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Fugitive Slave Bill.

Speech of
HON. CHARLES SUMNER
OF MASSACHUSETTS,
IN THE SENATE OF THE UNITED STATES,
JUNE 25, 1854.
[Continued.]

The Senate having under consideration the motion to refer to the Committee on Judiciary the petition from twenty-nine hundred citizens of Massachusetts, praying for the repeal of the Fugitive Slave Bill—

Mr. SUMNER said:
Mr. President: Since I had the honor of addressing the Senate two days ago, various Senators have spoken. Among these, several have alluded to me in terms clearly beyond the bounds of parliamentary debate. Of course I make no complaint, though for the honor of the Senate at least, it were well that it were otherwise. If to them it seems fit, courteous, parliamentary—

—to attack the heart with words,
And fill a cursing, like a very drab,
A scullion."

I will not interfere with the enjoyment which they find in such exposures of themselves. They have certainly given us a taste of their characters. Two of them, the Senator from South Carolina, [Mr. Butler], who sits immediately before me, and the Senator from Virginia, [Mr. Mason], who sits immediately behind me, are not young. They did not speak from an ebullition of youth, but from the confirmed temper of age. It is melancholy to believe that, in this debate, they showed themselves as they are. It were charitable to believe that they are in reality better than they showed themselves.

I think, sir, that I am not the only person on this floor, who, in lately listening to these two self-confident champions of the peculiar fanaticism of the South, was reminded of the striking words of Jefferson, picturing the influence of Slavery, where he says, "The whole commerce between master and slave is a perpetual exercise of the most unrelenting despotism on the one part, and degrading submission on the other. Our children see this, and learn to imitate it; for man is an imitative animal. The parastorms. The child looks on, catches the lineaments of wrath, puts on the same airs in the circle of smaller slaves, gives a loose to his worst passions, and, thus nursed, educated, and daily exercised in tyranny, cannot but be stamped by it with odious peculiarities. The man must be a prodigy who can retain his manners and morals undepraved by such circumstances." Nobody who witnessed the Senator from South Carolina, or the Senator from Virginia, in this debate, will place either of them among the "prodigies" described by Jefferson.

As he spoke, the Senate Chamber must have seemed, in the characteristic fantasy of the moment, a plantation well stocked with slaves, over which the lash of the overseer had free swing. Sir, it gives me no pleasure to say these things. It is not according to my nature. Bear witness, that I do it only in just self-defense against the unprecedented assaults and provocations of this debate. If Senators expect, by any ardor of menace, or by any tyrannical frown, to shake my fixed resolve, they expect a vain thing. There was, perhaps, little that fell from these two champions, as the fit was on, which deserves reply. Certainly not the hard words they used so readily and congenially. The veteran Senator from Virginia [Mr. Mason] complained that I had characterized one of his "constituents," a person who went all the way from Virginia in pursuit of a slave, as a Slave-Hunter. Sir, I choose to call things by their right names. White I call white, and black I call black. And where a person degrades himself to the work of chasing a fellow-man, who, under the inspiration of freedom and the guidance of the north star, has sought a freeman's home far away from the coffle and chain, that per-

son, whomsoever he may be, I call a Slave-Hunter. If the Senator from Virginia, who professes nicety of speech, will give me any term which more precisely describes such a person, I shall use it. Until then I shall continue to use the language which seems to me so apt. But this very sensibility of the veteran Senator at a just term, which truly depicts an odious character, shows a shame in which I exult. It is said by one of the philosophers of antiquity, that a blush is a sign of virtue; and permit me to add, that in this violent sensibility, I recognize a blush mantling the cheek of the Senator, which even his plantation manners cannot conceal.

And the venerable Senator from South Carolina, too, [Mr. Butler]: he has betrayed his sensibility. Here let me say that this Senator knows well that I always listen with peculiar pleasure to his racy and exuberant speech, as it gurgles forth—sometimes tinged by generous ideas—except when, forgetful of history, and in defiance of reason, he undertakes to defend that which is obviously indefensible. This Senator was disturbed, when to his inquiry, personally, pointedly, and vehemently addressed to me, whether I would join in returning a fellow man to slavery, I exclaimed, "Is thy servant a dog, that he should do this thing?" In fitful phrases, which seemed to come from the unconscious excitement so common with the Senator, he shot forth various remarks about "dogs;" and among other things, asked if there was any "dog" in the Constitution. The Senator did not seem to bear in mind, through the heavy currents of that moment, that, by the false interpretation he has given to the Constitution, he has helped to nurture there a whole kennel of Carolina bloodhounds, trained, with savage jaws and inexorable scent, for the hunt of flying bondmen. No, sir, I do not believe that there is any "kennel of bloodhounds," or even any "dog," in the Constitution of the United States.

But, Mr. President, since the brief response which I made to the inquiry of the Senator, and which leaped unconsciously from my lips, has drawn upon me various attacks, all marked by grossness of language and manner; since I am charged with openly declaring my purpose to violate the Constitution, and to break the oath which I have taken at that desk, I shall be pardoned for showing simply how a few plain words will put all this down. The authentic report in the *Globe* shows what was actually said. The report in the *Sentinel* is substantially the same; and one of the New-York papers, which has been put into my hands since I entered the Senate chamber to-day, under its telegraphic head, states the incident with substantial accuracy, though it omits the personal, individual appeal addressed to me by the Senator, and which is preserved in the *Globe*. Here is the New-York report:

"Mr. BUTLER. I would like to ask the Senator, if Congress repealed the Fugitive Slave Law, would Massachusetts execute the constitutional requirements, and send back to the South the absconding slaves?"

"Mr. SUMNER. Do you ask if I would send back a slave?"

"Mr. BUTLER. Why, yes."

"Mr. SUMNER. 'Is thy servant a dog, that he should do this thing?'"

To any candid mind, either of these reports renders anything further superfluous. But the Senators who have been so swift in misrepresentation deserve to be exposed, and it shall be done.

Now, sir, I begin by adopting as my guide the authoritative words of Andrew Jackson, in his memorable veto, in 1832, of the Bank of the United States. To his course, at that critical time, were opposed the authority of the Supreme Court and his oath to support the Constitution. Here is his triumphant reply:

"If the opinion of the Supreme Court covers the whole ground of this act, it ought not to control the coordinate authorities of this Government. The Congress, the Executive, and the Court, must each by itself be guided by its own opinion of the Constitution. Each public officer, who takes an oath to support the Constitution, swears that he will support it as he understands it, and not as it is understood by others. It is as much the duty of the House of Representatives, of the Senate, and of the President, to decide upon the constitutionality of any bill or resolution which may be presented to them for passage or approval, as it is of the supreme judges when it may be brought before them for judicial decision. The authority of the Supreme Court must not, therefore, be permitted to control the Congress or the Executive, when acting in their legislative capacities, but to have only such influence as the force of their reasoning may deserve."

Mark these words—let them sink into your minds. "Each public officer, who takes an oath to support the Constitution, swears that he will support it as he understands it, and not as it is understood by others." Yes, sir, as he understands it, and not as it is understood by others. Does any

one here dissent from this rule? Does the Senator from South Carolina [Here Mr. SUMNER paused, but there was no reply.] At all events, I accept the rule as just and reasonable; in harmony, too, let me assert, with that liberty which scorns the dogma of passive obedience, and asserts the inestimable right of private judgment, whether in religion or politics. In swearing to support the Constitution at your desk, Mr. President, I did not swear to support it as you understand it. Oh, no, sir. Or as the Senator from Virginia understands it. Or as the Senator from South Carolina understands it, with a kennel of bloodhounds; or, at least, a "dog" in it, "pawing to get free its hinder parts," in pursuit of a slave. No such thing. I swore to support the Constitution as I understand it; nor more, nor less.

Now, I will not occupy your time, nor am I so disposed at this moment, nor does the occasion require it, by entering upon any minute criticism of the clause in the Constitution touching the surrender of "fugitives from labor." A few words only are needful. Assuming, sir, in the face of commanding rules of interpretation, all leaning towards freedom, that in the evasive language of this clause, paltering in a double sense, the words employed can be judicially regarded as justly applicable to fugitive slaves, which as you ought to know, sir, is often most strenuously and conscientiously denied, thus sponging the whole clause out of existence, except as a provision for the return of persons actually bound in contract, but on which I now express no opinion; assuming, I say, this interpretation, so hostile to freedom, and derogatory to the members of the Federal Convention, who solemnly declared that they would not yield any sanction to slavery, or admit into the Constitution the idea of property in man; assuming, I repeat, an interpretation which every principle of the common law, claimed by our fathers as their birthright, must disown; admitting, for the moment only, and with shame, that the Constitution of the United States has any words, which in any legal intendment, can constrain fugitive slaves, then I desire to say, that, as I understand the Constitution, this clause does not impose upon me, as a Senator and a citizen, any obligation to take part directly or indirectly, in the surrender of a fugitive slave.

Sir, as a Senator, I have taken at your desk the oath to support the Constitution as I understand it. And understanding it as I do, I am bound by that oath, Mr. President, to oppose all enactments by Congress, on the subject of fugitive slaves, as a flagrant violation of the Constitution; especially must I oppose the last act as a tyrannical usurpation, kindred in character to the Stamp Act, which our fathers indignantly refused to obey. Here my duties, under the oath which I have taken as a Senator end. There is nothing beyond. They are all absorbed in the constant, inflexible, righteous obligation to oppose every exercise by Congress of any power over the subject. In no respect by that oath, can I be constrained to duties in other capacities, or as a simple citizen, especially when revolting to my conscience. Now, in this interpretation of the constitution I may be wrong; others may differ from me; the Senator from Virginia may differ from me, and the Senator from South Carolina also; and they will, each and all, act according to their respective understandings. For myself, I shall act according to mine. On this explicit statement of my constitutional obligations, I stand, as upon a rock, and to the inquiry, in whatever form addressed to my personal responsibility, whether I would aid directly or indirectly, in reducing or surrendering a fellow man to bondage, I reply again: "Is thy servant a dog that he should do this thing?"

Mr. SUMNER then expressed the opinion that not a single senator would stoop so low a business as catching slaves. He keenly reminded the senators of South Carolina and Virginia that any complaint of non-performance of constitutional obligations against other states comes with an ill grace from those states which had so often annulled the laws of Congress and the provisions of the constitution. He referred to the Charleston Post Master, who in 1839 suppressed all papers and publications coming to that office, which he deemed obnoxious to slavery, in utter violation of law. He called their attention to the mob who drove Judge Hoar, the commissioned agent of Massachusetts, out of Charleston, in 1846, who was sent there for the purpose of protecting, legally, the rights of the citizens of Massachusetts, and that the legislature of South Carolina sanctioned the shameful, lawless act.

Mr. Butler in a previous speech, said that Massachusetts, and other Northern states had been slaveholding at the Revolution, and that our Independence was achieved by a slaveholding community. Mr. SUMNER said:

The Senator opens a page, which I would willingly present. Sir, Slavery never flourished in Massachusetts; nor did it ever prevail there at any time, even in early colonial days, to

such a degree as to be a distinctive feature in her powerful civilization. Her few slaves were merely for a term of years or for life. If in point of fact, their issue was sometimes held in bondage, it was never by sanction of any statute Law of Colony or Commonwealth. (*Lonesboro vs. Westfield*, 16 Mass., 74.) In all her annals no person was ever born a slave on the soil of Massachusetts. This of itself is a response to the imputation of the Senator.

A benign and brilliant act of her Legislature, as far back as 1616, shows her sensibility on this subject. A Boston ship had brought home two negroes seized on the coast of Guinea. Thus spoke Massachusetts:

"The General Court, conceiving themselves bound by the first opportunity to bear witness against the heinous and crying sin of man-stealing, also to prescribe such timely redress for what is past, and such a law for the future as may sufficiently deter all those belonging to us, to have to do in such vile and odious conduct, justly abhorred of all good and just men, do order that the negro interpreter, with others unlawfully taken, be, by the first opportunity, at the charge of the country, for the present, sent to his native country of Guinea, and a letter with him of the indignation of the Court, thereabout and justice thereof."

The Colony that could issue this noble decree was inconsistent with itself, when it allowed its rocky face to be pressed by the footsteps of a single slave. But a righteous public opinion early and constantly set its face against Slavery. As early as 1701 a vote was entered upon the records of Boston to the following effect: "The Representatives are desired to promote the encouraging the bringing of white servants, and to put a period to negroes being slaves." Perhaps in all history this is the earliest testimony from any official body against negro Slavery, and I thank God that it came from Boston, my native town. In 1705 a heavy duty was imposed upon every negro imported into the province; in 1712 the importation of Indians as servants, or slaves was strictly forbidden; but the general subject of Slavery attracted little attention till the beginning of the controversy which ended in the Revolution; when the rights of the blacks were blended by all true patriots with those of the whites. Sparring all unnecessary details, suffice it to say, that, as early as 1769, one of the courts of Massachusetts, anticipating, by several years, the renowned judgment in *Somersett's case*, established within its jurisdiction the principle of emancipation; and under its touch of magic power, changed a slave into a freeman. Similar decisions followed in other places. In 1776, the whole number of blacks, both free and slave, sprinkled thinly over "hardy" Massachusetts, was five thousand two hundred and forty-nine, being to the whites as one is to sixty-five; while in "slaveholding" South Carolina the number of negro slaves at that time, was not far from one hundred thousand, being nearly one slave for every freeman, thus rendering the colony anything but "hardy." At last, in 1780, even before the triumph of Yorktown had led the way to that peace which set its seal upon our National Independence, Massachusetts, animated by struggles of the Revolution, and filled by the sentiments of freedom, placed on the front of her Bill of Rights the emphatic words that "all men are born free and equal," and by this declaration exterminated every vestige of Slavery within her borders. All hail, then, to Massachusetts, the just and generous Commonwealth in whose behalf I have the honor to speak.

Thus, sir, does the venerable Senator err when he presumes to vouch Massachusetts for Slavery, and to associate this odious institution with the name of her great patriots.

Mr. Rockwell here read a passage of Graham's History of the United States, confirming Mr. Sumner's statement. Mr. Butler next interrupted Mr. Sumner, and attempted to equivocate, but Mr. Sumner held him fast and continued:

God forbid that I should do injustice to South Carolina. I know the gallantry of many of her sons. I know the response which she made to the appeal of Boston for union against the Stamp Act—the fugitive slave act of that day—by the pen of Christopher Gadsden. And I remember with sorrow that this patriot was obliged to confess, at the time, her "weakness in having such a number of slaves," though it is to his credit that he recognized slavery as a "crime." (Ban-croft's History of the United States, vol. 5, page 426.) I have no pleasure in dwelling on the humiliations of South Carolina; I do not desire to

expose her sores; I would not lay bare her nakedness. But the Senator, in his vaunt for "slaveholding communities," has made a claim for slavery which is so inconsistent with history, and so derogatory to freedom, that I cannot allow it to pass unanswered.

This, sir, is not the first time, even during my short experience here, that the same claim has been made on this floor; and this seems more astonishing, because the archives of the country furnish such ample and undoubted materials for its refutation. The questions of the comparative contributions of men of different States and sections of the country in the war of the Revolution, was brought forward as early as 1790 in the first Congress under the Constitution, in the animated and protracted debate on the assumption of the State debts by the Union. On this occasion Fisher Ames, a Representative from Massachusetts, memorable for his classic eloquence, moved for a call upon the War Department for the number of men furnished by each State to the Revolutionary armies. This motion, though vehemently opposed, was carried by a small majority. Shortly afterwards, the answer to the call was received from the Department, at that time under the charge of Gen. Knox. This answer, which is one of the documents of our history, places beyond cavil or criticism the exact contribution in arms of each State. Here it is:

Statement of the number of troops and militia furnished by the several States for the support of the Revolutionary war, from 1775 to 1783, inclusive.

NORTHERN STATES.	Number of continental troops.	Number of militia.	Total militia and continental troops.	Compared with the militia of 1790.
N. Hampshire,	12,406	2,003	14,409	3,700
Massachusetts,	47,047	15,155	62,202	9,500
Rhode Island,	5,908	4,281	10,189	1,500
Connecticut,	32,030	7,792	39,822	3,000
New-York,	17,781	3,312	21,093	8,750
Pennsylvania,	25,618	7,357	32,975	2,000
New-Jersey,	10,737	6,055	16,792	2,500
Total,	172,406	46,408	218,814	30,950
Southern States.				
Delaware,	2,387	376	2,763	1,000
Maryland,	13,912	5,464	19,376	4,000
Virginia,	26,672	4,163	30,835	21,800
North Carolina,	7,263	2,716	9,979	12,000
South Carolina,	5,508	—	5,508	22,000
Georgia,	2,679	—	2,679	9,920
Total,	58,421	12,719	71,140	76,820

It should be understood that at this time, there was but little difference in numbers between the population of the Southern States and that of the Northern States. By the census of 1790, the Southern had a population of 1,956,354; the Northern had a population of 1,968,155. But notwithstanding this comparative equality of population in the two sections, the North furnished vastly more men than the South.

Of militia whose service are authenticated by the War Office, the Southern States furnished 172,496; the Northern States furnished 46,048; making nearly four men furnished to the militia by the Northern States to one from the Southern.

Of militia whose services were not authenticated by the War Office, but are set down in the return as conjectural only, we have 76,810 furnished by the Southern States, and 30,950 furnished by the Northern; making, under this head, more than two men furnished by the Southern to one from the Northern. The chief services of the Southern States, it will be observed with a smile, were conjectural only!

Looking, however, at the sum total of continental troops, authenticated militia, and conjectural militia, we have 147,940 furnished by the Southern States; while 248,503 were furnished by the Northern; making 100,000 men furnished to the war by the Northern more than the Southern.

But the disparity swells when we directly compare South Carolina and Massachusetts. Of continental troop and authenticated militia, and conjectural militia, S. Carolina furnished 92,592; making in the latter sum nearly three men for one furnished by South Carolina. Look, however, at the continental troops and the authenticated militia furnished by the two States, and here you will find only 5,508 furnished by South Carolina, while 59,092 were furnished by Massachusetts—being sixteen times more than by South Carolina, and much more than by all the Southern States together. Here are facts and figures of which the Senator ought not to be ignorant.

Did the occasion require, I might go further, and minutely portray the

imbecility of the Southern States, and particularly of South Carolina, in the war of the Revolution, as compared with the Northern States. This is a sad chapter of history, upon which I unwillingly dwell. Faithful annals record that, as early as 1778, the six South Carolina regiments, composing, with the Georgia regiment, the regular force of the Southern Department, did not, in the whole, muster above eight hundred men; nor, was it possible to fill up their rank. During the succeeding year, the Governor of South Carolina, pressed by the British forces, offered to stipulate the neutrality of his State during the war, leaving it to be decided at the peace to whom it should belong—a premonitory symptom of the secession proposed in our day! At last, after the fatal field of Camden, no organized American force was left in this region.

The three Southern States—*no aid opportunely poured*, according to the vaunt of the Senator—had not a single battalion in the field. During all this period, the men of Massachusetts were serving their country, not at home, but away from their own borders; for from the time of the Declaration of Independence, Massachusetts never saw the smoke of an enemies' camp. At last, by the military genius and remarkable exertions of Gen. Greene, a Northern man, who assumed the command of the Southern army, South Carolina was rescued from British power. But the trials of this successful leader reveal, in a striking manner, the weakness of the "slaveholding" State which he saved. Some of these are graphically presented in his letters. Writing to Governor Reed of Pennsylvania, under date of 23d May, 1771, he says:

"Those whose true interest it was to have informed Congress and the people to the northward of the real state of things, have joined in the deception, and magnified the strength and resources of this country infinitely above their ability. Many of those, who adhere to our party, are so fond of pleasure, that they cannot think of making the necessary sacrifices to support the Revolution. There are many good and virtuous people to the southward; but they cannot animate the inhabitants in general, as you can to the northward."—*Gordon's History of the American Revolution*, vol. 4, page 87.

Writing to Colonel Davies, under date of 23d May, 1781, he exposes the actual condition of the country: Similar testimony to the weakness engendered by slavery was also borne by Mr. Madison, in debate in Congress:

"Every addition they [Georgia and South Carolina] receive to their number of slaves, tends to weaken them, and render them less capable of self-defence."—*Annals of Congress*, vol. 1, page 340.

The historian of South Carolina, Dr. Ramsay, a contemporary observer of the very scenes which he describes, exposes this weakness:

"The forces under the command of General Proctor marched through the richest settlements of the State, where are the fewest white inhabitants in proportion to the number of slaves. The hapless Africans, allured with the hope of freedom, forsake their owners, and repaired in great numbers to the royal army. They endeavor to reconquer themselves to their new masters by discovering where their owners had concealed their property, and were assisting in carrying it off."—*History of S. Carolina*, vol. 1, page 312.

And the same candid historian, describing the invasion of the next year, says:

"The slaves a second time flocked to the British army."—*Vol. 1, page 333.*

And at a still later day, Mr. Justice Johnson, of the supreme court of the United States, and a citizen of South Carolina, in his elaborate Life of Gen. Greene, speaking of negro slaves, makes the same admission. He says:

"But the number dispersed through these [Southern] States was very great; so great, as to render it impossible for the citizens to muster freemen enough to withstand the pressure of the British arms."—*Vol. 3, Page 172.*

Surely, sir, this is enough and more. Thus, from authentic documents, we learn the small contribution of men and the military weakness of the Southern States, particularly of S. Carolina, as compared with the Northern States; and from the very lips of South Carolina, on different occasions, speaking by committee; by one of her Representatives in Congress; by her historian; and by an eminent citizen, we have the confession not only of weakness, but that this weakness was caused by slavery. And yet in the face of this cumulative and unimpeachable testimony, we are called to listen, in the American Senate, to a high-flying boast, from a venerable Senator, that American independence was achieved by the arms and treasure of