WASHINGTON, D. C.

AMISTAD CLAIM.

History of the Case; Decision of the Judiciary; Comity of the various Departments of Government; Construction of Treaties; Law of Nations; Natural Rights of Persons; Duty of All to Sustain the Doctrines on which our Government was Founded.

SPEECH OF MR. GIDDINGS,

DELIVERED IN COMMITTEE OF THE WHOLE HOUSE ON THE PRESIDENT'S MESSAGE, DECEMBER 21, 1853.

Mr. Chairman: I rise to call the attention of this body and of the country to that portion of the President's Message which recommends to our favorable consideration the claims of certain Cuban slave-dealers. They profess to have owned the people on board the schooner Amistad, who, by their own valor, regained their freedom in 1839. The President desires that we shall make the necessary appropriation to pay the slave merchants for the loss of their contemplated profits.

Mr. Bayly. The gentleman is correct, and the Committee on Foreign Affairs will report a bill for that purpose.

Mr. Giddings, (resuming.) I thank the gentleman for this open avowal of the intentions of his committee. We may always look to slaveholders for a frank declaration of sentiments and intentions. It is only the doughfaces of the North who hide behind false issues, and keep out of sight until kicked into view. [Laughter.]

The proposition of the President is important. It involves the observance of our most solemn treaty stipulations, which bind us to exert our influence to abolish the slave trade rather than to uphold and encourage it; it involves our national honor and the welfare of our race.

Sir, as early as 1817 Spain took upon herself the most solemn obligations to abolish this slave trade. This obligation was contained in her treaty with Great Britain of that year.

In perfect good faith, the Crown of Spain, by its decretal order, issued soon after, declared the slave trade abolished throughout her dominions, including her Colonial possessions; and asserted the freedom of all Africans who should be thereafter imported into any of her National or Colonial ports. Our own Government had, from its commencement, expressed its abhorrence of that traffic. Soon after the adoption of our Constitution, Congress passed laws so far as authorized to modify its character, and, as soon as permitted by the Constitution, they prohibited it under severe penalties. Indeed, we have declared it *piracy*, and hang the Americans engaged in it, as unfit for human association.

By the 10th article of our treaty at Ghent, we declared the slave trade to be "irreconcilable with the principles of humanity;" and we stipulated with Great Britain to exert our influence and power to eradicate from the earth this "execrable commerce in human flesh;" and we now sustain a maritime force on the African coast, at an annual expense of from two to three millions of dollars, with the avowed intention to destroy forever this nefarious traffic. France, too, has long exerted her influence to attain this humane object; and the civilized nations of the earth stand pledged to the purification of our race from a traffic so abhorrent to every feeling of our nature.

While those four great Powers, which I have mentioned, were thus solemnly committed to this policy, while the Christian world held this slave trade in unutterable abhorrence, certain Cuban slave-dealers continued to violate the laws and treaties of their own Government, the rights of human nature, and the laws of God, by importing and enslaving the unoffending people of Africa.

In 1839 they imported a cargo of these inoffensive victims to Havana, in the island of Cuba. According to the proof exhibited before the Judicial Department of Government, they were seized in Africa, about the middle of April, by force carried on board the slave ship, and on the 12th June of that year they were landed in Havana and imprisoned in the barracoons of that city.

On the 24th of that month, Don Pedro Montes obtained a license, or permit, from the Governor General, to transport three "Ladinoes," or *legal slaves*, from Havana to Principe, on the south side of the island; and on the 27th of the same month, José Ruiz obtained a similar permit to transport forty-nine "Ladinoes," or *legal slaves*, to the same port. These permits were obtained, at all times, by paying the customary fee to the revenue. They were in themselves legal, giving liberty to transport only *slaves;* and the fraud consisted in transporting Africans who were free, under the permits to transport slaves. The permits were conclusive evidence of the payment of the duty, as between the Government on the one side and Montez and Ruiz on the other. But these Africans were in no way parties to these permits, knew nothing of their being granted; and I need not say *their* rights could not be affected in any way by them. Every member will at once see they were in no respect admissible evidence against the negroes, who had been imported in fraud, and in violation of Spanish treaties and Spanish laws.

I mention these facts at this time for the reason that, in all the litigation of this claim before the courts, all the attorneys and agents who have advocated it rely solely upon these permits, not to show that the duties were actually paid, but to show that Montez and Ruiz at a subsequent day, shipped "Ladinoes," or *legal slaves*, under the authority of those permits. The attempt is to make these permits testimony of the subsequent conduct of Montez and Ruiz. And I apprehend the Chairman of the Committee on Foreign Affairs [Mr. Bayly] will be compelled to rely upon these permits, instead of showing us proof of the fact that these people had been actually held in Cuba as legal slaves. I bespeak his attention to this point. If they had been long resident in Cuba, I trust he will give us the proof. Let us have the depositions of those who owned them, for, if they had been owned there, some one must have owned them, and we want his evidence, or that of some person who knows the fact.

Now, I trust the gentleman will not follow the example of his predecessor, who gave us the certificate of some individual unknown to us, who states that Montez and Ruiz were *honorable* men. I look upon such evasions as no compliment to the common sense of this body, or to that of the people, whose money they seek to apply in payment of this claim.

Montez and Ruiz are shown to have purchased these people with the full knowledge that they were Africans, newly imported, and, of course, free by the laws of Spain. Indeed, they could not be ignorant of that fact. These miserable victims, at the time Montez and Ruiz purchased them, could not utter a word of the Spanish language; their dialect, manner, and appearance, showed them to have recently come from the African coast. Such evidence no Cuban could misunderstand.

But to proceed with the statement of facts:

On the 28th of June, just sixteen days after they had been imprisoned in the barracoons at Havana, they were taken therefrom and shipped on board the "Amistad," which sailed for Principe on the same day, with a crew composed of the captain, two sailors, and a cook. Montez and Ruiz were also on board.

On the 1st day of July, while sailing along the eastern coast of the island, the Africans rose and claimed their freedom. The captain and cook attempted to reduce them to subjection, and were slain; Montez and Ruiz, and the two sailors, surrendered the ship to the Africans. They immediately sent the sailors on shore in the boat, and retaining Montez and Ruiz on board, directed them to steer the ship for Africa. But, during the darkness of night, they directed their course northwardly, and on the 26th of August, being sixty days from the time of leaving Havana, they came to anchor off the Connecticut coast, near the eastern shore of Long Island.

While the vessel was thus riding at anchor, Lieut. Gedney, of the ship Washington, engaged in the coast survey of the United States, took possession of her, and of the cargo and people on board, and carried them into the port of New London.

Dates at this point will be found material, before I close my remarks; and I ask the attention of the Committee particularly to the fact that on the 29th of August, 1839—being precisely two months and one day from the time of leaving the port of Havana—Montez and Ruiz filed their claim in the District Court of the United States, demanding these Africans as their slaves.

On the 19th September, 1839, the Africans filed their answers to the claim of Montez and Ruiz, setting forth the facts as I have related them, and denying that they were or ever had been slaves to Montez and Ruiz, or to any other person; but that they were and ever had been free.

Here I will remark that the Africans were strangers in a strange land, ignorant of any language save their native dialect, without friends, without influence, and without money. One would have reasonably supposed that the sympathies of all men and all Government officers would have been enlisted in favor of these persecuted exiles, who had been thus torn from their homes, their country, their kindred and friends. The dictates of our nature are in favor of the oppressed, the friendless, of those who are incapable of defending their own rights.

Yet I feel humbled as an American, when I say that the President sent orders to the United States Attorney for the district of Connecticut, directing him to appear before the court, and, in the name of the Spanish Minister to demand these Africans, in order that they may be delivered over to their pretended owners.

This order was complied with; proofs were taken; the case was prepared by able counsel, who appeared for the slave dealers, and fully argued it before the District Court. A ship was sent into the vicinity, where the court was sitting, with directions that if a decree were pronounced against the Africans, they should be hurried on board and sent to Cuba, to be garroted and gibbeted, without waiting for them to appeal to a higher court.

I mention this fact as illustrative of the manner in which the Executive influence was wielded against these down-trodden strangers. It is due to those who come after us, that these truths be placed upon the record of our debates, in order that posterity may understand the views and feelings which guide statesmen of the present age.

But, thanks to that Providence which gave us a Government of laws, instead of the will of a despot, to control the fate of freemen, the court, after the most patient hearing and consideration of the case, found the Africans to have been imported in violation of the treaties and laws of Spain—that they were *freemen*, and not slaves to Montez and Ruiz, or to any other person—and ordered them to be set at liberty.

We should have supposed that this solemn decision of an authorized tribunal would have satisfied the Executive; but an appeal was taken to the Circuit Court. The decree of the District Court, however, was reaffirmed in the Circuit Court, and an appeal was taken to the Supreme Court of the United States. Here, sir, in this Capitol, the case was again argued, before the highest judicial tribunal of the nation. The Attorney General appeared on behalf of the slave-dealing pirates, and all the influence of his reputation, his official character, and of the Executive, was again wielded in favor of this Spanish slave trade. The whole case was again argued and considered, and the decree of the District Court was again affirmed. But I can do no better here than to quote the words of the court, who, in making the decision, said:

"It is plain, beyond controversy, if we examine the evidence, that these negroes never were the lawful slaves of Ruiz or Montez, or of any other Spanish subjects. They are natives of Africa, and were kidnapped there, and were unlawfully transported to Cuba, in violation of the laws and treaties of Spain, and the most solemn edicts and declarations of that Government. By these laws, and treaties, and edicts, the African slave trade is utterly abolished; the dealing in that trade is deemed a heinous crime; and the negroes thereby introduced into the dominions of Spain are declared to be free. Ruiz and Montez are proved to have made the pretended purchase of these negroes, with a full knowledge of all the circumstances. And so cogent and irresistible is the evidence in this respect, that the District Attorney has admitted in open court, upon the record, that these negroes were native Africans, and recently imported into Cuba, as alleged in their answers to the libels in the case."

Now, sir, I ask the gentleman from Virginia, [Mr. Bayly,] when he reports his bill to reverse this decision, to show that these judges, learned in the law, did not understand the case; that they were ignorant of their duties; that they did not comprehend the testimony.

When, sir, he attempts to reverse this solemn decision, I trust he will show the error on which he relies. If he denies that these Africans were *freemen*—that the court were deceived on this point—I desire him to show the fact. I hope he will make it plain to our comprehension.

If he denies this fact, I trust he will also show that the District Attorney, who admitted them to have been recently imported, and therefore *free*, and *not slaves*, misunderstood the facts—did not comprehend the proofs—was ignorant of his duties. I trust he will make these things plain, before he asks us to vote for his bill.

But, sir, I call the attention of this body to the fact, that the Executive of the United States selected the Judicial branch of Government to decide this claim. Under his direction, it was prosecuted before all our principal courts, commencing with the District, and rising to the Supreme Court. These tribunals spent much time in the examination, and each and all of them have pronounced it groundless, destitute of merit, and unworthy of our attention.

And now, Mr. Chairman, the President, who has never distinguished himself as a jurist, to my knowledge, undertakes to assure us that it is a meritorious claim, notwithstanding all these decisions of a co-ordinate branch of Government. He says, in distinct language, that "*this claim is believed to rest on the obligations imposed by our existing treaties with that Government,*" while these courts say, in equally emphatic language, that *there is no treaty* which imposes such obligations upon us.

Here, sir, is an issue between the Executive and the Judicial department of Government, and the President appeals to the Legislative branch to sustain him. I do not think the history of the country furnishes a precedent for this state of things. The President takes the part of the slave dealers, the court stands by the Constitution, by the laws, and by the rights of humanity.

But, sir, the President insists that we shall investigate the case, and pronounce our judgments in regard to its merits. That has been done. It is now some six years since this claim was presented to the consideration of this body. The usual bill making appropriations for the civil and diplomatic expenses of Government, passed this House, and was sent to the Senate. That body amended it by inserting an appropriation of $50,000 to indemnify these slave dealers. It came back to this hall, thus amended, for our concurrence.

My venerable and ever-lamented friend, John Quincy Adams, was then just lingering upon the confines of life; he was pale and trembling under the weight of nearly four score years; his voice was so weak that he was able to make himself heard at the distance of only a few yards; he had ceased to mingle in the debates of this hall; he had, however, been familiar with all the details of this pretended claim, and when he saw his country about to be disgraced by contributing the public funds to the payment of these Spanish slave dealers, for the failure of their anticipated speculations in human flesh, his spirit was stirred within him, and he once more, and for the last time, rose in defence of his country's honor, in defence of humanity. Members from the distant parts of the hall left their seats and gathered around him, in order to catch the last words of the venerable statesman. The reporters, unable to hear him, rushed into the seats of members, and crowded near, to give to the country as much as possible of the last speech of the greatest man then living. He spoke briefly, but continued his remarks until his physical system appeared to sink under the effort.

The vote was taken, and I think there were not five voices heard in favor of the amendment. Members appeared astonished that such a claim should have been presented to an enlightened people. But the President says it has never been *finally* acted upon. Well, sir, I know of no way in which it can be *finally* acted upon, until the *final* day of all things shall come. Yet, I apprehend, the President was not aware that it had been rejected by this body, and that, too, by a vote which should forever have set the matter at rest. This appeal of the President from that decision to the judgment of the present House of Representatives, is of itself disrespectful to the Legislature of the nation. I protest against it. His predecessor was dissatisfied with the decision of the Judiciary, and appealed to Congress. The appeal was heard in this hall, and dismissed by an almost unanimous vote; and now the President desires us to reverse that decision of our own body. Are the members of the present House of Representatives more competent than those who then occupied their seats? Are we more intelligent, more honest, more patriotic, or more familiar with the facts, than they were?

The President appears not to have possessed the proper degree of information on this subject. I do not believe that he or his Cabinet can have examined it with that care or attention which the Courts bestowed upon it. I say this for the reason that he states in his message, that "this claim is believed to rest on the obligations imposed by *our existing treaty* with Spain." In what treaty? In what article of any treaty? The report of a former committee of this House insisted that the 8th, 9th or 10th articles of our treaty with Spain, of 1795, imposed upon us that duty. The committee did not know in *which* article nor in which *clause* of either article such obligation could be found. The Supreme Court, however, as I have already remarked, looked very carefully through that treaty, and all other treaties between Spain and the United States, and upon solemn consideration declared that no such duty existed under that or any other treaty. That Court, sir, was composed of nine able Judges, learned in the law; they had listened to the most eminent counsel of the United States, and, after full deliberation, were clearly of opinion that no such obligation existed under any treaty. And, sir, I have more confidence in the opinion of those judges, in relation to our treaty stipulations, than I have in the opinion of the President.

Well, sir, the President insists that we are bound by treaty to pay for the bodies of these Africans; and I wish to say to the Chairman of the Committee on Foreign Affairs, that when he draws up his report, I hope he will inform us of the article, the section, and clause, in which he finds such obligation? I hope the gentleman will be specific on this point.

Mr. Bayly. I shall be very likely to do that.

Mr. Giddings. I take the gentleman at his word, and will hold him to his promise.

The 9th article of our treaty of 1795 stipulates, that "when a ship and merchandise of either nation shall be rescued out of the hands of pirates or robbers, it shall be delivered over to the owner, on sufficient proof." Now, the Court said, in order to bring the law within that article, it must be shown that the negroes were "*merchandise*," and had been rescued out of the hands of pirates or robbers; neither of which could be true; for it had been clearly proved, and was admitted by the attorney for the United States upon the record, that the negroes were Africans recently imported, and therefore *freemen*, and not slaves; and even in slaveholding language could not be regarded as *merchandise*.

Secondly, that being freemen, and not slaves, they had a perfect right, by the laws of Nature and of Nature's God, to their liberty. Yet, in opposition to these plain dictates of our judgment, and in defiance of that branch of Government which, by the Constitution, is authorized to give construction to our treaty stipulations, the President insists that we are obligated to pay these slave dealers for the blood and bones and sinews of those freemen.

I, sir, as an humble member of this body and a Representative of the People, protest against this disrespect which the President manifests towards that co-ordinate branch of Government. It is more than disrespectful for him thus publicly in his message, before the world, to deny the accuracy of that decision of the Supreme Court, and to call on us to reverse it. Nor does it become members of this body to sit in silence when the Executive thus attempts to overthrow the official action of the Judiciary. It is surely becoming each branch of Government to keep within its constitutional sphere.

It would be as excusable in us to withhold appropriations to pay officers of the President's appointment, whom we deem unworthy, and thus control the Executive action by compelling him to make such appointments as we approve, as it would be to interfere with the solemn decisions of the Supreme Court. It would be as proper for us, by our votes here, to express our contempt for any act of the Executive within his exclusive jurisdiction, as it is for the President to treat a decision of the Judicial branch of Government with disrespect.

Sir, the President has his constitutional sphere of duties; while he confines himself to that sphere, we are bound to respect his acts. The Judiciary has also its constitutional sphere of action, and is to be respected while acting therein. I will not consent to interfere with either; nor will I consent that either shall interfere with our duties; and when the President asks us to reverse the decisions of the Supreme Court, I will repudiate his suggestion.

We are compelled to take this position. If the decision of the Court be correct, we shall violate the Constitution by complying with his recommendation to pay those slave dealers for the loss of their anticipated speculations in human flesh. We can, therefore, only comply with the President's recommendation by pronouncing the decision of the Judiciary *erroneous;* that the judges are incompetent to the duties imposed upon them; and by saying to the world that we will correct the errors of that branch of Government, the Constitution to the contrary notwithstanding.

But, in order to induce us to grant this appropriation, the President informs us, that "its justice was admitted in our diplomatic correspondence with the Spanish Government, as early as 1847." And does the President suppose us sent here to carry out the views of a Secretary of State? Was such Secretary authorized to speak for us?—to commit the nation to the payment of these Spanish pirates, for the blood and bones of freemen whom they were unable to enslave?

Mr. Chairman, I am frank to say that I am dissatisfied with this suggestion of the President. In 1840 and 1841 this claim passed through all the various courts, and was fully heard, considered, and passed upon, and by them declared to be unfounded and unjust. In 1847 a Secretary of State, endeavoring to subvert the power and influence of the Judiciary, in his official correspondence with a foreign Power admits this claim to be just, which the Supreme Court had solemnly decided *unjust;* thereby apparently bringing contempt upon the Judiciary, for maintaining what they regarded as the law of nations, the Constitution of our country, and the rights of humanity. And that disreputable act of the Secretary of State is quoted as an authority to guide the independent Representatives of this body in the discharge of their duties. Sir, with my whole soul I repudiate the proposition. Why, sir, does the President believe the Secretary of State in 1847 really constituted the brains of this House? Was he authorized to think for us? I have thousands of constituents who are not beneath that Secretary of State in their estimate of moral and political duty; and I hesitate not in saying that not one of them, of any party, would advise me to sustain this claim. Nay, sir, they would condemn me for such a vote. I am responsible to them, and not to a politically repudiated Secretary of State, for my vote. Those constituents are the depositaries of power. They have a right to demand that I shall carry out their views; but that Secretary of State has no right even to ask an explanation of any vote which I may give.

Again, the President says that this claim has been reported upon favorably by committees in both Houses of Congress. Well, sir, we are not sworn to act in accordance with the report of committees. I have shown the action of this whole body, repudiating this claim by an almost unanimous vote. This the President did not see fit to bring to our view, but he has quoted the report of a committee as an authority to guide us, while he would seem unwilling that the action of the entire body upon full discussion should have any influence upon our minds.

But I am willing to look into those reports to which he refers. That of the Senate, I believe, was verbal—merely recommending the payment of $50,000 to these slave dealers. Senators were too cautious to assign any reasons for such recommendation. They probably recollected the advice of Lord Mansfield to a provincial judge, to state what his judgment was on each case, but *never to assign a reason for it.*

It is sometimes unpleasant to subject one's reasons to the scrutiny of opponents; and as the Senate avowed no reason for their opinion, we are bound to suppose they had none to assign which was satisfactory to themselves. But the Committee on Foreign Affairs of this House were less cautious in their action, and imprudently, as I think, put their views on paper. On that the President relies with much confidence, and I will therefore ask attention to it.

Having weighed the remarks which I intend to make upon that report, I ask the attention of the Representatives from the State of Pennsylvania; and if I do injustice to the author of that report, who was a member from that State, it will be their duty to correct me, and to vindicate him.

Sir, on the first page of that report I find a gross misrepresentation, a flagrant falsehood—one that is important in considering the case. It sets forth that these negroes and the schooner Amistad was taken possession of by Lieut. Gedney on the 26th August, A. D. 1840, when the record of the District Court of the State of Connecticut, and every newspaper then published in that part of the country, the history of the times, and our own recollection, shows that event to have occurred on the 26th of August, A. D. 1839, instead of 1840.

On page 13 the report admits that they were landed at Havana on the 12th June, 1839, as the court decided, and then asserts that "they must have been *fourteen months in Cuba.*"

The apparent intention of making the false statement that they were taken possession of in 1840 was to lay the foundation of this false conclusion, that these negroes had been in Cuba *fourteen months*, instead of *sixteen days*, as the testimony shows. Were this assertion true, it would show that the negroes had not been imported so recently as the court supposed, and would have led to the conclusion that the judges may have mistaken the proofs on other points. But, to effect this object, it was necessary to start off with a palpable falsehood. Why, sir, as heretofore stated, the claim of Montez and Ruiz was filed in the District Court of Connecticut on the 29th August, 1839, being only *two months and seventeen days* from the time the negroes were first landed in Cuba, while the report asserts that they were fourteen months in Cuba.

Sir, I call the attention of the Chairman of the Committee on Foreign Affairs to this misrepresentation of his predecessor. I ask him to explain this flagrant falsehood, and show us how it occurred.

I, sir, entertain no unkind feelings towards the author of that report, but surely it is my duty to place these matters accurately upon the record of our debates, that those who come after us shall be able to understand this subject.

And, sir, this is the report to which the President refers us for a guide—a report bearing upon its face such obvious misrepresentations; and I will remark here, that, for this purpose, it is totally immaterial whether the falsehood was designed, or occurred through the ignorance or inattention of the author; for put which construction upon it you please, and it will be acknowledged on all hands that the report is unworthy of confidence.

It were probably useless to follow this report further, for the purpose of satisfying this body of its real character; but I see that this claim is to live so long as the Slave Power has influence in this Government; and I desire to show our successors the statesmanship, the views entertained by the author of this report, and now quoted by the President as an authority to guide intelligent members of this body in the discharge of their official duties.

The report urges that the "*permits*," to which I referred in the opening of my remarks, were *conclusive evidence*, showing these Africans to have been "*ladinos*," that is, *legal slaves*. This Committee will bear in mind that these certificates were given by the proper officer, and showed that Montez and Ruiz had paid the duties requisite to authorize them to carry fifty-two *legal slaves* from Havana to Principe. But the idea that such permits were evidence, to any extent, as between them and the negroes, or was even admissible testimony to show that these negroes were *slaves*, is a proposition too absurd to require argument before any tribunal. Yet, when the author of this report goes further, and argues that these permits were *conclusive* evidence, and that no proof of fraud could be permitted to show that Montez and Ruiz attempted to transport freemen under those permits, instead of legal slaves, the position besomes ridiculous, and sets all argument at defiance. The mere statement of the proposition is probably the most perfect refutation that can be given to it, and such was the opinion of the Supreme Court. Yet this report gravely attempts to show that the court erred in permitting evidence to be given that Montez and Ruiz fraudulently attempted to transport recently-imported Africans, under a permit to transport *legal slaves*. Now, sir, if the decisions of the Supreme Court are to be questioned and examined in this body, I insist it shall be done in a style more lawyer-like and more scientific than has been done in that report. But the author seems to have been apprehensive that this House and nation might recognise that well-known principle of international law, which has for ages existed and been acknowledged by all civilized Governments, that *no slave can be held, as such, within the jurisdiction of free laws.* Under this rule, when the Amistad arrived within our waters—when she came within the jurisdiction of our laws—these people were free, and would have been free, even if held as slaves in Cuba, agreeably to her laws.

I will here add, that it is an admitted principle, that the laws of every Government not only extend over all the harbors, bays, and rivers, of such nation, but the jurisdiction of those laws extend a marine league into the sea. Thus, when a foreign ship comes within a marine league of our shores, our revenue officers enter on board, examine her bills of lading, and take all necessary measures to prevent fraud upon our revenue; our health officers go on board, and examine her bills of health; our pilots enter on board, conduct the vessel into port, and demand their legal fees. In short, our laws take jurisdiction of the ship and crew.

Now, sir, when the Amistad came within our jurisdiction, when our laws spread their ægis over the people on board, it was a matter of course that those people were as free to go where they pleased, as were Montez and Ruiz. Indeed, those Spaniards were themselves restored to liberty by the force of our laws; and the negroes, had they been held as legal slaves in Cuba, under Spanish laws, would have been as free, the moment they came within our jurisdiction, as were Montez and Ruiz. This rule was recognised in England during the reign of Queen Elizabeth; and on the continent it was acknowledged and enforced, at even an earlier day, and, I think, was never doubted nor denied until the year 1840, when the Senate of the United States adopted resolutions declaring that a ship driven into the port of a friendly Power by stress of weather, or other unavoidable accident, carries with her the laws of the Government from whence she sailed, and all the relations of the people on board, which existed under the laws of such Government. In other words, the substance of the resolutions was, that a slave ship, when driven into a friendly port by stress of weather, may hold her slaves in the same manner as she would in the port from which she sailed.

The author of the report quotes these resolutions to show that the Spanish slave ship Amistad had a right to come into New London, or New York, and that the slave dealers could hold their slaves in such port, provided they had been legal slaves in Cuba; could flog them, cast overboard the sick, or shoot down the refractory, as they would in the "middle passage."

Now, sir, these resolutions were *manufactured to order*. The American slave ship "Enterprise," sailing, I think, from Charleston in 1834, was driven by stress of weather into "Port Hamilton," in the island of Bermuda. The case was entirely different from that of the Amistad, for the reason that the slaves on board the Enterprise were held under the laws of South Carolina, as *legal slaves;* but when they came within the jurisdiction of British laws, they were of course free, and went in pursuit of their own happiness. When the Executive of the United States, ever alive to the interests of the slave trade, called on the British Minister for indemnity, this rule of international law was referred to, and the payment promptly rejected.

This left the slave merchants remediless. But a distinguished Senator from the South endeavored to avoid the difficulty, by introducing resolutions to *change*, to *modify*, and *repeal* the law of nations, so far as to make it conform to the interests of the slave trade. It is true that every Whig Senator, North of Mason and Dixon's line, save one, fled from the Senate Chamber; they dared not vote either one way or the other. I speak of those gentlemen with respect; but it is due to them, to this body, and to the country, that I should speak frankly, that facts should go down to posterity as they transpire around us. For us to do otherwise, would be to deceive those who shall succeed us.

The resolutions were passed by the unanimous vote of Southern Senators and Northern Democratic Senators, *with one Northern Whig.* He was from Rhode Island, and I honor him for his boldness in placing his name on record in favor of that most singular attempt to change the law of nations. I like to see men bold even in their crimes. It looks as though they might be honest even in the perpetration of their iniquities.

The resolutions were carried, and Senators slept more soundly. But lo, and behold! the next day the sun rose in the East and set in the West, precisely as it had done since its creation. And the next storm which swept over the Atlantic, drove British, and French, and Swedish, and Russian vessels into our ports. When they came within the jurisdiction of our laws, they yielded obedience to them; indeed, our own officers did not appear conscious that these resolutions had ever been passed. And I doubt whether an officer of any foreign port in the civilized world has yet heard of their existence. Yet this report can find no better arguments, no better grounds on which to recommend the payment of this money to the slave dealers, than those resolutions of the Senate, which have been regarded by the nation and the world as the production of an overweening anxiety to support the slave trade; resolutions which I do not hesitate to say, have never been recognised by the lowest officer engaged in our own revenue service. And, sir, are we, the representatives of the people, to be guided by them in the discharge of our duties?

Why, sir, the very next year after the passage of these resolutions, the American slave ship "Creole," with her cargo of human beings, when within some twenty-four hours' sail of New Orleans, was taken possession of by the slaves on board; and when one of the slave merchants attempted to reduce them to subjection, they laid him low in death, just as you, Mr. Chairman, would have done, had you been in their place; just as I would have done, and as any other man, who has the heart of a man, would have done. They took the ship into the British port of Nassau, and so soon as they came within the jurisdiction of British laws they were *free*.

This report says that our Government *required their surrender*, and quotes that requisition of a slaveholding Executive, as evidence of the law of nations, and proper to guide us in the discharge of our duties.

Surely I need not say to this Committee that when the letter of instructions from our Secretary of State to our Minister at London was published, its doctrines were denied on this floor by resolutions presented to this body. It is true that the humble individual presenting them was driven from his seat for that avowal of truth, but the public press spoke forth its denunciations of that letter, and its doctrines so abhorrent to American liberty. The popular sentiment of the nation condemned them; but the author of the resolutions, which denied the doctrine of that letter, survives. His presence in this hall to-day is a living contradiction of the sentiments and the doctrines of the Secretary of State. Why, sir, the Secretary himself receded from his own position. The demand on the British Government was suffered to sleep. Neither Whig nor Democratic party has since renewed the demand. And although Mr. Webster again came into the office of Secretary of State, under the late Administration of Mr Fillmore, I have yet to learn that he ever renewed the demand, or that he or any other Secretary of State has yet reasserted the doctrines of that letter. Yet this demand, which was so suddenly abandoned, so universally condemned by the public press and by the people and statesmen of the United States, given up by its author, and discarded by every Administration since 1842, is quoted as an authority to guide us on the subject of paying for these Africans. Sir, I will spend no more time on this report than to say it assails our courts of justice, charges the judges with ignorance, dereliction of duty, with being swayed by popular sentiment, and contains a labored argument in favor of Slavery and the slave trade.

I have now examined the facts and arguments of this case in a very brief and hurried manner, and will for a moment look into the objects and policy of those who advocate its payment.

Mr. Chairman, it is very properly asked, why does the President thus exert his influence in favor of Slavery? What object has he for so doing? What motive stimulated the author of this report? What was the design of the former Secretary of State? What feelings prompted the Senate to pass the resolutions referred to? I answer, the same motives which have prompted oppressors in all ages of the world. It is that desire of man which has ever prompted men in power to seek self-aggrandizement by degrading their fellow men. Why do men in the slave States hold their fellow men in bondage? Because it gives them pecuniary and political power. Why do Northern men lend their influence to continue the slave trade in this District? Because it secures to them the favor of the Slave Power. Why, sir, I recollect that this body a few years since adopted resolutions which, if carried out, would have abolished the slave trade here. A motion was made to reconsider the vote by which they were adopted. The motion prevailed, by the aid of some twenty-seven Northern Whigs, who thus gave their influence to continue the slave trade. And within the next six months, nearly one-half of those Whigs held appointments under a slaveholding Executive, and were getting rich upon the public Treasury. Why, sir, I need not inform the country, nor this body, that Executive patronage is now made to depend upon the degree of servility which the applicant for office manifests towards the "peculiar institution." Scarcely sixty days have elapsed since an edict was issued by the present Cabinet, or rather by a member of the Cabinet, proclaiming the determination of the Executive "*to crush out*" all who advocate the cause of freedom.

Now, sir, the efforts of those officers to whom I have referred, in favor of Slavery and the slave trade, are put forth with a distinct object; that is, the attainment or maintenance of political place and power, by the sacrifice of truth and justice, and the doctrine of universal equality of natural rights among men. The remedy is with the people, and I thank the President for thus bringing the subject before the nation.

These negroes, standing upon the deck of the Amistad, breathing the free air of Heaven, felt the inspiration of their own immortality impelling them to vindicate their manhood, to strike for liberty. The President insists that they had no right to do that. We say that God had endowed them with freedom, and it was their *duty* to regain it. They thought of their homes, their country, the loved scenes of their childhood, of parents, of brothers and sisters, and wives and children. From all these they had been torn by ruthless violence. They felt the wrong which had been perpetrated against them, against humanity, and against God's higher law; and they rose in vindication of that law and of those rights, and, thanks be to God, they succeeded.

But the report to which I have alluded, and which the President commends to our imitation, denounces them as "*pirates* and *robbers*" for that act; and, inasmuch as the courts declared them to possess the right of maintaining their liberty, the President thinks we should overrule that decision, and that the people of Ohio and the other free States ought to pay the piratical slave dealers the value of their blood and bones and sinews. Now, sir, on this proposition the Free Democracy of this nation will take issue. We are prepared to go to the country with it, to argue it before the people, to submit it to the decision of that tribunal before which public men are accustomed to tremble.

We ask no favors at the hands of those who advocate this slave trade; and I will frankly say to them, that I apprehend they will recede from the position which the President has assumed; that they will not dare sustain him. But I will remind them that this example of the negroes on board the Amistad is exceedingly dangerous to the interests of Slavery. And if Congress also maintains the doctrine of the Supreme Court, and insists that *this Government was constituted to maintain the rights of all men under its exclusive jurisdiction to life and liberty*, we of the free States will soon be exempt and purified from the crimes and guilt of Slavery, and the doctrines of the Free Democracy—the doctrines of Jefferson and of the Congress of 1776—will be established firmly and forever.

This, sir, is the great issue between the supporters of Slavery and the advocates of Liberty, and we are as willing to meet that issue on this Amistad case as on any other subject. Principles are uniform and universal, and should guide statesmen in all cases. He who holds "*that all men are created equal,*" will never deny that these Africans were clothed with all the attributes inherent to our race; he who holds "*that all men are endowed by their Creator with the inalienable right to liberty,*" will never vote to pay those Spanish slave dealers for their failure to enslave those to whom God had granted the inestimable boon of freedom; he who holds "*that this Government was constituted to secure the right of life, liberty, and happiness,*" to the people, will never vote to prostitute its powers to encourage the slave trade, to maintain oppression, or dishonor our race.

GEORGE W. JULIAN,
Attorney and Counsellor at Law, Centreville, Indiana,

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