered into. The rules, however, which regulate these matters are so delicate, that the greatest care is necessary to

avoid mistakes, of which the immediate consequence would be to put the plaintiff out of court.

The defendant's attorney, after this declaration, must answer it, either by pleading or demurring; a demurrer is an answer by which the defendant admits the facts of the case, but denies that these facts give any legal right to the plaintiff to sustain his action either at all or in the manner in which he has brought it. A 'plea' is an answer by which the defendant denies a part of, or all the facts of the declaration. The plaintiff has a right to reply to each of these two answers. The defendant may reply to him again: all this in writing, and according to receive forms. They arrive at last, after dissecting and dividing the question, at a complete contradiction; this is what is called 'issue.' These issues are of law or of fact. If they are of law, they are tried by the court alone; but if they contain facts, the cause goes before a jury.

It is therefore only after the parties themselves are agreed upon the point in dispute in their affair, that the court takes cognizance of it. The first term is what is called an 'appearance,' the judge merely calls the cause to ascertain that the parties are in court; if they are not, there is default, and the court gives judgment imme-

diately. If the parties answer, they are allowed until the first day of next term to demur, plead, answer, reply, &c., but it is necessary on this day that they be agreed upon the point in dispute between them, and terminate all written pleadings. If at this stage the cause depends upon a contested fact, it is immediately carried before a jury, just in the same manner as I have described to you in the criminal causes. In the same manner, the plaintiff's counsel commences by the exposition of his case, and the examination of his witnesses. The defendant produces his, and answers him; the former concludes; then the jury retires, and is shut up until they give an unanimous verdict. The same forms after the verdict take place; the same means of appealing from it are allowed, except that this right belongs equally to both parties. You will observe that, in all cases, whether civil or criminal, the examination of witnesses is always oral and before a jury. The predilection of the common law for this species of evidence is such that written proof is only admitted when supported by oral. Before reading a letter or a note to the jury, it is necessary that they be admitted by the adverse party, or that the signature to them be proved by a witness. It is only the seal of the United

States, and that of their courts, which do not require to be proved. In like manner the laws and customs of other countries are proved by the testimony of witnesses who know them. Immediately after the judgment, the clerk gives to the sheriff the writ necessary to its execution, whether a *feri facias*, *venditioni exponas* or *capias ad satisfaciendum*, according to the nature of the case. It is for the sheriff then to execute the judgment, but in that he must be guided, always under his own responsibility, by the plaintiff. These "writs" of execution may, however, be suspended or annulled by other writs, either of the same court, a superior court, or a court of equity; for example, by a writ of *supersedeas*, or an injunction to stay proceedings. The justice of these writs is discussed again, either before the courts of appeal or those of equity who have granted them, in such a way, however, as that the superior courts are never troubled, but with questions purely legal, entirely relieved from the mere facts. These are the decisions which are collected in books of reports, and form the common law.

In courts of equity the practice is entirely different, and resembles that of the cannon law, to which the courts owe their origin. There exists no form of action; every complaint, of

whatever nature it may be, is brought there by a petition to the chancellor, stating all the facts of the case in the fullest manner, without established forms, and under the oath of the petitioner who prays that the defendant may be obliged to answer upon oath. If the Chancellor thinks the complaint reasonable, he orders the defendant to answer, or he authorises the examination in writing of witnesses, by commissioners, whom he appoints *ad hoc*, and who must report to him. The parties may answer and reply, propose or demand new witnesses, until they be agreed on the point in dispute between them; then the chancellor, having read the documents, listens to the pleadings in open court, and decrees accordingly. But it must be remarked that a court of equity can never decide upon a question purely of fact, unless upon the admission of the parties themselves; in any other case, it must send that question before a court of law, with an order to try it by a jury, and report to it the result.

I have tried as well as I could to explain to you the judiciary system of the United States, particularly in the details of practice, which is, I think, the least known. I have been very long, and I fear tedious, but you will allow that the subject is not lively or very easy to strew

with flowers. Courts composed of a single judge, of which all the business is confided for execution to a single man, are so different in their construction from those of Europe, that it has been necessary to make you acquainted with them before speaking to you of the laws themselves, and to examine them under a moral and political view. Before terminating this letter, let me again remind you that I have no book of authority before me, so that you are reduced to take all I tell you on my word, for it would be impossible for me to quote from memory. I believe, however, that I have not committed any error of importance.

## LETTER SEVENTH.

OF THE LAWS.—*The Common Law preferable to Codes, its greater susceptibility to improvement ; Oath-taking, present state of American Law on the subject ; alterations in the Common Law since the Norman Conquest, consequent on the changes in property ; uncertainty in the Law more apparent than real, and not an evil if real ; facilities in the United States of putting supposed improvements to the test ; state of the Criminal Law ; origin and explanation of the term " Benefit of Clergy ;" punishment of Death, the desirableness of its total abolition considered, Transportation the best substitute ; punishment of misdemeanors ; Libel Law ; Libels against the Government disregarded ; private defamation ; Laws relative to Real and Personal Property ; divorce ; recovery of debts ; state of crimes ; cheapness of justice ; fondness for litigation ; Arbitration ; respectability and talents of the American Bar.*

*Brussels ; February, 1832.*

PERFECTIBILITY, that quality which distinguishes the white man from every other species of men and of animals, ought to be found in all political institutions ; for without it, they cannot long

fulfil their objects. In truth, institutions must either keep pace with the human mind in its progress, and become modelled upon the habits, wants, and opinions of the time present; or else, being in opposition to all these, must unavoidably be broken up, and give place to an interregnum of disorder and anarchy, until new institutions, in harmony with the time, be established. It is this faculty of following and adapting itself to the progress of society, which eminently distinguishes the common law, and, generally speaking, any law founded on custom, as opposed to written codes of law; which, being unsusceptible of enlargement, cannot but impede the progress of society, until eventually it can no longer support the yoke, and therefore is forced to break it. But there is a great distinction to be made between a code standing as a limit to legislation, and a code only intended to serve as the starting point of a custom. In my opinion, a code of the first sort is always pernicious; and the other is at least useless and dangerous, in giving to the possible errors of those who form it an authority not liable to be contested. This opinion, I am aware, is not that of Europe, it is far even from being general in the United States: people often imagine that, if they had a written code, they could dispense



with lawyers. I had, in my study, a copy of five French codes in a little 12mo. volume, and many times my clients have observed, as they looked at it, "people must be very happy in that country, since every body may know his rights without consulting lawyers, merely by reading this little book;" and they would compare it deridingly with some hundreds of volumes which composed my yet very incomplete library. In writing to you, I need not dilate on this gross error. The French codes, although perhaps the clearest existing, are mere Hebrew to those who have not made them their study. All that class of persons of whom I am about to speak to you, desire what is called a codification, in other words, they desire that, without changing the provisions of the law, every thing useful should be extracted from all these immense folios, be digested in a single statute, under legislative sanction, and the rest be thrown into the fire. The lawyers themselves are divided in opinion: lazy people, who dislike research or mental labour, think that, by this means, they should be put on a level with profound lawyers, who have always a conclusive precedent to cite, in answer to all they can advance. Other lawyers, very learned, but imbued with the philosophical principles of the encyclopædists, wish

to simplify and give regularity to the law, by reducing it into a single formula. This party has triumphed in the State of Louisiana, where a code has been adopted, half Roman, half common law; but it is considered only as a starting point, and already a vast incrustation of common law has been formed upon it.

The most learned juriconsults of the United States, however, prefer the common law simply as it exists. 'Have we not,' say they, 'digests and elementary treatises upon each part of the law, and upon the law of each State? These books, it is true, are not invested with legislative sanction, and so much the better; for the names of Blackstone, Comyn, Deane, Ingersoll, &c. cannot consecrate an error, or arrest the progress of legal science, whilst a legislative Act would do so. Suppose it is now discovered that such an opinion of a great lawyer, or such a decision of a court, was erroneous, and productive, in practice, of great injustice, the superior courts would have no difficulty in correcting it, and substituting, in its place, a new decision, more suited to the present wants of society. In this manner, the improvements in legal science are made slowly and imperceptibly, but always at the precise point of time when their want is felt; whereas,

if the law were written, and invested with legislative sanction, a new law would be necessary to alter it, and this would not be made until long after the abuse had become insupportable.'

I will mention some instances of this necessary improvement of the common law; as regards oaths, for instance. Formerly, those only who were of the communion of the holy Catholic church were allowed to make oath; no heretics, Jews, or Pagans, and, with much stronger reason, no Infidels enjoyed this privilege. In course of time, however, and in proportion as England itself became protestant, all Christians were admitted to swear upon the Gospels. As commercial relations extended, the Jews were next admitted to swear in their way; and afterwards the privilege was allowed to Turks and Pagans. The Quakers, not being willing to take an oath, their simple affirmation was accepted in law. The English law at present, I think, is that any man who believes in a future state of rewards and punishments, may make oath, if he pledge his future existence to the truth of what he advances. By this arrangement, unbelievers and pure Deists are prevented from giving legal testimony. In some States of the Union, where much bigotry still remains,

as in the New England States, the courts follow these decisions; so that when a witness is introduced, the adverse party may ask him—"Do you believe in the existence of God or of the devil?" and if he answer in the negative, his testimony is rejected. In the South, however, there has lately been a very important decision, by the court of appeal of the State of South Carolina, which, without deciding whether the oath of any one who does not believe in a future state may be received, says that these questions upon belief cannot be put to a witness; because that would be obliging him, perhaps, to accuse himself of something to his shame, namely, forcing him to avow his unbelief. This, then, is the law, at the present moment, in the southern States. But I will tell you what it will be ere long throughout the Union, as soon as the question shall be brought before the federal courts. By the constitution of the United States no belief is necessary, in order to be admitted or elected to any office whatever; but by law any magistrate or officer, before entering upon his functions, must swear to support and defend the constitution and laws of the United States. But now, if the oath were to be rejected under pretext of unbelief, that would be rendering a religious belief necessary, in or-

der to be appointed to an office, which is evidently contrary to the constitution. The question has not yet been brought under consideration, and the courts are not going to contrive difficulties beforehand; but as soon as that takes place, the courts will decide in this manner. Mr. Jefferson, for instance, was wholly an unbeliever; he said, wrote, and printed so, a thousand times, as you may see in his works, long before he was elected president of the United States. If, at his installation, the chief justice of the United States had refused to administer the oath to him, the courts would have been applied to for a writ of *mandamus* against the chief justice, ordering him to proceed to the administration of the oath: the question would then have been debated in full court, and the law would have been fixed.

There can be no doubt that, in a generation or two, the oath will have lost all religious character before the United States courts; and be considered only as a solemn assurance, made according to ancient forms, and consecrated by prejudices and forgotten opinions; but if application was now to be made to the legislators to allow oaths to be taken by unbelievers, (which, as you have seen, is in fact the law,) what religious disputes would be raised in the bosom of the assembly! A law of this nature would not

pass until after many very stormy debates, and happening suddenly, would make a sort of revolution in jurisprudence, while the slow and progressive changes of the common law obtain the same result, without agitation, and without offending any body.

At the time of the Norman conquest the common law entirely adopted the feudal system; it is, perhaps, even to this race very remarkable in judiciary annals for their litigating spirit, which they implanted wherever they obtained a footing, that the common law has, perhaps, owed its greatest development. At that time the only riches were lands and castles, or personalities annexed to them, such as flocks, &c.; commerce did not exist, or was confined to some Jews and Lombards. The common law of that period concerned, therefore, only real property, regulating all cases of acquisition, succession, and confiscation of feofs, with the greatest and most minute exactness; then, real actions only were known to it: and if you consulted it upon personal interests, the judges of the King's Bench sent you away with the maxim, *de minimis non curat lex*, for your consolation.

It was the interest of the feudal aristocracy to preserve property in their families; thus all the law was directed to secure entails. Compare

this state of things, not with that of America, but solely with the actual state of England, where the lands and crops, in a word, the real property, forms but a very inferior part of the wealth of the country; its manufactures, its forges, its mines, its ships, the immense amount of its capital, are the true sources of its prosperity. It is not therefore now, when commercial transactions are in question, involving more considerable interests than any Norman baron ever possessed, that the present judges may answer, *de minimis non curat lex*. Thus as I have said, real actions have been entirely abandoned, and personal actions are the only ones in modern practice. But this immense change has been made without agitation or revolution, by the slow and constant progress of the common law, following, as close as possible, the steps of national industry. In England an old aristocracy still exists, a party clinging to the past, and struggling vigorously against every improvement, so that the common law crawling along only follows at a distance the social progress. The difference which still exists, for instance, between real and personal property, the difficulties with which the transmission of the former is still surrounded, the difference made between an instrument signed only and one signed and sealed, are so

many remnants of feudal barbarism; but in America it is not so: the common law is almost on a level with our wants. In that country, in which activity in all branches of employment is the order of the day, the lawyers must exert themselves like the rest; and if, on one hand, the surface of the country is covered with causeways, canals, and rail-roads, if the towns are filled with libraries, colleges and universities, if the Indians are repulsed, the deserts subdued, new harvests created, and transported to markets unknown a few years back, if the empire of superstition is dying out; on the other hand, the courts of justice, the supreme power of the State, is continually employed in improving the common law, and rendering it worthy of a nation so rich, industrious, and enlightened. And, indeed, why should more formalities be required to sell an eighth of public land, which cost me 100 dollars, than a horse, which has cost me 500; than a bank share, which may be worth, perhaps, 10,000; or than a fine ship, which has furrowed every sea, and of which the price may amount to 50,000? Why make a distinction between heirs and administrators or testamentary executors, since all entail upon real property has ceased, since nothing hinders me from leaving my property, of whatever nature it



may be, to whom I think proper; when, if I die *ab intestato*, my property will be partaken equally by all my children, and equally subject, whether real or personal, to the payment of my debts? Thus these distinctions begin to vanish rapidly, and the time may already be foreseen when it may be said of the American common law, compared to that of England, *pulcra mater, sed filia pulchrior*.

Let the legislatures employ themselves in passing laws financial, political, and of a local and temporary interest; but for God's sake let them leave to the wisdom of the courts the settlement of the details of the civil and criminal laws; let them not interfere but when the latter take the wrong road, and then only to rectify and put them into the right path.

It is the fashion in the United States, as in England, and I believe every where else, to complain of the uncertainty of the laws, but is this reproach well founded? I anticipate your answer, that it is not under the authority of a code, but that it is under that of a custom or common law. I will answer you, first, that frequently the uncertainty of the laws is only apparent, not only to the ignorant eye of the vulgar, but even to the more practised one of the lawyer. The client is naturally blinded by

his own interest, and the attorney, however well informed, however learned, he may be, when he has employed his meditations in finding good reasons for his client, thinking but little of those of his adversary, is apt to end by persuading himself more or less that he is right, and to blame the uncertainty of the law when a decision of the judge shows him his error. And, in short, the judge himself, between two counsel supporting contrary opinions by the most ingenious arguments, must find himself extremely at a loss to decide; and he too accuses the uncertainty of the law, for what is only want of perspicacity in himself, or inability to resist the eloquence of the parties. It is the human mind which is imperfect, and which always sins in the application of the finest theories; we should lay the blame on it, and not on the imperfection of the law.

But this uncertainty, supposing it to exist, is it a misfortune? It is an old remark that 'the letter killeth, the spirit giveth life.' Well, under the administration of the common law, we have the spirit of the law without the letter. How much crying injustice, indeed, would result from the literal application of the articles of the best code? Thus, in countries governed by that system, do we not see the courts constantly employed in explaining the letter of the law, so as entirely

to change the sense? but under the authority of the common law, this uncertainty is a great good, for it invests the courts with discretionary power to perfect the law; and then do not forget that, according to my lord Coke, common sense is a part of the common law. See how these matters are managed in an English or American court: the counsel on both sides exhaust themselves in learned subtleties and perfectly contradictory citations; the judge is in the greatest perplexity, he does not know which to think right; but the plain people of the jury having listened attentively to the witnesses, without understanding a single word of what the counsel have been saying, withdraw, and in a few minutes return quite astonished to find themselves agreed upon a question which perplexes the court. Their verdict cuts the knot, it carries always with it an inherent character of justice which wins it acknowledgment and convinces at once. The judge, all aghast, is obliged to concur in it, and has now only to find good legal reasons, authorities, and precedents, to confirm the opinion of the jury, which from thence becomes law itself, and settles subsequent cases, until the social interest again requires an alteration in the law or the custom.

I do not recollect, in all my practice, having

seen more than one or two cases, in which, according to my cool and deliberate opinion, the American courts have not decided according to the real merit of the causes, and in an equitable and just manner between the parties. Between the learning of the judge and the plain good sense of the jury, perhaps the surest means is attained of arriving at the most equitable decision of a matter.

The varying nature of the common law makes it difficult to give you an exact picture of its present state in America; for if the judiciary organization vary in every State, the common law varies much more. I must begin by passing over the State of Louisiana, the system of which is wholly mixed, and is still on its trial. From what I have heard, however, it tends every day to an approximation with the law of the other States. This is, indeed, generally, the spirit of American jurisprudence. Twenty-four free governments existing together in the best intelligence, and united by ties of language and institutions nearly similar, are continually making experiments to ameliorate both their moral and physical condition. If the experiment succeed in one State, it is soon imitated by all the others; if it fail the new theory is as quickly abandoned. I have already stated, that the reports of the

supreme courts both of England and of the United States, as also of each State, were received in all the courts as documentary information; it is therefore impossible that a new improvement can take place any where without its being known and imitated. Nor is it the courts only who contribute to this end; the legislatures themselves being composed in great part of lawyers, who often practice in different States together, feel the same tendency towards harmonization and general improvement. In giving you, therefore, the principal features of American law, it is possible that my picture may not exactly resemble the laws of any particular State, but it will have the general physiognomy of them all. Wherever I may be sensible of the existence of any striking differences, I will, however, point them out.

Laws may be divided into three great classes. They are either political, regulating the interests of the citizen towards society, and as such, establishing his part therein, and the obedience he owes to the government of his country; or criminal, defining the acts which society condemns and forbids, and the manner of punishing them; or, lastly, civil, regulating all the transactions of individuals with each other in their private capacities.

The political laws, presented under different points of view, have already formed the subject of the preceding letters, and will be further adverted to in those which follow. As I have before stated, the constitutions of the United States, are written and you can very easily procure them. The commentaries which I might add would only bear upon points of detail, which could in no way interest you.

The criminal law is derived from two sources, the common law and the written law. From time immemorial the common law has given technical definitions of different crimes, and has attached to each a particular penalty; but in its infancy these definitions savoured of ignorance, and the penalties it inflicted were stamped with the barbarism and cruelty of the time. The penalty of death was prodigally lavished, not only against high treason, wilful murder, manslaughter, maiming, arson, rape, burglary; but even for horse and sheep stealing, counterfeiting the seal of the State, of money, (which is considered treason,) bank notes, and many other signatures, public and private; in a word, for every thing bearing the definition of felony.

If I am not mistaken the number of crimes or offences punished with death amounted to more

than sixty; but the judges soon found a way of bringing the law to a more humane practice. The method adopted was certainly an odd one, but it illustrates strikingly the spirit of the age. At first the clergy were granted an exemption from all punishment. This privilege was extended afterwards to all those who, even without being in orders, belonged, in however slight a manner, to the church. Lastly, but for one offence only, to all those who were clerks therein, or in other words, who could read: but to secure their not claiming the *privilegium clericale* or benefit of clergy twice, they were burnt in the hand with a hot iron. This privilege of the clergy however, never extended to high treason, murders and some other offences; so that felonies, all of which were formerly punished with death, became divided into two classes. Those which were "clergiabile," that is, for which the clerical privilege could be claimed, and those to which that privilege did not extend. In course of time the proof of being clerks was dispensed with, and every body, whether he could read or not, was allowed to enjoy this privilege. At last, by a law of George the First, the judges were at liberty to transport to America those who were found guilty of "clergiabile" crimes, and the mark was suppressed. By other laws made in

the time of George the Third this new system became regular, and imprisonment, forced labour, transportation, fines, and whipping, were substituted for the penalty of death in all cases in which, according to the ancient common law, the clerical privilege had been obtainable; so that although, even now, the English common law pronounces the penalty of death in a great number of cases, in practice these enactments are modified in almost all, by the "benefits of clergy," and by the laws which regulate its application.

In almost all the States of America, the definition of crimes given by the common law is preserved. And every lawyer must comprehend the wisdom of this measure, by reflecting on the difficulty of elementary definitions, how important it is that they should be rigorously exact; and further, that this exactness cannot be obtained, however explicit the law may be, but by a long course of expositions and judicial decisions. A few States, however, have altered these definitions, and have adopted an entirely different nomenclature; all on the contrary have passed laws fixing a penalty to each offence, and it is only in cases in which a crime has been forgotten in the statutes, that it can be punished by the common law.

In almost all the States the penalty of death



has been suppressed, except for high treason, piracy, wilful murder, arson, and rape. But in some, Pennsylvania for instance, it has been entirely abolished, and solitary imprisonment for life substituted. The same system is upon the point of being established in Louisiana and in some other States, and all the lawyers in the Union are divided upon the great question, whether the penalty of death ought to be continued for atrocious crimes, or be entirely abolished. The new system has been some time on trial in the States which have adopted it, and the others will probably be guided by the results. For my part, I see many inconveniences and no advantage in suppressing the penalty of death entirely.

The partisans of this system forget that the object which society should propose in punishing, is not to strike the criminal or to avenge itself, but rather to prevent the renewal of crime, in others, by the example of the criminal's punishment, and in himself by putting him out of a state to repeat it. The effect which the punishment produces upon the condemned himself is a consideration altogether subordinate, and which cannot enter into the account, all things being otherwise equal. For crimes which leave room for hope that the guilty may yet be reformed, the American penitentiary

system, of more or less prolonged solitary confinement, moderate labour, moral and religious instruction, continual looking after and discipline at once active and severe, is certainly the best. But there are other actions by which man declares himself openly at war with society, and which leave no hope of reformation; and when even that might be possible, society would run too great a risk by putting it to the trial. He is become dangerous, and ought to be put out of the condition to do injury.

If an impending rock threaten to crush my house, the sole problem for me to resolve is how to get rid of it in the most sure, expeditious, and economical manner. If the rock were endowed with feelings, I should certainly try, if there were several ways of accomplishing those three objects equally well, to choose that which was the least disagreeable; but it would not be until after I had put my house in safety, that I should think of its ease and convenience. And so of the man who has put a life in danger, who has compromised all the dearest interests that man can have in society, by a conspiracy to overturn the form of a popular government, he who has not only had the will, but almost the power actually to make war against civil society; such a man

is dangerous, and it is the interest and duty of society to rid itself of him. This reasoning applies also to those who are guilty of wilful murder, piracy, or arson, crimes which in themselves comprehend all others. I think that these four cases are all for which the penalty of death should be retained.

The friends of the penitentiary system answer to this, that by shutting up a man alone for life, in a dungeon, he equally ceases to be dangerous to society, and suffers much less. I deny both propositions. There is no dungeon so secure from which a man may not escape, or which may not be forced, either during popular commotion, war, or earthquake, or a fire. What a pretty effect would either of these events produce should it open the Philadelphia jail, and turn loose upon society some hundreds of the most infamous villains the world ever produced? For moral depravity is always in an inverse ratio to the causes which lead to crime; and they who become criminals in a country of liberty, abundance, and happiness, such as the United States, are without doubt more depraved than those who groan under oppression, abide in ignorance, and pine for want. What! shall we expel far from our houses, far from our cities, the filth therein produced, and yet, at a great

expense, build sumptuous edifices, to heap up carefully and treat with tenderness all the corruption and pestilential excrements of civil society? and should we not fear contagion? and should we go on expending our money, lavishing our care and our time to so vile a purpose? This very building might serve for an asylum, or an hospital; this very bread, steeped in the tears of the innocent, might support the widow and the orphan; and it is from them it is withheld, not as the friends of the penitentiary system tell you, to alleviate the misfortunes of the condemned, but to prolong their torments during long years of trouble and agony, at a great expense, and without any benefit to society. Let every one put his hand upon his heart, and say honestly if he would not prefer being executed at once, to remaining alone in prison without any hope of release. And let him then reflect whether it is not a sentiment of mistaken humanity, which would prefer substituting perpetual imprisonment to the penalty of death.

The only means of suppressing the penalty of death, in my opinion, is by substituting transportation. This system has in later times been greatly improved in the English establishment at Botany Bay. Why do not other nations seek some distant and lonely shores, where

colonies might be established upon the like principles? Crime would thus be rendered subservient to public good, by enlarging the sphere of civilization, and opening a new source of commerce to offended society. But then the penalty of death must be retained in the penitential colony, as the only means of managing a society so depraved; and in the mother country also, but solely for the punishment of those who returned before the period of their transportation expired. Thus the refuse which society casts from it, instead of being destroyed or heaped up in sheer loss, would serve to fertilize and enrich new and distant lands. It is to this system, probably, that all nations will come at last; but then it should be extended to all crimes, whereas in England, the penalty of death is retained in far too many cases.

In all the States, offences not involving the penalty of death are punished by close confinement of various durations, in prisons well secured, and under an excellent system of discipline; the prisoners are employed in labour of different kinds, and a part of the profit resulting from it goes to themselves. They are kept separate from the prisoners for debt and those not yet found guilty; for the legal maxim is, that a man must be treated as innocent until a jury

has given a verdict against him. Committals to prison before trial are extremely rare, for it is only in capital cases that magistrates can refuse to release an accused person upon bail. His detention, therefore, does not depend upon the arbitrary will of any body; it is a grand jury who, at the next session of the court, puts him on trial or discharges him. The district-attorney cannot appeal, *a minima*, from its decision. The accused may insist upon being tried as soon as possible; and the only discretionary power to which he has to submit is that of the committing magistrate; but even in that case, if the magistrate either require excessive bail, or refuse to admit him to bail, he may always appeal to a superior judge, even during the vacations, either by a writ of error or an *habeas corpus*, and afterwards bring an action for false imprisonment. Society is empowered to prosecute by the means I have stated, not only crimes, but misdemeanors, (*delits correctionels*,) such as insults, assaults, nocturnal riots, offences against public decency, bad state of the highways: in short, any thing which disturbs the peace of the citizens is a proper subject for an indictment, according to the common law; to which the written laws have merely given additional efficacy, by particular enactments. But

this does not deprive the offended party of the civil remedy; he has always in these cases his action for damages for what he has suffered. The criminal action belongs to society, and takes place on the complaint of the grand jury, although the offended party may not desire to push matters so far; but the civil action is entirely his own affair.

One of the most striking illustrations of this double action is in the case of the law of libel. Any publication against good morals, or against the character of a citizen, of a malicious nature, and calculated to disturb the peace, whether true or false, is an offence of which a grand jury can and ought to take cognizance. This is the only crime, as regards the press, known in America; for any body may say or print what he pleases about the government. The innumerable papers printed every where, even in the smallest village, are perfectly free, and may be published without any permission, or entering into any security. In case of condemnation, the punishments are fine and imprisonment; but it is seldom that a grand jury brings an accusation of this kind, unless the publications are of a very scandalous nature, and directed against the private character of citizens, or of peaceable and respectable women.

As to political characters, people may always print what they like, because it is never supposed to be done from malice, but to enlighten public opinion in its choice.

But a person defamed by any publication whatever, may, besides the criminal accusation, bring an action for damages. The defendant, however, in this case is allowed to prove the truth of what he has published; which would be no defence in a criminal action. Damages are either general, as those obtained for general defamation, or special, if the plaintiff can prove that, in consequence of the libel, he has sustained any loss whatever.

Even slanderous words spoken furnish ground for a civil action, but it is necessary that the fact falsely imputed be of a nature, if true, to have constituted an offence punishable by law; or, that the slander has been the immediate cause of a specific injury. These sort of actions are also extremely rare in the United States, particularly in the West and South, where, in general, parties prefer fighting the matter out than troubling the law.

The liberty which pervades all the institutions of the country is found also in the laws which regulate real property, both as to its possession and transmission. Every one is master of his



own property. He does with it, in his life-time, what he thinks proper; at his death he leaves it to whom he will. The dotal system does not exist. In general there is no marriage settlement. All the personalities possessed by the wife at the time of marriage, or acquired by her afterwards, belong by law to the husband; her real property remains her own, but the husband is the guardian of it, and she cannot dispose of it without his consent. Children succeed in equal proportions to the father or the mother dying intestate. In default of descendants, property goes to collaterals, then ascends. The husband, however, surviving the wife retains a life interest in all her real property, whilst the wife, in the same case, is entitled only to a jointure of one third of this same property. It often happens, however, that by a marriage settlement, the husband recognises a certain property as belonging to his wife, to descend to her children, or, in their default, return to her family; but these cases seldom occur, and only when the wife is much richer than the husband. In general she takes her chance with him, for better or worse, for by law the wife and the husband are but one person. They cannot give evidence in favour of each other. In almost all actions brought by the wife the

husband must join. The American law, in accordance with good morals, does every thing to fortify and give sanctity to the marriage tie, that first element of all society. In many States divorce *a vinculis matrimonii* does not exist; in others it is pronounced, in some particular cases, by the courts of chancery, which decide upon applications for separations *a mensa et thoro*. But generally the manner of obtaining a divorce is by an extra-judicial measure, by a petition to the legislature, which passes a particular law for each case, after an examination by a commission, and hearing its report. Legislators are, however, much averse from these special laws, and require a very strong case to be made out.

In Louisiana, where the dotal system prevails, all landed property is shackled in a very complicated manner, and it is hazardous to buy it without knowing the genealogy and history of the families of the possessors; otherwise, when you least expect it, you will be beset by the descendants or creditors of a married woman claiming her dower, who may turn you out of your own house. This system does not prevail in the other States of the Union. You may buy in perfect security if you first ascertain, by an inspection of the registers, that there are no

mortgages on the land, which you may do in half an hour. Besides, the seller always guarantees the property he sells, and it is against him, and before a court of equity, that the purchaser has his remedy.

As to personalties, the possession is always a proof *prima facie* of property, and as to the validity, unless it be stipulated, the maxim of *caveat emptor* is of full force.

The means of securing the payment of sums lent is first by mortgage, but it is necessary that it be clear and registered; without that it is of no force against future creditors. It can never vitiate the rights of previous creditors, as a *bonâ fide* sale would do. Only bricklayers and carpenters have a tacit mortgage upon the houses they build until they are paid for their work. The second means is by a deed of trust; that is, a sale or gift of the property to trustees for a specific purpose. For example, to secure the payment of a debt on a fixed day, I give or sell a house, or a piece of land, to a third party, on condition that the life interest shall remain mine, but that, if the day arrives, and I do not pay, he shall sell it for the benefit of the lender. It is in general by this form that the property of married women is secured in such manner as it may not be confounded with those

of the husband, and sold for his debts. It is also in this way that the property of almost all corporations, such as churches, colleges, masonic lodges, &c. are possessed. When the courts of chancery try very complicated cases, in which many parties are concerned, they often order all the property under consideration to be vested in this manner in trustees, to wait, together with the produce, and be subject to the ulterior decision of the court. A deed of trust, as well as a sale, may be declared fraudulent, if it has been made with an intention of deceiving creditors; but, to do this, the fraudulent intention must be clearly proved.

All goods, whether personal or real, go to creditors. The United States are the only privileged creditor. After all these goods have been sold, or if the debtor refuses to declare them, he may be imprisoned for debts in almost all the States of the Union. The constitution of the United States has authorized Congress to pass a general law upon bankruptcy, but that has not yet been done. In the meantime, however, most of the States have insolvent Acts, by which the honest debtor, who has delivered up all his property to his creditors, must be set at liberty on making oath that he has retained nothing; and he is not liable to further arrest.

In some States, the property he may subsequently acquire is his own ; in others, it belongs to his former creditors, wholly or in part. Imprisonment for debt, then, is only employed as a coercive means of forcing the dishonest debtor to discover and deliver up his property ; for he who is innocent may always go out of prison, by swearing that he has got nothing ; unless his creditors prove that he swears falsely, which would be a very serious case of perjury, and involve penalties of a very strong and degrading character.

Generally speaking crimes are rare in the United States : this is greatly owing to the education of the people, but above all to the abundance which prevails, and the total absence of misery. Crimes against the person are more frequent in the new countries than in the old States. Attempts upon property, on the contrary, are almost unknown in the south, the west, and the country places ; whilst crimes against the person are more frequent there. Homicide is very frequent, but deliberate murder is seldom heard of. In a free country, still a little homely, every one feels his individual consequence, and takes upon himself the redress of an insult. In the more civilized parts of the Union, particularly those in which religion prevails, the prac-

tice of duelling is nearly unknown; but in the south and the west, it is very frequent among the cultivated classes. Upon the shores of the Atlantic, duels take place with as much etiquette as in Europe; but in the western forests they are less ceremonious. At the very moment of dispute, parties draw their weapons and attack each other; the usage of the country is even to let them do so, for any one claiming assistance would be covered with infamy. Frequently, if the quarrel is of long standing and implacable the parties warn each other not to go out unarmed, for at the first meeting they are determined to do themselves justice. Juries in general are very indulgent to duels, and even to rencontres (as they are called), when every thing passes fairly; but they are very severe against anything like murder. Country people generally settle their differences with the fist; sometimes, also, they bite each other's noses and lips, particularly in the west, where the manly population, proud and independent, have a particular relish for fighting in any way they please. Very seldom indeed a great crowd assembles, on any occasion, without a battle taking place before its separation. But these conflicts are always at fisticuffs, and concealed weapons are never employed in them.

In the Atlantic States, morals are different, and tend rather towards crimes against property. Robberies by open force are rare, but pilfering and cheating are very common. The American sharper is a perfect adept in his profession ; for, as it cannot be want which impels him to crime, in a country so happy as America, it must be inclination, passion, the genius of theft, which involve him in it, and every day reveals new and altogether original modes of cheating. The career of people who resort to this profession is in general, however, but of short duration, for the police of the United States is so well managed, that nothing criminal can escape that argus with thirteen million eyes.

Indeed we are all police agents and spies. If a conspiracy against the State comes to my knowledge, I am eager to impart it to the sovereign ; I do not leave him ignorant of what I may have been able to learn of the opinions of his servants ; and the sovereign always rewards me according to the importance of the intrigues I have confounded. The people is the sovereign ; the newspapers the means which I adopt to apprise him ; and my reward awaits me at the next election. There are no *gens-d'armes* or town-serjeants with us ; but if a robbery or a murder is committed, any citizen may arrest

the party *in flagrante*, and take him before the nearest justice of peace or magistrate, who commits him in a regular manner or releases him on bail until the next assizes, after hearing the depositions pro and con. If the criminal, however, has succeeded in escaping, the report soon spreads through the country. In the taverns, at church, at market, in all public places, in short, the affair is talked of. All who have any information to give, take care to give it; but if he succeed in evading immediate pursuit, on the representation of the parties interested, the governor publishes a proclamation in the newspapers, promising a reward to whoever will deliver him up, and containing a description of his person, and any other clues that may have been procured. The proclamation becomes a subject of conversation in all the taverns, and every stranger, coming from the place where the crime has been committed, is sure to be questioned and scrutinized thoroughly. Recently, a man at New Orleans, who had killed his wife, was arrested upon the borders of Canada, where he tried to save himself, conducted back to New Orleans, and condemned. Nothing can escape the systematic publicity of this universal police, and the only way to escape being betrayed is to have no se-



crets. In the great southern towns, where there are many blacks, there is in general organized a municipal armed guard, to watch during the night; but this guard, far from inconveniencing the citizens, on the contrary, submits to the first white who comes and saves him from the necessity of patrolling himself.

It is true that it sometimes happens, not often, however, that an innocent person is arrested for a guilty, (and does not that happen also at Paris?) but, in such cases, he is amply indemnified: this gives occasion to a new lawsuit, of which the number is very considerable. Law expenses are moderate; the temptations to go to law continual, and the taste of the people certainly tends to litigation. It is a singular thing that the descendants of the Normans have everywhere retained their fondness for going to law. This taste is observable in Italy in the kingdom of Naples, which was conquered by them; in the English nation, who submitted to the same yoke; and in the French provinces, where they were first settled. The rest of Italy, Scotland, Ireland, and the rest of France, do not partake of this litigating spirit. The descendants of the English have brought it into America, where it is characteristic. You can hardly find any one who has not had a lawsuit

in the course of his life. This may also be partly attributable to every one being more or less engaged in business, and to there being no idlers or people exclusively devoted to pleasure. For the rest, going to law does not hinder dining together and mutual visiting.

Another cause, also, which must increase the frequency of lawsuits, is the immense number of lawyers we have among us. Every body is more or less versed in the laws; for every body is sworn and goes to the assizes, as elsewhere people go to the theatre. Those who know but little of law, always think themselves sure of their matter, and immediately consult an attorney, to whom they represent their cause so well as to satisfy him of its justice. Besides, a lawyer, as you know, is very easily persuaded by his client. Owing to the number of lawyers, their fees are very trifling, excepting those of the great luminaries of the bar, which are very considerable. So that going to law is a cheap amusement; and, indeed, what would life be without a little contradiction? How many a planter would be consumed with ennui, if he passed his life raising crops, all fine, and varying only in degree! His days, so bright and golden, would be all alike, and oppressively monotonous. But, by good fortune, his neighbour's horse just

makes an excursion into his field. Quickly an action is brought of *trespass, quare clausum fregit*; or a passenger beats his negro, or seduces his daughter or his servant,—immediately follows an action of *trespass, vi et armis per quod servitium amisit*; or, better still, while on a journey he discovers a cart or saddle which he had lent to a friend in the hands of a third party; forthwith, an action of trover, or *detinue*. It often happens, also, that parties are uncertain about their right, and then they arrange to carry it amicably before a court.

Arbitration is much resorted to in the United States, but the litigants gain nothing by that; for although, before carrying the cause before arbitrators, they engage to abide by their decision, there are always so many ways of evading the engagement, that it amounts to nothing; and besides, the cause is pleaded before arbitrators, by lawyers, and in the same manner as it would be in full court.

The bar of the United States is a very distinguished body. It is even the first body in the State in the consideration of the people. There are three professions which are called learned, and which confer degrees: these are, the faculties of law, medicine, and divinity; but whilst the two latter lead to nothing, the bar

leads to every thing. It is the real nursery of statesmen, and it is in it that the people seek their legislators and governors. In a theocracy, the government is in the hands of the priests; in a military despotism, in that of the generals; in a country governed by laws, it is just that their interpreters and ministers govern. Thus are we well governed, and I regard this influence of the lawyers upon the government as the best guarantee of our liberties. It is to this point that Europe will come, in proportion as liberty shall be better understood there.

Oratory is much cultivated in the United State: every body speechifies. Written speeches are unknown, both at Congress and in the courts; and therefore we have orators. I have just heard those of Great Britain; but I must say conscientiously that there is nobody in parliament like Messrs. Clay, Webster, Wirt, Berrier, Hopkinson, Haine, &c. If the latter had subjects half as interesting as those discussed in parliament, with what lustre would they not shine. But that time will come, and ere long, Congress, like the British parliament, and the old Roman senate, will become *arbitrer gentium*.

## LETTER EIGHTH.

## OF THE ARMY, THE NAVY, AND THE INDIANS.—

*Visit of Lafayette, and enthusiasm of all classes on that occasion; formidable appearance of the militia; the regular army, its composition and government, how augmented in case of war and reduced in time of peace; military schools; recruiting; repugnance of the people to the service; tyranny of the officers; General Bernard's system. THE MILITIA; its composition; comparison between the militia of the towns and that of the west and south; description of a mounted rifleman; the author's campaign with a small army of them against the Indians; volunteer companies; several descriptions of them, and of their modes of proceeding. THE NAVY; ship-building; facility of producing a great number of ships; probable difficulty of finding sailors; no impressment; officers; privateers; merchant service; allusion to the wars in which America has been engaged; wars with the Indians; probability of the eventual extinction of the Indian race; observations on the distinctions of race among mankind; inferiority of all to the European whites; speculations on the ef-*

*facts on colour and faculties produced by crossing the races ; in what way the Indian race will at length disappear ; lands allotted to the Indians called " reserves ;" complicated question between the Creeks and the Cherokee Indians and the State of Georgia ; the United States a party to it ; interference of the missionaries ; Mr. Munroe's plan to obviate the difficulty—colonization of the Rocky Mountains ; serious objections to the plan ; speculations on the future proceedings of the Indians, and of the government of Mexico ; the Bushmen and the Emperor Francis of Austria.*

*Brussels ; February 1832.*

IN 1825, when Lafayette made us his triumphal visit, he was everywhere received as the guest of the nation. What miracles did he not witness ! He had an opportunity of comparing the state of the country, as he had left it fifty years ago, with what it then was, and might attribute the difference entirely to the republican institutions by which we are governed. He saw the country as nobody had ever before seen it, and as it has not been seen since. Everything assumed a holiday appearance ; the towns were repainted at his approach ; the roads repaired ; everything put on an air of youth and peculiar freshness ; the magistrates went before him, the people welcomed him with enthusiasm,

he was held up as a model to the schools collected in the streets he passed through. From many towns, deputations of the handsomest ladies of the place were sent to the frontiers to embrace him, and give him welcome in the name of the sex. He was obliged to stand godfather to all the children born upon his road; to hear as many sermons on Sunday as there were churches of the different denominations; to eat as many breakfasts and dinners daily as it might please the various corporations and societies to invite him to; to drink as many glasses of wine as he met thirsty persons; and to make as many speeches as he met fine talkers, which is not saying a little.

But, of all he saw, nothing astonished him so much as to behold, in the most peaceable country upon the earth, more than 1,100,000 men, completely armed and equipped. Indeed everywhere upon his road, and even some hundred miles right and left, the militia was assembled, and came to present themselves to him under very formidable appearances. He did not know the state-governors except in military accoutrements; and many were the merchants, lawyers, and planters, whom he saw only as generals or colonels! Here he might see and admire the institution of a national guard in its

highest point of perfection, for all this immense armed force was nothing but the militia.

The army itself, in time of peace, is inconsiderable. Under the ancient federation, it was composed of contingents, furnished and fully equipped by the States, but, under the present constitution, the States may not keep up bodies of troops under arms in time of peace. The army is essentially federal, and its concerns entirely within the prerogative of the president and Congress. Its organization has varied many times during the last ten years; under the presidency of Mr. J. Adams, it was reduced to less than 3,000 men, and during the last war it was carried beyond 100,000. At present it is composed of about 6,000 men, divided into four regiments of artillery and seven of infantry, and commanded by two brigadier-generals and a general-in-chief with the rank of major-general. The organization of the regiments, the manœuvres, and exercises, are entirely in the French manner, although the word of command is given in English. The soldiers are very well dressed, fed, and lodged. The army is distributed upon a line of some thousands of leagues all round the Union; the artillery occupies the coasts of the Atlantic; the infantry those of the Gulf of Mexico, and the frontiers of the



Missouri and Arkansaw. Upon this frontier a small post of fifty men has been planted, at some hundred miles from civilization; and it is necessary that it should be settled, fortified, and maintained there among the Indians, who are frequently hostile.

The war department is under the direction of the secretary at war, who does not belong to the army, for with us the accumulation of employments is not allowed, and there are only officers in actual service. The United States do not grant pensions but to those who are obliged to quit the service on account of serious wounds, or to the widows and orphans of the deceased. The army is organized agreeably to a law which directs that it shall be composed of a major-general, two brigadier-generals, a colonel, chief of the staff, &c. &c. It cannot, therefore, contain more officers than the law ordains. Those who are in the service are disqualified from being elected or appointed to any office whatever, while they remain in the army. All the officers are appointed by the president, *with the consent and advice of the senate*; and he possesses the constitutional power of dismissing them all, although I am not aware that this power has ever been exercised. Generally, however, in time of peace, promotion

strictly follows length of service. If war broke out, Congress would pass a law to augment the army and determine its extent and form. The president would then fill up the appointments according to his discretion, whether by selecting from the old officers who served in the last war, advancing officers in the existing army, or, finally, calling into the army officers of the militia, or people distinguished by their patriotism and possessing the confidence of the new levies. After the war, the Congress, in like manner, would pass a law to reduce the army and determine its model; then the reductions in each rank would be effected without giving any pension or privilege whatever to those who should resign or be disbanded. After former wars Congress made a division of public lands among the officers and soldiers thus disbanded, and the same measure would probably be adopted again.

When an officer gives in his resignation, he immediately ceases to form part of the army and becomes nothing at all. The only thing he retains, and that only by courtesy, is his title. Thus, for example, the actual president, Andrew Jackson, who is usually called General Jackson has long ceased to be a general. He receives no salary as such, and has no control over the

army. However, in his capacity of president, he is commander-in-chief of the sea and land forces.

The army is recruited by voluntary enrolment, so that in time of peace it is very indifferently composed; for what citizen is there who cannot, by very moderate labour, earn more than the pay of a soldier. Besides, the love of liberty, and the repugnance to all constraint, indispose the people to enlist. It must be admitted also that the tyrannical conduct of the officers to the soldiers contributes not a little to disgust the people with the military service. This conduct is a consequence of the sort of men who enlist, but it also reacts upon those who would enlist, and repels all decent people. In war time it is otherwise; the ranks are filled immediately with volunteers who enlist that they may serve their country, make a campaign, and partake of its glory and dangers. The officers soon see that they have different materials to deal with, and alter their system of discipline accordingly.

The present army must be considered only as the model, or the nursery of one more considerable; it is, as it were, intended to preserve the tradition of military usages and regulations. The officers who compose it are in general very good, and, in the event of a war, would be imme-

diately promoted to superior ranks, and distributed among the new regiments that would then be raised; these would be most in want of good subalterns, a class who constitute the support and sinew of every good army.

The maxim of the United States is to be prepared for war during peace; and therefore nothing to that end is neglected. A school upon the system of the polytechnic school of Paris, is established at West Point, near New York, where some hundreds of young people receive quite a military education. On quitting, they have the choice of entering into the army as officers or of adopting a profession; most of them do the latter; but at the first signal they would be ready to rejoin the flag, and would make excellent officers. Many private colleges have adopted the system of education at West Point, and at present a great many young people are educated in an entirely military manner. By these means the manœuvres and management of arms will be as generally known to the future generation as the catechism is to the present.

But besides this attention to matters regarding the personal qualities of the army, the United States have established numerous military arsenals in which the arms and artillery are finished and preserved. The manufactory, how-

ever, of arms and powder, as well as every other species of industry, is wholly free in the United States. I believe even that the government has no iron-foundry, but supplies itself, ready made, from private factories.

The last war having shewn that the existing fortifications did not fulfil the purpose expected, Congress adopted a system of fortifications of great extent and fulness of design; and during fifteen years its execution has been pursued with activity. This project is mainly attributable to General Bernard, and never, perhaps, did an officer of genius design a scheme at once so vast, comprehensive, and original. It will immortalize the general.

The real military force of the United States, however, does not consist in its army, but in its militia. Until a certain age, which varies in different States, every citizen forms part of it; for as the army belongs to the federal government, so the militia depends wholly on the States. Preachers, schoolmasters, doctors and some other persons are exempt from it. The Quakers and other religious sects who refuse to fight must pay the disciplinary fines or march. Persons holding offices in the United States are also exempt, as well as magistrates, in time of peace.

In each State the governor is commander-in-

chief of the militia. It is his province to put them in motion, whether on the demand of the president in case of a general war, or of his own accord if the urgencies of the State require it. The officers are elected by the privates, except the generals, who are usually appointed by the legislature or the governor. The organization and uniform of the militia are the same as those of the army; and from the moment of its being called into active service it is paid like the other troops of the United States. The law fixes a certain day in which it is assembled to manœuvre, and the colonel or captain may call them out oftener to exercise or elect officers. These assemblages are always more or less military holidays.

It is necessary to make a great distinction between the militia of the new countries and of those parts of the Union which have been long inhabited, particularly the large towns in the north-east. There they are composed of mechanics and labourers, tradesmen's clerks, and apothecaries' shopmen, all people totally unfamiliar with the use of arms or military habits. In general they exercise pretty well, especially in making a variety of theatrical evolutions, of no utility whatever, and for which they have a great taste; but if, in the midst of a

parade, the rain comes on, you will see them scamper away with singular agility. However well disposed these might be, they would not be able to sustain the privations and marches of a campaign. You will tell me that the battle of Baltimore was gained by this sort of militia. Very true, but it was at the gate of the city. The American is brave; he is above all distinguished by a rational and reflecting courage; it is never in this respect that the militia may be impugned. But at the battle of Baltimore, the citizen-soldiers went out from their houses, having breakfasted and shaved as usual; if they had been obliged instead of that, to bivouac in the mire for a single week they would have been knocked up before meeting the enemy. Herein is the great advantage which the militia of the country have over those of the town. The men who compose the former are accustomed to the inclemencies of the seasons. They all go hunting, and are familiar with the use of a gun. It is true they are not so smartly dressed; that they do not exercise so well; are a little more turbulent; but all this does not hinder them from rendering better service before the enemy.

But to judge of the militia you should see those of the west and south. A regiment of mounted riflemen, men inured to all the fatigues

and privations of the almost savage life of a first settlement; mounted each upon his favourite horse; armed with his trusty carbine, to which, not seldom, he and his family have been indebted for a dinner in time of need; these are people who make a sport of all fatigue. To them a campaign is really a party of pleasure. They know the woods, can find their way by the sun and the bark of the trees, whether to track an enemy or a stag; their dogs assist them here, for each has his dog with him. They have no uniform, every one comes as he is, for his daily labour, with some new extra covering spun and wove by his wife from cotton planted by himself. A hat of twisted palm-leaves protects his person, blackened by the smoke of the bivouac; an otter skin artfully folded and sewed contains his ammunition, the means of kindling a fire, and his little stock of tobacco; a wallet behind his saddle carries provisions for himself and his horse. The animal himself is as little fastidious as the master. A few handfuls of maize per day suffices him, but in the evening, on arriving at the camp, he is unsaddled, unbridled, and two of his legs fastened together, then he is left in the woods where grass in abundance very soon invites him to a frugal supper. No great discipline among a troop like this; no regular



exercises: every one makes war for his own account, and as if by instinct. It is a hunting party on a large scale; these, however, were the most distinguished troops in the last war, and who repulsed the English at the battle of New Orleans.

I have myself made a campaign with such men, an army in miniature, three hundred men strong. It was commanded by a brigadier-general. I went out as his aid-de-camp, forming myself the whole staff of the army; I returned colonel of a regiment: few periods of my life have left me more agreeable recollections. I shall never forget, one moonlight night, fording the Whittlicootchie at midnight, lighted by our fires, and the still stronger but much more distant light of the woods, which the Indians had kindled in order to cover their retreat. This great river, in all the majesty of virgin nature, flowed between two perpendicular banks of rocks near sixty feet high. A narrow path led from each side to the ford. The moon reflected in the silver waves, and their almost phosphoric clearness was only interrupted by the long black line formed by the army marching in a single file. We remained nearly six weeks in this way, on horseback all day, encamped at night in the woods. We met the Indians only three or four times,

but their footsteps swarmed around us, and it was manifest that we were continually encompassed by them. One night they attacked us in our camp and lost two men. One day they disputed a ford with us, and three among them remained on the field of battle. At last seven were taken upon a little island at the mouth of a river, were tried, and acquitted by the jury. The cause of the war was the massacre of a white family, under circumstances of unheard-of cruelty. Six white children from two to twelve years old, were burnt alive, and the father massacred. It was to arrest these murderers, to force the other Indians to retire within their limits, to secure, in short, the tranquillity and peace of our families, and save them, perhaps, from a general massacre, that we took up arms. We completely succeeded.

The half-savage sort of militia of which I am now speaking are only found, as I have already mentioned, upon the borders of civilization. They would form, perhaps, the best troops in the world, if they were well disciplined and exercised; but that cannot be attained without keeping them some months under the flag. It is, therefore, always a probability that, on a level country and during the first year of a war, these militia would be beaten by regular troops; but the case would

be very different after the second campaign, and even after the first in trackless woods, without magazines and resources of any kind.

Besides those I have mentioned, there is another sort of militia in the United States always ready to take the field, whose equipment, arms, and exercises, are quite unexceptionable; and which is commanded by experienced officers withdrawn from the army since the last war. These are the volunteer companies. All those who are found united by professional ties or family connexions associate together to form corps of this sort. The act of association, duly drawn up and approved by the colonel of the regiment to which they are attached, settles their formation, their uniform, the modes of electing their officers, the admission of members, their retirement, &c. These companies frequently possess very great property, and the conditions of admission are sometimes very difficult. The honorable Artillery Company of Boston, for instance, possesses a small arsenal and a very fair *material* of its own, and I believe that it costs nearly a hundred pounds to be admitted into it. In every thing pertaining to their discipline and internal affairs, these companies are entirely independent of the officers of the regular militia, but they are under their

orders when they are called into active service; in general, however, they are employed in detached expeditions. Their uniform is entirely of their own choosing, so that there is no great town without several companies of sharpshooters in the costume of Scottish highlanders, who have been made very popular by the novels of Sir Walter Scott. The merchants, on their part, form companies whose uniform consists of white pantaloons, blue frock, round hat and red morocco belts. The French, or their descendants, unite also on their part, give the word in their language, and adopt the bearing of some of the old guard, or that of the French national guard; every where there are Irish and German companies. A very singular effect is produced by this medley, but it excites emulation in a high degree, and these volunteers would be choice troops any where. Besides, the exercises common to all the militia, in which they are obliged to take part, they meet to manœuvre or shoot at a mark as often as the captain pleases to call them out. Once or twice a year some volunteer companies of a town go with all the apparatus of war to visit the neighbouring towns. The necessary funds for the expedition are subscribed by the members of the corps, and remitted to the quarter-master, who precedes them and orders

the lodgings in a perfectly regular manner. All the volunteer companies of the town to which they repair go out to meet them, and give them a dinner. They perform manœuvres in common, make acquaintance, dance, give invitations, and exchange promises of reciprocal visits; and thus these occasions become also one of the means which contribute to attach and connect the people of the different States among themselves.

All these military movements are made without any communication of them to government. One of the large caps of a company, is seen from a window some morning, the wearer is struck with the fineness of the weather, and recollects that he has nothing to do that day. Without more ado, he runs to the captain and proposes a military promenade; the idea pleases the latter, the drums are sent for, they are beat through the town, and the corps assemble. Although this command emanates officially from the captain, he could not take upon himself so important a measure without the consent of all the company; as soon, therefore, as it is assembled, the matter is discussed: the majority of votes decides what shall be done: the minority submits, or pays the fine; and when once the resolution is adopted, the captain sees it carried into execution with an

air of authority not unlike a little despot. In the midst of the most profound peace, in a state of political tranquillity which admits not the suspicion of a commotion, a stranger is perfectly astonished to hear the drum beating on all sides; he goes out; he meets nothing but armed men, running to join their flags; companies already formed moved about on all sides; he thinks he is dreaming; he saw no soldiers the day before, and can only account for their presence by supposing the town has been taken by assault during the night. He is soon, however, reassured, by the air of indifference and security with which the quiet townsman regards, innocently passing, all this military pomp. Nobody even can answer his inquiries, as to the cause or object of this general movement; and, indeed, in the northern towns, there is scarcely anybody but the little negroes or mulattoes who attend the parades or care about them. Nobody else is idle; for the white little rogues are at school, and envy in this, as in many other things, the independence of their brethren of the sooty complexion.

The great towns, such as Philadelphia and New York, each reckon perhaps ten or twelve thousand of these volunteers. They are constantly ready to march, are perfectly well equipped and exercised, and render great service in time of

war. The principal objection to them is that they are with difficulty brought to give up the immediate defence of their homes; for being almost all young men of family and property, they have too close an interest in their native town to be fond of removing from it. Taking into consideration the peculiar position of the United States, this is not, however, of any very great importance. There is, indeed, but a single frontier to defend, that of the Atlantic. All the points of debarkation are covered by forts defended by the regular army: immediately in the second line, are the great towns defended by volunteer companies and their regular militia; then the heart of the country has its militia, or levy *en masse*.

There would be no occasion, therefore, to put the militia of the great towns in motion until after all these should have fallen into the power of the enemy, and then there would be no difficulty.

There is, besides, another defence, to which I have not yet adverted, it is, however, that on which we most rely—I mean the navy. To our navy were owing the greatest triumphs of the last war; for, although young, it has beaten the English in every sea, and its successes have astonished Europe. It is not, however, very numerous; we have at present, I believe, scarcely a dozen ships of the line, but they are very fine

ones. Naval architecture, whether for merchant-men or men-of-war, has made immense progress in America. By a very simple invention, frigates have been rendered almost as strong as ships of the line, and ships of two decks equal to those of three. It consists simply in suppressing the gangway and continuing the quarterdeck and forecastle from end to end. The deck is constructed strong enough to support pieces of a caliber equal to those for battery.

This construction has been just adopted for an immense ship building at Philadelphia, and ready to be launched: it has a hundred and eight covered ports and thirty-six upon deck. It is the largest ship ever built. Moreover, government spares no expense in naval structures; accordingly, they are very splendidly built, and the almost indestructible quality of the wood now employed exclusively in the navy, affords a presumption that it will ere long raise itself to a high state of splendor, and to a numerically imposing force.

Although the ships of the United States are but few at present, their number may be increased with the greatest rapidity. There are eight or ten naval arsenals ready, whenever required, to build a great number of ships. In each of these is a great many creeks, many of



them covered, and immense warehouses of timber and rigging. Further, in the city of New York, Philadelphia, and Baltimore, there are building-yards for ships of war, belonging to private individuals. They have already, since the last war, built several ships for account of the government, in addition to which there are those which formed the fleets to Columbia, Peru, Spain and Mexico, Brazil, and Buenos Ayres. They lately built two ships for the Greeks; one was sent to its destination, and the other, bought by the American government, now forms part of its navy. Some time ago the Russian government bought a superb cutter at Philadelphia, and I have no doubt that the private dock-yards of the towns of the Union could furnish annually twenty frigates of the first class, completely equipped, without reckoning what the government yards could do. The government is so sure of its resources in this respect, that it does not desire to increase the number of its ships during the season of peace we are now enjoying.

The maintenance of ships in ordinary is very great; whatever care may be bestowed, an old ship is never worth a new. Among the ships of the American navy there are none of no value. England is far from being able to say

as much. It is the sole power with whom we may have a maritime war. In a month's time all our navy would be armed and ready to dispute the approach to our coasts; and before, as it were, a fleet of a dozen ships of the line could come and attack us, our arsenals would have poured forth a dozen ships quite new, and prepared to meet them. Besides, great improvements are every day making in naval architecture, and the last ship built is almost always the best; there is therefore a great advantage in having all the materials ready, instead of putting them in hand at the moment when they are wanted.

The only difficulty the United States would experience in the equipment of a fleet, would be in finding sailors; for the English system of impressment does not prevail. The crews are enrolled voluntarily, and at a rate of pay always above that of merchant-men, and hitherto there has been no difficulty. It is, however, to be feared that at the moment of a war, when a great demand would take place, as well for the navy as for innumerable privateers, which would offer, besides the lure of high pay, the hope of rich captures; it is to be feared, I say, that some difficulty would be found in completing the crews. In spite of that, there is one consi-

deration, which restores my confidence; it is, that no war can be undertaken that is not sanctioned by the will of the majority; an unpopular war cannot take place with the United States, and if the people wish a war they will find the means to carry it on.

It must be acknowledged that the war service does not offer great attractions to people of so turbulent a character as American sailors. In truth, the discipline on board ships of war is very severe; more so, perhaps, than in any other service, and I believe that is necessary to make them forget republican equality, which could not be allowed at sea without the greatest danger.

The officers of the navy are very numerous, particularly in the inferior grades; these grades are the same as in England. The officers are not all actually employed, either on board the ships, or in the arsenals, dock-yards, &c. There are some of them waiting orders, who have been directed by the ministers to repair to such a station, and to hold themselves at the disposal of government; they receive their full pay, but no provisions. Others are absent on leave for a limited period. Lastly, others are quite out of the service, receive no pay, and remain in that state until they apply to government to

put them again into active employment. When they are thus retired, they may dispose of themselves and of their time as they please. Many of them, for instance, command merchantmen in the China trade; or devote themselves to any other species of industry. As soon, however, as an officer becomes part of the navy in any way whatever, he cannot be elected or appointed to any office.

In time of war, American commerce, which is in a great measure paralysed, furnishes an immense number of privateers. The schooners of Baltimore, during the last war, were dreadfully injurious to English commerce, and even spread themselves between England and Ireland. This system would operate much more destructively now, if hostilities were to recommence; for the merchant service is at least doubled in extent since ten years ago, and the recollection of the immense fortunes made in this manner last time, would be an encouragement to embrace this system of war, immediately after its declaration.

The merchant service of the United States is immense; it extends over every sea. To those who have seen the packets which go from New York to Havre, London and Liverpool, it would be needless to say that they are the finest vessels

afloat, whether as it respects internal construction, or sailing and accommodations. These packets, in short, are excellent travelling inns between Europe and America; one may live in them as well as on shore, for the same price, and have the passage for nothing. The safety of this mode of conveyance leaves nothing to be desired, for upon 2,160 voyages that these packets have made during ten years, only three have been lost. Their rapidity is inconceivable; I recollect having seen some years ago, at New York, on the 4th of January, the president's message delivered at Washington, on the 1st of December, printed in the Liverpool newspaper of the 16th of the same month. This, however, is out of the common course; the average time is twenty days from America, and twenty-five to go there.

The United States have hitherto had but two wars with European powers, for I do not reckon the declaration of war in 1798, which was not followed up. These two wars were with England, and in both the advantage remained wholly with the Americans. I am aware that the English boast of having taken Washington, in the last war, and burnt the capitol; but this fine exploit, which at the time made so much noise in Europe, has only to be known in its

details to be appreciated at its proper value. The city of Washington, although the official capital of the United States, was at that time only a small town of seven or eight thousand inhabitants. The English troops who were afloat in the Chesapeake, favored by the tide, ascended in the night one of the rivers which bear their tribute to this immense bay, and landed, in the morning, some miles from Washington.

They marched immediately upon the town, where they found no resistance, for the two or three hundred marines who were there had evacuated it at their approach, and were gone to Bladensburg, six miles on the Baltimore road. After having burnt the capitol, or rather the few moveables found there, for the freestone walls are not so easily demolished, the English army marched to Bladensburg, where it defeated the marines and some militia who were with them. Strengthened by this advantage, it continued its route upon Baltimore, where it was completely beaten by the militia of the town, and had its general killed. This expedition, which cost large sums to England, and was intended to make a powerful diversion in the central States, entirely failed of its object, and was completely destroyed in less than a

week after its landing. The burning of Washington was even of service to the American cause; for this act of vandalism, joined to the horrors and cruelties committed by the English army on its march, effectually silenced the party opposed to the war, and by uniting all the nation in a sentiment of vengeance, increased a hundredfold the strength of government. The expedition of the English against New Orleans was still more unfortunate; but it must be admitted that they had some success in Canada, success, however, which could lead to nothing, and which was entirely owing to the opposition of the federalists to all the measures of government, and to the refusal of some of the New England States to put their militia in motion upon the demand of the president. But to what purpose is it to examine into these two campaigns in this manner? Does the conquered ever allow himself to be so? And in the midst of contradictory reports, the best means of judging of the success of a war, is the result. In her weak state, when reckoning not more than five millions of population, without government, finances, army or navy, America obliged England to acknowledge her independence; and George the Third was obliged to receive at his court, as the first am-

bassador of a future rival power, that same Mr. Adams, who had been denounced as a traitor and a rebel. It is but fair to admit, however, that the assistance of France contributed greatly to the success of this first struggle. America would have succeeded alone, but it would have been at the expense of much greater sacrifices, and much more time. In the second war who had the advantage? Was it not again the United States? Which of the two parties made concessions at the time of the treaty of Ghent? certainly not America; England acknowledged her limits, and expressly renounced the rights of searching her vessels and impressing her seamen. Now, this was the ground of the war.

I do not think the United States will be for a long time engaged in an European war: they are now too strong to fear any power, and any nation having a maritime trade would see it infallibly destroyed by seeking to enter into strife. I think then that on this side, long years of peace are before us. But the republic is constantly engaged in petty wars with the Indians, whom it is continually pushing further from its frontiers. An attack on their part brings on a war, a treaty, a cession of territory; the conquered territory is speedily sold and



populated; the white man and the red man again come in contact; disputes, a new war, and a new cession of territory follow; and so it will go on, until the tide of civilization reaches the shores of the Pacific ocean, and the Indian race is extinguished. Nothing can save it.

For myself, who am not a philanthropist, I frankly avow that I think this result is very desirable. It is a question, like many others, which is not the least understood in Europe, and upon which people deliberately talk nonsense, treating it with that morbid sentimentality which was so much the fashion among the philosophers of the end of the last century. When two races of entirely different men are found together upon the same soil, they must necessarily either become amalgamated, or one of them become subject to the other, or be destroyed. Let us begin by examining the first of these alternatives: that which has taken place in all conquests. The Jews are the only people who have continued to live in an insulated state. The barbarians who invaded Europe soon mixed with the conquered; the Tartars did so with the Chinese, and that was at all times the system of Roman policy; but then, lastly, there was in all these cases a parity of race; they were white or yellow men, gifted

with an equal degree of intelligence; and if some little difference existed among them, it was solely the fruit of accidental causes, and produced by climate and manner of living; there existed no radical difference in the race, in the species.

Different parts of the world were originally inhabited by distinct races of men; each of these races possessed a lower or higher degree of perfectibility, and civilization with them proceeded until the intelligence of a race reached its utmost development: thus, we see the negro race (to judge of it by the geological state of the continent it inhabits, probably the oldest upon the globe,) has never been able to pass the savage state; they live upon the coasts of Guinea, in Nubia, and in Abyssinia, in the same manner as they did in the most distant times of which history has preserved the remembrance; and then, as now, they sold one another as slaves. The actual state of civilization among the Hindoos is exactly the same as in the time of Alexander; and it appears that long before that time they had arrived at that state of equilibrium between their wants and their faculties. It is the same with China; and the Arab race, which, although white, is very different from ours, presents the same spectacle: at

the time of Abraham and Ahasuerus, it had arrived at the same level. The European race alone have not yet reached the limit of its perfectibility; nor can we foresee how far that extends. To it only the treasure of civilization has been confided; and to it must its extension be owing, until it covers all the surface of the habitable globe. Our race, however, is not pure; it is the happy result of many cross breeds, but having little variety among them. Now, it becomes a question, whether in crossing our race with another less perfectible, the cause of civilization would thereby gain or lose. It is useless reasoning to establish opinions in support of which we cannot bring proofs from past experience. My opinion, however, founded upon the knowledge I have of many mixed races of men in America, is that we have nothing to gain by this mixture; moreover, the experiment is making, and making on a larger scale than any experiment hitherto tried since the existence of the world.

At St. Domingo whites and blacks will have completely disappeared in two or three generations, and at the end of some others the population will be entirely composed of mulattos of a uniform complexion. The same fate attends all the Antilles, with this difference, however,

that each of them will have a different colour, according to the proportion which existed in the elementary colours. In Mexico the red race predominates, there are many whites and few negroes. The Mexican colour will be therefore, after some generations, a proportional medium between these colours. All South America is in the same condition, each State, however, having these elements in very different proportions. There will be, for instance, a much greater difference between a Mexican and an inhabitant of Guatimala, (where the negroes and the red people are in equal number and infinitely superior to that of the whites,) than between an Englishman and a Spaniard of the present day. That will always tend to separate more the different States of South America, although all sprung from a common source, and united by ties of language and religion.

But whilst the experiment of crossing the races is making upon so immense a scale, I wish that the contrary experiment, that of preserving our white race in all its purity, and placing it in the most favourable circumstances for developing all its intellectual and physical faculties may not be abandoned.

Whilst the inhabitants of the Antilles shall gradually become savage, and abandon the use

of stays and small clothes; whilst South America shall fall back in its civilization, as it has already done since it has shaken off the yoke of Spain; whilst ancient Europe, a prey to its internal disputes against its kings, nobles, and clergy, consumes itself in vain efforts to get clear of the obstacles which those superannuated institutions impose on its civilization; whilst it is itself menaced every day with an invasion of Basquiers and Calmucks, I love to anticipate, in the future, the white man as free, perfectly unshackled in his industry, his thoughts and his genius springing forward upon a virgin land, fashioning it to the requirements of his new civilization, continually thriving and causing to flourish there peace, abundance, luxury, and the arts. But to obtain this great result, it is necessary that the race remain pure; the forest must disappear to make room for the regular streets of great cities, and the red man who can only live in the woods must disappear with them.

The second alternative is not possible, or at least cannot be accomplished for some years. It is what the Spaniards did in all their colonies: they had subdued the red race and reduced it to complete slavery, but that slavery was not of long duration; the amalgamation soon took place, as it always will when the commerce

between the sexes of two different races is productive. Besides, it would be altogether useless for the United States to entertain, for an instant, the notion of subduing the Indians. Those of the Islands, of Mexico and Peru, were cowardly and soft, and could be moulded to slavery, but the North American Indian is a warrior and wild to the last degree. You may kill him or put him to the torture, but make him work or draw a cry from him, never. Those even among them who are half-civilized and cultivate the ground, do not do it by their own hands, but by those of their negroes. This hatred of labour is observable even in the mongrel issue of the Indian and the white; I do not know one who exercises a manual profession, and those among them who have received a good education select the road to idleness and become preachers rather than work in a counting-house or at the bar.

There remains, therefore, but the third alternative, that of exterminating the race. But let us begin by understanding each other: do not suppose that I wish to justify the massacres committed by the Spaniards at St. Domingo and Cuba; do not think that I would preach a crusade against the red man, and make the forest resound with the cries of my victims: no,

no, I speak of terminating the race not the individuals, and the experience of the United States has proved, that the best means of attaining that object is to treat the Indians well, and to give them a taste of civilization. Individuals thus live in peace and prosperity, and the race goes out. The plan which the United States have followed hitherto, when they have conquered a savage people, has been to enclose it within an extent of fertile land ten times more than sufficient for the wants of an agricultural population. In this park, called a reserve, and into which the entrance of any white man is interdicted, they are furnished with cattle, implements of husbandry, and a forge; and missionaries have permission to establish stations there, consisting of fine and very productive farms. Nothing hinders these Indians from being happy and enriching themselves, and indeed they do in general live very happily; they let their cattle wander in the woods, and derive food from their flesh. Sometimes the women cultivate little corners of land, make deer-skin shoes ornamented with glass beads, and little baskets which they sell to their white neighbours; the men hunt, and sell their furskins: but in spite of all this, at the end of two or three generations, these tribes entirely dis-

appear. Thus far I have spoken of the northern tribes, in the south the case has been different. The Indians thus enclosed, consisted of considerable tribes, and already sufficiently moulded to the usages of the whites to have frequently made the Spanish governors of Pensacola, St. Augustine, and Mobile tremble. They carried on with some English merchants, established in those towns, a considerable traffic in fur-skins, and possessed a great many attle, and, above all, fugitive negroes from the United States, whom they had appropriated. Many whites, escaped culprits, or fugitives from justice, went and settled among them, allured by the safety which Indian hospitality offered them; by the privilege of marrying as many wives as they pleased; and more than all by the ambition of playing a principal part in the politics of these tribes: their marriages produced a great number of mongrels, some of whom were very well educated. These people and the chiefs who possessed many slaves, as well as the missionaries who instructed them, made fortunes; whilst the mass of the tribe diminished in number, like the Indians of the north, placed in the same circumstances. Every thing would have continued to go on quietly in this manner: the Indian race would have been extinguished in these reserves; the chiefs and



the mongrels become rich proprietors of the soil and citizens, blended with the whites, would be as mere drops in the ocean, altogether influential upon the race.

Besides, in proportion as the intercourse takes place between the white men and the women of colour, and the white women retain all their purity, the white race does not suffer; while, on the contrary, any mongrel or mulatto born is so much gained upon the enemy.

Unfortunately the great southern tribes, such as the Creeks and the Cherokees, are found chiefly on the territory of the State of Georgia. This State formerly extended from the ocean to the Mississippi; but it has ceded to the United States all the country to the west of a certain line, from which have since been formed the States of Tennessee, Alabama, and Mississippi. This cession was made to the United States against their guarantee of the right of property which the State of Georgia possessed and reserved to itself over all the vacant lands within its limits. On the other hand, however, when the Indians were enclosed in their reserves, the United States engaged towards them, by a solemn treaty, to defend them against any aggression, and to ensure them the enjoyment of these reserves unless they voluntarily renounced them. The

State of Georgia, which is certainly the most ill governed of the Union, has adopted a very singular mode of disposing of the public lands: instead of selling them and making them an item of its revenue, it every year puts them up in a lottery for all citizens who have attained their majority; so that there is among the people of this State, who are naturally very turbulent, a devouring hunger after the public lands. All the other lands which belonged originally to the State having been disposed of in this manner, there now only remains the reserves of the Indians, which contain some millions of acres. The State of Georgia, relying upon its contract of cession with the United States, claims the property of these reserves, and the right of disposing of them. The Indians, on their side, relying upon their treaty with the United States, do not consent to be dispossessed. Up to this point the matter would not have been difficult to arrange; for though these Indian tribes, settled in Georgia, form a population of fifteen thousand souls, there is not, perhaps, more than a hundred families among them, (almost all of mixed blood,) who are settled upon the soil, and cultivate it with their Negroes. They might have been easily indemnified by granting

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to each family in possession as much land as it might desire. The rest of the nation cares very little whether it be in Georgia or on the other side of the Missouri; it has no interest in the soil. But what comes to complicate the question, and render it a very serious one, is that these mongrels, having at their head a certain John Ross, a man of much merit, very well educated, and ambitious, conceived the idea of erecting themselves into an independent nation, giving themselves the phantom of a representative government, and establishing laws and tribunals: I say a phantom of a representative government, because this government exists only in name, and is only the means by which Ross and his associates avail themselves to throw dust in the eyes of the philanthropists and simpletons of the north. The fact is, that under the shadow of this phantom, he and his colleagues govern the Indians in a perfectly despotic manner.

Now, it is impossible for the United States or the State of Georgia to suffer an independent government to be established in the very midst of the Union. The Indian colonies are not considered as foreign powers; their right over any land of which they make no use is not acknowledged; they are considered as

only occupying, temporarily, the districts they inhabit, under the protection and guardianship of the United States. This question is rendered still more serious by the part which the Missionaries play there. These are the people who, in order to preserve the fine farms they have raised, blow discord among the whites, and stir up the religious societies, of which I have spoken to you, to take the part of the Indians.

To solve this difficulty, and prevent the like in future, Mr. Munroe, during his presidency, proposed a vast system which, although it has not yet been wholly adopted, has, however, served as the general basis of the proceedings of the United States towards the Indians since that time. It is as follows:

Between the Missouri and the Rocky Mountains, which separate the great valley of the Mississippi from the Pacific Ocean, there is an immense country in which the whites have scarcely begun to show themselves. The eastern side of the Rocky Mountains is very well wooded, and equals in fertility the western side of the Alleghanies; but from the foot of the Rocky Mountains to the Missouri the country presents nothing but an immense plain, slightly undulated, like the sea after a tempest, and wholly

destitute of wood. The ground is, however, very fertile; a grass of perfect beauty grows everywhere about in abundance; the banks of the rivers, great and small, which water the plain in every direction, are the only points which present a narrow border of wood; but for a fuller description I must send you to Cooper, who has given one in his novel of the Prairie. This country is occupied by innumerable horses and wild buffalos, which serve both for riding and food to very numerous tribes of Indians who have not yet been subdued. Mr. Munroe proposed to invite all the Indians inhabiting the east of the Missouri to pass over to the other side of that great river, where the United States would ensure to each a "reserve" in perpetuity; and would establish among them one or more governments similar to those of the territories; until such time as these nations became sufficiently advanced in civilization to form States, and take their place in the confederation. By this plan, the immense prairie would be interdicted ground to the whites, and the new States, which must soon be formed on the two sides of the Rocky Mountains, would find themselves separated from their brethren of the east by a red population. This result must, however, take place in part; for as the countries destitute of

trees offer much fewer facilities to new settlements than the forests, it is probable that the woods on the eastern side of the Rocky Mountains will be peopled before the prairie which separates it from the Missouri.

The United States have already succeeded in transporting many Indians to this prairie; and now, in all the treaties they make with them, it is always there that they direct the steps of the emigrants. The mongrels of Georgia having refused to treat in any way with the government of the United States for a cession of their lands, the government has commenced individual negotiations with the Indians; and, in spite of the penalty of death pronounced by the laws of Ross against those who consent to emigrate, some thousands have availed themselves of this resource, and the rest will probably follow their example: when, therefore, there shall remain nobody in the "reserves" but a few of the headstrong chiefs, and the nation in mass shall have emigrated, the State of Georgia will quietly take possession of the contested territory.

But this plan of Mr. Munro, however specious it may appear upon paper, is surrounded with the greatest dangers. The tribes who inhabit the prairie are very different from those

of the sea-coasts. They are much more numerous, much more inured to war, and do not yet know the power of the white man. The single nation of the Siouts reckons ten or twelve thousand warriors on horseback, armed with lances and arrows, true Tartars of the western plains. Now I take it for granted, that if a force like this, led by an enterprising man, such as Ross, were to rush in upon civilization, it would do incalculable mischief to the United States before there would be time to collect forces together to exterminate them. I think that, well conducted, they might arrive even at Washington, as the Gauls arrived at Rome. At present, these nations do not know their own power, are disunited, and cut one another's throats in continual wars. They only attack the extreme frontiers of the United States separately, and with no other object than the pillage of some new settlement. They will be easily conquered in detail; and if the plan followed hitherto was continued, each enclosed in his "reserve," and surrounded with white men, in the course of a few generations they would be extinct or absorbed. But if civilization continues to drive them before it, the population will soon get condensed; instead of remaining ignorant of their strength, they

will be informed of it by the already half-civilized Indians that have been transported among them. Let them but organize a government; get among them people of ability, and gifted with as much enterprise as Ross; and you will soon see new swarms of Huns, guided by another Attila, come thundering over western civilization. In the last war, did not the famous chief, Tecumtze, assisted by his brother Francis the prophet, succeed, under English protection, in preaching a crusade, and forming an alliance against the whites, among all the tribes, who, from the lakes of Canada, where it rested upon the British possessions, went even to Florida, and there received assistance from the Spaniards? It was this league which obliged General Jackson to seize upon the Floridas, and it is in consequence of his victory in 1818 that the different tribes are found each penned up in an insulated state, and carefully separated from the prairies of the west. But if thirst for their lands, and the little annoyance which these inconvenient tenants occasion to their neighbours, should now decide the government on making them emigrate in mass, the red league, but a hundred times stronger and more powerful, would be soon re-established; and government would see itself engaged in a secular war which



would oblige it to keep on foot a very considerable regular army, to sustain immense expenses for its maintenance in a desert country, which would retard the progress of civilization towards the west, cover its frontiers with pillage, conflagration, and massacre; and only terminate in the extermination, by fire and sword, of one of the two races.

And who can tell to what extent this Indian league would find support from the Mexican government? Already the two civilizations, Mexican and American, begin to meet. A caravan trade is established between St. Louis and Santa Fé, in New Mexico. On the sea coast, Mr. Austin, a conqueror of a new sort, is busy drawing the Texas from the Mexican Union to throw it into the American federation. His mode of conquest is quite original: it consists, under the authority of the Mexican government, of importing into a territory dependent thereon, a population entirely American. As soon as it becomes sufficiently numerous to form a State, it may, if it please, declare itself independent of one federation and reattach itself to the other.

But you will ask me, perhaps, what can Mexico do in its present state of complete disorganization, and torn by internal discords,

against a nation so well organized and compact as the United States? Agreed, not just now; but the state of anarchy which now afflicts Mexico may not last always. Among the number of generals who now contend for power, and make and unmake elections at the point of the bayonet, some man of genius will arise, who will pull down all his rivals, put an end to discord, destroy the republic, and establish a military government; it is towards this point that all Spanish America gravitates. As soon as he shall have established internal peace, it will be necessary, in order that he may not be overturned himself, to employ the army in distant expeditions. It is not the Indians that he will attack: there is nothing to be gained by making war upon them, and besides they are his natural allies; more than three fourths of the Mexican army is red, and who knows if he will not be so himself? It will be the Texas that he will wish to reconquer, but by force; and if he were seconded by the Indian league, he might put the United States into a very dangerous position, or at least draw them into a very long and disastrous war.

But let us hope that the happy genius which has hitherto watched over the cradle of our republic will continue to protect it; that it

will succeed by wise measures in preventing the league of the savages against civilization; in escaping the massacres which would be the consequence of it; in extending the peaceable conquests of civilization, even to the Pacific ocean; and in maintaining peace with its Mexican neighbours, whose gilded misery is far from being matter of envy. But to attain these results it is absolutely necessary, by little and little, to exterminate the red race, at the same time preventing the sacrifice of individuals; on the contrary, preparing as much happiness for them as the state of civilization of which they are susceptible will permit them to taste.

How now! I hear the simpletons and antiquaries exclaiming; will you destroy a race; not leave a sample of them except those which shall remain in the museums of the naturalists? I hear them crying out against the cruelty of my views, and requesting as a favour, that at least a poor little red colony may be preserved, that it may be seen, some thousand years hence, how the ancient savages were made. First of all, I think, with Buffon, that nature does not know species, but rather individuals; it is with the happiness of the latter that we should concern ourselves: in doing so, we are sure of securing

the happiness of their race, which is only a metaphysical being.

What then? supposing we could by a legislative measure prevent the birth of hunchbacks and cripples, would you not wish to do it? As to curiosities, I have little taste for such as have no other merit, and I confess I do not partake in the taste of the Emperor Francis for the Bushmen. You must recollect that about 1820, when the frigate which had conveyed the Emperor of Austria's daughter to Brazil returned, it brought over a family of Brazilian savages, as a present from the Emperor Don Pedro to the Emperor Francis. The latter received these foreigners with much kindness, and conceived for them the tenderest friendship. He had a pretty little hut built for them, in the midst of a small wood in the palace garden, where they were perfectly free, (Austrian fashion!) enclosed within iron rails. The good Emperor passed whole hours in their company, and marvelled greatly at their smallest actions. It was said publicly in Vienna, that the Holy Alliance had had them brought over to serve as a model of the degree of civilization to which Prince Metternich wished to carry the civilization of Europe: I cannot vouch for the truth of this, not being in his confidence, but it is certain that a family

of Hungarian adventurers took a fancy to play the Bushmen. They reddened their bodies, pierced their lips and ears, and run sticks through them, like their prototypes. The father, who retained his colour and usual dress, made an exhibition of his sons and daughters in a state of nudity, but painted red, for so much money. Spoken to in German, they answered in the Bushmantongue. A live cat was given to them, which the lady strangled with admirable dexterity, and the family devoured it perfectly raw. To see them make this repast, the charge was double. I do not know how many meals they had in a day; but, after having collected a hundred thousand florins *Wiener Warung*, they decamped, informing the good people of Vienna of the trick they had played them. A play was made of it at the *K. K. P. Leopold Stadt Theater*. Now I ask you whether there was not as much pleasure in seeing these Hungarians eat a cat as if they had been genuine Bushmen? And what is there so curious and so attractive in the Northern Indian, that he should be made so great an object of interest? Do not judge of them by the descriptions of Cooper, who has always tried to make gentlemen of his Indians; who has even given them very delicate sentiments towards the fair sex, quite out of

nature. The wife of an Indian is his beast of burden ; in travelling or in the field she it is who carries on her back all the baggage ; and she is beaten by every body, even by her children. As to the Indian, he is physically brave, morally a coward ; he is patient from necessity ; moreover, some of them have a good deal of natural sagacity.

It is said that the presence of the whites is injurious to the Indians : I deny it ; they are more happy now than they were before the colonization of America. Instead of hunting with bows and arrows, they have now guns ; instead of going stark naked in the snow, or ill-covered with skins of beasts, they are now dressed in good stuffs, and provided with good blankets, which serve them for cloaks ; instead of fasting when their shots fail, they have now cattle, which saves them from famine. Each has now his steel, his knife, and his hatchet ; I will even say they have all combs ; but I shall not dilate upon that subject, because, in their case, they are but a useless ornament.

## LETTER NINTH.

OF THE FINANCES.—Comparative “cheapness” of the American and European governments: economy defined; sources of revenue in the United States,—the Post-office, sale of public lands, fines and confiscations, dividends on shares in Banks and public companies; United States Bank; principles which ought to regulate different nations in their commercial policy, foreign and domestic; impolicy of the American system with regard to the tariff; revenue and expenses of the different States; Philadelphia, extraordinary legacy left to it by Mr. Girard, probable consequences on the prosperity of the city; expenditure of the United States, payment of the national debt and interest thereon; different projects for the disposal of the surplus revenue consequent on the speedy extinction of the debt, difficulties attending all of them; want of capital in America, universal adoption of the credit system, every body speculates; supposed case of a New England carpenter; fluctuations of fortune common in America; extension of the banking system, paper currency in circulation generally; protecting influence of the United States Bank over the

*other Banks; Insurance companies; companies for other purposes; complaint of the unfair dealing of the Americans not warranted.*

*Brussels; March 1832.*

I HAVE observed, for some time, a discussion going on in the French journals, as to whether the government of the United States is really as cheap as it has been represented. General Lafayette, assisted by Mr. Cooper and General Bernard, have contended, and supported their arguments by figures, that taxation is incomparably less in America than in France. I am also entirely of their opinion. But to support it, I must adopt another method. Not having the necessary documents to establish a rigid comparison between the state of the American finances and those of the governments of Europe, I cannot recur to figures to support my opinion; and if General Bernard, like a strict mathematician, has faithfully raised the projection of the American financial system, I am going to give you the picture of it. I am perfectly sensible that there is a great disadvantage in treating a question of finance without figures; notwithstanding, I am going to attempt it, for I am reduced to do so by the total privation of docu-



ments; and although my memory might furnish many figures, it could not be with the exactness which a subject of this kind requires.

Mr. Hume, a member of the English Parliament, was the first who brought into fashion the term "cheap government." At first, ministerialists and oppositionists found the expression excellent, and piqued themselves on admiring it; but it was soon discovered that "cheap government" was nothing but a pass-word for republican government, and from that time, those who desired neither a republic nor republican institutions, became outrageous, not only against cheap government, but against economy itself. At last, one writer carried his prejudices against this mode of government so far, that in order to deprive the partisans of liberty of what they considered their best argument, and force them, as it were, into their last retrenchment, he undertook, *mirabile dictu*, to demonstrate that monarchical government was cheaper than the government of the United States. I shall not follow him in his reasonings, because that has been already done by the persons referred to, better than I could do it, and besides it would lead me too far. But I may observe, that any comparison between the expenses of the two countries is materially affected by the

value of money in the respective countries; thus, for example, when I give, in Florida, 1 dollar and 25 cents a day to a carpenter, besides his board and lodging, it is very clear that 1 dollar and 25 cents is only worth in that country what a carpenter's day's work is worth in France. It is then clear, that if I pay nearly 6 francs per day to a labouring man who would cost 2 francs in France, I must pay in the same proportion the salaries of all employed in civil and military offices; and that, although they may receive a more considerable quantity of metal, their expenses being greater in the same proportion, they are not better paid than the same persons in Europe, who receive nominally less. The difference in the relative value of money in the two countries is a common factor, which augments the figure of equation without changing its value. This applies to all those employed in inferior capacities in the republic, to those who are paid for their subsistence, and whose salary is considered only as a compensation for what they forego by not employing their time elsewhere. But in Europe, besides this class of persons employed, there is another, who are paid, not according to what they do, but according to what is required to keep up the dignity of their rank. This

class has no existence in the United States; the 25,000 dollars per year allowed to the president is the only instance that can possibly be considered as of the same sort of expense.

But let us first inquire what is understood by economy? Is it the having ten bad servants, ill paid and serving ill, or rather the having but one good one, doing more work than the ten together, although costing as much as them all. Economy in government consists in paying liberally as many good hands as is absolutely necessary for the service, and not one more; it consists in not stinting the necessary expenses, but in not permitting any useless ones, under any pretext. Suppress luxury in the government, replace it by the solidity and good qualities of the materials, and you will have economy, and the tax-payers will have the consolation of knowing that nobody fattens upon their spoils.

Another error into which the author who has attacked the financial system of the United States has fallen, is in believing that all the revenues of the United States, or even of the States, come from taxes; whilst, in fact, much of them is derived from property belonging to the nation, and which, consequently, does not weigh at all upon the tax-payers. In order to understand this, it will be necessary to analyse

the different sources from whence the governments draw their revenues.

The post-office is the first branch we shall examine. This immense department, which extends like a net from one end of the United States to the other, and propagates the latest news with inconceivable regularity and safety, even in parts of the country which are hardly inhabited, is under the direction of the post-master-general, a sort of minister, not forming part of the cabinet. There are more than eight thousand post-masters, each of whom have an account current opened with the department, and which is made up every three months. The mail is forwarded by contract, in stages, which also convey passengers; their construction and convenience vary greatly according to the state of civilization in the different parts of the country. The contractors are paid by drafts on the different post-masters, and the surplus of the receipts is paid into the banks of the United States to the credit of the post-master-general. The post-masters are compensated for their trouble, first, by the right of franking their own letters, both those they write and those they receive, as well as a daily newspaper; and further, by a commission which varies from 30 to 10 or 12 per cent.

upon the gross receipts, and which, however, in no case may exceed a certain sum. They can in no circumstances contract for, or be interested in, the conveyance of the mail. The postage of a letter for 400 miles and upwards is 25 cents. A newspaper for the same distance costs only 1 cent and a  $\frac{1}{2}$ , and a pamphlet  $2\frac{1}{2}$  cents per printed sheet. These rates are reduced as the distances diminish. The post-master-general after paying all the contracts for the conveyance of the mails, and providing for all the expenses of the central departments, pays further into the hands of the treasurer of the United States, a very considerable sum every year. Of this source of revenue, however, I only speak from memory; for the object proposed by government in this department, is not to create a receipt, but rather to ensure prompt communication between all parts of the republic. Indeed, besides the post-masters, the privilege of franking is common to the president, the vice-president, the heads of the different departments and all the members of Congress. The journalists, far from being shackled by government, enjoy also the right of receiving all their newspapers free; and the senators and representatives make so good a use of their privilege that, during the

session of Congress, there goes out from Washington from thirty to forty thousand franked letters every day.

I have spoken in another letter of the sale of the public lands. They form a source of considerable revenue, and the administration is confided to the commissary of the land office, who resides at Washington. But the receipts from them are effected by particular receivers placed in each district, and who, after paying the various drafts of the government, and deducting a commission of 5 per cent. on the sales, which commission may in no case exceed 2000 dollars, pay in the rest to the banks of the United States, to the credit of the treasurer.

Fines and confiscations are also a branch of the receipts, in general an inconsiderable one, but sometimes, through fortuitous circumstances, increased by very large sums. Many crimes, are, as I have mentioned, punished by a fine which goes to the benefit of the United States. Confiscation, properly speaking, does not exist, that is to say, the property of any individual can in no case devolve to the State in consequence of a criminal condemnation. But by an ancient odd custom, derived from the common law, any inanimate object which has caused, accidentally or otherwise, the death of an indi-

vidual, becomes, under the name of *deodand*, the property of the State. Thus, in any indictment for homicide, (*meurtre*,) care is taken to specify the value of the weapon used by the criminal. This value, however, is always nominal in important cases, for the absurdity of the law is too palpable, and it is probably to this very absurdity and to the manner in which the courts evade it, that its non-repeal must be attributed: for instance, a steam-boat, which had caused the death of an individual who was caught under its wheel, was valued at 10 dollars. I only speak, therefore, of *deodands* from memory; but in all cases of contraband, not only the articles introduced fraudulently, but even the vessel which brought them, becomes the property of the United States. A number of cruisers is organised for this purpose; these are schooners of the finest construction and of a very superior sailing. They belong to the United States but do not make part of the navy, they are under the financial department. The captains and crews are deeply interested in the seizures they make, which, however, must be declared valid by the courts of admiralty.

The dividend received by the United States for shares, in the United States Bank, belonging to them,—and for those which are subscribed

from time to time, in the different road and canal companies, presents another item of receipts, which, though not very considerable just now, may easily, as I am going to explain, be very considerably augmented.

Many States have already adopted this system. The State of New York, for instance, draws an immense revenue from its canal, and the State of New Jersey from some oyster establishments which its government has formed on the sea coast. They are farmed out every year and produce such large sums as to have allowed of the reduction of many taxes in that State, and will eventually, perhaps, render it possible to repeal them entirely.

The United States Bank is a joint stock company, established under the sanction of the United States, to receive deposits, discount bills of exchange, lend upon mortgage, or upon deposits of commercial value or precious metals, and lastly, to give circulation to a paper currency, which being at any time convertible into specie, can never fall below par, and which, on the contrary, by the facility it offers for transmission, is often above. The United States hold a very large proportion of shares, and as such, have a voice in the nomination of the directors and presidents who govern this institution. It trans-



acts all the bank business of government; but, as a compensation for this privilege, it is obliged to have funds ready for it in its different branches without making any charge. It is intrusted also with the payment of the interests of the public debt, as well as of the portions of its capital which become redeemable. This institution has rendered the greatest service to the commerce and industry of the country, as I shall explain to you hereafter.

The United States often subscribe for a certain number of shares in the companies which are formed in the different States, to make roads and canals. It is not that they could not make them at their own expense, but, generally speaking, there are many reasons opposed to their doing so. In the first place, this power could only belong to them in virtue of an article in the constitution which authorizes them to do every thing which may conduce to the general good; a sort of vague provision, similar to the fourteenth article of the charter, which might serve to cover many usurpations, if the federal government should wish to usurp, and if the State governments had not always their eyes open. It is necessary, therefore, before the United States can undertake a public work within the limits of the States, or authorize a

joint stock company to do it, that the work be acknowledged to be one of general utility, and that a majority of the States, at least, draw a direct advantage from it. Anything, therefore, which tends to improve the harbours, and render them capable of receiving numerous ships of war, or to facilitate the navigation of the great waters, suffers no impediment; for it is the province of the United States to regulate external commerce. Anything which tends to facilitate the military defence of the country is in the like case; but it is very doubtful whether the United States have a right to establish a toll, or authorize a joint stock company to do it. Anything they might erect would, therefore, be so much sunk money, returning no interest. The States, on the contrary, as masters of the soil, may do within themselves whatever they choose, and are exceedingly jealous on this point. Indeed a new road may often ruin the capital of a neighbouring State, and it is quite clear, that the citizens of any State may be desirous to direct public works towards an object of local utility, and in competition with works which their neighbours may be executing. A last consideration is that works of public utility, which would only be profitable to a single town or a single State, would be made at the expense of all the others, which would certainly be

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unjust. But if so many reasons are opposed to the United States claiming the power to undertake works of public utility, whether directly or by the medium of joint stock companies under their authorization, nothing hinders them, when once the government of a State has authorized the formation of one of these companies, from subscribing themselves for any number of shares whatever. They have already often done so, and with advantage, and I hope they will continue.

The great source, however, of the revenue of the United States are the customs: they form nearly nineteen twentieths of the whole receipt. The constitution of the United States has reserved to the federal government the power of regulating external trade, and establishing duties upon importation; but it has forbidden the imposition of any shackle on internal trade, and the establishing of any duty upon exportation. The tariff of duties also must be the same for all the ports and frontiers of the Union. In each port, and upon the frontiers of Canada, collectors are intrusted with this administration. They are paid by a commission upon the sums they collect, which, however, may in no case exceed a specified sum. Besides collecting the duties, it is their office to

register newly built vessels; to give certificates of birth, called protections, to sailors; and to take care that the lighthouse and floating lights are kept in proper order. It is from them, also, the captains of the preventive service, the lawyers of the United States, and the district marials, receive instructions for everything concerning the suppression of contraband trade. The funds they collect must be paid into the banks of the United States, to the credit of the treasurer. These are posts of great consideration, are much sought after, and, in commercial towns, give great influence to those who fill them.

The duties collected upon many articles are very considerable, but they never fall heavy upon the merchant; the government always allowing a credit of three, six, nine, and twelve months, according to the amounts; so that, in general, the merchandize is already sold before the duties are paid. Productions imported to be re-exported pay nothing, and those manufactured in the country to be exported under a new form, receive on their export a premium proportioned to the duties which the raw material paid on its introduction. I have mentioned that exportation is entirely free, as well as the transit from one port to another, whether by sea or by the interior. No town duty or excise, (*octroi ou droits reunis*),

can be exacted, but all imposts are accumulated upon importation. They were already very heavy, when, in 1825, the manufacturing interest succeeded in getting them much augmented, so that in many cases they are now equal to a prohibition. The manufacturers profited greatly by this state of things, which permitted them to sustain the competition of English manufactures, without diminishing their price and in inferior quality; but, unfortunately, all the manufacturers are on one side of the Potomac, whilst the consumers are on the other: this, at least, is the case for the greater number of articles. The southern States, which produce only tobacco, cotton, sugar, and maize; and who buy every thing with the proceeds of these productions, found, therefore, much to complain of, when they saw the price of stuffs rise, and their quality fall off, just at the moment when the immense increase in the production of cotton operated in reducing the value of their principal dependence. It was, in fact, their interest to furnish themselves where they could do it cheapest; whether the manufacture was English or American was perfectly indifferent to them. In vain was it attempted to persuade them that the protection granted to the manufactures of the north would soon put them in a situation to

create a market much more advantageous for them than those of Europe : experience has since confirmed the perfectly accurate calculations of those who were opposed to the tariff; and the southern States now find themselves reduced to the necessity of consuming productions of an inferior quality and at a very high price, in order to put the northern manufacturers in a situation to make very great profits at their expense. This state of things is unjust, and cannot last long without wholly destroying the prosperity of the southern States. Accordingly, they opposed it with all their might ; but, carried away by their passions, their opposition was conducted in such a manner as to do them more injury than the tariff itself. They began by denying the constitutionality of the law which fixed the new tariff, and pretended that Congress had no right to lay on imposts to protect a particular industry, although it might do so to create a revenue and supply its wants. The State of South Carolina carried irritation to the highest point, and, forgetting its usual sagacity, talked even of separating itself from the Union : vain words, which were eagerly seized on in England as an evident proof that the Union of the States cannot last ; but which in itself threatens no danger, for the remedy

would be a hundred times worse than the evil which they wish to obviate. These southern States, since the passing of the new tariff, have adopted a line of conduct decidedly hostile to the northern States, and above all, to their manufacturing interests. They tried, for instance, to reduce their consumption as much as possible, using only coarse stuffs manufactured in their families, and strenuously set them against any sort of amelioration in their habits, or imitation of the industry of their northern brethren. It is very clear, however, that conduct directly opposite would have been proper for them; and since the tariff established an unfair advantage in respect to the American manufactures, they should have been the first to turn it to account by establishing manufactures in the south; which, if not able to sustain the competition of the English manufactures without the tariff, might always, at any rate, have been able to compete easily with those of the north. Indeed, in the south, there is nothing to prevent the employment of negroes in this labour, which seems even much more suitable for the women than that of the field; and the price of manual labour would have been much less than that obliged to be paid in the north. It is true, that formerly a

negro could be employed in agriculture more profitably than in any other way; but those times are passed, and the value of the productions of the soil is reduced to such a degree that I think there would now be much advantage in withdrawing a part of the labour employed in agriculture, and devoting it to manufactures. In this way, production, which is too great at present, would be diminished, and the profits secured which have been made upon our raw materials, by the English or by the inhabitants of the north. But the southern States have followed quite a contrary course: they have declared war against every thing bearing the name of manufacture, industry, or tariff; and if they continue, in ever so small a degree, the same line of policy, they will infallibly see themselves overcome by the people of the north, in whose hands all the capital will soon be concentrated.

The inhabitants of the north, moreover, or at least the party among them in favour of what they call the American system, also push their admiration of a protective system much too far; they have been desirous of forcing industry, by high premiums, to produce objects which nature itself has appeared to reserve for other climates and other times.



If all the nations of the earth were equal in industry ; if all possessed an amount of capital proportioned to their population, the wealth of the different nations would be found to be in a direct ratio to the fertility of the soil and the beauty of the climate. But the different degrees of civilization to which the various nations have attained; the schools of policy, above all, of the respective governments; and the disparity existing between the amounts of capital amassed, have entirely destroyed this natural proportion. It is to the renewal of this proportion, it is to the destruction of all commercial and manufacturing monopoly, that the progress of enlightenment tends. But this result will not be equally favorable to all nations; for those who, by their geographical position, are naturally poor, will be obliged to disgorge wealth and renounce power, which the ignorance of other nations has permitted them to acquire. As a general position, the freedom of commerce will be then all in favour of nations naturally rich. But, however, in the present moment, and as long as an inequality of industry and capital exists, a protective system is necessary to the more favored nations, in order to force them to take the rank which nature has assigned them. Italy, for instance, the richest of all the countries

of Europe, now finds herself almost wholly without industry, and tributary to all others. Her oils and her barillas are sent to Marseilles and return in soaps. Her silks and her cottons seek manufacturers in Switzerland, Lyons, and England, and return to Italy, in a manufactured state, to find consumers. The commerce of Italy is carried on entirely by foreign vessels. If she were free, the first care of a good government would be to replace her in the first rank of European industry and commerce; and to that end the only means would be to establish a tariff duty of such strict severity that the nation should be obliged to go bare or establish manufactures; that once done, industry once established, there would no longer be any danger in repealing the tariff, and establishing an unlimited freedom of commerce. Capital would by that time have learned to flow in the new channels opened for it, and nothing afterwards would be able to turn it back. Freedom of commerce would by then have become an advantage to Italian industry; at the commencement, the same freedom would have killed it, or rather have prevented it from being born. England, on the contrary, is naturally one of the poorest countries of Europe; but a multitude of causes which it would be too long to

enter into, but which may be reduced to two principal ones,—the natural industry of the inhabitants, and the excellence of her social institutions,—have enabled her to heap up a mass of capital unexampled hitherto in the history of man.

But whenever other nations enjoy the same advantages, her prosperity must fall away; for it is not founded upon nature, but upon factitious bases. In the present state of things, England preaches unlimited freedom of trade: in truth, she has nothing to lose. Let her diminish her duties as much as she pleases, for a long time the manufactures of no country will be able to compete with her; and the more other nations imitate her example, and believe in the doctrine she now preaches, the more they will see their progress in industry retarded, and the more her monopoly will be strengthened, and her fall delayed. In preaching freedom of commerce, England seeks to make dupes.

But it is not every branch of industry which should be equally protected in each country. Every land, every climate has its natural productions; and the natural industry of a country should be limited to their exportation in their highest state of manufacture. This is the sole end which a good government should aim at by a prohibitive system, and to protect the

young plant, until it acquires sufficient strength and has struck its roots in deeply. If, for example, the English government imposed duties only in order to protect industry and not to create a revenue, which is, in my opinion, the best of all systems, all duties upon the importation of wines, oils, colonial produce, in a word, on every thing which she cannot now, nor will ever be able to produce, ought to be wholly abolished. This would greatly diminish the cost of living, and render manual labour cheaper. On the other hand, heavy duties should be imposed upon the importation of any manufactured, or even raw articles which the country could produce as well as the foreigner. At first the protecting duty will create profits sufficiently considerable to invite capital into a new channel; the success of one manufacture will lead to the establishment of many others; the competition thus produced will soon reduce the price below those at which foreigners could deliver, and the importation duty will become perfectly nominal.

From what I have said above, the United States being, taken altogether, one of the richest countries on the earth, I may seem to approve the establishment of a strongly protective system, like that of the existing tariff. That, however, is very far from being my opi-

nion. The people of the United States can be much better employed than in shutting themselves up between four walls, to breathe the corrupted air of manufactories. The forests invite them, the western roads are still open, and the tide of civilization has not yet been driven back by that of the Pacific ocean. As long as any of the country remains uncultivated, as long as nobody wants either bread or work, why out of two occupations, the one ennobling man and increasing his strength, the other the condescending to play the part of a piece of mechanism; why, I ask, choose the latter? Why force capital to take this direction, except for particular kinds of industry, the productions of which are extremely heavy or brittle, such as iron and glass, for instance, and for which the expense of conveyance is almost always a sufficient protection? Why seek to establish manufactories? can we not always command those of the foreigner with our raw materials? Would it be a disadvantage to us if we wore only stuffs of English manufacture, and if the English people had eaten no bread that was not made from American wheat? We should thus have partaken, between us and foreigners, the different labours of civilization, in such a way as to retain to ourselves those which are agreeable and suit-

able to the dignity of freemen, leaving to others our refuse, and the employments which enervate and degrade man. The American system (as that of Mr. Clay and his friends is called,) is good in itself, but premature by some centuries. It has been the means of bringing into the market some fine manufactures, of which we are very proud. In some articles, the American manufactures may, even abroad, sustain competition with those of the English. But have we not bought these advantages by the sacrifice of a mass of comforts which the difference of the prices cannot pay? and by a commencement of moral and political degradation, as it regards those who have been forced to become in-door labourers, who, but for that, would be free and independent husbandmen of a soil cultivated by themselves and belonging to them? These truths begin to be felt, and it is probable that the American system will be but of short duration. We shall, perhaps, be obliged to return to it after all the public lands are sold, but, fortunately, that will not be for some time.

The different States have also their revenue derived in each of them from a different system of taxation. As I have already mentioned, they cannot lay on any duty upon exportation, importation, or transit of merchandise; but they

may impose direct taxes, capitations, excise on the manufacture of liqueurs, patent-rights, &c. They may also borrow money, employ their capitals in public works, which become productive for them; and almost all of them avail themselves of many of these means at once, and sometimes of all.

In every county there are expenses to provide for, for which the county court imposes taxes upon the inhabitants; and in the towns the corporation expenses are defrayed in the same manner. The expenditure in some of the great towns is even considerable. The revenue and budget of the city of New York, for instance, are much more considerable than those of the State, and the taxes upon landed property there are very heavy. Philadelphia is similarly situated; but, owing to a fortuitous event, its financial condition has been rendered very extraordinary; and it cannot fail, in a very short time, to become one of the finest cities in the world: this is worth explaining. A Frenchman of the name of Girard, who left France in a state of extreme poverty, (I believe as a ship-boy, or sailor at most,) died there lately, at the age of ninety and upwards, leaving a fortune of nearly a hundred millions of francs, (nearly four millions sterling,) which he had amassed during a long life of

industry, probity, and privations. He was a very strong-headed man, much esteemed, and lived in a very singular manner. He was regular in his habits, without denying himself the gratification of any of his tastes, and expended his immense income in public works and useful enterprises. At his death, he left, among other legacies, ten millions of francs, (about £400,000,) for the establishment of a college, on condition that no priest of any religion should, under any pretext, interfere in its management. But the greater part of his fortune, more than sixty millions of francs, (about £2,400,000,) he left to the city of Philadelphia. It is impossible to foresee the start which a legacy like this, if well administered, may give to this city. The interest of this sum being much more than sufficient to cover all municipal expenses, it is probable that all the taxes will be abolished; this will tend to augment the population of the city, and give an immense advantage to its manufactures. Who can calculate what roads, canals, and other public works the corporation may be induced to undertake? It will be in twenty years' time that we shall see the fruits of this immense legacy.

The chief item in the expenses of the United States has been the payment of the capital and



interest of the debt contracted during the last war. At the time of the Revolution war, the United States, to supply its charges, and not being in a condition to make loans, was obliged to issue a paper-money similar to the French assignats. This paper, which was greatly depreciated during the war, was bought up at a late period at the market price, which was thought, but erroneously, to indicate a state of bankruptcy; for as this paper had been issued at par, had continued circulating, losing its value gradually though insensibly, the last holders did not lose more than the first, and their losses were exactly equal to the proportion they would have had to pay of any tax which might have been levied to buy up this paper at par; this, besides, would have given a very unfair advantage to the actual possessors of paper over those by whose hands it had before circulated. At the commencement of the last war, the credit of the United States was very low; they succeeded, however, in making loans, and since then have repaid the whole, within thirty or thirty-five millions of dollars, which will be paid in two or three years: the United States will then have an excess of revenue of twelve or fifteen millions of dollars yearly; and disputes have already com-

menced as to the way in which it should be employed. The question is, in fact, much more perplexing than it may seem at first sight; for if the imposts were to be reduced so as to bring the receipts on a level with the expenditure, it would be the ruin of all the manufacturers who have employed their capitals in this direction, solely on the faith of the nation. I certainly wish that the tariff may be greatly modified, but gradually, and not in such a way as to produce any disastrous shock to manufacturing industry, of which all classes, in one way or another, would feel the effects for a long time to come. One party proposes to divide the surplus revenue among the States in a given proportion; but there would be serious inconveniences attending this mode. The equilibrium between the power of the state governments and that of the federal government, would be destroyed in favour of the former; besides, it would be impossible to establish a mode of distribution which would appear equitable to every body. Another party wishes that the federal government should employ this money in undertaking great works of public utility. This mode has also very many inconveniences, and the independence of the States would greatly suffer by it. A medium course will probably

be adopted. During the first years, this money will be employed in completing at once the immense fortification-works on the coasts; which, as I have told you in a former letter, have been undertaken by the United States upon a gigantic sale. That once done, the government will subscribe for a certain proportion in all the companies incorporated for public works by the States. In this way the government will see every year accumulating a capital of twelve to fifteen millions of dollars, in road and canal shares, which will bring it in a heavy interest; and that, in like manner, may be invested in shares in new enterprises; so that, in case of war, or any fortuitous event taking place, which might require unforeseen expenses; instead of borrowing, the government will only have to throw upon the market, and sell at the price of the day, a quantity of shares sufficient to supply its wants.

If the state of peace and prosperity in which the Union is at present, should continue only ten years longer, it will by that means, be found raised far above all its eventual wants, and may, in the course of time, undertake public works, in comparison of which the Pyramids of Egypt are but child's play.

To the eyes of the European, projects of this

sort seem gigantic, but in America they are nothing astonishing. The government would only do what many individuals and many corporations have done before it; in fact, the rapidity with which capitals augment in the United States, surpasses all belief. The demand for capital is such, and the enterprises, commercial, manufacturing, and agricultural, are so numerous, that whatever may be their amount, they are instantly absorbed. They may always command from seven to ten per cent. interest, and produce much more to those who retain their property in them. What cramps industry in Europe, is the superabundance of capital, whilst in America the progress of industry has no other limit than its scarcity. To obviate this inconvenience, it therefore becomes necessary to adopt a system of universal credit, and to allow, as it were, the creation of factitious capitals. This means has therefore been resorted to. All business is done on long credit. For example, a merchant will often buy, at three months, a cargo which he knows must be necessarily sold at a loss, at Cuba; but he will immediately find the means of borrowing again the value of this shipment, by giving it as guarantee. With these two sums united, he will bring back a

shipment of sugar and coffee, and realize immense profits before the period arrives at which he must pay these two first debts, and his engagements at the Custom House for importation duties. All the dealers of the great towns sell to the country dealers at credits of six months or a year. These do the same with the planter. How many planters even have paid for their lands or their negroes with their crops or private undertakings ! Every thing, in short, goes on by speculation ; nobody lives upon the interest of his money, or on his yearly income ; all is activity, enterprise, speculation, hazard. Very often immense profits are realized ; at other times, a false calculation involves complete ruin ; but, in the meantime, as the general capital of the nation augments immensely every year, which supposes that every one is thriving in business, it is very clear that the gainers in this general lottery must be more numerous than the losers.

A New England carpenter, for instance, who, like all the Yankees, has been well educated, leaves his little town, where he can have had no other prospect before him than that of being a carpenter all his life, and goes and settles himself in one of the new countries in the west, on the banks of some great river. Behold him

at first become a master builder; he undertakes to build either private houses or public edifices on credit; he himself gets credit from his workmen, and lives on credit in his lodging, at his tailor's, &c. He will be sure to thrive in his business; he will then buy a piece of land, build mills or factories, and so become a miller or a manufacturer. He will accompany his first shipment to New Orleans; will begin making other commercial speculations, buy a steam boat, settle in the great city, and, in consequence of a miscalculation, lose every thing; but nothing will hinder him from beginning again. On the contrary, being known as an enterprising man, who has already made a fortune and been unfortunate, he will forthwith find some person or company, who will confide to him either the erection of a house or the direction of a timber-yard, the management of a plantation, or the command of a steam-boat; so that he will recommence his financial career from a more elevated point than he did before.

But let us suppose that he has undertaken the management of a plantation,—there he is overseer; nothing can prevent him at this time from economizing his salary, and making private speculations, often at the expense of his master. At the end of one or two years he will quit, well

or ill. He will then go into some new country, settle on a small piece of land (at the passage of a river, where he will construct a ferry) as a victualler,—mechanist,—builder in its various branches; he will render himself very popular; become the influential man of his district, be elected, first, an officer in the militia, then a justice of peace, then a member of the legislature, and perhaps even a member of Congress. There his mind, in collision with those of the first men in the nation, will be sure to gain something; continual discussions will enlighten it; he will get fashioned to the manners of the world; become a fine speaker if he was not so before; and, in short, after returning home, in two sessions he will get himself received as a lawyer. Frequently ambition and public business will make him neglect his own; politics change, his party becomes the weakest, he is not re-elected, and finds himself reduced to his mere practice. It is now the time to begin once more. But much more probably he now becomes governor of the State, or director of the banks, and finishes his honourable and laborious career as judge of one of the supreme courts. There are few, indeed, among the most distinguished of the Americans, who have not passed through many of these fluc-

tuations of fortune; who have not had three or four trades, frequently of those which in Europe appear most discordant. You may have known a man as a lawyer; you see him again at the end of a few years, at the other end of the Union, captain of a ship, or a planter, an officer, a merchant, and even sometimes a preacher; in some instances he will have run the circle of all these; and although perhaps he has not made his fortune, whether owing to the fault of his stars or his own, the community, meanwhile, is always the better for his labour; for the tree which he planted in the desert will continue to bear its fruit, whether destined to assuage his own thirst or that of another.

To facilitate as much as possible this progressive movement, so rapid, and often so turbulent and irregular, the system of banks has been invented, and it is developed to the fullest extent of which it is susceptible. Money does not circulate in the United States, none is to be seen; it is close shut up in barrels and boxes, duly labelled and sealed; and only leaves the cellar of one bank to go in carts to repose in those of another. The banks issue notes for three or four times the value of the specie in their cellars; these notes, in the south, are sometimes for very small sums, even for  $6\frac{1}{2}$  cents. In



some States they are never under a dollar, and the United States Bank issues only those of five dollars and upwards. These banks, the number of which is infinite, are joint stock companies, in shares; the shareholders elect directors annually, who appoint a president, a treasurer, and other officers of the bank, each according to its constitution: these officers direct all the business of the company, and receive deposits, discount bills, lend money upon interest, in short, do every sort of business requiring the advance of capital. These banks are bound to take up their notes in ready money, on presentation. They all have accounts open with the rest. Very often, the States are themselves shareholders in one of their banks. Amidst the competition of all these institutions, sometimes helping, sometimes thwarting one another, the great Leviathan, the bank of the United States, extends its branches and its offices for discounts and deposits, from one end of the United States to the other. This is the great regulator of the entire machine which prevents too violent shocks from taking place. Before its institution, many banks might suspend their payments in specie, the value of their paper became variable; the discount of one town upon the other was unceasingly changing, and always

so managed as to produce immense loss to the government of the United States. Now all the banks are indebted to that of the United States. It takes upon itself the transmission of funds from one end of the Union to the other, for a discount which in no case exceeds 2 per cent., and which, in general, is at par for private persons. As I have already mentioned, it transacts the government business at par; the other banks are therefore obliged to reduce their discount, at least, to the rate of that of the United States bank, for otherwise they would get no business. All these banks cause an immense amount of capital to circulate with incredible rapidity. They give life, animation, encouragement to every thing, and form the distinctive feature in the American system of industry.

On the other hand, the enormous risks to which so many concurrent undertakings must necessarily give rise, are covered by innumerable insurance companies. They are also joint-stock, and constituted the same as the banks; there are some of them to meet every sort of risk.

Many manufactures, mines, and improvements of every sort, are also carried on by similar societies; who often combine the privilege of issuing notes with the other powers granted them by the legislature. Roads, canals, bridges,

rail roads,—in short, all public works are constructed and carried into effect in the same manner. All these societies are corporations, having a civil and political existence, and may sue and be sued at law like any individual. All of them employ lawyers, engravers, engineers, &c. &c., and become an immense source of prosperity to the small town in which they establish their offices. Sometimes, indeed, they do unprofitable business and fail, but that is very seldom.

It is common for foreigners, who have visited the United States on business, to complain of the dishonesty they found in trade, and of the instability of the fortunes acquired there. I think that this is owing first of all to the bad choice they make of their correspondents, and secondly, to their going to sleep over their business. In fact, in the midst of a crowd like this, where all are running towards the same object, it is necessary to run also, and keep firm on your legs, if you will not be passed in the race or upset. It frequently happens that very fertile lands have been discovered in a locality; government sells them at very high prices; speculators get hold of them; a sort of infatuation takes place; the population flock there in crowds; works of public utility are commenced; shops start up on all sides, the prices of land continue to rise: at

last a bank is established there, and every thing breathes prosperity. Suddenly one or more successive bad crops or yellow fevers, or the establishment of other settlements of the same sort, in a still more favorable situation, the spirit of change, in short, and the appetite for novelty, substitute discouragement for the original infatuation. The lands which had risen far above their real value fall below it; the population finding that they do not make their fortune fast enough, get disgusted, and emigrate as fast as they before run thither; all falls, in short, into a state of decay as singular and as fictitious as the state of prosperity which preceded it. These two states of things continue alternating until, after many oscillations, the new district is better appreciated, and its real value fixed in as permanent a manner as any thing can be in a country so progressive as the United States. Happy then is he, who, knowing the genius of the people and their institutions, as well as the geography of the country and its climate and productions, knows when to buy and sell at the right time; but woe to the European, without local knowledge, who shall act according to the advice of friends either interested, or really deceiving themselves. He is sure, in following the principle of Panurge,

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to buy dear and sell cheap, to arrive at the same result and be very soon undone, unless he have the courage, spirit, and flexibility which an American opposes to the blows of fate, and knows how, like him, cats, and parsons, always to fall upon his feet.

## LETTER TENTH.

## OF MANNERS, FINE ARTS, AND LITERATURE.—

*Competition the main principle of American society; glance at the St. Simonian system, that of the Americans a contrast to it; periodical press, its general diffusion and inferiority; independent character of all classes in the United States; different circles of society; society at New York, at Philadelphia, at Charleston, at Richmond, at New Orleans, at Washington; equality of condition in America, marriages, non-interference of the parents; matchmaking at Washington; changes in the habits of life after marriage; Saratoga; courtesies to strangers; freedom of American society from the affectation of high acquaintance so general in England; general rate of expenses of those who live in the best society; Fine Arts and Literature, deficiency of encouragement, particularly of the former; elementary systems of education; Architecture flourishes and is encouraged; music retarded by the straitness of manners; the Corps de Ballet at New York; consternation produced in the audience; prudery with regard to painting the human figure; unavoidable backwardness of the Fine Arts in the present state of manners; description of a public holiday; the Americans secure happiness in preference to pleasure; the right medium not yet attained.*

*Brussels; March 1832.*

IF in the United States the government is established upon a principle altogether new and unknown, at least in its application—that of the sovereignty of the people, in the strictest sense of the word,—so also society and the relations of individuals towards each other are based on a footing not less new; namely, competition. There is no sort of aristocracy of birth: fortune gives no rights but to the physical advantages it may purchase; but talent and merit see no bounds to their reasonable ambition. Every body in our republican system is rigorously *classed* according to his capacity.

You are about to conclude we are St. Simonians;—no, my friend, do not mistake me. Can you suppose that I, a white man and free, am going to submit my reason to that of any of my equals? Do you think that I will go and ask some buffoon to class me, when I am sure of conquering by myself that station, whatever it may be, to which I am entitled in the scale of beings? Do you think that I will go and acknowledge the Père Enfantin; or any other quack to whom he may delegate his functions? I, who am dependent on nobody, and free as the air I breathe? Quite the reverse: the St. Simonian



system and the American system are the two extremes of the diameter of human thought. The one is based upon an absolute subjection, a slavery much stronger than has ever existed, since it extends even to the mind, and if we are to believe certain reports, perhaps slanderous, even over the most sacred affections; the other, on the contrary, is founded on the principle of the most absolute liberty: independence is its result. The one will protect me against all dangers, real or imaginary, and force me to be happy, in its own way, even against my will: the other launches me, young and hardy, upon the waves of life, to sport as I please, extricate myself from difficulties as I can, and be happy or perish in my own way; for it is very certain that without losing my identity I cannot be so in that of another. Competition,—that is the secret of the American system; every thing is to be won by competition: fortune, power, love, riches, all these objects of desire are attainable; it is for the most skilful to go in pursuit of them. Just as in the old fairy tales, those enchanted princesses are defended by dragons, vultures, roaring lions, but still more, by rivals who crowd the same path, and who will not be sparing of a kick to assist you in tumbling down. Fortunately, however, in our land of plenty,



the princesses to conquer and deliver are sufficiently numerous to content all valiant knights, and even many of their squires; so that the combat is not so desperate as it might be supposed. There is room for every one at the banquet of life; and what is more, the table has no upper end, no seat distinguished by a canopy.

All men are born equal in rights and in chances of success; for if, on the one hand, fortune gives advantages to some; on the other, she withholds the spur of necessity, and thus greatly slackens their energy. All have equal chances of attaining every thing. The rich fool will not be less a fool, and cannot, but with difficulty, maintain his fortune against the attempts of the man of parts impelled by necessity. The man once engaged in any career cannot stop an instant, nor relax in his exertions, without being immediately passed by young rivals whose very names were unknown the day before. This continual competition, this perpetual struggle of all against all, maintains society in a state of activity which has the happiest results. Whatever may be the pursuit followed, every one is wholly dependent upon public opinion. This it is which reigns despotically, and 'classes' each according to his works, with strict disinterestedness and unerring judgment. But, in order that

public opinion may be duly enlightened, the utmost publicity is necessary; therefore nothing is neglected in the United States to effect that object in every possible manner. The press is entirely free. The publication of newspapers and their circulation, so far from being shackled by duties, securities, and stamps, or being restricted by the post, is encouraged as much as possible. Consequently newspapers multiply. Every town or village has, at least, one; and every shade of opinion, however slight, is sure of having its interpreter. Every thing is known, every thing is discussed, every thing is explained, and the sole means in the United States of not being discovered is to have no mystery. Guided by a light so sure, the people form their judgments, and are never deceived in their verdict.

I am not inclined here to defend the American periodical press. There are hardly four or five good papers in the crowd; the rest copy these, and shew very little delicacy in the means of which they avail themselves to support their opinions. But their virulence acts as an antidote to itself; and besides, a personality never remains without an answer, so that the deplorable spirit which animates them, produces no effect upon ears accustomed to hear the

reproaches put forth by opposite parties. At the time of the contested election between Adams and Jackson, the newspapers of the two parties assumed so virulent a tone, and published so many calumnies, that it was truly disgusting to look into them. Whoever believed them, might have sincerely commiserated the fate of the nation, obliged to choose between two such scoundrels as the candidates were respectively represented to be by journals of the opposite parties. It is proper to be just, however; the great difficulty met with in the United States, in the elections, is how to select among many persons of equal merit. The nation advances calmly in prosperity, without any of those concussions which give occasion to the display of talents of a superior order. It certainly possesses people of the first merit, and abundance of them, but it is almost impossible for them, in the present state of peace and tranquillity, to attain their proper elevation, above the rank of merit immediately inferior to them. The less, therefore, the difference is between two candidates, the more must it be exaggerated by the papers of their respective parties, who in that perform the office of repeating circles. The difference is so small that it would pass unperceived if it was not multiplied some thousands of times.

One of the most remarkable effects of this publicity is the interest which every one takes in the politics of the day; an interest which produces a sameness in conversation, in whatever society you may happen to fall. The hackney-coachmen talking at the corner of the streets with a porter; the lawyer, the planter, the preacher, dining together with a rich tradesman, all speak of the same thing. The next election, the measure now being proposed, whether in Congress or in the state legislature, or the last lawsuit which attracted the crowd, form the subject of conversation; it is treated differently in the different circles, but still it is always the same subject; and it is equally well understood by all classes, for the newspapers are read by every body.

It is easy to see that when there reigns in a country such an unanimity of opinions, such a similarity of intellectual tastes and occupations, the differences among the classes which compose society are entirely chimerical. I do not mean to say that there are not in the United States several circles of society; that cannot be otherwise in any polished society; but I do mean to say, that the limits which divide them are so delicate, that they melt into each other;

and that, if there are many circles, there are neither castes nor ranks.

The American is mild, polite, but proud, as it befits a freeman to be; he does not pretend to any superiority, but he will in no respect submit to be treated as an inferior. Every one considers that he carries on a trade, that he may live; and far from coveting idleness, he despises it; he thinks all honest trades equal in dignity, although requiring, as they do, different degrees of talent, he sees no injustice in their being unequally recompensed. The servant of a lawyer or a physician, for instance, perceives no material difference between himself and his employer, (for the word master is only used by people of colour.) One brushes clothes, the other pleads causes, or feels pulses, or preaches, or judges, or makes laws, or governs—and all for money. There is not so much difference: each tries to do his duty in the best way he can. Thus the domestic will be very attentive and submissive. Whenever his situation no longer suits him, he will leave his master; and in no case will he suffer on his part either insult or violence. Let him fall ill, or have a lawsuit, and he will give his custom to his master, pay him like any body else, and consider him-

self *quoad*, as having changed characters with him.

This spirit of independence forms the grand distinctive character between the English and American manners; for outwardly and physically they are much alike. If, for example, you go into what those who compose it call the first society of New York, this circle is composed of tradesmen newly arrived at the summit of Fortune's wheel, where it is very doubtful if they long remain. They take advantage of their fleeting days of prosperity to show off as much luxury and folly as their situation will permit them. All who have made a voyage to Europe, try to ape the exclusive manners of which they have been the victims on the other side of the Atlantic; affect to value everything foreign, and consider America as a barbarous country, where nothing elegant has ever been invented,—not even the galopade and *gigot* sleeves. The first European swindler who takes the trouble to pass himself off for a duke or a marquis is sure to carry away all their suffrages, until it pleases him to join thereto their purses. Men of this stamp will pretend not to trouble themselves about politics, or at least not to talk about them; for it is a subject so vulgar and so unfashionable . . . . in London! They try to imi-

tate the perfect nullity of conversation in that city, and in general, assisted by their natural resources, they succeed pretty well.

But apart from this society is that formed by the merchants, shipowners, lawyers, physicians, and magistrates of the city. This is truly American: they do not amuse themselves by apeing European manners; among them, conversation is solid and instructive, and turns upon business and the politics of the day. Society in New York is perhaps more tinged with European manners than in other of the great towns in the United States; and that is very natural, if we consider the immense number of foreigners who reside there. It is the city which has most theatres, (for it has no less than five,) and it has had even an opera and a *corps de ballet*. There is more dissipation and more foolish expenses in it than in any other place. The principal street, the Broadway, gives a striking impression of America to the European on his landing. After Regent Street, in London, it is the finest street I know. The wide pavements, with their elegant shops, are, at certain hours of the day, crowded with all the fashion of the place. All the pretty women go there to take a turn, and there the fine gentlemen are eager to meet them. The foreigner reading his newspaper, in the

large parlour of the city hotel, sees all the *beau monde* defile before him.

Society in Philadelphia is much more quiet: the Quakers are a happy people, who give a look of repose to all the city. Here there is no noise as in New York; the carriages are much fewer, the streets being so clean there is no occasion for them. All the streets are alike, none, therefore, serves as a general promenade like the Broadway of New York. Chesnut Street, however, is the best built, and there the fashionable people come to take their lounge. The library of Messrs. Carey and Lea is the place where you must take your station towards noon, to see this street in all its lustre. The society of Philadelphia is much more enlightened than that of New York; the professors of the university give the tone, which communicates to it, perhaps, a slight degree, almost imperceptible however, of pedantry. The winter parties are meetings of learned and literary people, including also citizens in any way distinguished: they are always open to foreigners, properly introduced. Ladies are never present. The meetings are held on appointed days at the houses of different persons in rotation: science, literature, the fine arts, and politics form the subjects of conversation, and in gene-

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ral much intelligence and urbanity are displayed. They are always terminated by a supper, and are calculated to give foreigners a high idea of the intellectual resources of that city.

But it is to Charleston that he should go to enjoy American society in all its luxury. There the various circles, composed of planters, lawyers, and physicians, form the most agreeable society I have ever known. The manners of the south have a perfect elegance; the mind is highly cultivated; and conversation turns upon an infinite variety of subjects with spirit, grace, and facility. The affectation of frivolity or of foreign manners is as completely banished as pedantry and religious hypocrisy; everything is intellectual, moral, and rational. Charleston is the ordinary residence of many of the most distinguished statesmen of the Union, who are always willing to explain their views to their fellow-citizens. Alas! why can I not recall the delightful hours I have passed in that society, without being reminded of the loss of that friend in whose hospitable residence I first knew it. He is no more, and Charleston has lost, for me, one of its greatest attractions.

The society of Richmond greatly resembles that of Charleston, and is as agreeable. In

Virginia, good society is spread more generally over the whole surface of the State than it is anywhere else, owing to the want of a large capital, which always serves to attract it, and gives the tone exclusively. Virginian hospitality is proverbial, and with great justice.

New Orleans forms a perfect contrast to all the other cities: here there is no intellectual conversation, no instruction; there are but three booksellers in a city of sixty thousand souls, and yet even their warehouses are composed of the refuse of the filthiest productions of French literature. But if there is no conversation, there are eating, playing, dancing, and making love in abundance. An institution peculiar to this city are the quarteron balls, where the free women of colour are alone admitted to the honour of dancing with their lords the whites; for the men of colour are most strictly excluded from them. It is truly a magical spectacle to see some hundreds of women, all very pretty and well dressed, and of every shade, from that of cream coffee to the most delicate white, assembled in superb saloons, to display their mercenary charms. The most respectable people frequent these balls, which are quite public, and where every thing invariably

passes with the greatest decorum. The gaming-houses are also very numerous in New Orleans, and have ruined many of the young people of Kentucky, come to pass their carnival in this Babylon of the west.

But the place in which American society appears to the greatest advantage is Washington, during the winter. In summer the city is almost deserted; it is then inhabited principally by the members of government and those connected with the government establishments. But the first Monday in December of every year, is the day fixed for the assembling of Congress. As the time approaches, the senators and representatives arrive in crowds, accompanied by their families, and followed by shoals of solicitors and people having business with Congress. The city seems full instantaneously. The ministers and diplomatic body give entertainments; the members of Congress give dinners in return; if the day passes in the whirl of business, the night is borne away by that of pleasure. The president holds a levee once a week; this is to say, one evening in the week he opens his house to all those who desire to pay him a visit. Nothing can be more simple than the etiquette of the head of the govern-

ment. The concourse of visiters is the only thing which distinguishes these assemblages from those of any other individual.

The conditions of life being perfectly equal in America, parents have nothing to oppose to the choice their daughters may make of a husband. Thus it is a received maxim throughout the Union, that this choice only concerns the young ladies, and it is therefore for them to be prudent enough not to enter into engagements unworthy of their hands. But it would be considered almost as an act of indiscretion on the part of the parents to wish to influence their choice. Nothing in the world can be so happy as the situation of an American young lady from fifteen to twenty-five, particularly if she is pretty, as almost all are, and has some fortune. She finds herself the centre of general admiration and homage; her life passes in holidays and pleasures; she is a stranger to contradiction, still more to refusals. She has only to choose, among a hundred adorers, the one she thinks most likely to ensure her future happiness; for here every body marries, and every body is happy in marriage. This state of 'belle,' as it is called, is too attractive to make young ladies consent to quit it too soon; accordingly, it is not, in general, until

after rejecting many offers, and when they perceive that their charms are beginning to lose something of their empire, that they conclude by choosing a liege lord. It is to Washington, in particular, that the fine women of all the States come to shine; a sort of female congress, in which the charms of every part of the Union are represented. An ardent deputy from the south is captivated by the modest charms of a beauty from the east; while a damsel from Carolina rejects the overtures of a senator from the north. All, however, are not rejected, for at the end of every session a certain number of marriages is declared; they serve to strengthen further the Union of the States, and multiply the ties which unite all parts of this great whole in an indissoluble manner.

Once married, the young lady entirely changes her habits. Farewell gaiety and frivolity. She is not less happy, but her happiness is of a serious character; she becomes a mother, is employed in her household, becomes quite the centre of domestic affections, and enjoys the esteem of all who know and surround her. Society everywhere in the United States may be considered therefore as divided into two very distinct classes: that of unmarried persons of both sexes whose principal occupation is court-

ship, and the finding a suitable companion with whom to make the voyage of life; the other of people who have already made that choice. You see in the corner of a drawing-room, people of the latter class forming groups among themselves, and talking politics or business: they will hardly address a word to the young girls who flutter around them, unless it be to joke them upon the success of some coquetish frolic; the mothers are in another corner, chatting together about their domestic matters, and receiving interested attentions from the admirers of their daughters. But for these, and the young men, a ball-room is a real field of battle. They boast among themselves of the number of declarations made, and refusals given, in the course of the evening: a thousand little coquetries are played off to draw a young man to declare himself, only to have the pleasure of refusing him afterwards. All these little tricks and skirmishes are perfectly innocent, for such is the general purity of morals that no inconvenience is ever the result of them.

If Washington is the theatre of the winter campaign, that of the summer opens at Saratoga: this is a mineral spring in the State of New York, to which all the fashion in the Union resorts, during the months of June, July,

and August. The heat of the southern climate, and the intermitting fevers which desolate the plantations at this season, drive all the planters towards the north; they go with their families to New York, from whence they proceed up the northern river, as far as Albany, go and pass a few days at Saratoga, afterwards see the great lakes; from thence, the fall of Niagara, the great canal, the Catskill mountains, and perhaps even push their excursion as far as Canada. The State of New York is filled, during the summer, with an immense number of virtuosi, travelling for their health or pleasure. At Saratoga, people live at large inns, horribly ill accommodated, in small rooms six feet square: but the principal parlours are very beautiful, and the exterior of their hotels has truly a monumental air. People rise early, go and drink, or make believe to drink, of the water of the fountain; return to breakfast in common; the papas and mammas are ready to die with *ennui* all the day; the young ladies play music, the young gentlemen make love to them: from time to time some excursion is made in the neighbourhood: in the evening comes dancing. People are very soon tired of this sort of life, which nevertheless has its charms for four or five days. It is at Saratoga that the lovers

meet, who parted, in the winter, at Washington, and it is at Washington they promise to be found again on quitting Saratoga: these places of mutual resort, and, more than all, the public and sociable manner in which people live at the waters, present every facility of augmenting the circle of acquaintance. In short, an American has friends in every town in the Union, who, wherever he may be going, ensures him, as well as those whom he may recommend, a hospitable reception.

In every town the principal citizens, those who are at the head of the place by their influence, fortune, or talents, consider it a duty to do the honours of their town to any stranger a little distinguished. As soon as they are informed, either by the journals or by public report, of the arrival of such a person in their town, they go to his hotel, pay him the first visit, and invite him to dinner. The visiter never leaves the table without receiving an invitation in the same manner from some of the guests, so that in a very short time he is enabled to make the acquaintance of all the society of the town. If there are balls or public dinners he is sure of an invitation; and if he is a man politically influential or popular in any way, public dinners are given to him by subscription.



These civilities are returned by the traveller, as soon as he gets home, to any citizen of the town in which he has been so well received, who may come to visit the place of his residence; so that a round of mutual good offices is kept up, which connects still more strongly the different towns of the Union among themselves.

Moreover, the different professions, particularly the lawyers, are actuated by an *esprit de corps* which they turn to their mutual advantage. They associate together in the most friendly manner, and thus render their practice very agreeable; for however they may wrangle in court, nothing more is thought of the matter when they get out, and, in general, all the members of the same bar live in the greatest intimacy. The assizes are always a festival time, for not only the members of the bar residing in the town where they are held, but even the principal citizens of the place, make a point of inviting in turn the court, its officers, and all the bar.

What I have said of good society must be understood of all classes, observing, however, that in proportion as you descend, the people are less informed, the manners less elegant and refined, and the morals less pure. But the sort

of manners is always the same, and even down to our slaves, every body gives tea-parties and balls. The great difference between the American and English manners, and which completely characterizes the two societies, is the total absence in America of that spirit of social servility which, in England, forms so striking a contrast with the free institutions that the people so justly make their boast. There is not a respectable man or woman in England who is not constantly gnawed with desire to appear something more than they are. There is no meanness that they will not commit to be invited into a society a notch higher than their own. The merchants and tradesmen do not converse about the business, dinner, or ball of their neighbour; but they have never done talking of the dinner of such a duke, or the rout of such or such a marquis, people whom they are never likely to come near, and whom they know only by name: everybody has the genealogy of the peers by heart, and they trouble themselves much more about their alliances than those of their own friends and acquaintances. As soon as a stranger is presented, even to the family of an eminent merchant, the mistress of the house takes care to tell him over and over the names of all the nobility who have done her

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the honour of speaking to her; and fancies by that means to give the stranger a very high notion of her social respectability. This paltry servility, which to me is in the last degree disgusting, has no existence in the United States. There is not an American who would not blush to seek an invitation, and he has too much pride to acknowledge that any society is superior to his own in dignity. The common workman, if he is inclined, is found seated beside the rich man at political dinners; and any decent female may attend the subscription balls, whatever may be her condition in life. On the contrary, even, distinctions among the different circles are maintained by the pride which every one feels in not receiving obligations which he cannot return: it is upon this ground partly that the social equality discernible is founded.

To enjoy life in an independent manner in America, you must spend four or five thousand dollars a year. Those who spend less do not desire to live in a society in which they would find themselves humiliated by their want of fortune; and those who could spend much more cannot do so without separating themselves from general society altogether. Nobody spends more than ten thousand dollars, whatever may be his fortune. It is owing to this cause, that

the salaries of the inferior clerks, and others in the government, are much higher than those of corresponding rank in France, whilst the salary of a minister is much less.

In a country in which everybody is more or less occupied with business ; where few persons are in a condition to live upon their incomes, or the interest of their capitals ; it cannot be expected that the fine arts and literature should have received their full development. It certainly is not owing to the want of genius or taste in America, but of pecuniary encouragement ; and as long as the work of the poet or the painter is less remunerated than that of the lawyer or the preacher, people will speak, and not write. Literature, at the present moment, is almost entirely oral, oratory being that branch of it which is the most advanced. The American Reviews, however, sufficiently shew, in the talent with which they are written, that it is not ability but time, which writers require. A man engaged in business may manage to snatch a few hours to write a scientific or literary article ; but he cannot without injury to his proper occupations, undertake works upon a large scale. I am aware that we number among us authors distinguished in those kinds of literature which require lightness of style, and grace and fresh-

ness in the colouring ; but these are exceptions to the general rule ; these are the insulated forerunners of a generation of literary men yet to come.

Everybody is literary in the United States, for everybody has received a good education. Instruction is quite free. Westpoint is the only college in which education is given at the expense of the government of the United States. In some States, there are elementary systems of education of great extent. The State of New York, in particular, possesses those establishments upon a scale which has no parallel in the world. The Universities, which alone have the power to confer degrees, are incorporated by the State-governments, but they are quite independent of them, appoint their own professors, and follow the doctrine which they prefer. Whoever can find pupils is at liberty to establish a college, or a boarding school, or any school whatever. The Jesuits have two colleges, which are among the best in the Union. There are two or three convents of nuns, for the education of young ladies. Every religious sect establishes seminaries for the education of the ministers of their religion.

Some time ago, two rival sects started up, who are disputing on the subject of education:

the one wishes to continue the old system, and make the dead languages and their literature the basis of all education; the other, on the contrary, desires to exclude the study of them entirely, and confine education to the exact sciences and positively useful knowledge. Each of these two sects has its journals, its professors, and its disciples, and we shall soon be able to judge of the results they will produce. It seems to me, however, that in a country in which every thing tends so strongly to give a positive, and perhaps, too serious a direction to the mind, there should be sometimes a sacrifice to the graces, and that the blending of ancient literature could not but add to urbanity of manners, and elevate them greatly above their primitive austerity.

This observation applies still more strongly to the Fine Arts. That which deals with inanimate matter, Architecture, is arrived at a high degree of perfection. The banks, the churches, the capitals, the town mansions, the exchanges, the courts of justice, &c., are all built with much elegance and solidity, and, what is more, they are perfectly appropriate to the objects for which they are intended. The private houses are in general small, and much more slightly built; this is owing to there never being more than one family in the same house;

but they are all very convenient, and, in the south particularly, there are many remarkable for their elegance. Richmond and Savannah may be mentioned as possessing many private dwellings which are truly little palaces. Architecture has flourished because it has been encouraged; the other arts would do the same with the same encouragement. But how make presbyterian austerity, which still constitutes the foundation of manners, particularly in the north, renounce its nasal twang for the warm and passionate music of our modern theatres? All the young ladies it is true, more or less, strum the piano, and sigh over romances. A music-master, therefore, gains a livelihood, if he aspire to nothing more; but when enough is known for dancing, and burlesquing in church singing some choice airs from Tancredi, the highest perfection aimed at is attained; namely, singing correctly, and playing in time. As to expression, our ladies are too chaste to think of including that in their singing, so that the finest pieces assume in their mouths a tone of icy virginity. Some years ago the waltz was entirely proscribed from society; people only danced quadrilles and Scotch reels. The waltz was considered, at the time of its introduction, as adance of unheard-of indecency. The pulpit

held forth against the abomination of permitting a man who was neither your lover nor your husband, to encircle you with his arms, and slightly press the contour of your waist. What then was the effect when a *corps de ballet* from Paris arrived at New York! I was at the first representation: the appearance of the dancers, in short dresses, created an astonishment I know not how to describe; but at the first pirouette, when the short petticoats, with lead at the extremities, began to mount and assume an horizontal position, it was quite another matter: the women screamed aloud, and the greater part left the theatre; the men remained, for the most part, roaring and sobbing with ecstasy, the sole idea which struck them being that of the ridiculous. They had yet to learn the grace of those voluptuous steps. And it is in a country in which respect for morals and decency is carried to such a point as this, that complaint is made at their being no distinguished artists! for God's sake, how can it be otherwise? //

A painter or a statuary can never arrive at the perfection of their respective art, but after long study of the naked figure. It is indispensable that they possess profound feeling of the beautiful, that their mind suffer itself to be carried away by all the illusions of love



before they can warm, with their glowing hands, either the marble or the canvass. And how is this to be done in the United States? Any artist would lose his reputation if he disclosed, in a picture, higher than the ankle or the elbow. Even the ancient statues, deposited in the museums, are carefully veiled; and as to having a living model, that would excite such an indignation that the painter would be obliged to quit the country. The artists and actors are married people, perfectly respectable, living in the best society and receiving company at home. The least irregularity in their moral conduct would cut them off completely. I knew an actress even, who, having committed some slight imprudences, was excluded from society, and obliged to quit the theatre, for neither actors nor actresses would perform with her. The very dancers must be moral: and yet it is objected that we have no artists! But all this is very clear; it is decency, chastity carried to excess, which clips the wings of genius, cools the passions, and breaks the pencil and the palette. The proof that this is the sole obstacle which prevents the Americans from rising in the arts is that we have excellent portrait painters; our engravers are as good as in Europe; but for historical painting, the genius is wanting, it has been frozen in the bud.

Great efforts are now making all over the United States to foster the arts. Every town, great or small, has a museum of plaster casts and daubs, dignified with the names of the first painters. But all this will not do. The sentiment of the arts, that deep sentiment without which genius can do nothing, does not and cannot exist in the United States as long as manners remain the same. Take Phideas or Apelles, drop them into one of our towns, in the midst of a public ceremony, the 4th of July, for instance, the anniversary of the declaration of independence, one of the most courageous and most rational acts that a nation has ever performed. First of all they will hear the cannon roaring on all sides, the ships will have all their flags hoisted, all the militia will be under arms, the different societies, the different professions and trades, will form themselves into a body to join the procession formed by the magistrates and the militia. It will repair to some church, where a very grave man, dressed in a black gown, with melancholy air, bilious complexion, and lengthened figure, will announce to them, in a doleful tone, that although their ancestors may have signed that immortal declaration, they are not the less damned if they have continued to swear or to dance on Sundays; and

that it is not merely being free, but that it is necessary also to be Christians and elected in order to be saved. After that, another person, in some other place, will deliver an oration which, being the hundred thousandth and some odd, upon the same subject, will probably make the auditory yawn, although certainly a finer theme for eloquence never existed. After the oration comes the dinner, then the toasts, then the speech upon the events of the day, good at first, but falling off in quality in proportion as the consumption of the wine increases. Finally, everybody departs home, more or less tipsy, but fully satisfied with having done due honour to the anniversary of the independence.

Is there in all this solemnity nothing poetical, nothing which speaks to the eye or to the senses? Everybody (except the preacher, who wears a black gown) is in plain clothes or in militia uniform, unless the lodge of freemasons of the royal ark join the procession. Then there will be, it is true, King Solomon, in a scarlet robe and gilt paper crown; King Hiram, in a robe of blue, with crown of silver paper; and the High Priest of the Jews in his robes, decked with a dozen false stones upon the breast. There is nothing but this to break his uniformity; and the procession has rather the air of

following a funeral than of celebrating an anniversary so important in the history of civilization. Do you sincerely think that, if our Greek artists had never seen popular rejoicings in any other way, they could ever have produced their great works? It was with the soul still full of the games of the Palestra, where they had seen the Lacedemonian virgins struggle without superfluous vestments; it was, still covered with Olympic dust, got where every thing had spoken to their senses and to their imaginations; it was after taking part in the worship of Ceres or of Bacchus; it was, in short, on quitting the arms of Lais, of Phryne, and Aspasia; and it was by following their advice, and even that of Alcibiades, that the marble became animated, that the canvass spoke. As long as we have different manners, it is impossible to rival the productions of the Greeks.

But I am far from saying that the arts, and all the enthusiasm belonging to them, are worth the sacrifice of the modest virtue, which ensures peace to our firesides. I am far from advocating corruption of manners, and being willing to buy by their sacrifice a few pictures and statues which, after all, whatever enthusiasm they may excite in me, will never procure me a stock of happiness equal to that which

every one in the United States draws from the social intercourse of his chaste wife, and the circle of a little family of which he is sure of being the father. I would only say, that there is a palpable contradiction between the efforts made in America to encourage the Fine Arts and the austerity of the public morals. I would say, that in our actual social state, we have not nor cannot have artists. I would say, in short, that we are not the country of poetry, but of reason; that our soil is more propitious to the culture of science than of art; and that we do not offer pleasure, but that we secure happiness. Which is better? I think that to render all perfect it would be well, perhaps, to inoculate our social system with a little *juste milieu*.

THE END.

## NOTE ON NEGRO SLAVERY.

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IF there needed a proof how little the possession of sentimental feelings, or even of the higher attribute of benevolence, when unaccompanied by wisdom, fits a human being to rule or direct his fellows, it might be found in the fact, that one of the greatest curses under which the world at present labours, owes its origin to a man, conspicuous for an almost Quixotic philanthropy, in an age when the whole world teemed with brutality. The far-famed Las Casas, the "Apostle of the Indies," the unwearied advocate of the cause of the injured Red men, who were suffering under the persecution of the Pale-faces, which threatened their race with extinction; this very Las Casas, when asked by the king of Spain who was to dig gold for him if the Indians of Hispaniola were freed from their forced labour, this very Las Casas replied, "Import black slaves from Africa!" This reply gave rise to the slave trade, which stocked America with black men, who never came in contact with the whites but to the

mutual injury of both parties, either directly or indirectly.

Las Casas was an enthusiast; he had taken up the cause of the Indians, and his object was to be successful. The means of his success were not too scrupulously examined. In order to save the Indians, he probably tried to persuade his conscience that the blacks were not in reality men, but only a species of unhaired monkies, without any souls to save. Even at the present day, there are many sentimentalists to be found amongst the descendants of the Saxon race, in the United States of America, who talk most learnedly on the iniquity of occupying lands for the plough which the Red men once wandered over; and, if their principles were carried into practice, would go to the length of destroying cities and towns, full of white men, in order to leave room for a forest growth, amidst which game might be produced, and thus form a fair hunting-ground, in which the unshackled Indian warrior might take his prey unmolested. The class of persons who thus sentimentalise are generally well provided for amidst the civilized community, and carry on their speculations without "the winds of heaven visiting their faces too roughly." It were to be wished, that such persons would indulge their fancy for the picturesque on the boards of a theatre, rather than in real life. It is an unfortunate circumstance, that even good objects are more commonly brought about by an

appeal to mere impulses rather than to sound reason: and thus, when benevolent men first set about the accomplishment of the abolition of that most nefarious traffic, the "slave trade," abundance of falsehood was mixed up with the details of truth, in recounting the cruelties practised. In the height of their enthusiasm for the blacks, the abolitionists utterly forgot the miserable condition of the whites; and if any serious difficulty had arisen as to the cultivation of the Antilles, it is almost a problem whether they would not have consented to the forcible export of Irish labourers, and possibly have considered it no crime to carry away Moors and Arabs from the shores of the Mediterranean, in order to prevent the robbery of negroes from the shores of the Atlantic, just as Padre Las Casas tried to save red men at the expense of black men.

The fight between the slavers and the anti-slavers is furiously raging; and in many cases both parties seem to have mutually resolved to throw reason utterly overboard, in the fear that she may put an end to the strife. It is made a matter of impulse—of feeling—and, with few exceptions, the principles of justice are not so much as alluded to. Justice is unchangeable, like truth, and can be the only unerring guide. The slaveholder alleges, "I hold, by the permission of the laws to which I am subject, a certain property in human beings;—to strip me of my property is to plunder me; to do this is to break the laws, and therefore I will



resist it. I may, perhaps, agree to it, on compensation being given me; but this shall be only by my own free will, and at my own valuation, or by the valuation of a jury similarly situated with myself." The negro, on the other hand, replies, "I have a property in my own body, which no human laws can defeat; and the law of nature warrants me in regaining my freedom, peaceably, if I can,—if not, by the destruction of the lives of those who hold me in bondage. I care not who was the original thief, or how many hands the article stolen may have passed through, I will seize my own property wherever I may find it, and treat, as an accomplice in the robbery, whoever may attempt to withhold it." Put these words into the mouth of a white, and all the world would recognise their justice. What is there in a black skin to alter their nature?

M. Achille Murat is a strong upholder of the continuance of negro slavery; but, though he makes some just remarks occasionally upon it, he sets out with principles which are a heresy against all that is great and noble in human nature. He argues that, as slavery existed in the beginning of the world, there is no great hardship in its continuing to exist. Throwing aside the principles of justice altogether, he goes upon the principle of power alone, and argues, that a white man, by reason of his intelligence, possessing *power* over a black man, has as much right to use him for his purposes, as he has to catch a wild horse and ride him,

or to kill a lion and strip him of his skin. Upon this principle the state of society in New Zealand might be defended, where a man catches his neighbour and eats him, because he has the *power* so to do. He calls negro slavery "a contract," and says, that a master has as much right over his slave as he has over his horse,—more; that slavery is a great good, because hot countries cannot be cultivated without blacks; and blacks will not work but upon compulsion. Yet, in another place, he says, that slavery is expiring in the States of Virginia and Maryland, because free labour is cheaper, and that, "in time, such will be the case with all present and future States, and the Union will be freed from this domestic plague." He goes on to assert, that the slaves are happier than European labourers, and gives somewhat of an approval to the feudal system of Austria. But I must here stop to quote :

"The planter, disengaged from all manual labour, has much more time to cultivate his mind. The habit of considering himself as morally responsible for the welfare of individuals, gives to his character a species of severe dignity, which leads to virtue, and which, tempered by arts, sciences, and literature, conduces to make of the planter of the Southern States one of the most perfect models of the human race. His house is opened to all comers with the most generous hospitality,—his purse but too often with prodigality. The habit of being obeyed, gives him a noble pride in treating

with his equals, i. e. with all white men, and an independent view of politics and religion, which forms a perfect contrast to the reserve and hypocrisy which are but too often met with in the north. As regards his slaves, he is rather their father than their master, because he is too powerful to be cruel." Byron, in the "Corsair," describing the insolence of the Turks\* to the Greeks, says:

"And will not strike, because they may."

But I must again quote:

"Compare the elections in the great towns of the south and the north,—what tumults in the one! what calmness in the other! In the north, the inferior classes of society take tumultuous possession of the place of election, and drive away, if I may so phrase it, by their indecent conduct, all instructed and enlightened men. In the south, on the contrary: all the inferior classes are blacks, slaves, and mutes; enlightened men conduct the elections tranquilly and rationally, and it is perhaps to that alone is owing the superiority of talent which has been remarked in the Congress of the United States in favour of the south." This last assertion is contrary to the fact.

He goes on to say: "In all countries, and in all

\* Individuals of the eastern nations, though frank and open towards their unresisting slaves, are reserved and treacherous towards one another.

ages, a great majority of the human race are condemned to subsist by manual labour, and I do not doubt that that portion of society would be far happier, and far more useful, in a state of slavery than otherwise."

The spirit of king-craft is evidently still strong within the bosom of this writer. The Tories would do well to import him into England to preach this doctrine of Castes, and of passive obedience. He would doubtless be a strong opponent of the Reform Bill, and a decided advocate for the patriarchal despotism of the Duke of Wellington. Dionysius, when he lost his power over men, took to keeping school, that he might have boys to punish; and even so M. Achille Murat, when turned out of the "Two Sicilies," buys "niggers" in the slave States to keep together the remnants of his "severe dignity" and "noble pride." But, thinking it still better to command whites than blacks, as soon as he heard of the "three days," back he came to Europe to join in the *mêlée*, and if occasion offered, to lay claim to any spare crown which might fit his head. How exquisite is his plan for the conducting of elections! All vulgar workmen are to be excluded, and the enlightened men are to settle the affair. Why, this is the very *beau idéal* of a rotten borough, which the Tories—the whites of England, consider to be such a perfect system of representation.

With regard to the doctrine of M. Achille

Murat, that power is the only source of right, it may hold good with regard to the control of men over the inferior animals, but between man and man it is a doctrine truly damnable, and pregnant with monstrous evils. Man is a gregarious animal, and to prey upon his kind would bring about his destruction. Even amongst the inferior animals, who are gregarious, this disposition can rarely be met with; they herd together for mutual protection, and, with the exception of the land crabs in the West Indies, and some similar examples, they abstain from doing injury to their kind. Were they to commence injuring each other, the union would be broken up, and they would be exposed to solitude and all its attendant evils. Let the condition of human beings be imagined,—preying on each other, to make each other a property—a slave! Look at the condition of the hostile tribes of Africa! Can civilization go on while such eternal mistrust endures? Fancy this taking place amongst the whites! M. Achille Murat will reply, that no such thing is intended, that it is merely meant that the whites should exercise power over the blacks, the two being distinct races. I reply, they are all men, the one race inferior to the other, it is true, but still men, and until he can prove that they are only monkeys, they ought to be treated as men, upon the only true rule of human happiness, the principle of “do unto your like as you would your like should do unto you.”

For the sake of effect in stirring up men's passions, the abolitionists have endeavoured to exalt the character of the negro far beyond the truth. They have affected to call him their brother, though the evidence of bastardy is made plain to more senses than one. There can be no doubt that at present the negro races are far inferior to the whites, both physically and mentally. To go no farther, look at the fact that, in the island of Jamaica, the numbers of the negroes are to those of the whites and mulattoes nearly as seven to one. They desire to be free; each man of them is physically stronger than a white, yet still they are retained in subjection. Could any thing but gross ignorance bring this to pass? Were the matter reversed; were seven whites held in subjection by one black, how long would it endure? Not a day—not an hour. If this be not evidence sufficient, let us proceed farther. Look at the physical formation of the ordinary negro,—his misshapen limbs and deformed feet; but, above all, his deficiency in that formation of the head, which, at the same time that it constitutes beauty, also confers the power of, and the capability for, the exercise of intellect. The receding forehead denotes the deficiency of brain, and the projected thick lips are unfitted for the proper modulation of the voice, which rolls over them in imperfect sounds, like liquid pouring from a broken-spouted vessel. The very sound of a common negro's voice is ridiculous, like the

imperfect chattering of a parrot. They are said to be skilful as mechanics, but this is, at best, but a Chinese kind of praise; they can imitate that which they have seen, but they possess little of the power of invention. Who ever heard of a negro patent or improvement? They seem to be, in their present state, incapable of high mental combinations, and all their aspirations are of a contemptible kind; fine clothes, liquor, and a dance, constitute their chief enjoyments, and their supreme felicity is like that of the Italians, "*il far niente.*" Since the race has been known, there has been no example amongst them of a *man*, in the emphatic sense of the word. What has Santo Domingo produced even in the excitement of revolution? Even now, all that requires thought, in the republic of Haïti, is produced from the brains of whites and mulattoes. The annals of Jamaica bear upon them the history of King Cudjoe and the Maroon\* war; and fearful traditions of his prowess are occasionally related; yet what was the fact? That he was a poor miserable creature, of but little intellect, whose only strength was in the weakness of his opponents: he had taken

\* This word is derived from a Spanish word, signifying "wild," which the Spaniards applied to their fugitive negroes. The narrator of Drake's voyage to plunder the Spanish main speaks of the *Symerons*, which word is an orthographical error.

possession of the cockpits or limestone basins, leading one into another, from low levels to higher, through narrow entrances worn by the rush of waters in the rainy season; and his opponents were afraid to storm these natural fortresses, dreading to be picked off, as some of them were occasionally, though the negro weapons were of the most ordinary kind, and, in many cases, loaded with metal buttons, for want of bullets, as was proved after the surrender. Fifty American riflemen would have destroyed the whole of the Maroons; and what the British troops failed to do, was afterwards accomplished by the *fear* alone of some twenty Spanish hunters and bloodhounds from the island of Cuba, which, though landed in Jamaica, were never used. This is a remarkable proof of the weak intellect of the negroes. They had set at defiance, and kept at bay, many hundred armed men, yet, upon the mere talk of a score of dogs being set upon them, they at once surrendered. It did not seem to enter into their calculations, that buttons or bullets would be as effective in the body of a dog as in the body of a man: a superstitious terror, similar to that of their *obeah*, seemed to seize upon them, and their courage failed them. Since then they have made attempts at plots, but invariably without success. They have not firmness of purpose sufficient to ensure a secrecy upon which their freedom depends. There is no doubt that they have improved much since they



first came from Africa, and they will gradually improve still more, as is the case with the free negroes of the United States; but such is the *present* character of the black inhabitants of the Antilles, and be it for good, or be it for evil, till knowledge shall have extended still further amongst them, they will continue by their own imbecility the slaves of their white masters. It may be urged, that amongst the white races, abundance of examples may be found, of miserably defective physical formation, and absurd superstition. This is true, but they are not the general characteristics of the race. Amongst the negroes no remarkable instances of genius or wisdom have as yet arisen, that I am aware of.

Let us now examine the character of the white slaveholders, especially in the West India Islands.

In the first place, the bare fact of one human being holding absolute control over another, unless in the case of parents towards children, (and that with much reservation,) much as it tends to inflict mischief on the controlled, serves to inflict still more on the controller. M. Achille Murat asserts, that it gives a man "noble pride." This, I presume, must be upon the same system which the ancient Greeks followed, when they made their Helots indulge in sensual pleasures carried to the length of degradation. But the "noble pride" of M. Achille will be found, on examination, to be merely another form of that love of power, for selfish ends, which

induced his father to slaughter so many human beings, in order to become himself paramount; which induced his namesake, at the siege of Troy, to commit so many varied atrocities, which have been handed down to us under the name of heroism. In countries without commerce, where food is produced in abundance, and the labourers are slaves, there is little inducement to use them ill, unless they betray a rebellious disposition. While the authority of the master is unquestioningly obeyed, he has no objection to the physical comfort of his slaves, but his constant care is to prevent that development of mind in them, which must ultimately tend to the subversion of his authority.

Many humane men might doubtless be found amongst the Roman slaveholders individually, but, as a body, they regarded their slaves only as cattle, and they were unmercifully slaughtered whenever feelings of insecurity were excited. In the West India islands, there is a wide difference made between the field negroes and the house negroes. The former are articles of trade, the latter of convenience, and to make them constantly physically wretched would recoil upon their masters, for no man likes a sulky domestic to be near him, and the general intellect of the negroes is of that class which, provided they are well fed and little worked, ever induces high animal spirits. But to return. For what high moral qualities have the white races of the Antilles ever been remarkable? Certainly

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not for courage or judgment ; or their defeat by the miserable Maroons would not have occurred. Generosity ? This is the strong hold they would fain take, and they at times quote the play of the West Indian, as containing a personification of their general character. Let us analyze it.

Mr. Belcœur, or Fine-heart, is a person of strong animal passions, and good-natured when not opposed. Amply provided with pecuniary means, without any trouble on his own part, his deficiency of intellect has not inflicted on him those physical penalties which are the condition of being born poor, and incapable of intellectual exertion. Born and bred amongst slaves, he has acquired the notion that the **FEW** are made to possess the world, and the **MANY** to contribute to their comforts, without asking questions, and are bound to consider as a charitable boon all that they are permitted to enjoy, be it much or be it little. He has no notion of working people but as slaves, and accordingly proceeds "to brush them away with his rattan." Being somewhat astonished to find himself retaliated upon, he gets over the difficulty apparently by reflecting that they are *whites*, and therefore to be treated with more consideration. Yielding to the sway of animal passions, he sees a handsome woman, and presents her with jewels, the property of another, which had been intrusted to his charge. Here is a piece of downright dishonesty. It is true that he wished to replace the jewels by

others of greater value ; but what then ? He happened to be sufficiently rich so to do, but that did not compensate for the breach of trust. When he exercised the reckless profusion, which is so unworthily called generosity, he did not stop to reflect in what his means of compensation were. He was gulled in a gross manner, and he would have been equally "generous" with the property of another, whether he had the power of replacing it or not. Would he have done this had he known that there was a necessity for his enduring years of painful toil in order to replace it ? If not, he might be prodigal, but assuredly not generous, even supposing the gift to be worthily bestowed. It is an abuse of terms to call the act of giving away that which costs nothing, "generosity." It is like the generosity of children, whose parents give them money at the church doors to put into the plate. No privation, no exertion, is entailed on them by the act, and they know no value in that which they give, any more than if they had lifted a pebble from the earth for a deposit. But it is a still greater abuse of terms to call those acts by the name of generosity which are closely connected with selfish, and commonly with sensual, gratification. He who gives up his time, and labour, for the service of another, prompted only by love, or affection, or respect, is generous ; he knows the full value of what he gives away ; but he who merely gives money, the acquisition of which has

cost him nothing, and the loss of which in no way interferes with his comforts, is not entitled to the same credit. Mr. Rothschild, or Mr. Baring, might pay twenty-five guineas per quart for green peas out of season, but it would not be generosity. If for their own eating, it might be selfish epicurianism; if for the eating of their company, it might be ostentation; if they were purchased for a poor invalid, who could eat nothing else, it would be generosity; but still not comparable with that of a poor workman, who were to bestow a week's labour for the same or a similar purpose. It is so common to confound profuse expenditure, or even waste, with the noble quality of generosity, that it is necessary to make this matter as explicit as possible. The reckless waste of sailors, when landing with abundance of prize-money, has been much lauded, but a case was once related to me of one of the "gallant British tars," who refused to give sixpence to the hospital before leaving his vessel, and when on shore swallowed a fifty-pound bank note between two slices of bread and butter, by way of astonishing the lookers-on. This, surely, was as much ostentation as the act of Cleopatra when she melted down the pearls for a royal draught.

The productions of the West-India islands were once very valuable articles, and, as marketable commodities, there was little competition with them. The land was the property of no large num-

ber of individuals, for whom slaves were forced to work, and the object was to get as much labour as possible out of them in a given time. The wear and tear of human bodies was not regarded, because, in the phrase of the masters, it was cheaper to buy than to breed. This was upon the principle of some of the fast-travelling stages, drawn by horses; the animals are worked so much beyond their strength as considerably to shorten their lives; but, as an extra profit can be realized, which is more than the extra purchase-money of fresh cattle, it is a good mercantile speculation. In former times, the consumption of slave-life in the West Indies was greater than the replenishment by breeding, but the traffic with the coast of Africa kept up the number, and doubtless, with regard to the field negroes, much cruelty existed, in overworking them, and punishing them for the inability of nature. But the same persons who overworked their field negroes might, at the same time, treat their domestic negroes very kindly, physically speaking. Altogether, the white slave-owners carried on a profitable business without any labour, by the exercise of injustice; and what they easily got, they as easily expended, wherefore the phrase "generous as a West Indian," grew into a proverb. They wasted what cost them nothing. They were like the bucaniers, only that they plundered blacks instead of whites; and the same remark held good of both, that "what is got over the devil's back is

generally expended under his belly." Rolling in luxuries, and every kind of abundance, the exercise of hospitality cost them nothing, but was a mere giving away of that which they valued not, for that which they did value. They suffered any one whose company afforded them pleasure to feed at their board, heedless of the cruelty whereby their luxuries were procured. Moral principles they had none: all that was good in them was impulse, as well as much that was evil, after deducting the cruelty exercised in the calculation of trade. It is true that so long as a planter managed his own estates, he would exercise no cruelty towards his slaves which tended to deteriorate his property, and so far the arguments of the slavers is good, that a man will no more ill-use his negroes in the West Indies, than a London brewer will ill-use his horses; but the agents, who for the most part manage the estates at present, are influenced by no such motive. Their object is like that of a farmer of land, to get as large a product as possible, during the time the lease lasts, careless of the condition the farm may be left in at the expiration of the term. Such agents are for the most part dishonest men, who let slip no opportunity of cheating their employers, and the negroes are more liable to be mis-used by them than London horses are by hirelings, because there is a more direct interest in their so doing. It is a common remark, that if a man dies possessed of property in the West Indies, his rela-

tives in Europe experience much difficulty in gaining possession of it, as the lax system of morality induces the feeling, that what is taken away by a European owner is so much robbed from the islands. The increasing subdivision of property, and the increased competition of the white population, has a constant tendency to diminish that quality which was the substitute for generosity; and the want of energy for industrious exertion, necessary to compete with the rivalry of the Eastern Indies and the American continent, together with the deterioration of the land of long-wrought plantations, gives much stimulus to the robber-spirit which would rather appropriate the goods of a neighbour than practise the stoical virtue of self-denial. Those who have had the opportunity of comparing the former character of West Indians with their present one, will agree to the truth of this statement. Their character never was amiable. Like spoiled children, they always smiled when pleased, and, now that they begin to be curbed, they pout and call names. Precisely such has ever been the character of their offspring. Those who have been doomed to the task of instructing such as were sent to Europe for their education, will vouch it. The children, physically speaking, are rather favourably formed than otherwise; there is no fault in their capability, but the evil may be traced to the mischievous and debasing influence of slavery.

So much stress has been laid by the advocates



for slavery, on the apparently undeniable fact, that it is the interest of the owners to use the slaves well; and even well-intentioned men, like Captain Marryat, have laboured so strongly to make out the case,—that it is necessary to be very explicit in setting forth the fallacy. Be it therefore remembered, that the owners are in most cases absent from their property, which is intrusted to the care of interested hirelings, who rarely pay much heed to human sufferings; and even in the case of the owners, the fact is well understood, that the *slave* will only work upon compulsion, and therefore the owner will not inquire too minutely into the conduct of his overseers and drivers. A case was related to me but a short time back, by a gentleman strongly interested in the continuance of slavery, so that no doubt could be thrown on his accuracy. An owner paid a visit to his estate in the island of Jamaica where the negroes were exceedingly ill-used by the overseer. One of the negroes contrived to meet the owner as he was riding along the seashore. He complained of the cruelty with which they were treated, and the owner, shaking his head, told him that they were a lazy good-for-nothing set of fellows. The man, then, seeing that his case was hopeless, in a fit of desperation, threw himself into the sea and was drowned. This fact is beyond dispute, and could I in fairness quote my authority, no one would doubt it. As a mass, the field negroes are probably not treated with wanton cruelty,

so long as they will work ; but, notwithstanding, there are numerous instances of petty Neros amongst the overseers, labouring under a monomania, which can only be gratified by the spectacle of human suffering. Do not such things occur in England also, in spite of the laws made to prevent them? Do not those who lack the power to inflict cruelty on human beings, indulge their propensity on the inferior animals? Wherefore else was Mr. Martin's Act made? Such coarse-minded men are precisely those who would seek for the situation of overseer as a matter of choice, and which nothing but stern necessity would induce the man of refined feelings to undertake. From time to time, the newspapers report instances of barbarous cruelty, exercised by captains of vessels towards their seamen and apprentices, notwithstanding the existence of protecting laws. What would be the conduct of such men, if placed in the situation of irresponsible power over negroes? The fact is, talk as we may, those who own slaves, for the purposes of working them to a profit, do not regard them as human beings, but as cattle, and they increase or shorten their labour or rations, only with reference to profit, and without heeding their individual feelings or comfort beyond the necessity of maintaining them in health. Amongst the numerous stories told of negro drollery, which amongst many short-sighted people is held as an evidence of intellect, is the following, which bears upon the point I am argu-

ing. An old negro, who had been sold and resold again and again, with the estate to which he belonged, and had thus passed the ordeal of the ownership of individuals of many nations, was asked, by a student of the natural history of man, which nation he liked best. He replied, "Massa, me like um Spaniard berry much; me like um Frenchman good berry, not like um Spaniard. Me like English buckra sometime. Me no like um Dutchman. But, Massa, worsen an all, me no like um Cotchman; dam Cotchman no good for um Nigger." "Why so?" asked the interrogator. "Golly, massa," was the reply, "um dam Cotchman him gib poor Nigger him fish wib only one yeye." The fact was, that a frugal native of the North, having made the discovery that his estate was not so profitable as he could wish, became the first inventor of the process of splitting herrings in twain, and thus making one negro ration do the work of two.

Some years back, I was thrown much in company with one of those beings who are, in common parlance, called "ladies," on account of certain factitious circumstances, which are, in the present state of society, made to constitute high caste, without reference to mental qualifications. She was a native of the Antilles, born of English parents, rather agreeable in her manners when pleased, well dressed, possessed of a good shape, and what would, by many persons, be called a pretty face. *Au reste*,

she would "talk conversation," play on the guitar, the harp, and the piano, and moreover sing a little. In short, she was considered, when in Jamaica, to belong to the first and most undeniable society; in proof of which, the boast of her family was, that she had refused successively two post captains and an attorney-general. This lady; on one occasion, amused a company, of whom I formed a part, with a narration of her early life in Jamaica, and the scenes of fashion in which she moved. The wonders of her pa's house, and his greatness, were all duly described, and, amongst other things, a most extraordinary lap-dog, with all the vicissitudes of its existence. "The poor thing lost its mother when only a week old, so I sent for the overseer to find me a healthy black woman to nurse it. She at first refused to suckle it, but I told her she should be whipped, and then coaxed her till she at last agreed, and the little thing throve wonderfully well, so that the woman at last became as fond of it as if it had been her own child." In relating this most disgusting story, the lady did not seem to be aware of any impropriety in it, and in answer to a question from me, she replied, that it was not an uncommon circumstance. She evidently considered that a lap-dog was quite as important a being in the scale of creation as a negress, and this without any apparent consciousness that her act had debased a fellow-creature. Her general character was rather humane than otherwise, and she regu-

larly attended divine worship. The fact is, the whites are accustomed to consider the blacks as inferior animals, and only treat them otherwise when the men seek the negro women as instruments of sensual indulgence. But the most extraordinary scenes of all are presented in the houses where the mulatto girls are accustomed to assemble at evening parties. Perhaps they are accompanied by some of their own class, but the moment one white man enters, every male mulatto vanishes, leaving their pale-skinned masters to be "cocks of the (brown) walk." The climate of the West India islands is certainly not adapted for the exercise of the sterner virtues.

Of late years, the slaves, as a body, have begun to entertain notions of acquiring their freedom, not as of old, by the operation of insurrection, but by the quieter process of law. It is possible that the numerous missionaries who frequented the islands have done much to foster this disposition, not to incite to violence, but to keep up a species of agitation. Missionaries are men, and no doubt like to thrive in their vocation. A black congregation, though not so good as a white one, is better than no congregation at all, and a congregation of negroes is better than one of New Holland or New Zealand savages, as offering less risk and more profit. Considerable gleanings are to be made from negro ignorance, on which the *obeah* for a long time operated so successfully, and the masters are apt to

think that all that goes into the pockets of the missionaries is so much abstracted from their own. They complain that the missionaries are stirring up a lawless disposition amongst their slaves, but by their own acts they show that they themselves are as barbarous and lawless as the most ferocious savages: witness their attacks on the chapels and dwellings of the missionaries. Whatever may be the motives of the missionaries, whether religious zeal or the love of lucre, which their enemies allege against them, it cannot be denied that they have done much towards humanizing the negroes, and spreading intelligence amongst them, and the negroes are in return attached to them, believing, as they do, that it is through them that they will ultimately regain their freedom. The white Creoles well know that when the negroes become somewhat more intelligent, they will no longer be able to retain them in slavery, and, for the purpose of impeding their instruction, they have declared an illegal war against the missionaries, whose hatred they have doubtless excited, and whose energies will in consequence be unceasingly exerted to work their downfall. A gamekeeper belonging to the Marquess of Stafford took away the gun of a burgess of Newcastle, who was sporting on the forbidden grounds, and accompanied the act by words of insult. The pride of the burgess was hurt, and he vowed, in bitterness of spirit, that he would be revenged. The slumbering energies of a powerful

though humble foe were aroused, and that act of arbitrary power was the means of wrenching from the proud nobleman the dictatorship of a borough which had long been an heir-loom in his family. Even thus, some stern spirit may be wounded, amongst those of the missionaries exposed to the insults of the infuriate white Creoles, who, burning for revenge, may incite the slaves to rise and strike with "the sword of the Lord and of Gideon." Black men can fight: they have given evidence of it in many places. It was an army principally composed of blacks which left the shores of Chili to accomplish the liberation of Peru. The negroes of the islands have physical force enough, whenever they may possess mental skill to direct it. If ever, under white leaders, and more especially religious leaders, they rise into insurrection with arms in their hands, the episode will not be as that of King Cudjoe. A general massacre of the whites will make of the Antilles a species of black federal republic, leaving to the nations of Europe to consider, whether the most profitable course would not be, to leave them to themselves, rather than again take possession of colonial nuisances by force of arms.

One of the arguments used by the upholders of slavery, is that these slaves are for the most part in a better physical condition than the free labourers of England. That some of the negroes may be physically better off than some of the English labourers, I do not doubt; but that mass for mass

they are better off, I do very much doubt. But even if it were as they state, still the condition of the free labourer is preferable, because he has the hope of amelioration, which the slave has not. Whenever the supply of food for English labourers shall be in advance of the population, their condition may become one of great happiness. As regards the slave, whether he be fed well or ill, so long as he remains a slave, it will be the interest of his master to keep him in ignorance, and his condition will be hopeless. The negro notions of what freedom is, are in many cases as absurd as those of some of the whites. Many of the negroes believe that it will consist in living without work, while they will continue to hold their provision grounds, and to receive their rations of herrings and other matters. It has not entered into their reflection, that without work there will be no existing. They imagine that their food will be found for them as a matter of course, and that if they think fit to work, they will be paid money in addition. This want of reflection is the natural result of the condition in which they are kept.

How the question of "slavery or no slavery?" is to be settled, it is difficult to pronounce. The slaver says, "You shall not take away my property!" The moderate men say, "Let the negroes be educated, and when they are so far instructed that they will do no mischief, let them be set free!" "That will answer my purpose!" mutters the slaver to himself, "leave me to instruct them, and I will



take care to retain the fee simple of their bodies as long as I wish." "They must be set free at once, at all hazards," exclaims a third party. "My property!" again shouts the slaver; "touch my property, touch my life. Compensation! oh, conscript fathers of the British Senate!" "Who shall decide upon the question of value?" exclaims a calculator close at hand. "A jury of ourselves," replies the slaver, "and then we can have our own price." In the mean time, the poor black stands by awaiting the result of the debate,—anxiously wishing to know, if that his body appertain to himself or to his master. He wants nothing but intelligence, to enable him to cut the gordian knot which so many find it difficult to untie. That the Creoles will quietly submit to any enactment of the mother country, regarding their property, which they do not approve, is a hopeless expectation. Though possessing but little judgment, they have abundance of irritability, as witness the treatment of Mr. Jeremie in the Mauritius. Should the legislature set the negroes free, against their will, their "great rage of heart" will, perhaps, induce them to commit some barbarities upon the new freemen, as they have done upon the missionaries, and then, perchance, all will break forth in broil and general massacre. They have vapoured much about rebelling against England, and uniting themselves to America. For my part, I wish Brother Jonathan no such misfortune, and repute him far too wise to

saddle himself with such annoyances, for the gratification of an ambition which would cost more than it is worth. Probably the only effectual way to secure both slaves and masters from the effects of their mutual hatred, would be to take possession of the islands, with sufficient troops to keep down both parties, and then endeavour to make a bargain with the negroes to purchase their freedom and the islands together, making the payments by instalments of their annual produce. But this plan would involve much expense. That the whites and blacks, when both are alike free, should remain together on peaceable terms on so small a spot of earth, is most improbable, and whenever war commenced between them in earnest, it would be to the utter destruction of the whites. It would be well to impress this fact upon the latter, as an inducement not to be too unreasonable in their demands upon a good-natured people, who have to pay the heavy penalty of the series of misrule, under which they have so long groaned. Opening the market to competition would, probably, be the most ready method of bringing them to their senses. The prospect is by no means cheering, and the chances are, that a general massacre of the whites will be the ultimate result. Were England possessed of a wise, just, vigorous, and above all, a responsible government; this horrible alternative might be avoided; but it is to be feared, that the imbecility, dishonesty, and want of responsibility, which have, by long practice, tended

to keep up in the people a disposition to mistrust all governments, will work their usual mischievous effects, and prevent those sound and just measures from being taken, which intellect, honesty, and courage, would conceive and execute. A people long accustomed to be plundered, acquires a habit of begrudging even necessary expenses. He who has been a spendthrift in his youth, not uncommonly becomes a sordid miser in his old age. But meanwhile, we must console ourselves with the Spanish proverb, "Algun dia sera Domingo." Sunday will come at last!

JUNIUS REDIVIVUS.

*Note.*—The writer of the foregoing essay on Negro Slavery, is not the translator of the work.

PUBLISHER.

THE END.

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