

New Bedford Aug 14/55

Dear Sir

I received a note from you some two weeks since, and I have deferred writing either to yourself or Mr Bradburn because the people here in favor of Sunday lectures have been tardy in getting in motion.

The subject had not been much canvassed prior to the receipt of your letter, and nothing definite has yet been arrived at. You are aware, I suppose that it takes time to bring about a thing of this kind. However, the prospect now is that it will be accomplished, and before many days I expect to be able to extend an invitation to Mr Bradburn to come here, or perhaps some other person will do it in my stead.

I thought it most expedient to write this to you under the circumstances, especially as so long a time has elapsed since you wrote.

If an invitation is extended to Mr Bradburn it will be directed to your care. You will oblige me by acquainting him with the purpose of this letter.

Yours Truly

E.D. Linden

November Wednesday [?] 21, '55

Dear B.: _____ about [?] us [?], _____ I left Boston, if you had [?] told me what I said to you about a conversation of his with Linton, [?] of New Bedford. I told him you had work. He asked [?] a little reassured [?]. He then _____ to me, & wished to know if he should write him on the subject. I, often times _____, told him he ought. _____ the letter on the opposite side of this half=_____. I have an odd feeling about this whole thing. I feel it might place [?] me in a false position, & finish [?] your racial intercourse to a _____ quite congenial to you. I know nothing of Linton. You [?] will keep this paper.

North Chelsea [?]

Friday, Sept. 16, [?] '55

Dear Spooner:

I give up visiting the city to-day, because I am not very well, & shall need all my strength for our passage by railroad, to Bangor, on the morrow.

I do not see, with sufficient clearness, the _____ of your invention, to justify me in urging, on my own account, any one to advance the money you need. Perhaps, however, I may find someone who would be disposed, after examining the invention, to advance the necessary means, from his faith in its worth. If so, I will commend him to you; of course, without appraising him, myself, of the nature of your discovery.

I think we may be about some two weeks.

Most Sincerely Yours,

Geo. Bradburn.

Boston Saturday Apr. [?] 21-1855

Dear Bradburn,

Sarah Hoyt sets out for Wisconsin next monday morning - will be in Cleveland on wednesday - stop one day there - would be very happy to see yourself and Mrs Bradburn. She will stop at Mr Witt's - I hope you will both find it convenient to call on her.

She is going to Fin du Las, Wis. to teach music.

I write this in great haste and have hardly time to think of any thing else to tell you, except what I have already written. The Hildreths are about going to Auburndale for the summer. I have little to tell you of myself. My book is nearly written, and partly

printed - but will not be published perhaps for a year or two - will make 400 pages, or more - hope to make a fortune by it - Should have written you had I any thing important to tell you - Have felt very sorry to hear that you have been in ill health - hope you are better now - Do write me - had hoped you would come in [?] here to live - My love to Mrs Bradburn.

Yours truly,

L. Spooner

[The following is upside down on the bottom of the page.]

Lysander Spooner, of Boston: Old By ___stand.

_____, get - Nanny [?]

_____ - _____

_____ Jan. 31 Milburn [?]

Cleveland, May 18, 1855.

Dear Spooner:

When your last reached me, I was suffering so under there _____ of fever & _____, that I did not try, even, to find when that fine daughter of our friends, the Hoyts, arrived, or whether or not she came to Cleveland at all.

As the best means of driving that discuss from my system, I have concluded to make a protracted sort of clamming[?] excursion. We mean to leave here early next month. At what _____, precisely, we shall _____ the Summer, if you are really to have a Summer, this year, down East, I do not know; but it must be near Boston, & at a point where the cost of keeping body & mind [?] together shall be as little as will consist with the preservation of that union.

I am glad you "expect to make" your "fortune by" your new book;

for really, - whatever may she come of that expectation, - There ~~re~~ pleasure of hope is usually greater than its fruition. But I remember, too, that you are no Christian, "hoping against hope".

What strange duress[?] in the political world, you have had in ____! But I have been quite out of that world, for the last year & a half, & ____, as in the state of my health [?] I could only doze [?], over my _____. - I was sorry to find so many Free Soilers, Hale & Wilson among them, falling into Know Nothingism. This going for "the nippers" [?] at the sort [?] of "the puddies[?]", strikes [?] me as not exactly the thing, for intelligent people who have souls to save. [?] I trust you are not "one of 'em". I do not know but I referred to this subject in a former note to you, & may have been expecting myself. I had a bit of pleasant correspondence respecting it with ____.

Once in a while, I get a glimpse of our friend French. He continues his editing, down here at Painesville, with what ____, though, I hardly know. He has considerable [?] to say against Know Nothingism.

I had a letter, a few days ago, from "Noggs", & answered it in reason [?] for the answer to reach him at Niagra[?] Falls. [?] The enclosed one addressed to him I fear would not reach him, if sent thither; & not really knowing where his address at the East now is, I venture to send it to you, as an easy way [?] of getting it to him. ____ will probably mail him, or [?] use [?] some one in intercourse with him, ____ often his ____.

My doctors tell me I need seven months of quiet, within [?] the scent of ocean air. I shall try to get it, though it will have cost me great pains to do so.

Most Truly Yours,

Geo. Bradburn.

Cleveland, May 23, 1854.

Dear Spooner:

I was glad, & so was my wife, to receive, through Mr. Koenance[?], a message of love from you; with a casual intimation, that you were about getting "a patent".

I suppose I understand for what the latter is to be, & begin already to solace myself with the hope, that I may yet find something to rest on.

What is the difference between your old friend M. Lion[?], & my old friend Chose; I mean Anti-Slavery wise? The latter has done what he could to narrow the forth-coming Phila. [?] platform to a couple of meassne[?] plouhs.[?] But he tells our old-fashioned friends, that they must be careful, that the man to be placed on that platform is of great anti-slavery breadth, yet free from all fanatical or fantastic notions, touching measures generally, & construing the Constitution in particular. To which man is especial all that[?] points, I hardly need say.

But I am for either "a representative man", or one who can win, that is, "an available man", as Gov. C. would say, or one through whom some "practical advantage" can be derived to "the cause". And I do not believe I have in[?] either. If he, & them such as he, will force us upon a narrow platform, I will do my best to secure a candidate for it of corresponding dimensions. And that, I say, is necessary, in order to make his grand "availability" principle "practically" available". He professes not to think so; which makes me query, if his own unfortunate - unfortunate, [?] I mean, in reference to any immediate Presidential prospects - reputation for breath, may not, of course vary unconsciously to himself, have something to do with our non-agreement.

I declare I don't know but I am taking almost a malicious pleasure in pressing those who have so long offended me, with the doctrine of "availability"; a doctrine which hardly could have existed in the absence of some formulation for that of "total depravity"! This, really, the only opportunity which has occurred in a Presidential contest, of applying the doctrine. I say that, because I believe there is a chance of electing an Anti-Nebraska man, provided we shall nominate one who has never done good enough to make himself infamous with "the people"; though I do not believe that chance is at all as good as many a wiser man than myself believes it to be. And even you will not deem it ____ to go for some such man as ____ with a chance of winning two articles of my creed, than it was to go for so ____ any a man as ____ with certainty of Cosing [?] the whole ____.

A very active A.S. in this State has intense abhorrence of Judge M. Lion[?] & an implied faith in the immaculateness[?] of Dr. Bailey. He declares he would sooner go for the Devil than for the Judge. Yet Bailey tells ~~the~~ me Lean's friend, that the other [?] A.S. man can be drawn to the support of the Judge, [?] should they get him nominated, & that he himself "prefers Mr. Lion[?] to Fremont[?]"! How rampant[?] is Hawking!

I see, that Sumner has lost his dignity. That loss must be the

cause's gain. (See p. 5.)

Have [?] your feelings changed towards Gerrit Smith? I inferred, from an observation of ~~y~~ his, that they had. I would be glad to believe it. But I do believe "the cause" would not have suffered, if he had done more for its individual advocates, even at the cost of doing less for Sunday [?] public charities. My selfishness, however, may mislead me.

My health is decidedly less bad. But I am not yet the man I hope to be. My ears trouble me; but my surgeon [?] assures me it is not because "they are too long" - The cause which he explained for the ____ of a "distinguished" Doctor of Divinity in this city.

I have just read the ____ account of the assault on Sumner, yesterday. Most an atrocious act it was! If B.P.[?] Wade, of this State, or Henry Wilson, of Massachusetts had been present, I think the sufficiently [?] ____ ~~to~~ might have been sent to "his own plan". The five-hundred-dollar bonds under which the suffice [?] was placed, was a worse thing than his assault. It does, sometimes, seem to me, that those scoundrels ought to be sent in their own way. Grisley [?] confessed, that he would, "for the good of" his "country, have ~~know~~ knocked down" his assailant, "if" he "could"! Well, "all things" shall "work together for good to those who love" the cause. And I must believe, that, though Sumner may have been injured physically perhaps for life, the assault help him psychologically. ____, a partly good judge, & who must have heard Webster's biggest speeches, said, so Giddings [?] told me yesterday, that Sumner's ____ speech was the ____ one he had ever listened to, in either House of Congress.

Of Sen. Granger, who has been, in a speech before the lower House of Congress, repeating some of your ideas, I know not whether he is a man to all ____ to what he _____. But it would have been alike modest & honest in him to have made some acknowledgement of his indebtedness to "one Lysander Spooner".

I see your friend French, occasionally. He has got up a campaign paper, for which he calls "The Barkleons [?]". I wish it may profit him, & import strength to his own, for I suppose we all need to be strengthened in the spinal region. I had hoped Gov. C ____ would confer some office on French, since the latter's was the first ____ to ____ the former's name for the Gubernatorial Chair of Ohio. But the truth is, C ____, in distributing the executive favor of the Commonwealth has sought to conciliate enemies, rather than acknowledge obligations to friends, as a means, of ____, of achieving something "available to the cause". I tried to induce the Governor to give the Canal [?] Collection ____ of Cleveland to a man well qualified for the post, & having for it the warm recommendation

both of all the best portion of the business men of the city, & of that of the Free Soilers. The man was our only abolitionist. But I had not permit interest in his case & was only _____, since he is very poor, to help a fine family belonging to him. But the office was given to an old Whig, whom our friend has had or many years, to such on the _____, & who had become a rampant Know-Nothing, though giving his vote, I suppose, to chase, under the "_____" which was then affected. That is a specimen of his appointments. And after all, I doubt if they will "avail" to give him the votes for either the Phila. nomination, or the Preliminary should he _____ the former. _____, even in politics, "_____ is great gain". These things, I can not speak of outside. But they do afford me, for, though I have no personal intent in them, I can but wish the power of office to be used with some reference to the _____ poor, when this can be done without injury to "the public service".

I suppose Hildreth, though not well pleased with the "slavery" of his present position, may fix his residence in New York for a year at least. I _____ the state of things which makes it expedient for such a man to give his breath to fill the ~~sa~~ broad sheets of even such a craft as "The _____". Still, his compensation is far greater than that of most editors.

Our _____ had, a few days ago, a _____ presented to her; whereat "all hands" _____ to _____ more than ~~it~~ I "feel to do", since I in [?] no certain _____ for rejoicing at the birth of one, [?] until it shall have been seen what ~~that~~ one's life has been.

I saw our friends, the Hoyts. I have heard nothing, nor have I heard _____ of of theirs, since I was at their house. I desire to be remembered by them.

With the love of Francis & of my own, I am

George Bradburn

Boston May 25-1856.

Dear Bradburn,

The Cleveland Herald of May 9th, which you sent me, was not recd until yesterday. It shows that you are a little more of a

compromiser than I was aware of. Although I was aware that you had some proclivities[?] that way. I have thus far been in a very enviable state of indifference as to the coming election. I may possibly become more interested in the course of the canvass, if there should be enough fighting in Hanras[?] and enough broken heads at Washington, to arouse my sympathies for the individuals concerned. But as to the political results, I have great doubts which party would, by its success, do most, or least, for freedom. If the Democrats succeed, it is to be hoped, and may reasonably be expected, that they will sufficiently outrage the rights and feelings of the north, to incite them (the north) to get up on their hind legs, and declare that they are men. But if the free soilers succeed, I fear they will be so well satisfied with themselves, that they will aim at nothing further, and will continue to go on all fours, like good honest asses, [?] as they always have done. I am, therefore, politically, a neutral, with a little preference, perhaps, in favor of the success of the Democrats. If I had an confidence that the freesoilers would do any thing substantial for freedom, I would give them my good wishes. But I ~~think~~ fear they are too servile to ever hate slavery with any heartiness, until they have had their own noses nibbed [?] in it. And if this kind of baptism be necessary, I wish it to be done effectually, [?] as it most likely will will be, ~~if the~~ during the next four years, if the Democrats prevail.

I expect to receive my patent this week for the invention I spoke to you of and I have great confidence that it is going to be valuable. I wish I had the money for it now, that I might give my attention to other things. I think the world is "perishing for lack of knowledge", which I could give them; and I every day reproach myself for being engaged in any such commonplace business as making money, or getting a living. But since the world does not sufficiently appreciate my genius to buy my books, I have no alternative but to ask them to buy my beds and chairs. If I should establish a good reputation for beds and chairs, that may prove such a stepping stone to public favor, that I may ~~sometime~~ hope to resume [?] my profession of and for, philosopher, reformer, and oracle, with better success than I have hitherto met with.

You see what brilliant visions I am indulging myself with and I have no doubt I shall have your hearty prayers my success, especially in the mechanical department.

I heard that Kitteredge [?] had gone to Madison, Wisconsin, to take charge of a Water [?] Gin [?] and I think it likely it is so.

Give my love to Mrs Bradburn.

Yours truly,

L. Spooner

An indignation meeting was held at Faneuil [?] Hall last night, on account of Sumner. Hillard, [?] Malley, [?] Pelag [?] Chandler [?] and same made speeches, apparently with a view to crawling back into the good graces of Mayor [?] Chasetts. [?]

Jany [?] 13 - 1859 [?]

Dear Bradburn,

Please do not give Mrs Hoyt any information at all in regard to my letter to Booth. Let them sweat. Neither of them would give me a particle of information to save my life. My should I achieve their curiosity, or their fears. They have neither the honor or magnanimity to appreciate any thing I might do, at the expense of my own feelings, to achieve theirs. Though I would not stoop to annoy them, I am nevertheless pleased that they should be annoyed, when it can so happen without my fault.

Yours truly,

L. Spooner

New = York, Oct. 18, 1859.

Dear Spooner:

I wish to know the course [?] of proceeding, to obtain a patent for a mechanical invention. I am as utterly ignorant in the premises as an idiot would ____ be. I seek the information for a friend. He is somewhat apprehensive that his invention , may be ____ by new mechanical ____ to construct a model of it, should he ____ one. I believe that both ____ & a description of the ____ thing invented are required to be sent to the office in Washington! Would the former answer, if need in a ____ way, as ____ mechanic might ____ be it, provided it would service to shield the invention? Or, must it be handsomely ____ , in order to be ____ in so ____ in the Patent Office? And what precautions are needed to prevent piracy? Remember, in this case of yours, ____ from ____

ILLEGIBLE - TOO LIGHT

P.S. Of course, you'll [?] not _____ to visit your next to Cleveland, Ohio.

P.S. 2nd. Would it be of use for Mr Muether [?] to visit Washington personally?

Please send your answer to the patent part of this letter James Atwater [?], Care of William Atwater [?] & Co., 94 Chamber Street, New - York. I make this request at _____ to save time.

I shall be glad to hear from you at any time, at Cleveland, so long as I shall be there, &, when I shall leave to be there, I will, of course, let you know. I had hoped to see you, again, before leaving Boston. But I could not contrive to do so, conveniently. And I left with the hope of returning thither, before very long, to deliver some Lysander Lectures. That hope, however, may be disappointed, & I shall be glad [?] to have it.

Louis [?] Tippan [?] told me he should be right glad to have your pamphlet distributed, as you proposed to Smith if the money could be raised; would even pay for the distribution himself, had he \$30,000 to spend. Gooddell thinks he could almost move the _____ hall, had he such friends to help him as Garrison has.

G.B.

[This letter seems to be missing the introduction]

[On the left hand margin it reads]: mailed at _____ Sept. 14 1859

Mrs. Haughton [?] _____ Miss B. as quite an attractive person; graceful, & intellectual, with grand blue eyes, & a spirited face.

Does not think she ever really loved Mr. S., but believes she would have married him soon enough, had he been in possession of the means of giving her a home, which was what she most felt the need of, felt the need of so much that she would have taken almost any respectable man to secure it, if ~~he loved h~~ satisfied he loved her, as she believed S. to do; was something of a coquette, willing enough to hold on to S. until she should be offered a man who could house her, & no doubt intended no harm by doing so. Didn't think her treatment of S. wholly injurious, [?] when the two used to much here. When he was evidently all aflame, ~~sh~~ & very sincere & earnest, she would give another, even in the same room with him,

[next page; it seems as if some of this letter may have been torn off]

to understand it was pretty much all gammen[?] on her part; doing so by aside looks, gestures, perhaps words, & what not.

Mr. H. does not think B. was very attractive, such a woman as a man would be particularly likely to fall in love with. He says she was smart, though.

H. Remarked, on hearing Mrs. Houghton's observations, that they confirmed her original opinion, that Miss B. was not a woman of principle. Yet Mrs. H. ~~does~~ did not seem to assent to that opinion. Her notion, however, about ^A

A: [in different handwriting] Miss B.'s not having S., has probably been modified, somewhat, by some little account I gave her of the former's letters to Mr. S.

I have not yet had a chance to learn if the other Mrs. H. has heard from Miss B. suspect she has not.

I do not know to-day, that we shall return to Boston so soon as next week. We do not find either board or a house, as yet.

With F.'s [?] regards, I am truly yours,

Geo. Bradburn

_____, Sept. 29, '59.

Dear Spooner:

The article was sent to Mr Atlantic, about the first of August last, with a note from myself to Underwood, [?] who lately returned the paper, saying it ~~was marked~~ had been sent back to him marked "R". I am to presume that Lowell did not know, when he so branded it, who wrote it; but

only because the ~~part~~ Professor professes to accept or reject papers without knowing their authorship.

I have reced enough of the Atlantic, not to be able to imagine why the "Leaves" were excluded, if ~~you~~, or you fancy, they are not weak, & the editor did not mean to turn up his nose at one whom he doubtless regards as an unlittered [?] fanatic. N. was polite enough to say it would have given him pleasure to return me a different answer.

You & I probably do not differ as to what was meant to be "the sentiment" of that article. I was willing enough to _____ Lowell, by letting him see, that such a radical as ~~he~~ I know he _____ me to be, is not without some "reverence[?] for the part".

So; I have done nothing to get ~~my~~ name before the public as a Lecturer, this year. I have had such ill luck, hitherto, in that way, that I have not the heart to work for myself in that direction, any more. I feel, too, that there is an indelicacy in pushing myself forward, notwithstanding the same is done by so many others. Last year, I wrote George Risley[?] deriving him to have my name put into the Tribune list of lecturers. But I heard nothing from him, & saw nothing of my name in any subsequent emendation of that list.

I meant to follow up the "Leaves" with others, should they be accepted; the norm being one under which I could say almost anything, & yet people within ~~my~~ the sphere of the pulpit[?] - as employed by myself.

I have just sent to T.L. Severance, Atlantic[?] Bank, a key of our storage=room, with a request for him to do, instantly, an errand for Fannie[?]. He never needs jogging, but should you be able to stop round to the bank, & tell him of this, it may help facilitate the matter.

Bradburn.

Boston June 15, 1860

Dear Bradburn,

I return Mrs Bradburn's letter. The Editor of the Traveller[?] (I do not know his name) said he knew you, that he was a member of the legislature with you. He impressed quite a high opinion of your powers. I think it probable he will permit the discourse. I think he said that very likely that you did not know him.

In haste

Your very truly

L. E. Sewall

Melrose, [?] May 5, 1874 [?]

Thanks, dear Spooner, for your sympathetic letter. An old English Clivine[?], an authority you will of course ~~rep~~ respect, says that whose sympathies with another doth bear half that others' burden. I do fear I may need the sympathy of all ~~the~~ my friends, especially if poor Francis is to remain an invalid.

Thanks, too, ~~and~~ for the present you make me of an interest in your new financial scheme. I pray you may succeed this time.

At what hours or hour, ~~any~~ are you at the Atheneum? [?] I had called there several times hoping to meet you.

Truly yours,

Geo. Bradburn.

[Envelope]

Mrs Frances H Bradburn

Care of George Bradburn Esq.

Melrose, Mass

[Written along right side]

Obituary of George Bradburn

Dec 1- 1879

Obituary.

-

George Bradburn.

Died at Milrose, on the 26th inst. aged 74 years.

Of the strong men of the anti-slavery cause, in its days of trial - of those in whose ability, fidelity, and courage most reliance was placed - George Bradburn was one of the select few. He enlisted at an early day, and continued in the service more than twenty years; doing a great deal of speaking, and some ~~some~~ writing: and was among the most effective workers, especially as a speaker. He had many and more gifts as a popular speaker: a face and figure of striking dignity and beauty: ~~both _____ and more~~ a courage, that feared no antagonisms: a frankness; sincerity, and disinterestedness so transparent as to compel universal confidence; a style of oratory remarkably unique, picturesque, and impressive; and fervors of wit and eloquence and argument that usually left an adversary little else than a wreck often times a very ridiculous one.

Absurd and exclusive social, political, and religious customs, opinions and, prejudices found little mercy at his hands. The more hoary and ~~venerable~~ venerated they were, the more rigorous the ~~shafts~~ blows with which he assailed them. And these qualities made him not only a hero to be admired, but, what what was more, a champion to be trusted. He became, at one time, more widely known throughout the Northern States, than almost any of the other anti-slavery orators; and neither his fidelity, nor his fervor, was ever called in question. He remained an intimate associate of Garrison and the other original abolitionists, until Garrison pronounced for a dissolution of the Union. Then Bradburn dissented; and afterwards became a political abolitionist of the most ultra type; being finally and thoroughly convinced of the anti-slavery character of the Constitution, and of its legal competency to give freedom to the slaves.

He was a delegate to the World's Anti-Slavery Convention, held in London in 1840; and took a very prominent part in its proceedings. His speeches were among the among the best, both in

moral courage and intellectual power. With characteristic scorn of everything mean, bigoted, or narrow, he protested against the exclusion of women; and also against introducing into the resolutions of the Convention any such words as "Christian", "religious", and the like, by which persons of any religion whatever, or no religion whatever, should be excluded from the Anti-Slavery platform. It required a man like him to do these things; for at that time, neither in this country, nor in England, had had [sic] either mean social customs or religious bigotry ~~and~~ or pride, been beaten down, or humbled, as they have been since.

To one clinical bigot, who feared that the anathemas of the Convention against slavery might be so sweeping as to conflict with the apostle Paul's apparent sanction of it, Bradburn replied that if it were proved that the New Testament sanctioned American Slavery, he would "repudiate ~~the book.~~ its authority" and "scatter its leaves to the four winds". This was said to a Convention ~~containing~~ of five hundred persons; of whom more than a hundred were clergymen, and doubtless ~~a~~ many more were ~~of a~~ Christians of very strict sects. Such a declaration would now, at least in this country, be considered commonplace; a more matter of course. But it was not to them. It so shocked some. ~~Such a declaration which in this country, would now be considered mere commonplace so shocked some~~ [over]

~~had either man social , or religious bigotry or pride been beaten down, and humbled, as they have been since.~~

some [sic] of the priests then present, that it was omitted from the published reports of the debates. Truly the world has moved in more senses than one within the last forty years; and the abolitionists did their part towards making it move.

In addition to his labors as a platform speaker, he served four years - from 1839-1842 inclusive ~~during the years 1839 to 1842,~~ ~~1838, 1839, 1840~~ served in the Legislature of Massachusetts, as a representative from Nantucket. There his talents as a debater, and his courage as an innovator, were as conspicuous as they were before popular assemblies. Taking the lead in all questions where the rights of the coloured people of the State were concerned, and also - a rare thing at that day - advocating the rights of women, as they are advocated by so many now, he frightened the cowardly conservatives servatives [sic] by the novelty of his ideas, while he engaged them by his arguments, scorched and stung them by his wit, and covered them with ridicule for their absurdities, bigotry, and selfishness. ~~There~~ He was altogether a new kind of man in that place. There were no drowsy members in the House, where he had the floor. As a token of her appreciation of his services at this time, Mrs Lydia Maria Child - as competent a judge certainly as any other

- Sent him the following tribute~~r~~, inscribed in a copy of "The Oasis", edited by herself. [over]

[There give Mrs Child's poem.]

To George Bradburn, the bold opposer of any limitation of sight by the graduation of color, and the true reacted champion of Woman's Freedom, this volume is presented with the best wishes & gratitude of the Author.

God give you strength to run, Un___ by Earth or Hell. The race [?] you have began so gloriously and well!

This tribute to him was presented when it ~~really~~ seemed - in a sense which the present generation can hardly realize as if "Earth and Hell" had actually combined against every thing like truth, justice, or liberty for the coloured man. [?] Surely Surely, [sic] in this country, and within this century, no other cause has so tested the moral natures of men and women, as did the anti-slavery cause in tis early days; and no one who knew George Bradburn at that time, will question his right to a high place among ~~the bold~~, the tried and ~~the~~ true.

His His [sic] colloquial powers in private had the same characteristics, and were perhaps as attractive, as those exhibited in his public speeches. It can hardly be necessary to say that he had hosts of friends. It could not be otherwise with a man so frank, courageous, and largehearted. For the last twenty years he has been little before the public. An increasing deafness has contributed, among other things, to keep him in private. It is understood that a memoir of him is likely to be preferred: which will certainly be highly valued by those who were associated with him in anti-slavery days.

L.S.

Would it not be well to refer to his being dead as one of the Delegates from this Country to "The World's Convention" held in

London in 1840 & there being a popular a speaker & listened to, with as much interest & admiration as at home?

Obituary.

George Bradburn.

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Died at Melrose

aged 73 years.

[Written down the left-hand margin is] Lysander Spooner, 109 Myrtle St. Boston

Of the strong men of the anti-slavery cause, in its days of trial - of those in whose ability, fidelity, and courage most reliance was placed - George Bradburn was one of the select few. He enlisted in the service more than twenty years; doing a great deal of speaking and some writing; and was among the most effective, more, a champion to be trusted. He became, at one time, more widely known throughout the Northern States, than almost any ~~other~~ of the other anti-slavery orators; and neither his fidelity nor his power, ~~were~~ was ever called into question. He remained an intimate associate of Garrison and the other original abolitionists, until Garrison pronounced for a dissolution of the Union. Then Bradburn disputed; and afterwards became a political abolitionist of the most ultra type; being finally and thoroughly convinced of the anti-slavery character of the the [sic] Constitution, and of its legal competency to give freedom to the slaves & In addition to his ~~services~~ labors as a platform speaker, he served during the years 18 18 18 in the Legislature of Massachusetts, as a representative of Nantucket. There his talents as a debater, and his courage as an innovator, were as conspicuous as they were ~~in his~~ before popular assemblies. Taking the lead in all questions where the rights of the coloured people of the State were concerned, and also - a rare thing at that day - advocating the rights of women, as ~~so~~ they are advocated by so so [sic] many now, he frightened the cowardly conservatives by the novelty of his ideas, while he conquered them by his arguments, scorched and stung them by his wit, and covered them with ridicule for their absurdities, bigotry, and selfishness. There were no drowsy members in the House, when he had the floor. As a token of her appreciation of his services at this time, Mrs Lydia Maria Child

- as competent a judge certainly as any other - sent him the following tribute:

[Here give Mrs Child's poem]

Surely in this country, and within this century, no other cause has so tested the moral natures of men and women, as did the anti-slavery cause in its early days: and no one who knew George Bradburn at that time will ~~do~~ question his right to a high place among the tried and true.

His colloquial powers in private had the same characteristics, and were perhaps as attractive, as those exhibited in his public speeches. It can hardly be necessary to say that he had hosts of friends. It could not be otherwise with a more so frank, courageous, faithful, and _____ large hearted. For the last twenty years he has been little before the public. An increasing deafness has contributed, among other things, to keep him in private. It is understood that a memoir of him is likely to be preferred; which will will [sic] certainly be very highly valued by those who were associated with him in anti-slavery days.

L.S.

[Written on a separate page.]

Lysander Spooner

109 Myrtle St.

Boston

[Manchester, _____]

Sylvan Ritred [?] 6. Sept 67.

L. Spooner Esq.

Sir I had the pleasure a few days since of receiving yours of the 29 th saying you inclosed [sic] to me No Treason N^o. 2 which come [sic] safely to hand - also a second copy - for which I sincerely thank you. I fear my intrusive correspondence has become an annoyance to you, as to the Republican to whom you were so kind as to send a copy of your pamphlet. I seldom see that paper. Did you get the Advocate I sent you? I showed the first NP. to several friends and by some means they have lost it which I regret very much. The truth is the Southern papers are afraid to publish any thing ofthe [sic] however much approved.

You are no doubt well apprised of the situation of Mo. and Tenn. under the guardianship "Fletcher & Brownlow and the further South the worse if possible. Had our leading politicians have been of your opinion of what constitutes Treason ten or twenty years ago, in my opinion we should never have had the desolating war through which we have just passed. And even now if the "infernal Bureau" and all the managers were annihilated and a conciliatory cause toward the South pursued time would obliterate the past: but never, never while the present policy is continued - instead of a reconciliation the intolerable oppression only increases the hatred and ill will of the South whatever the subsidized papers may say. But I may now be saying to [sic] much.

Again sir I thank you for your kindness and would it were in my power to reciprocate your favors.

Your friend and humble servant

In: S. Briekey [?]

Captain Drayton [?]

To the Editor of the Commonwealth.

I see by my weekly Commonwealth, just arrived, that an effort is about to be made in Boston to aid Capt Drayton. Lest the friends of humanity in your good city may think that we in Philadelphia have been remiss in this matter, I feel it a duty to let your readers know what has been done by persons here, through me and by myself for Capt Drayton & his family, & for Capt Sayres[?].

For the whole four years that these men were in prison, I paid the rent of Capt. Drayton's [?] house - supplied his family with fuel, and with many other necessities of life, writing them nearly

every month, and furnished a committee of ladies [?] with the means to set up a little shop for Mrs D.: all amounting to \$ 648.20

Sent to S.P. Blanchard [?], Boston, to aid the committee in procuring counsel

\$ 101.00

Sent to Capt. D. G. [?] when in prison, & gave them since coming out, in checking one quarter's rent in advance \$ 198.50

Expenses of Mrs Drayton to, at, and from Washington, to aid in the husband's release

\$ 72.00

Omiting re [?] \$8.00

Total \$ 1027.76

Beside this, at the advice of Horace Mann in February 1851, I entered into an agreement with Daniel Rutcliffe Esq, [?] at Washington to pay him \$1000 for engaging to use his influence and exert his labours to effect the release of captives D. G. [?] by getting the signatures of the owners of the slaves of the Pearl [?] to a release of all claims against them. Of this sum I was to pay \$400 down, and the balance \$600, in case he was successful in getting the men out of prison that ~~sp~~ Fall. He was not successful, and of course the \$600 was never mailed. Indeed I got but \$120 of this sum pledged, so that had I been able to get no more from the friends of the cause, I should have been obliged to pay the balance of \$480 myself. Of the \$400 paid down, it is due to that great-hearted philanthropist, Gemitt [?] Smith, to say that he paid one half: the other two hundred dollars ~~we~~ was contributed by friends in this city.

You see therefore that \$1427.76 have passed through my hands alone to aid these men; and I know that something else was done for ~~Mas~~ Captain Drayton by others in this city, as well as ~~f~~ by persons in various parts of the country, in answer to the occasional appeals the National Era. [?]

Charles D. Cleveland.

Philadelphia January 2. 1854

Will the editor of the Commonwealth please in sert [sic] the above in the Daily & Weekly, and oblige his friend.

Please let the print be carefully read, particularly the figures.

[Copy of Prof. Cleveland's article to the Boston Commonwealth -
Jany. 2/54]

Copy.

"Captain Drayton.

To the editor of the Commonwealth,

I see by my weekly Commonwealth, just received, that an effort is about to be made in Boston to aid Capt. Drayton. Lest the friends of humanity in your good city may think that we in Philadelphia have been remiss in this matter, I feel it a duty to let your readers know what has been done by persons here, through me, and by myself, for Capt. Drayton [?] and his family, and for Capt. Sayres. [?]

For the whole four years that these men were in prison, I paid the rent of Capt. Drayton's house - supplied his family with fuel, and with many other necessaries [sic] of life, visiting them nearly every month, and furnished a committee of ladies with the means to set up a little shop for Mrs D.; all amounting to
\$648.26

Sent to J.P. Blanchard, Boston, to aid the Committee in procuring counsel	\$101.00
Sent to Capt. D. & S. when in prison, and gave them since coming out, including one quarter's rent in advance	\$198.50
Expenses of Mrs Drayton to, at, and from Washington, to aid in her husband's release	\$72.00
Printing to [?]	<u>\$8.00</u>
Total	\$1027.76

Besides this, at the advice of Horace Mann in February 1851, I entered into an agreement with Daniel Ratcliffe [?] Esq, at Washington, to pay him \$1000 for engaging to use his influence, and exert his labors to effect the release of Captains D. & S. by getting the signatures of the owners of the slaves of the Pearl [?] to a release of all claims against them. Of this sum I was to pay \$400 down, and the balance \$600, in case he was successful in getting the men out of prison that Fall. He was not successful, and of course the \$600 was never ~~paid~~ raised. Indeed I got but \$120, of this sum pledged, so that had I been able to get no more from the friends of the cause, I should have been obliged to pay the balance \$480 myself. Of the \$400 paid down, it is due to that great-hearted philanthropist, Gemitt Smith, to say that he paid one half: the other two hundred dollars was contributed by friends in this city.

You see therefore that \$1427.76 have passed through my hands alone to aid these men; and I know that something else was done for Captain Drayton by others in this city, in answer to the occasional appeals in the National Era. [?]

Charles D. Cleveland

Philadelphia January 2-1854

Will the Editor of the Commonwealth please insert the above in the Daily & Weekly and oblige his friend. Chs.[?]
D. Cleveland.

Please let the proof be carefully read, particularly the figures".

~~A Copy,~~

~~Attest Lysander Spooner~~

Boston Feby, 12-1854

Capt. Drayton,

I believe the foregoing is a true copy of Cleveland's letter to the editor of the Commonwealth

Yours Truly,

Lysander

Copy

L.D. Cleveland

to

Wendell Phillips & others.

Feb. 18/54

Copy

"Philadelphia February 18-1854

"Mess Wendell Phillips

Francis Jackson

& Lysander Spooner.

Gentlemen,

Your letter of the 11th (postmarked 15th), in relation to the account I sent the Commonwealth of the money contributed in this city for Capt Drayton, is received, and I must say that I am not a little surprised at its tone. Though you do not know me personally, I did flatter myself that you knew enough about my character to know that I could do nothing 'designedly' to lessen, a single cent, any amount that might be proposed to raise for one who had suffered so much for the cause of human freedom. At least, Gentlemen, I could never suppose any such thing of any one of you. You speak, also, of the 'professed' object of my article, as if [it] had some other than that which it professed to have. I cannot but feel hurt that you should have made such an insinuation. The fact in relation to the matter is simply this.

I had heard from various quarters, that impressions had been made upon the friends of humanity at the North, either by Capt. D. or others, that after his troubles and during the time of his imprisonment, the friends of the cause have, and I in particular, had not done what we ought to

[It seems a line or two may be missing from the bottom of the 1st page.]

and him and his family. It was to counteract this impression that I sent the article. It was my real as well as my 'professed' object. But as you seem to think it would have a tendency to lessen the amount that might be raised for Capt. D. I rejoice that you had it withheld. You may return it to me, or throw it into the fire, as you choose. If you send a copy to Capt. Drayton, as you propose, and which you are at perfect liberty to do, would not simple justice demand that you should send with it, or after it, this very [?] disclaimer.

And now allow me to notice one or two other remarks in your letter. You say, 'It is generally supposed that you (I) had a very active agency in inducing Capt. D. to undertake the Pearl [?] enterprise'. I have had this intimated to me before, and nothing but my reluctance to appear before the public in such a matter, has withheld me from giving a full statement of the case, which would naturally [?] qualify, if not dispel this supposition. I can give you, of course, in my limited time and space, but merit [?] of the facts. But this I feel that, for your satisfaction, I ought to do.

In the fall of 1847, a coloured man by the name of Stevenson, called a _____ for and. He said his wife and 5 children were slaves in Washington - that they were to be sold - but that he had paid an oysterman [?] them in to Frenchtown [?] - that this had exhausted all his means, and that he wanted \$20 to take them from Frenchtown [?] to Washington, and thence to this city. I satisfied myself of the truth of his story, and gave him the money. In about a week he returned, and came to my house, with the man, (whom he introduced to me as Capt. Drayton), who had thus served him. He further said, that owing to his many expenses he could not pay Capt. D. all he promised, and would leave some of his furniture with him as a pledge of payment, as he must go on to the North. After two or three weeks Capt. D. called on me saying that he had not heard from Stevenson - that he did not want the goods, but wanted the money. Accordingly I paid him \$15 - and sent on the goods. In a few weeks Capt. D. called on me again, saying that he had nothing to do, & proposing to

me to induce the abolitionists here to buy a vessel and give him the command; that he would sail between Philadelphia and Washington, and that if any cases occurred similar to that of the Stevenson family, he would run the nok [?] and bring them off. I told him that it would be impossible to raise funds for such a purpose, and he left me. In about a week he returned, and proposed the chartering of a vessel for him. So urgent was he in this matter that I sent him to one or two friends of the cause to ascertain [sic] their judgment: but they, of course, entirely discouraged it.

A few days after I received a letter from a gentleman of Washington, saying that there were two or three slave cases there of great distress - females, who had for months been concealed by humane families to prevent their being sold; that it was exceedingly desirous that they should soon be got off; and that, if I should see Capt. Drayton, I might tell him the facts, and state that he would be paid liberally for his aid in the work. I sent for Capt. Drayton to call on me. I read to him the letter, and told him that if he would be able to get a vessel at his own cost and entirely at his own risk, I thought the friends of humanity here would privately aid him, and that I would give him a letter to this gentleman at Washington. After some days he returned, and said he had got a Capt. Sayres [?] who commanded the schooner Pearl to undertake the matter with him, having explained to him fully the nature of the enterprise; and that he wanted 60 or 70 dollars to enable him to load his vessel with wood. Accordingly I roused for him \$65. explaining to each contributor the whole case. The largest contributor was P. M. Davis, [?] who gave \$20. I gave \$10. and five others made up the sum. When I gave it to Capt. D. I again set before him strongly the danger of the enterprise, and told him he must assume the whole responsibility, let what would happen. He fully assented to it. I felt no more responsibility for his success than I did in the case of the "Heroic Mother", a few years before, whose story I published. She - then free in this city - came to me in the greatest distress, stating that her two daughters, then slaves in Maryland, were to be sold to the far South, unless she could raise a large sum in a short time. I told her that I believed this impossible - but that the children were hers - that her claims to them were paramount, and that if she would herself run the risk to rescue them, I would furnish her with the means, but that she must take upon herself the whole fearful responsibility. She did so - went - rescued them - and has for years been happy with them in Canada. But had she been taken, as Drayton was, though I should have most deeply grieved at the result, yet I should not have felt any sense blameworthiness. I should have felt that I had done the best my judgement dictated, with the best motives, but that, for all - wise reasons, my purposes had been overruled.

So also in the case of poor Hankly. [?] Though I was not privy

[?] to that expedition, yet those in this city who were, and who furnished the means, though they deeply deplore the issue, (as he was doubtless murdered, and thrown into the Ohio) yet they feel no blameworthiness, as he went encouraged, [?] well knowing the danger, and in fact seeming to court it.

In the postscript to your letter, by Mr Hildreth, he says that Capt. Drayton complained that I wished to be the sole channel through which benefactors [?] should be conveyed to his family. [?] Nothing could be further from the truth. At least half a dozen persons here, men and women, can testify that I tried to interest them in the case. On this matter I might easily fill a page, but I will not try your patience, nor take up my time with such details.

Mr Hildreth also remarks that "Capt Drayton's firmness [?] saved me from a danger which I was earnest to avert". If he means by this he's not divulging my name as privy to the enterprise, let me say, that I wrote to Horace Mann distinnelly, [?] that if it would be the least service to Capt. Drayton, he had full liberty to proclaim all my knowledge of the affair, and the aid I had rendered him, though I could not answer for Mr Davis and the other gentlemen. But his doing this, had I gone on as a witness to state the whole truth, would have involved him in at least one additional enterprise of the kind, before I knew him, and would doubtless have greatly increased the wrath of the slaveholders against him, and injured his cause, and, as Mr Mann thought could do no good. But if Mr H means that I was "earnest to avert" the necessity of going to Washington as a witness, it is true. I was "earnest to avert" it, involving as it would the breaking up of my school for weeks it might be, unless I could be of material service. In this case, I would willingly have made the sacrifice, however great it might have been.

Trusting that this communication, extended to a much greater length than I intended, will place some phases of this subject in a new light to you. I remain,

Yours respectfully

Chs. D. Cleveland."

A Copy

Copy

Boston March 23-1854

Prof. Charles D. Cleveland,

Dear Sir,

Yours of Feby. 18th was duly recd, and would have been sooner answered, had there seemed to be any urgent occasion for an immediate ~~answer~~ reply.

We hope you will acquit us of any intention to do injustice to you. Our only object was to protect the interests of Capt. Drayton from injury. If, in attempting to do that, we have indulged in any unjust suspicions as to your feelings towards him, we trust the circumstances will excuse us in your estimation. We knew that Capt. D. felt that ~~he~~ himself and his family had not received such treatment at your hands as he was entitled to expect. And as your article to the Commonwealth seemed to us uncalled for, and likely to do him an injury, and was barren of all expressions of sympathy for him, it tended to confirm our suspicions that is complaints were well founded. And as we feared that if you had unkind feelings towards him, they might manifest themselves to his injury on other occasions, we felt it a duty towards him to address you on the subject. If, in doing so, we construed the circumstances too[?] strongly against you, we trust you will exercise it, as we could have no motive to do you injustice, and indeed could have no feeling on the subject independently of our sympathy for him. We wish to take no part, and express no opinion, in a matter with which doubtless we are not sufficiently acquainted to be able to form an opinion without the risk of doing injustice to one party or the other. We regret there should be any ill feeling on the part of either yourself or Capt. Drayton towards the other; and hope you will be able to convince him that he has ~~no occasion to think~~ been mistaken in supposing that you were indifferent to his misfortunes.

We trust you will excuse us for adding, that we think that all those persons, without exception, who participated, in any way, either by persuasion, or by advancing money ~~for~~ for the ~~enterprise~~ object, or by promising money as a reward in case of success, to induce Capt. Drayton to engage in that dangerous enterprise, are now ~~spee~~ under special and imperative obligations to look after his necessities, and see that they are supplied. It is not, in our opinion, by any means, a sufficient answer to this charge of obligation on their part, to say that he consented to "assume the whole responsibility, let what would happen". The enterprise was

theirs, as well as his, though the danger was principally, if not entirely, his. In this notice of things he could not "~~take~~ assume the whole responsibility", if he would. And he could have done it, it would have been ingenious and dishonorable in them to ask him, who was to have all the danger, to assume any more than his share of the responsibility in other respects. Such responsibility as, in the nature of things, he could assume, he did assume, meeting it manfully, nobly, heroically. Its consequences to him we are all acquainted with. The other parties to the enterprise cannot, we think, with either honor or ~~justice~~, truth; now say to him, we have no further responsibility for these consequences, and therefore feel under no peculiar obligation to relieve ~~him~~, you ~~so far as they may~~, from them. We hope none of them have any disposition to say so to him.

We do not now express an opinion as to ~~what would be~~ the extent of the obligations ~~of~~ these parties would be under to him, if there were no others disposed to assist him. It is not ~~at all~~ necessary we should since there are so many in the country who would be glad to contribute to his wants, if they but knew of them, and had the opportunity offered them to contribute. What we take the liberty of suggesting is, that all those persons who in any way participated in inducing him to engage in the enterprise, and who, either from their less exposed position, or through his firmness and fidelity in screening them from their liability, were sought _____ harm instead of this [?] now subjecting him to the mortification of making known his recipites[?] or suffering his necessity[?] to making themselves known, should ~~now~~ consider themselves a perpetual committee, bound in honor and conscience to look after his ~~necessities~~, wants during life, ~~and raise~~, make them known, and ~~raise~~ solicit the means to ~~supply~~ relieve them; and that any thing short of this, on their part, would be a ~~culpable a flagrant~~ a culpable neglect of the claims of honor, ~~generosity~~, humanity, and justice.

We shall feel obliged if you suggest these views to the other parties, for whom they are designed.

Yours respectfully

Wendell Phillips

Francis Jackson

Richard Hildreth

Lysander Spooner"

L.S.

The original deposited in P.O. March 31/54

L.S.

Copy

"Boston Feby. 11-1854

Prof. Charles D. Cleveland,

Sir,

We have seen an article of yours relative to Capt. Drayton, sent to the Editor of the Boston Commonwealth, for insertion in that paper - but which we declined to publish. As the article was designed for the public, we feel the same liberty in replying to it, that we should have done if it had been printed. The reason we notice it is, that we think it was calculated, if not designed, to discourage contributions for the aid of Capt. Drayton. and infer from it also that you may be ~~using your~~ otherwise using your influence injuriously to him.

The professed object of the article is to convince the friends of the Capt. D. here, that the friends in Phila. have not "been remiss" in regard to him.

As we are not aware that ~~anybody has changed~~ the friends generally in Phila, or any one in particular, unless it be yourself, have been charged with having been remiss; and as you do not profess to write the article at the instance of any body but yourself, we are constrained to believe that you write it much more for the purpose of vindicating yourself, than of vindicating any body else. As you now invoke the public judgement on your conduct, we feel at liberty to give you our opinion.

It is, that, if you have done your duty to Capt. Drayton, we see no occasion for your publishing it to the world, especially in this manner and at this time. If you have not done, ~~it~~, your duty to him we do not see how you will mend the matter by doing any thing to dissuade others from doing theirs.

The _____ and professed object of your article seem to assess

[?] that, in your own opinion, you have done all for Capt. D. which you can ever be under obligation to do. We think that may depend on circumstances. It is generally supposed that you had a very active agency in inducing him to undertake the Pearl enterprise. If it was so, we think that, whatever duty others may, or may not, owe him, your duty to him will not be ended so long as he has life, is in ill health, and in want of the comforts of life. We also think that, instead of addressing articles to the public, calculated or designed to dissuade them from aiding him, you should be among the first to look after his wants, make them known, ask aid for him, and contribute yourself according to your means [?] & How much of the money, which you have disbursed for him came from your own pocket does not appear from your statement. But your article seems to imply that the aggregate amount furnished, ought to satisfy Capt. D's friends that enough has already been done for him and his family. ~~But it does appear that \$648.26 or not more~~ It appears that \$648.26, or not more than \$150 per annum, [?] was furnished, through you, to Capt. D's family while he was in prison and that but \$198.50, (say \$100 apiece) were "sent to Capt. D & S. when in prison, and gave [given] there [?] _____ coming out".

Capt. D. was in prison four years and four months. He came out with a mined [?] cantribution; [?] and has since ~~been~~ done little more than linger in the world, and is now apparently on the verge of the grave. If, under these circumstances, you now really appeal to us to say whether the sum of \$750, (or thereabouts), which has "passed through your hands", for the support and comfort of him and his family, during the last six years, has not cancelled all your obligations to look further after his health and comfort, we must answer you in the negative. But if you think otherwise, and can do nothing further for him, we think it would at least be becoming in you to do nothing to dissuade others from assisting him. And even if you fear that your own reputation for liberality ~~and~~ or justice may suffer some disparagement, we advise you to submit to that result, rather than seek to avert it by publishing any such articles as the one sent to the Commonwealth.

We think Capt. Drayton ought to ~~no~~ know of your article, and we shall therefore send him a copy of it.

Very respectfully

Wendell Phillips

Francis Jackson

Lysander Spooner

Having been asked to sign this letter, and having had occasion to be pretty well informed of the relations between Mr Cleveland and Capt. Drayton, I do so without hesitation. Capt. Drayton does not complain, and never did complain, so far as I know, of any want of interest in his case on the part of the Philadelphia friends, but only that Mr Cleveland insisted upon being the exclusive conduit pipe through which their benevolence might pass, and that he stood in the way of what some others, could they but have found out his family, would like to have done. Upon the justice of these complaints I do not at this time, intend to express any opinion. I do not doubt that Mr Cleveland may have found Captain Drayton and his family troublesome - but from the peculiar relations in which he stood to them, this was no more than he might have expected. Captain Drayton's steady firmness saved Mr Cleveland from a danger which he was very anxious and earnest to avert; and even some injustice, on the part of Captain Drayton (if he has been guilty of any) would altogether fail to justify Mr Cleveland in the publication of the document above referred to, and of which the design is too obvious to be concealed.

Richard Hildreth"

A Copy

Captain Daniel Drayton

Sir

Some days ago your wife left at my house a letter of a most extraordinary character, addressed to me, purporting to be dictated by you, signed in your name. _____ all I had done for you and yours; the time & labor spent on your behalf, & in behalf of your family the whole four years you were in prison; the money I raised at two separate [?] times for your counsel; and considering, too the letters which I received from you, (and which I now have) after you had been three years in prison, expressing the warmest gratitude towards me for all my exertions in ~~your~~ behalf of yourself & family, & smiling [?] the blessing of God upon my head for what I had done,

I say, considering all these things & many more that might be named. I know not what to make of your addressing to me such a letter. At first I concluded to take no notice of it whatever, & I should be justified it with silent [?] contempt. But believing that you are ~~+~~ either labouring under some delusion, or else set upon by some wicked person to do this act, I have concluded to reply to the only thing in your letter worth noticing, insulting as that thing is.

You ask, " where is the six hundred of the thousand dollars that you collected for me me, [sic] to pay over to Mr Ratcliffe[?], but which Mr Ratcliffe never got"? I answer I know not where it is, and that, for the best of all reasons - it never was collected, and as you pretend ignorance of the facts in the case, I will take the pains, briefly, to enlighten you.

Early in 1851, Mr Ratcliffe, the lawyer at Washington, made a proposition to your counsel, Horace Mann, then in Congress, that he would undertake to pressure the release of yourself & Capt Sayres, by going to the owners of the slaves of the Pearl, & getting them to sign a paper for your pardon by the President, on condition that he should receive one thousand dollars - \$400 to be paid down, & the remaining \$600 if he should succeed in the object before the next Winter. Mr Mann wrote immediately to me, & advised the friends of the cause here to accept the proposition. I laid the letter before a few persons, & it was deemed best to accede to the plan; and the burden of raising the amount of \$400 cash, and the pledges for the \$600 in case of success. I myself assumed, as no one else seemed willing to undertake it. I raised the \$400 - sent it on to Mr Ratcliffe, & gave him my bond [?] that he should have the \$600 if he succeeded in getting you released by the Winter. The result was, that Mr Ratcliffe did not succeed in getting you out by the time specified, (though the event was probably accelerated by his efforts,) and of course not a cent of the \$600 was ever raised, because never needed.

Fortunately, and if, for the first time in my life my integrity is to be called in question. I may say providentially, Mr Ratcliffe's receipt for the \$400, attested by D Baily [?] of Washington, I have preserved. I have also preserved - the accounts of all the moneys collected, as well as what I paid myself at various times for your counsel, for yourself, and for your family, with receipts and vouchers for the expenditure of the same - a journal of my numerous _____ to your family to give them aid, & of the many ways devised in conjunction with some benevolent ladies, to enable them to do something for themselves - of the quarterly receipts for rent for the whole four years - of the expenses of your wife to _____ Washington (about \$80) to aid Mr Ratcliffe in his efforts for your release - and of the last amount (\$100) saved to

get you & Capt Sayres upon your feet again, when you came from prison, together with the letters of Horace Mann, Charles Liomner, [?] D Baily, Mr Ratcliffe, and your own self, all showing what I have done for you and yours. There, of course, I never wish to make public for self-laudation is poor business, and yet if it be necessary for self-vindication, I shall feel it my duty to publish them to the world.

Here I would end; but as your letter informs me that you are sick, & perhaps unable to work & in need, though I have no _____ to undertake to _____ any thing more for you, I send you the enclosed five dollars. I am your well wisher,

Chl [?] D. Cleveland

Philad. Nov [?] 14. 1853

Philadelphia February 18 1854

Miss [?] Wendell Phillips

Francis Jackson

& Lysander Spooner

Gentlemen,

Your letter of the 11th (postmarked 15th) in relation to the account I sent to the Commonwealth of the money contributed in this city for Capt Drayton, is received, & I must say that I am not a little surprised at its tone. Though you do not know me personally, I did flatter myself that you knew enough about my character to know that I could do nothing "designedly" to lessen, a single cent, any amount that might be proposed to raise for one who had suffered so much for the cause of human freedom. At least, Gentlemen, I could never suppose any such thing of any one of you. You speak, also, of the "professed" object of my article, as if it had some other than that which it "professed" to have. I cannot but feel hurt that you should have made such an insinuation. The fact in relation to the matter is simply this.

I had heard from various quarters, that impressions had been made upon the friends of humanity at the South either by Capt. D. or others, that after his troubles and during the time of his

imprisonment, the friends of the cause here, and I in particular had not done what we ought to aid him and his family. It was to counteract this impression that I sent on the article. It was my real as well as my "professed" object. But as you seem to think that it would have a tendency to lessen the amount that might be raised for Capt D. I ~~am~~ rejoiced that you had it with-held. You may return it to me, or throw it into the fire, as you choose. If you send a copy to Capt Drayton, as you propose, & which you are at perfect liberty to do, would not simple justice demand that you should send with it, or after it, this my disclaimer.

And now allow me to notice one or two other remarks in your letter. You say, "It is generally supposed that you (I) had a very active agency in inducing Capt D. to undertake the Pearl enterprise", & have had his intimated to me before, & nothing but my reluctance to appear before the public in such a matter, has withheld me from giving a full statement of the case, which would materially qualify, if not dispel this supposition. I can give you, of course, in my limited time _____ but the merest outline of the facts. But this I feel that, for your satisfaction, I ought to do.

In the Fall of 1847, a coloured man by the name of Stevenson [?] called on me for aid. He said his wife & 5 children were slaves in Washington - that they were to be sold - but that he had paid an oyster-man to bring them on to Frenchtown [?] - that this had exhausted all his means, & that he wanted \$20 to take them from Frenchtown [?] to Wilmington, [?] & thence to this city. I satisfied myself of the truth of his story, & gave him the money. In about a week he returned, & came to my house, with the man, (whom he introduced to me as Capt. Drayton) who had thus served him. He further said that owing to his many expenses he could not pay Capt D. all he promised, & would leave some of his furniture with him as a pledge of payment, as he must go on to the North. After two or three weeks Capt D. called on me saying that he had not heard from Stevenson - that he did not want the goods but wanted the money. Accordingly I paid him \$15 - & sent on the goods. In a few weeks Capt D. called on me again, saying that he had nothing to do, & proposing to me to induce the abolitionists here to buy a vessel & give him the command: that he would sail between Philadelphia & Washington, & that if any cases occurred similar to that of the Stevenson family he would run the risk & bring them off. I told him that it would be inappropriate to raise funds for such a purpose & he left me. In about a week he returned, and proposed the chartering of a vessel for him. So urgent was he in this matter that I sent him to one or to friends of the cause to ascertain their judgment: but they, of course, entirely discouraged it.

A few days after I received a letter from a gentleman of Washington, saying that there were two or three slave cases there of

great distress - females, who had for months been concealed by humane ~~parties~~ families to prevent their being sold, that it was exceedingly desirous[?] that they should soon be got off; & that, if I should see Capt Drayton, I might tell him the facts, & state that he would be paid liberally for his aid in the work. I sent for Capt Drayton to call on me. I read to him the letter, & told him that if he would be able to get a vessel at his own cost & entirely at his own risk, I thought the friends of humanity here would privately aid him, & that I would give him a letter to this gentleman at Washington. After some days he returned, & said he had got a Capt Sayres [?] who commanded the schooner Pearl to undertake the matter with him, having explained to him fully the nature of the enterprise; & that he wanted 60 or 70 dollars to enable him to load his vessel with wood. Accordingly I raised for him \$65, explaining to each contributor the whole case. The largest contributor was E. M. Davis, [?] who gave \$20. I gave \$10 - and five others made up the sum. When I gave it to Capt D. I again set before him strongly the danger of the enterprise, & told him he must assume the whole responsibility, let what would happen. He fully assented to it. I felt no more responsibility for his success than I did in the case of the "Heroic Mother", a few years before, whose story I published. She - then free in this city - came to me in the greatest distress stating that her two daughters, then slaves in Maryland, were to be sold to the far South unless she could raise a large sum in a short time. I told her that I believed this impossible - but, that the children were hers - that her claims to them were paramount, & that if she would herself would run the risk to secure them, I would furnish her with the means, but that she must take upon herself the whole fearful responsibility. She did so - went - rescued them - & has for years has been happy with them in Canada. But had she been taken, as Drayton was, though I should have most deeply grieved at the result, yet I should not have felt any sense of blameworthiness. I should have felt that I had done the best my judgment dictated, with the best motives, but that, for all-well[?] reasons, my purposes had been over ruled.

To also in the case of poor Konkling[?]. Though I was not privy to that expedition, yet those in this city who were, & who furnished the means, though they deeply deplore the issue, [?] (as he was doubtless murdered, & thrown into the ohio) yet they feel no blameworthiness, as he went un-urged, well knowing the danger, & in fact seeming to court it.

In the postscript to your letter, by Mr Hildreth, he says that Capt Drayton complained that I wished to be the sole channel through which benefactors should be conveyed to his family. Nothing could be further from the truth. At least half a dozen persons here, men & women, can testify that I tried to interest them in the case. [?] On this matter I might easily fill a page, but I will not try your patience nor take up my time with such details.

Mr Hildreth also remarks that "Capt Drayton's firmness saved me from a danger which I was earnest to avert". If he means by this his not divulging my name as privy to the enterprise, let me say, that I wrote to Horace Mann distinctly, that if it would be the least service to Capt Drayton, he had full liberty to proclaim all my knowledge of the affair, & the aid I had rendered him, though I could not enclose[?] for Mr Davis & the other Gentlemen. But his doing this, had I gone on as a witness to state the whole truth, would have involved him in at least one additional enterprise of the kind, before I knew him, and injured his cause, and, as Mr Mann thought could do no good. But if Mr H. means that I was "earnest to avert" the necessity of going on[?] to Washington as a witness, it is true. I was "earnest to avert" it, involving as it would the breaking up of my school for weeks it might be, unless I could of material service. In this case, I would willingly have made the sacrifice, however great it might have been.

_____ that this communication, extended to a much greater length than I intended, will place some phases of this subject in a new light to you, I remain,

Yours respectfully

Chl [?] D. Cleveland

[There was a piece of paper included with the letter with the following]

Lysander Spooner Esq

[The following was written down the left-hand margin]

Prof. L. D. Cleveland's Letter to Wendell Phillips & others Feby 18/1854

Monticillo [?] Fla, Aug 9th 1864

Dr [?] Sir.

Yours of the 5th reached Mr G [?] due course of mail.

I thank you for the 2 nos. "No Treason" which you sent me, I wish you will continue to send me the other nos. as they are published,

I refered [?] [sic] you to my views contained in the 1st one of the Constitutional History. Which you will find at Little T Browning [?] I am interested in your discussion of the question.

Respectfull yours _____ [?]

Hon [?] Archer Locke [?] "

Cape May (C. H.) [?] Jan 29th 1854

Dear Sir:

I think I am a little better than when I saw you last (at the de____[?]).

I was foreordained, that I should reach Cape May.

I was foreordained that I should not stop with the people with whom I intended to stop.

I was foreordained that I should fall in with first rate people - I don't think I could have been suited in New Jersey - every attention is paid me that I could wish.

I should have been very glad, had it been foreordained that you could come in every night and morning to see me, as while I was in Boston.

I wish you would see Mr Marsh what he is doing with those books - whether he is making sales of them or not - also find out whether he has sent any to the Anti~~s~~ Slavery Office in Philadelphia or not. If he has not I wish he would do it as soon as possible (right away).

I wish to hear from you. Please not forget to send the paper.

No more at present.

Please ~~I still~~ give my best respects to Mr Straner's [?]
Jackson Mr Wendell Phillips & Mr Marsh and all inquiring friends.
If it is foreordained that I shall come back to Boston one of these
days I shall come if it is not foreordained I shall die on Cape May.

I still remain
your affectionate
friend
Daniel Drayton

[On the envelope]

Mr Lysander Spooner
No 25 Cornhill [?]
Boston Mass

[On the left-hand margin]

Capt. Daniel Drayton to L. Spooner
Jany. 29/1854

Cape May _____

Dear Sir:

I received your kind letter yesterday - it gave me much
pleasure to hear that you and so many of my friends were well - also
that I have heard from friend Cleveland. I received a letter from
friend Cleveland this day a week ago, stating to me he had sent a
Copy to my friends to be published if they thought proper - not
stating to me that you Bostonians had bluffed him off so smugly -

and I was surprised to find in it a five dollar bill enclosed which I soon found out on reading the letter that it was not sent out of any sympathy or friendship toward me but was "hush money" for fear I should have the copy of the letter I sent him published, (I mean the one you read). for [sic] I believe he has just as much sympathy for me as I told Horace Mann he had at the time of my trial for the slaves - and that is about as much as he has for a big red dog.

I should have sent his kind letter and money back, but I thought I would doing injustice to myself no to take the interest on the money I believe he has belonging to me in his possession could I have my rights of him; for I shall certainly die with the belief that that man has some six or seven hundred dollars in his hands that he has collected for our benefit. He told my wife when she left for Washington, he had seven hundred dollars ~~ee~~ of our money ready to pay out when needed.

If it was foreordained, that he should cheat me out of that money I can't help it. But he showed himself to be an infernal coward and scoundrel by taking the advantage of me when I was so situated that I could get no redress of him.

I am glad you took such a stand in bluffing him off in his rascality.

If you and my friends think proper that the Copy of that letter be published, I will send it on to you - yourself and Mr Hildreth know the contents of it.

In my last letter from Mr Jackson, he stated to me that when I wanted money I must write for it, and as this opportunity will serve please say to him, I shall be out of money in two or three weeks.

My health gradually improving and if it continues to do so I am in hopes to be able to leave Cape May about the first of May. - at any rate long enough to try the Galvanic [?] Battery.

Please give my love to Miss Richie Mr Jackson and all my inquiring friends too numerous to mention.

No more to mention at present.

Very respectfully

Your friend

The Celebrated "Nigger

Lysander Spooner Esq" Thief.

Cape May Court House April 5th/54

Dear Friend,

I received your letter this morning, it give [sic] me much pleasure in hearing from you. And also received a copy that you sent to Prof. Cleveland. I am sorry that the letter I received from Cleveland I committed to the flames I never answered Cleveland's [sic] letter as I thought it best to keep silence with him until I met him face to face. He wrote to the Post Master to know if I had received a letter from him and at my request it was not answered

Enclosed I send you a copy of the letter which I sent to him, and in that you will see the names of all those concerned with me except one, and. Mr Hildreth knows him, and you can use that letter as you and my friends think best, only take care of it. I am happy to say my health is gradually improving and I hope that your request will be granted and that you will see me in Boston by the first of July if it is foreordained, give my love to Mr. Jackson, Mr Ritchie, and and [sic] all my enquiring [sic] friends.

No more at present but still remain Yours Respectfully

Lysander Spooner

Daniel Drayton

Cape May C. H. [?] Aug 10th/54

Dear Sir:

It has been some time since I have heard from any of you. - Since I last wrote to you, I can't say that my health has improved any; I then expected to have been in Boston Sometime [sic] in July, - But since the hot weather has come on, and mosquitoes [?] here in abundance I have lost eleven lbs. of flesh, but I intend as soon as the weather and my health will permit to come on to Boston.

I wish you would see Mr. Marsh and see what success he has in selling those books - I should have written to friend Jackson, but supposed he was most of his time out of the city.

You will oblige me to see him and ask him to forward me some funds if he has any on hand - rember[?] my love to Maria and all inquiring friends.

Please direct your letter to A.A. Woodward as I shall probably not be in Court House.

I still remain your affectionate friend, Daniel Drayton

Lysander Spooner

[There is also an envelope with the following]

Lysander Spooner, Esq

No 25 Cornhill,

Boston, Mass.

Cape May (C.H.) Sept 5/54

Dear Sir:

You will please excuse me for not answering your letter before; as I supposed you would hear from me through Mr Jackson. My health is some better than when I wrote to you last - I am very sorry to hear that our friend Mr Hildreth has met with such an accident - I hope he will soon recover again.

I have never heard a word from friend Cleveland since you Boston boys gave him such a shot. -

I shall come on to Boston as soon as my health and the weather will permit - we have it very warm and ____ here and I expect it is no better with you.

Please give my love to all inquiring friends.

No more at present.

Yours very respectfully

Daniel Drayton

Lysander Spooner

[There is also an envelope with the following]

Lysander Spooner Esq

Boston

Mass

New Beaford [?] Sept 30 1854

Mr Spooner

Dear Sir

Will you please call upon Mr. Marsh soon as convenient and inform him that he has made a mistake and put up Mr Walker's book instead of mine, and that I am afraid he has made the same mistake in sending to Syracuse I wish him to send me 50 of the bound books and 25 of the pamphlet. And he will great oblige me by sending them by the express on Monday next. Please send in care of E. R. Shusen [?] of this city 107 Middle Street.

Yours Truly.

Daniel Drayton

New Bedford Oct. 5 1854

Dear Spooner

Dear Friend

Will you permit me again to trouble you to call upon Mr. Marsh and get him to send me 100 books - each of my Narrative [sic] - being an equal number of the bound & paper covers - in all 200 copies. I have met with quite good success here and hope to do more before I leave. † Will you please ask Mr Marsh to send me his address.

Please call upon Mr. Garrison and ascertain whether he made any arrangements, about me going to Syracuse and if he has please ~~to~~ write me and direct 107 Middle St.

Yours Respectfully

Daniel Drayton

[There is an envelope included with the following]

Lysander Spooner Esq

Boston

~~Mr Stephen Foster~~

~~Worcester~~

~~Mass~~

From Thomas Carle

Phil^a Apl 12-1846

Dear Sir

I had intended sooner to have, stated briefly to you the view which I take of Mr. Spooner's Book. It is, that it displays much talent, and is plausible, but not convincing. - He appears to hold to the same definition of law which I would give: viz that ~~it~~ law is the rule which is to govern the conduct of individuals, & especially to govern judges and other public officers, in their official capacity. He says this rule "is an intelligent principle of rights necessarily resulting from the nature of man; and not an arbitrary rule, that can be established by mere will, numbers or power". I

hold, on the contrary, that it even must be established by the power of the strongest, either in influence or in physical force, and must, of necessity, be arbitrary; because human wisdom & virtue is not sufficient to determine and pursue steadily the highest rule of justice in every particular.

If every inferior judge and justice of the Peace sheriff & constable & tax collector, were to decide for himself what is right, abstracted by, that is what the law ought to be, and govern his official~~s~~ conduct accordingly, society would relapse at once into anarchy⁷. ~~and~~ No civilized community ever did or ever will (I presume) adopt so destructive a rule of action. Nor such community ~~proper~~ [?] would endure such a government for a single month. The law would vary with every magistrate, and, in fact, with different parties, before the same magistrate; for personal particularities would bias & change his judgment.

But it may be said that the supreme court is to be the only judges of law & right, and to regulate [?] every thing so as to conform to its own views of the highest justice, that is, to make the law to be such as, in its opinion, the law ought to be.

This would not obviate the difficulty, nor sustain the position of Mr. L: for if the people chose to concede such authority to a supreme court, then that supreme court would be, when backed by the sword or by numbers, the strongest power: its will would be law; but, as past experience has proved, and as knowledge of human frailty must back, its decisions, although law, would be often any thing rather than justice. It would be a tyranny as bad as that of the thirty tyrants of Athens; and no people would long submit to it. If the judges were appointed for life, the people would dismiss them by insurrection or a change of the Constitution: and if they were appointed for a limited term, they would not reappoint them, but put others in their places who would conform to the will of the sovereign power, viz either force or numbers. Force or numbers must of necessity, be the ultimate law giver, and I think it would be far from an improvement to permit the Supreme Court to make the law in conformity to its own views of justice rather than to expound the law in conformity to the views of the people, as expressed in the Constitution, and the laws enacted in consistency with it, by the popular representation. Moreover, _____ cannot, in good faith, take [?] the office of judge and undertake to annul the Constitution and statutes, wherever they depart from their own views of justice; for the judges are the appointed agents of the people, to perform a particular service, & every one knows that the American people never intended they should perform such a service as that.

I dissent, too, from the opinion, that slavery had no legalized existence in this country prior to the Declaration of Independence.

The acts of parliament concerning the slave trade, the local legislation, & the judicial decisions and the popular _____, had made it laws as much as most things are laws, which we call so.

Nor do I agree that every principle enunciated in the Declaration of Independence became law, or was intended by a single one of the signers to become so. Most of the instrument is merely preambulatory, and the only part that [?] was [?] designed or has ever been construed to have the force of a law, was the part that which declared the States independent of the British Crown, and even that part was probably expected to derive its authority ~~probably~~ from the ratification of the State Legislatures; as the Congress was rather ~~a~~ consulting than a legislating body.

But admitting the correctness of Mr L's views, that slavery did not legally exist before the Declaration of Independence, or that if it did before exist that instrument was designed to abolish it; still I could not admit that our present Supreme Court or Congress would have a Constitutional right to abolish it practically through the Writ of Habeas Corpus or otherwise: because I believe it was not designed, nor would it be submitted to, that of that State Constitutions and laws, and overrule all the ~~states~~ state tribunals in their decisions as to what those laws were. The decisions of the state tribunals have always properly been deemed conclusive as to what are the state laws: and when the question is whether a fugitive is held to service by the laws of a state, the decisions of the state courts are to determine the question what those laws are.

I may here remark that if a judge's notions of right, are to regulate his judicial conduct, then, if slavery should be abolished either by a change of the Constitution of the Union, or by a legislative act of a state, a judge who holds to the divine right of slave holding might refuse to liberate a slave on habeas corpus, on the ground that the act of abolition was unjust, & therefore not law: and some of our religious bigots would soon insist that witches should be put to death, and heretics exterminated, by force of the divine law of Moses. I am well persuaded that not a single one of those who hold that slavery has no legal existence, would recognize the course of reasoning which he now adopts, if it had been introduced to support a measure that he was opposed to.

However inaccurate the language of the Articles of Confederation might have been, I believe that the term "free inhabitants" quoted in chap. 7. by Mr L. was both intended and construed to mean, inhabitants who were not slaves, or at least that slaves were among the persons intended to be excepted from the privileges therein conferred.

All laws must of necessity be construed with reference to the existing state of society when they were framed. Any other course would make judicial decisions mere jargon; and this principle of

construction is fully recognized in the doctrine universally ~~recognized~~ held, that in the construction of law the courts should consider the mischief that the law was intended to remedy. To construe laws merely by the judges opinion of the signification of the words, without travelling out of the statute to find a meaning for them, would create as much controversy as to what was the meaning of the law, as there is now as to what is the meaning of the scriptures, construe them by the aid of such lights as they can obtain as to the state of society when they were written. This practice is found in the essays of our abolists ~~essays~~ against the alleged [?] sanction of slavery in the bible.

Mr L. says that to say that the constitution of the United States intended to sanction slavery, is the same thing as to say that it did sanction it. In this I agree with him fully; and having no doubt that it intended to sanction it, I can of course have no doubt that it did sanction it. - He, however, makes a distinction between the intention of the constitution itself. I can make no such distinction, at least not to the extent that I infer he wereto make it. If we were clearly satisfied that the makers of the constitution meant that it should have a certain construction, then that is its true construction and meaning. If we doubt as to their intentions, then we may also doubt, and then only as to its true construction. - By the makers of the constitution, I include both the framers and ratifiers of the instrument, and I have not a shadow of doubt that both understood it as upholding, to a certain extent, both slavery and the slave trade, and as most unequivocally contemplating the continuance of slavery under it in the clause relating to representation & taxation.

He says that this meaning can only be gathered by "external evidence", and that "legal rules of interpretation reject all aid of exterior evidence". - But we do not know the meaning of any word or sentence, otherwise than by exterior evidence. Words and phrases have no intrinsic fitness of expression sufficient to guide us for a moment. And legal rules of interpretation expressly sanction this reference to exterior evidence, in the principle laid down by Blaestone, [?] that the courts must consider the mischief that existed & was presumably intended to be remedied. Congress and the Courts decided, with entire unanimity, that the mischief that was intended to be remedied, was the escape of fugitive slaves; and the decision of those who lived as this time ought be, and is considered conclusive, in reference to ambiguous language (though I cannot deem the language ambiguous in this case): - in as much as they must know better than posterity what was the mischief, in public contemplation, when the law was made. Mr S. objects to taking historical evidence, to aid in the construction of a law, but we must take it, if posterity is to construe the law in reference to the mischief intended to be remedied, although we have no occasion

to take it here, because the unanimous construction of those who lived at the time, and had no occasion to resort to history, is conclusive as to the mischief and the remedy.

Language is continually changing in meaning, and hence we must resort to historical evidence for the construction of ancient writings.

All the rules of construction brought in question, are only applicable to remove doubt as to the meaning of the makers of the law. Now I can have no doubts, and those who lived at the time never had any, as to this matter. I know that the intentions of the people have been questioned, but I can have no doubts on the subject, in consideration of the action of Congress and the judiciary, without a word of protest from any quarter, immediately after the ratification of the Constitution.

Whether the theories upon this and other questions connected with the abolition, be right or wrong, it is certain that it is not well to waste our strength in endeavoring to introduce remedies preparatory to abolition which it will be more difficult to introduce than to effect abolition itself.

I think it far easier to abolish slavery than to change the construction of the Constitution on this point: far easier to abolish slavery than to abolish voting on the union: far easier to abolish slavery, through the actions of the old parties, than to bring into power a party on the single question of abolition, or indeed any party; except one of the old ones, in substance, whether in name or not: - easier to abolish slavery itself than the internal slave trade: easier to abolish it than to induce the people to abstain from slave produce: probably easier to abolish it ~~than~~ ~~to~~ in the Union at large than in the District of Columbia alone: easier then to keep a country like Texas out of the Union; and ~~of course~~ or than to bring the churches right, and prevent communication with slave-holders. And of course I think that much of the effort of abolitionists is injudicious, in seeking to affect that which is most easy, by first affecting, as a mere instrumentality, that which is more difficult.

The proper course is, in my opinion, to petition continually and universally, both to Congress & the State Legislatures, for nothing short of entire abolition through a change of the Constitution: to make abolition tickets & vote them, putting on them all persons on other tickets who will go for abolition: To have fewer abolition newspapers & publish more abolitionism in the newspapers of the day: and to take man as he is, and conform to his natural [?] judgement and habits, rather than to expect the miracle of making him such a creature, and to act in such a manner, as has

never been done before.

Those who strain their professions [?] of morality too high, always sink their practice below that of others: as the Garrisonians who object to voting at all, on account of slavery, labourer most zealously for the election of pro-slavery whigs: and the Liberty party, who assumed the extravagant rule of voting for no man who would give his private vote at the polls for any but an abolitionist, have fallen, in New Hampshire, to voting for those who not only ~~do~~ vote for slave-holders themselves, but are not even professed abolitionists, personally : - And, judging from past history, the approaching session of the New Hampshire Legislature will exhibit and [sic] immense departure from the avowed principles of the Liberty party, on the part of those who have been chosen to represent it. I hope for something better, but my fears are stronger than my hopes. The whigs have ~~swallow~~ swallowed up every third party started hitherto, and the "Independent democracy" of Mr. Upton (late of Nantucket) [?] Mr. Goodwin, [?] the whig candidate for Congress, and Horace Greely, [?] is busy in arranging the catastrophe for New Hampshire.

Will you not be this way during the spring or summer. H would afford myself and others much pleasure to see you. We regretted much that your last story was so short.

_____ a pretty extensive experiment, made ~~in this~~ here, we conclude that that about three fourths of our population are willing to sign petitions for the entire extinction of slavery, by a change of the Constitution. Of these a large majority prefer the petitions which propose compensation. I think the abolitionists of the country might collect a million of signers to send in in December next. If they would do so, it would be worth all their labor in any three years hitherto.

There appears now a very fair prospect of carrying free suffrage in the New York Convention. It is probable that the new victors [?] of _____ Stewart, and those who go with him, have contributed materially to this state of things. By a discreet use of the balance of power, the Abolitionists would soon become irresistible.

Yours very truly,

G Bradburn Esq

Thomas Earle

Cambridge July 6/___

Friend Spooner

I have just read all of Curry's Speech for the first time. I send it to you entire for I know you will admire it. A fearless logical statesmanlike production is so refreshing in these times of childish whimpering to get sugarplums or avoid a flogging - when so many wanting courage to tell the truth and fearing to tell a lie, take a mean [?] evasive course [sic] to avoid both, why may not the Devil be a statesman Devil by nature has he not a right to assume devilhood to be the highest state & Hell the greatest good & so advocate their legitimate extension. But who can have any patience for those who disclose all relationships for the Devil & profess the most intense antihillism [?] & yet ~~profess~~ proclaim their obligations even willingness to serve the one and protect the other. Claiming that Hell is essentially hellish and has no business in the universe [?] ~~who~~ and at the sauce [?] true conceding it to it a locality within which it may extend itself upwards and downwards ad infinitum but making it the duty of everybody to prevent the least possible lateral expansion permitting it to pack its victims up and down to all eternity and making it the grouest [?] of ___ for anybody to go to rescue a single one at the same time calling upon all to stop its extension. Litterally throwing ~~fire~~ fuel upon the flames cutting the hoes [?] that play upon is strangling everyone who enters to rescue a perishing victim and demanding that all the firemen go off to another quarter and play upon a stoneblack that nobody could set on fire ~~at the~~ and all the while insisting upon the lamentable [?] distinctiveness [?] of the fire & the awful calamity it brings to the perishing victims. I have sometimes thought your indignation and denunciation too severe but when I sit down by myself and think of the course of those republican leaders I can find no language adequate to make a shadow for my own deed [?] disgust at their course. Did they not succeed ___, the people by this cloud of lies they raise in the name of Liberty they would read [?] only silent contempt. But as it is you must expose them cost what it may. They would have long ago exposed themselves had the Southern Slaveholders let them alone but by their noticing items in such severity & often fury, the real lovers of freedom think of course they must be the true friends of Liberty. I think Curry takes the only substantial & legitimate ground for his side & you or Phillips for the other side. I don't care & strain [?] which, though I believe you hath right so far as slavery itself and any affiliated law for slavery is concerned & you [sic] right in interpreting the Constitution.

All this half any ground is so flimsy that it must ultimately give way and leave every man a choice of their two provisions. The sooner it comes the better because no body fights [?] for freedom so long as he is in this foggy middle position. Pardon me for writing this boring [?] letter to say only what you already know so much better than I. My excuse is "I didn't mean to".

Yours most truly

J. H.[?] Fowler [?]

THE CONSTITUTIONAL RIGHTS OF THE STATES

SPEECH

OF

J. L. M. CURRY, OF ALABAMA

IN THE

HOUSE OF REPRESENTATIVES, MARCH 14, 1860

The House being in the Committee of the Whole on the state of the Union, and having under consideration the President's Annual Message-

Mr. CURRY rose and said:

Mr. Chairman: None of the opinions I shall utter will probably meet the approbation of a majority in this House, but I shall seek the to challenge confidence, if not concurrence, by the manner in which I shall avow and discuss them. Much of what I shall say will not be new to those who have studied the questions, but it has been said with much truth, that it is necessary for each generation to discuss anew the great problems of human speculation, which continually come back, after certain intervals, for re-examination.

Scarce a speech has been made or an essay written, for ten years, against slavery, in which the opinions of the early fathers

of the Republic are not introduced. These, however, were but mere speculations, and were not ingrafted in upon the organic law; and actual results are a safer standard by which to measure abstract principles. Besides, times have changed since this Government was first inaugurated as an experiment, not yet satisfactorily tested. Then there were but little over half a million slaves, and scarce a pound of raw cotton exported. In 1784, a vessel containing eight bags of cotton was seized at the custom house in Liverpool, on the conviction that so much cotton could not be the growth of America. In 1787, in the debate on the slave representation, in the convention that framed the Constitution, Mr. Pinckey said:

"North Carolina, South Carolina and Georgia, in their *rice and indigo*, had a peculiar interest which might be sacrificed"

Cotton was not mentioned, for in that year there were but one hundred and eight bales shipped from the United States. Now there are near four million slaves, worth \$3,500,000,000; and of southern products, there were exported last year \$200,000,000, and those exports enter materially into the comforts, necessities, and luxuries of the world. Last year the cotton crop of the South was near four million two hundred and fifty thousand bales; \$161,000,000 worth was exported. Bain, in his history of cotton manufacture, says:

"It is impossible to estimate the advantage to the *bulk* of the people from the wonderful cheapness of cotton goods."

And-

"The peasant's cottage may, at this day, with good management, have had as handsome furniture for beds, windows, and tables,, as the house of a substantial tradesman sixty years since."

African slavery is now a great fact - a political, social, industrial, humanitarian fact. Its chief product is king, and freights northern vessels, drives northern machinery, feeds northern laborers; and clothes the entire population. Northern no less than southern capital and labor are dependent in great degree upon it, and these results were wholly unanticipated by the good men who are so industriously paraded clouds of witnesses against the institution.

Slavery has altered, and men's opinions have altered. It is now of tremendous significance and consequence. The interests associated with and dependent upon it are too momentous for it to be treated as an idle thing - made football of politicians and fanatics, and its existence and security imperiled by rash counsels and rasher action. Involving and comprehending so much; being the source of wealth and power and greatness; contributing so abundantly to civilization and humanity, it is unreasonable that the South should demand its extension and protection, and exhibit sensitiveness at the threat to surrender her "with a cordon of free territory, and to compel slavery, like a serpent in a ring of fire, to sting itself to death?"

The North has demanded expansion; and is now so urgent in getting rid of superabundant population as to demand that the Government shall gratuitously provide free homes as an inducement to emigration. But for an outlet, subsistence would have pressed close on the heels of production, and there would have been that irrepressible conflict between capital and labor which excites so much apprehension among reflecting men, and of the disastrous harvest of which New England is now reaping the "first fruits" in the strikes at Lynn, Natick, Marblehead, and other neighboring towns. To deny future expansion to the South, is either cold, ferocious, malevolent cruelty, or it is a significant concession that our system is not subject to the same evils afflict or threaten the more populous North. The South needs expansion, now or hereafter. The right, the liberty, must not be gainsaid or restricted. We legislate for the future. A decade, a century, may be but a span in a nation's history. He is a poor statesman, and worse philanthropist, who will do nothing for posterity has done nothing for him. Keeping the slaves, increasing rapidly, within circumscribed limits, while the whites diminish by emigration, is the inexorable effect or purpose of the merciless policy [sic] which denies to us expansion. The numerical ascendancy [sic] of the blacks, or the vast disproportion of the races, with the exhaustion of the productive capabilities of the soil, will render emancipation certain, or slavery unprofitable, or the destruction of the white race probable, or the establishment of another Jamaica but a question of time; where, according to blacks, seventy thousand colored people, and only fifteen thousand whites; and the African breed, through the parliamentary system and the electoral franchise, has the control of Government.

This normal law of national being, this necessity of growth, must find development, if possible, in the limits of the Union. For years, the action of the General Government denied or qualified this essential right, and prohibited to the South that equality of condition, without which the Government could not and ought not have been established. Mr. Webster, who was ostracized for not keeping pace with the precipitate tread of anti-slaveryism, said in 1847:

"We shall take the first, last, and every occasion which offers, to oppose the extension of slavery."

And in 1848:

"I shall oppose all such extension, at all times and under all circumstances, even against all inducements; against all limitations of great interests; against all combinations, aainst all compromise."

The Republican party, [sic] so powerful and well disciplined, harmonizes to-day solely in its advocacy of this one controlling, overmastering dogma.

All 'territory' outside the limits of a sovereign State, "belonging to the United States," is common property, and every citizen has equal rights in and to it. It was acquired by the Federal Government for the common benefit of the States united. It is held by the Government, acting as the agent of the people of the several States, for their common use. The universal conviction at the South is, that we have the right to emigrate unmolested, with our slaves, to any Territory belonging to the United States. Seward and the Republicans say, "No; Congress, by positive legislation, must exclude us." Prominent men in the North, some of whom act with a more healthy organization than the Republican, say, "No; the Territorial Legislature *may lawfully* exclude us." Only a question about the *mode* of exclusion, which is to be accomplished be either process. In one event, we are to be killed by the congressional garrote; in the other, by the more stealthy process of territorial poison. Bear with me, while to both I endeavor to apply the touchstone of logic.

The doctrine of congressional exclusion is tersely and boldly expressed in the Republican platform, which declares that "the Constitution confers upon Congress *sovereign* power over the Territories of the United States for their government; and that, in the exercise of this power, it is both the right and the duty of Congress" to prohibit slavery in the Territories. The powers of the Federal Government are expressed in the grants of the Constitution; and, to authorize the exercise of power, it is not barely necessary to show the absence of prohibition, but an affirmative grant, or a "necessary and proper" implication from such affirmative grant.

What clause warrants the inference of such supreme power? The unsuccessful search of the bird sent out from Noah's ark typifies the effort to locate the exact clause which authorizes this gigantic claim of sovereignty. As Mr. Clay said of the constitutional power to incorporate a national bank, it is a vagrant power. Mr. Curtis, in his argument of the Dred Scott case, had been called upon by the opposing counsel to point out the precise clause on which he based the power of Congress, and not to support an assertion of the power by citing Constitution *passim*. "Their call," said Mr. Curtis, "shall be answered. I give them notice that my argument; as well as in his recent able pamphlet, he confined himself to that clause. Mr. Benton, in his review of the Dred Scott decision, scornfully repudiated the idea that that clause contained any such substantive power; and asserts that the Territories, as political entities, are never once mentioned in the Constitution, and the word "territory" occurring but once, and that as property, assimilates to other property - as land, in fact; and as a thing to be "disposed of - to be sold."

Most usually, however, the advocates of this power agree with Mr. Curtis and the distinguished gentleman from Ohio, [Mr. Corwin,] and base the assumption upon the power of Congress "to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." This clause was adopted without debate in the convention; and, says Judge Campbell, "was demanded by the exigencies of an exhausted Treasury, and a disordered finance, for relief by sales, and the preparation for sales, of public lands." It was little imagined that there was lurking under thus apparently innocent verbiage a supremacy in Congress over the territory nearly equal to that claimed by British Parliament over the colonies; and that Congress, when it exercised jurisdiction over this public property, could launch out into the shoreless, starless sea of discretion, determining the rights and disabilities of inhabitants, and disfranchising whole communities of their property-rights. It is an assertion of power to create and establish the social and political system of every new State; and hence the action of the Republican Legislatures of Ohio, Vermont, Connecticut, &c., instructing their members of Congress to vote against the admission of new States into the Union, thus concurring in the recommendation of the *Hartford* convention, to curtail the slave power by preventing the admission of any more slave States.

In this clause, "territory and other property" is the subject, the *corpus* of the grant. The power given is to make needful rules and regulations for the property of the United States. The most common analysis of the phraseology shows that "territory" is spoken as one of the kinds of property. If it be a general, absolute, unlimited, sovereign grant of executive legislation over the property, the other clause in the Constitution giving executive legislation over the seat of government and places purchased for forts, magazines, arsenals, dock-yards, and other needful buildings

was entirely unnecessary. It was a cumulative and specific grant of what was, in more general and comprehensive phrase, elsewhere granted. In the case of *United States vs. Gratiot*, as well as the *Dred Scott* case, the judges say that "the term 'territory' is merely descriptive of one kind of property, and is equivalent to the word 'land.'"

If the construction placed on this clause is to be correct, and unlimited legislative power be conferred, and a substantive authority for civil government be conveyed, the conclusion seems irresistible, that Congress can exclude slavery from every foot of the public domain, whether in Alabama or in Kansas, whether in the States or in the Territories. The power to "make rules and regulations" applies as well to "territory or other property" in the States as in the uninhabited wilderness. From this clause alone does Congress derive the power to dispose of the public lands, and this power operates in as well as out of the States. Towards the common territory, Congress cannot adopt any rule which is not common and uniform to every State, and has no rightful power to exclude property recognized by the Constitution of the United States, or by the constitution and laws of a particular State.

The claim of sovereign power over the inhabitants of the soil, *as derived from power to dispose of the soil, or lands, or territories*, is a re-enactment and revival of the "essential facts and constitutive elements of the feudal system." That system blended sovereignty with property, and attributed the proprietor of the soil, over the inhabitants, almost all the rights we call sovereignty, and such as are possessed by the Government. I ascribed to the possessor of the fief all the rights of public power; and the proprietor of the soil could enact laws, impose taxes, and render justice. Guizot, in his history of civilization of France, says the feudal *regime* was considered by the mass of the population as an enemy to be fought, and exterminated at every hazard. From its origin to its destruction, from its epoch of splendor, and at the period of its degradation and decay, the feudal system was never accepted by the people. The Republican doctrine, deduced from proprietorship of the soil, from the possession of real property, is as repugnant to all American ideas of personal rights and personal liberty – to the elemental necessity of the consent of a people to the existing Government – as feudalism was to France, when whoever struck a blow at it had popularity.

To this claim of sovereign power over the Territories, as derived from any source, I might, as against the Republicans, have conclusively interposed the decision in the *Dred Scott* case, wherein the act of Congress prohibiting slavery in the Territory was solemnly adjudged to be unconstitutional and void. The decision was full and proper and essential. So satisfactory and grateful was it to the South, there is danger of forgetting one of the old State-rights landmarks. The Supreme Court is not to be regarded as the

ultimate arbiter for the decision of all constitutional questions. Besides the fact, that the judiciary can only take cognizance of technical cases - there are many political questions that can not be drawn within its authority - it should never be elevated above the sovereign parties to the Constitution, who, as sovereign and independent States, having formed the compact, have the unquestionable right to judge of its infraction. The judiciary, as well as the Executive or Legislature, may usurp dangerous powers and is alike subject to the ultimate right of judgment by parties to the Constitution. To use the language of Madison's report:

"However true it may be, that the judicial department is, in all questions submitted to it by the forms of the Constitution, to decide in the last resort, this resort must necessarily be last in relation to the authorities of the other departments of the Government: not in relation to the rights of the parties to the constitutional compact, from which the judicial, as well as the other departments, hold their delegated trusts. On any other hypothesis, the delegation of judicial power would annul the authority delegating it."

We accord to this decision a higher authority than that claimed for the ordinary current of judicial decision, because the court, in this instance, was made the umpire of the question by express legislative enactment; and to its weight as an adjudication is superadded the authority of a law, admitted by its opponents to be not unconstitutional.

The second mode by which exclusion from the common property is to be accomplished, or the right of the South to expansion is to be or may be defeated, is through the alleged power of a Territorial Legislature. This theory is of recent birth, and is differently explained and limited - sometimes not without confusion of ideas and misapplication of terms; but its zealous advocates press it, under euphonious and popular names, as if, like some quack medicine, with equally attractive nomenclature, it were the never-failing catholicon for all the ills that our body politic is heir to. It is an erroneous opinion that this mode of exclusion is advocated solely by a fragment of the Democratic party at the North. Not an instance can be cited, since 1850, wherein the Republicans or Free Soilers, whatever may have been their paper theories, have failed to vote for every measure practically carrying it out. During the Kansas controversy, various amendments were proposed and sustained by the Republicans, empowering the Territorial Legislature to exclude slavery, or construing the bill so as to recognize this power. I am informed that that party in Kansas, Nebraska, Minnesota, and Oregon, incorporated this doctrine in their platforms, and conducted their political campaigns on that issue. Once a Territorial Legislature was regarded as the creature of Congress, limited in its powers of legislation, as having no sovereignty, and as being wholly

subordinate to the creative power. Its action was revisable; and a single act of Congress could sweep it out of existence. Its power being derivative, it must conform to the law of its being; and neither by direction or indirection could it transcend the powers of its Federal creator. Latterly, however, territory is only common property if then, until it is organized into a territorial government; when, by some legerdemain or hocus-pocus, it becomes a *quasi* or absolute sovereign, and is invested with the indefeasible power of self-government. If, on any subject, the will of the Territory is not supreme, slavery is not the exception; for the great expounder of this new dogma asserts that a "Territorial Legislature can *lawfully exclude slavery*, either by non-action or unfriendly legislation." This power is variously derived, from the alleged inherent power of self-government, existing in every distinct political community, and from the Kansas-Nebraska bill, as indorsed by the Cincinnati platform. To the first derivation, I have no answer to make beyond the statement that it is in entire consistency with the first great experiment of squatter sovereignty - the creation of the State of California, whose admission into the Union, under the circumstances, was the most unparalleled outrage ever perpetrated on people pretending to be free. To the second source of power, I reply that, if found there, the South was most miserably duped in that famous measure for silencing agitation. Whatever may have been the purpose of the framer of that bill - and he says in his contribution to Harper, that it was to remove any obstacle of the free exercise of popular sovereignty - it was supported by the South because of its repeal of the Missouri restriction, and because we thought we had secured a safeguard against territorial unfriendly legislation, by the provision rendering all such legislation subject to the Constitution of the United States, and by the further provision giving appeal to the courts of the United States, in all cases where the property of slaves was involved. If we were mistaken, this power to exclude slavery by unfriendly legislation - this squatter sovereignty covered up under ambiguous language in the Kansas bill, after the repeal of the Missouri restriction - is but a refined imitation of the barbarity of the petty Celtic tyrant, who fed his prisoners salted food till they called eagerly for drink, and then let down an empty cup into the dungeon, and left them to die of thirst.

A territorial government is the creature of Congress; is provision and temporary; and it is idle to pretend that it can usurp authority not conferring in the act of organization, and exercise power beyond the constitutional competency of its creator. Any argument drawn from the supposed analogy between such governments and the American colonies is imperfect and illusory, as most analogical reasoning is. According to the British theory, Parliament is omnipotent; and no American statesman has claimed over the Territories what has been claimed over the colonies - the power to bind in all cases whatsoever. The dependencies are essentially different, and are held by a different tenure. The British

Government regards the colonial condition as permanent and unchangeable. Canada was a colony one hundred years ago. She is a colony now. Territorial governments are temporary and permissive public corporations; and the Federal Government leaves them to manage their local affairs, in the full control of their domestic policy, save as restrained by the limitations of the Constitution and the purpose of equal enjoyment, for which Congress, as the trustee of the common and joint property, holds and exercises its trusteeship. The colonies relied upon the charters received from the Crown as the guarantees of their freedom from oppressive interference by the mother country; and also upon revolution - the power to make good their claim to liberty by bloody arbitrament of the sword. Our organized Territories are mere subordinate communities outside the limits of the States; held in pupillage and training, until prepared to take rank and position with sister confederate sovereignties. If an organized Territory possess inherent rights of self-government, and can, during its pupillage, fix and determine absolutely its social institutions, decide what shall and what shall not be property, and by an unfriendly legislation exclude slavery, it is superior, in some respects, to a State organization; and it is gross tyranny not to pass the bill introduced by the gentleman from Illinois, [Mr. Morris,] providing for the election of all officers by the inhabitants of a Territory. We should forthwith abdicate our ill-held power, and carry it out to its logical consequences this doctrine of squatter sovereignty. Our laws appointing Governors and judges, our defrayment of the expenses of government, and our claim of authority to repeal the organic act, and transfer the inhabitants to a different jurisdiction, are unauthorized and indefensible assumptions and superiority.

If a Territorial Legislature be sovereign; if it can exercise legislative supremacy while it does not violate the Federal Constitution even, if its authority to that extent be unlimited, then, to use a solecism, it is more sovereign than a State Government, and the difficulty presented in the case of Utah is remediless; for obviously it is contrary to the neoteric theory of popular sovereignty to repeal the act organizing the Territory, so long as nothing is done in conflict with the Constitution of the United States. In addition to the Federal Constitution, State are restrained by fundamental laws of their own imposing. Judicial, executive, and legislative powers are accurately mapped out, and their limits strictly defined; but under this modern political discovery, a majority in a Territory is absolute, save, as hindered by the prohibitions of the Federal compact, the Government may become despotic or anarchical, and outrages may be committed revolting to public decency, shocking to the moral sense, and subversive of personal and proprietary rights. A political theory involving such consequences in an instructive lesson against departing from established constitutional landmarks!

Every southern State has repudiated this doctrine of squatter

sovereignty, and pronounced it a wrong, destructive of their rights and equality. Last summer it was announced and heralded by telegraph, that a distinguished candidate for the Presidency would not accept from the Charleston convention a nomination if tendered to him, if that convention should declare that slavery existed, by virtue of the Constitution, in the Territories beyond the power of the inhabitants to exclude it. Whether *conditions* so defiantly prescribed will be accepted remains to be seen. Certainly the nomination of such a man would be an indorsement of his doctrines [sic], and a construction of the platform, according to his views, to be carried into the practical administration of the Government, would be dishonoring to the South, demoralizing to the party succumbing to be a menace, and a practical negation of the right of southern citizens to emigrate to the common territory with that form of labor to which they have been accustomed. If the southern States have been sincere in their declarations of hostility to squatter sovereignty, or the claim set up of power of the Territorial Legislature to exclude slavery, they will insist upon a clear, distinct, and unequivocal repudiation of the heresy. It should be done in unambiguous terms, not susceptible of a double construction. We want no Villafranca treaties to be discussed in tedious Zurich conferences, but a manly and honest assertion of principles. However others may act, Alabama has spoken. For twelve years nearly every political convention, of all parties, held in the State, has condemned this doctrine of popular sovereignty, as applied to Territories. Between its advocates and her, there is a great gulf fixed, which the mechanical genius and inventive faculties of a presidential convention cannot bridge over.

The true principle is, that if a master can go into the Territories or upon territory, his slave can accompany him; and neither Congress nor a Territorial Legislature can divest him of any title to his property. Just as soon as territory is acquired slave property is legal and constitutional, and no power can invalidate until a sovereign interposes. The Constitution, *proprio vigore* and *instanter*, extends over the acquisition; and, in the language of Chief Justice Taney, in the Dred Scott case, "the right of property in a slave is distinctly and expressly affirmed in the Constitution." The condition of a negro is not changed by his entrance into a Territory. There is no law, constitutional, international, or local, which will make him a slave or a freeman. If he was a slave at the time of entering, he remains such; if free, his *status* is not changed. Slavery or freedom adheres to him on the territory belonging to the United States. There can be no law in a Territory excluding slavery, as there is no power having jurisdiction competent to emancipate or alter the condition of the negro. If a negro was a slave in a State, his servitude continues in a Territory.

Slavery is not anywhere, as asserting in the Harper magazine article, "the creature of local legislation," or the creature of

local or municipal law. That it must be established and supported solely by positive municipal law, is gross error, sustained chiefly by judicial *dicta*, which were irrelevant to a decision on the particular facts of the case decided. No law, I believe is found on our statute-books authorizing the introduction of slavery; and if positive precept is essential to the valid exercise of slavery, the tenure by which our slaves are held is illegal and uncertain. A citizen of a southern State, or a slaveholding country like Brazil or Cuba, can carry with impunity his slave into any country where, "by the laws thereof," slavery is not prohibited. The passage of a master with his slave through the territory of a non-slaveholding state, does not change the condition of the slave, unless there is a legislative enactment to that effect; and the law of nations protects the master *in transitu*, enforces the law of the domicile, if that protection does not contravene public policy and the essential interests of the community. It is well-settled legal principle that a person born into slavery in a foreign State, would not be liberated by the accident of intogression into another country, where there was no law opposed to the existence of the rights of the master, without valid cause, by the authorities of another State, is a violation of that law. (See Judge Campbell's opinion in the case of Dred Scott vs. Sanford.) Inless there is a positive prohibitory law in foreign State, I can take my slave there, and have him protected. Mr. Webster, in his correspondence in the Creole case, contended hat property in slaves did not cease extra-territorially, and out Government, in several instances, has maintained the same doctrine.

It has been frequently stated in Congress that slavery was not introduced into a single British colony by the authority of law, and that there is not a statute in any slaveholding State legalizing African slavery, or "constituting the original basis and foundation of title to slave property" MR. BENJAMIN, in a very masterly speech in the Senate, showing that slavery was protected by the common law of the world, pressed the argument that every one of the States would be slave State yet and now but for the passage of laws prohibiting slavery therein. "All has to pass positive acts of legislation to accomplish the purpose of getting rid of slavery." This principle has been repeatedly questioned by Abolitionists and Republicans. On the 21st of March, 1842, Mr. Giddings introduced his famous resolutions on the Creole case, one of which asserts that

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"Slavery, being an abridgment of the natural rights of man, can exist only by force of *positive municipal law*, and is necessarily confined to the territorial jurisdiction of the power creating it."

A noted abolitionist Senator [MR. SUMNER] makes as text of one of his inflammatory harangues: "Freedom national, and slavery sectional." The late Republican convention in Indiana incorporated into its platform a similar opinion, Recently this doctrine has found indorsement in different quarters. A resolution of the last Democratic convention of Illinois - so much of which related to this subject was read and approved in this House, by an extreme Republican member of that state, [MR. FARNSWORTH] - declares that slavery, if it exists in a Territory, does not derive its validity from the Constitution of the United States, but is a mere municipal institution, existing in such Territory under the laws thereof. The same is said to be true of slavery in a State, As such a doctrine so far as my information extends, was never previously adopted in a Democratic convention, I may class it as the second progeny from the parental stock of squatter sovereignty! If this be established as the law, and applied in practice, it will require an act of the Territorial Legislature to legalize slavery, and a slaveholder will have no right to enter the Territory with his property until after such an enactment. If slavery can only exist in a Territory, as the resolution asserts, by virtue of the laws thereof, if it has no validity except by virtue of a local law, then a slave cannot be held as property in a Territory where there is no local law authorizing it. According to this doctrine, there must be previous affirmative legislation establishing the right of property in slaves, or an owner od slaves cannot carry them into the Territory; and thus the South practically and forever excluded. It is unnecessary to talk about congressional prohibition, and the power of a Territorial Legislature to exclude slavery; if the Illinois theory be adopted, a slave cannot get into a Territory to be held as property.

The Illinois resolution but adopted a suggestion of Judge DOUGLAS, in his attempted rejoinder to the observation of Judge Black, in his Harper article. He quotes and adopts a *dictum* taken from an opinion of Judge Storey, whose anti-slavery prejudice and bias are well known and lamented, in the case of *Prig vs. the Commonwealth of Pennsylvania*, that "the *state of slavery is* deemed to be a *mere municipal regulation, founded upon, and limited to, the range of territorial law;*" and thus he coincides with Giddings and SUMNER. Cobb, in his very learned treatise on slavery, by irrefragable proofs, demonstrates that the *dictum* of Judge Storey was not at all necessary to the decision of the case, and is wholly unsustained by adjudications; yet is greedily adopted, and made substratum of a theory which upsets a recent decision of the same court, and effectually excludes, if carried into practice, the Souty from occupancy if common territory. With bold assertion and ingenious sophistry, the Dred Scott decision is evaded, in part, and mystified; while an assertion of a judge in another case is laid hold on, to bolster a theory contrary to the practice of the Government since its organization, and utterly destructive of the rights of a minority section of the Confederacy. Whatever may be

Judge Story's legal erudition - and it was cyclopedian - he has never been regarded as an authoritarative exponent of Democratic sentiment or constitutional law. It may gratify some of the special political admirers of the great expounder of squatter sovereignty, to know that the son and biographer of Judge Story records, in his Life, that the Judge repeatedly and earnestly spoke to his family and intimate friends of this decision, from which Judge DOUGLAS quotes so approvingly and complacently, as being a "triumph of freedom." The biographer argues that it was a judgment adverse to slavery, and a "triumph of freedom," because it localized slavery, made it a municipal institution of the States, and not recognized by law.

Slavery exists in the State where the owner dwells, exists out of the State, exists in the Territories, *exists everywhere*, until it comes within the limits of a sovereignty that prohibits it. The Constitution, as that profound lawyer and statesman, Judge Berrien argued, recognizes slavery in a free State; speaks of it, in such free State, as an actually *subsisting debt* of service or labor, and prohibits the *discharge* of the slave. If the Constitution recognizes slavery in Alabama, and *quoad hoc* in a sovereign State forbidding slavery, does it deny my title to a slave in a territory which is common property?

The treaty of peace between Great Britain and the United States, signed at Paris on the 3rd of September, 1783, on the part of the United States by three northern men - Adams, Franklin, and Jay - and which treaty was subsequently, by the Constitution, made the supreme law of the land, recognized "property in negroes." The Constitution of the United States discriminates specially in favor of slave property; provides for its increase, for its supremacy, for its security, and for its representation in this body. It recognizes property in slaves; and the Supreme Court has affirmed our right to emigrate to, and occupy with slaves, the common territory; and from this recognition and guarantee, protection is an inevitable *sequitur*. From the premissis, the sequence cannot be resisted that the powers of the Government are due to its security. I do not admit the right of Congress to establish or abolish slavery - to emancipate or enslave. The affirmative power to establish is not delegated, and there are no inherent powers in this Government. The power to abolish or exclude is not given, and the property character of the slaves includes them within one of the positive prohibitions of the Constitution. All the power this Government has, is to recognize as property in the Territories whatever is recognized as such in the States; and, if need be - but not officiously and impertinently - to adopt such regulations for its security and protection as the nature of the case may require. Congress cannot abdicate its authority. If so, the executive and judiciary can do likewise. The Federal Government, through some or all its departments, must recognize and protect what the States ascertain and determine to be property. Wars and treaties are made to defend, and are, in many instances, dependant upon what the States decide to be property. And American citizen, whose slave property it invaded on the high seas can demand protection his Government; a *fortiori*, when that property is endangered on territory belonging to the United States. In the sentiment of which was taken from the speech of a northern Democrat in the House - the South is entitled to the protection of its property in the States, in the Territories, and in the wilderness, where territorial governments are as yet unorganized. To refuse it is to deny her equality with the

Republic, and to fail to fulfill the great purpose for which governments are ordained.

It may not be amiss to sustain this claim to the protection by high authority. The President, crowning a long life of usefulness, patriotism, and devotion to the Constitution, congratulates the country upon just settlement of the question of slavery in the Territories by the Supreme Court, and asserts the right of every citizen under the Federal Constitution. The Vice President, so justly popular with the American people, vindicates the same right. One of the most eminent lawyers of this or any other country, now an honored member of our highest court, in 1850 said that "the doctrine that the Government, holding the power of peace and war, of making compacts and alliances, of acquiring Territories and forming governments, owing no duties to the property of fifteen States or those Territories, is a proposition addressed to the credulity of the South, and which nothing but credulity can tolerate." Mr. Calhoun, who stood -

"Like the great sea-mark, standing every flaw,

And saving those that eyed him,"

In his letter to Colonel Benton, writing of the character and object of the Government says:

"Its power and authority having for their object the more perfect protection and promotion of the rights and safety of each and all, it is bound to protect, by their united power, the safety, the rights, and the interests of the citizens of all, wherever its authority extends. That was the object for conferring whatever power and authority it has; and if it fails to fulfill that, it fails to perform the duty for which it was created. It is enough for it to know that the right, interest, or property, of a citizen of one of the States, to make it its duty to protect it, whether in the Territories or on the high seas, or anywhere else. Its power and authority were conferred on it, not to establish or abolish property or right of any description, but to protect them."

The resolutions of the Senate caucus, which were called for by the exigencies of the times, and which are sustained by every Democratic Senator but two, concede the same right of protection.

It is objected by some to this claim for Federal protection, that it necessarily involves or concedes the right of congressional prohibition. Nothing can be more illogical than to confound *protection* with *destruction* - the power, by legislation, of facilitating the enjoyment of a right and of throwing obstructions in the way of the exercise of such a right, Numerous instances will readily occur to any thoughtful mind, where Congress has the power of affirmative without the power of negative legislation. Congress can make no law abridging the freedom of speech, or of the press; nor depriving a person of life, liberty, or property without due process of law; nor interfering with the trial of crimes by jury, except in cases of impeachment; but Congress can certainly legislate affirmatively to secure the enjoyment of, or remove obstructions to, the constitutional

prerogatives. If the right to hold slaves in a Territory cannot be interfered with prejudicially by Congress, it most assuredly can prevent its creature from accomplishing the same unconstitutional purpose by unfriendly legislation. It is simply absurd to pretend that to destroy is the correlative of protect.

A less consequential, but, in some a more important objection to the claim is its alleged inconsistency with non-intervention, as proclaimed in the Cincinnati platform. If this were true, I might simply say, "Grant it, and what then?" But it is not true, and the application of the same term to the States and this District as to the Territories, demonstrates, without further argument, the bad logic which would restrict us to non-action. I challenge the production of a line in the legislation of 1850, as applied to the Territories, in the Kansas bill, or in the Cincinnati platform, which can fairly be tortured into a relinquishment of the right of the South to protection. Non-interference or non-intervention could mean nothing else than that Congress would abstain from questions over which it had no control; would neither establish nor abolish slavery; would not intervene to accomplish purposes of doubtful constitutionality.

Non-intervention, as used by some, is a shallow device, and means that the Federal Government is the enemy of slavery; that it ignores it, and will not recognize or protect it; and that it will not lend its power to uphold and sustain it. It is a shuffling, but disastrous, compromise between our rights to protection, and the power claimed to cripple or abolish. It is a relinquishment of the duties of Government, and an abandonment of our equality of manhood. Complete non-intervention in reference to slavery, in aggressive action against us; is discrimination exceptional and adverse to slave property; is "accumulated and unequal protection to antagonist and rival interests." We entered the compact, and delegated the exercise of certain sovereign powers, that they might be used more effectively for our protection and security. If the Federal Government refuses us protection from unfriendly legislation, or "refuses to carry the claims of the slaveholder for redress to the proper tribunal the slaveholders must establish a Government that will render adequate protection, or become an easy prey to foreign rapacity or domestic fanaticism." "If the slaveholder is to have no surrender of his fugitive slave, he must have an army or navy guard his frontiers or coasts and to punish the enemy who harbors his property. If the slaveholder can enjoy no share of the common property of the Union, he must be exempt from taxes and military contributions. *Protection* is the price paid by Government for the support of its citizenship and I can conceive of no disgrace more heavy, no degradation more bitter, than the denial of this right of protection, with a simultaneous claim for maintenance against the slaveholder."

It may be said that these are judicial questions and mere abstractions, which can be safely left to the future to be determined as exigencies may arise. In a late memorable case, appeals have been made from the Supreme Court to popular prejudice as passion, and interpretations of the decision form parts of political platforms. History is full of instances of judicial subserviency, and political opinions very often control judicial conduct. The famous Somerset case, the direful spring of unnumbered woes, was decided under circumstances that reflect no credit on the moral courage of the eminent judge. The proposition of Senator SEWARD, to put the Supreme Court on the side of freedom, is fearfully admonitory of the influence of popular excitement on the judiciary. If I could lift my voice so as to be heard by the South; if she would heed the admonition of a loyal son, in tones of earnest entreaty, I would beseech her not again to commit the fatal mistake of yielding to party necessity what may be essential to future safety; not to concede a principle, which, however apparently abstract or impracticable, may, in the hands of hostility or fanaticism, prove a potent engine of mischief or destruction.

[The hour expired at this point, but, by unanimous consent, Mr. CURRY was allowed to proceed.]

As said Pitt, on the East India Bill:

"It would be folly in the extreme, to suppose that the principle once admitted would operate only on the present occasion. Good principles might sleep; but bad ones never. It is the curse of society that, when a bad principle is once established, bad men will always be found to give it full effect."

Mr Chairman, for what is the democratic party contending? Is it for spoils and patronage, or for principle? Is this immense array of means, this combination of agencies, this drilling for the strife, but to win a victory, barren and fruitless and Pyrrhan? Are we to struggle for a President, merely to dispense executive patronage and feed a greedy swarm of leeches? This is of no avail, is mischievous, unless accompanied by practical results, by a triumph of principle. The election of a President, however pure and patriotic, will be as deceptive as Dead Sea fruit, unless accompanied by a corresponding elevation of popular sentiment. Sir, there is no strength in numbers, in a mere aggregation of men. A party must be animated by a common faith; be vitalized by principle; must employ imperishable truth; and its principles must not be mere exceptional maxims, politic and convenient forms, applicable only to temporary exigencies, and to be laid aside to make snake sloughs off its skin.

I have finished, Mr. Chairman, what I have to say on these questions, endeavoring to compress into one hour what, if properly elaborated, would have required several; but I cannot close without repelling an accusation which has been made on this floor, and at Chicago and elsewhere, that the President and the Democratic party, in favoring the admission of Kansas with the Lecompton constitution, were endeavoring to fasten "a fraud" upon the country, and "force a constitution upon the people of Kansas against their will." One Senator, [Mr. DOUGLAS,] who was most conspicuous in his hostility to the Administration, and his warfare on the Democratic organization, while recording his own services, and fighting the battle against such an "arrogant demand," and against the consummation of such a "fraud" as the admission of Kansas, congratulated his Republican allies for the successful and valuable aid rendered in that contest against the "Lecompton fraud."

The Kansas struggle has passed into history. Violence and wrong were committed on both sides and there is much connected with the question discreditable to the country. As one member of the last Congress, I repel with scorn all imputation, whether it come from the Republican or disorganizing and recusant Democrat, of a purpose to "consummate a fraud," or "force" an unwilling State into the Union. It is demonstrable that the Lecompton constitution was legally and validly made and ordained as the organic law of the people of Kansas so far as they had power to institute a government. The "sense" of the inhabitants was taken upon the expediency of calling a convention to frame a State constitution. They decided in favor of the convention, and the Legislature passed a law authorizing the election of delegates, and at a subsequently legal and fair election, the delegates were chosen. The country will not forget that there is no allegation of the slightest fraud, nor of a single illegal vote at the elections I have specified. Up to this time, there is no pretense of fraud or illegality; and the refusal of a majority, even to vote on the questions, does not affect the previous legal proceedings, and the right of a convention thus summoned to frame and ordain a fundamental law. I only interpose this brief explanation lest silence might be construed into acquiescence, into an unfounded censure.

The Alabama Legislature unanimously passed resolutions authorizing the Governor to call a convention of the State, in the event of the refusal to admit Kansas under the Lecompton constitution, supposing that these alleged irregularities were but flimsy pretenses to keep a slave State out of the Union. The President and the Cabinet, and the great bulk of the Democracy in Congress, including every Democrat from the South, sustained and favored the admission of Kansas under that constitution. It is too heavy and exception upon party fidelity, too entire a surrender of personal manhood, to demand support at this time for the highest office in the world for any man who denounced what so large a majority of the Democracy desired and sought to accomplish, as "the consummation of a fraud."

104 William St N. York

Nov. 1.1864.

Lysander Spooner Esq

Dear Sir. Yours of 31 Octo. is recd.

By referring to the Principia of 17 Feb. 1862 I find that the quoted paragraph to which you allude was taken not from a "letter" (as you have it) but from a "reply" of J.C. Calhoun to T.H. Bouton ___ made at sufferance, in the U.S. Senate. of which, J [?]Haik[?], they were both members at the time.

The debates in the "Daily Glove", or Journals of Congress ought to continue it, or give some close to it. Of the date I can give no further account or verification nor can I tell whether I obtained the extract. It was probably from some newspaper report of a speech in which it was quoted in Some Editorial. In any Am. Slave Code. Peod I. Chap 23 "Origin of the relation V its Subjects" Pp 258 to 285 there are abundant authorities to the Same Point, but I do not find their of Calhoun. My health has been feeble the past Summer, but is, I hope, somewhat improving.

Yours truly (see over)

Lysander Spooner

[Other side]

PS.

Should you succeed in authenticating the extract & fixing its date and attendant circumstances, please inform me the particulars as I contemplate a further use of it, and wish to have it in the [?]right[?] shape.

L.S.