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NEW JERSEY FOR THE UNION.

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SPEECH  
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OF

HON. JAMES M. SCOVEL,

SENATOR FROM CAMDEN,

UPON THE

Bill Prohibiting the Enlistment of Negro Troops in New Jersey,

*Under a Penalty of \$500, or Imprisonment for Five Years.*

DELIVERED MARCH 16, 1864.

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NEW JERSEY FOR THE UNION

SPEECH

HON. JAMES M. SCOVILL

I DEDICATE

THIS SPEECH TO THE PATRIOTIC  
PRESIDENT OF A FREE PEOPLE, OF WHOM  
IT HAS BEEN SAID, WITH JUSTNESS AND TRUTH: "IF  
GEORGE WASHINGTON MADE THE REPUBLIC,  
ABRAHAM LINCOLN SAVED IT."

J. M. S.

Bill Prohibiting the Exportation of Goods from New Jersey

1862

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1862

## NEW JERSEY FOR THE UNION.

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MR. PRESIDENT:—A year ago I stood in the lower House of this Legislature, in opposition to the peace resolutions offered and advocated by a majority of the Senators upon this floor. These resolutions sought to purchase peace at the price of our national honor. These resolutions, about which the dominant party in the Senate have observed a silence at once ominous and remarkable, united the morality of Louis Napoleon with the language of Machiavelli. They trifled with the conscience of the State as the rebellion has sought to trifle with the conscience of the nation; for when Chief Justice Taney announced from the highest court in the land that the everlasting curse of human bondage was the supreme law, before which absolute justice must bend and break, then the great popular heart stirred to its depth, and conscience, with so delicate a voice that it is often stifled, spoke in so clear a tone that its accents could neither be mistaken nor its mandates disobeyed.

Some of us came up slowly to the help of the Lord against the mighty. Mental servitude had become an attribute of the North as much as bodily servitude was the institution of the South, till, with as much wit as truth, a son of New England said, replying to Daniel Webster, "Yes, there is no North; *it is the South all the way up to Canada!*"

Soon it permeated the minds of the people that when a Chief Justice said, in the latitude of Washington city, "that a negro had no rights which a white man was bound to respect," the true intent and meaning of such language in the atmosphere of Charleston was, that "no Northern mudsill has any right which a Southern gentleman is bound to respect." Then the shotted guns of Sumter opened, while manhood and moral courage took

the place in the mind and heart of the American people, of concession and pusillanimity.

We have refused allegiance to our principles; we have refused to pay the price of national honor and virtue; and we are sued in the courts of destiny, and the case is this day on trial. And I need not speak of the eagerness with which the eyes of Europe are turned towards America—that land which a distinguished Englishman says “privilege every morning, with blatant breath, begins to curse because it dares to be prosperous and happy without a monarchy, without an aristocracy, and without a priesthood, who are the licensed venders of salvation wrought by love.”

Mr. Speaker, I confess the hesitation with which I approach the discussion of this bill, which is now before the Senate. My only desire is to proclaim those sentiments of future policy which I believe are intimately connected with the future glory of our country. And, Sir, I trust that I belong to that class who believe the greatest glory of a free man is to be a good citizen. And a good citizen prefers liberty to luxury, and honor to profit. He holds that, next to dying for one's country, the greatest glory is to live for her interest and her honor. I have no aspirations, no ambitions, which do not go forward in longing for that peace which shall dawn upon the end of this terrible and righteous war, a peace which, in the language of Abraham Lincoln, “I hope may come soon, and when it does come will come to stay, and will be worth the keeping.”

Whenever I look upon that flag, Sir, with every impulse of my heart there rises a sentiment of affection and of honor. I know that God has given the country to men who can defend it, and to women who, in its service, consent to the sacrifice of their husbands, their brothers and their sons. And the man, whoever he is, and whatever place he may fill, who will not protect and defend the land that gave him birth, is a dastard and a coward.

The bill before the Senate, Mr. President, is entitled “An act to regulate the appropriation of moneys raised

by the authority of this State, for war purposes." I frankly confess that I differ from my honorable friend, the Senator from Union (Mr. Jenkins), in the views he entertains for the causes and of the conduct of the war. General sagacity and uprightness cannot contend against the prejudices among which a man is born, which are the breath of his nostrils to him. As God has no attribute which sides with the oppressor, so man ennoble himself by becoming the advocate of the oppressed. Bishop Hopkins may thunder in a small way to a very select audience that slavery is a divine institution, and compel his auditors to bow down to the narrowest interpretation of individual texts. But the heart relying on the spirit of Scripture still whispers what every grand thinker the world has ever produced boldly proclaims—that all men everywhere ought to be free.

You cannot make science utter a lie in the face of the universe, and declare that the sun moves round the earth and the earth stands still. The terrors of the Inquisition are nothing, and Gallilio whispers "*E pur si muove.*" *It does move, though.*

Aye! And New Jersey moves. Only a year ago we were threatened with revolution in the North if a single soldier who was not a white citizen should enlist and fight against "slavery in arms." And now a single township in the county of Warren has paid ten thousand dollars for bounties to colored soldiers; and not less than three thousand black soldiers have left New Jersey to revenge their slaughtered brothers at Wagner, Port Hudson and at Vicksburg. Aye! Even New Jersey moves.

Never again will an insolent majority on bended knees supplicate for peace, and herald to all the world that this war for law, for liberty and for humanity is "causeless in its origin, and dangerous to the liberties of the people."\* Never again will men offer upon the floor of this Senate to join any of the sister States of the Union to carry into practical effect a war upon the Federal Government.

\* Peace Resolution No. 3.

So wide spread and so thorough was the delusion in this regard in the remnant of the Democratic party, that they unconsciously became the apologists and defenders of human bondage and its villainies.

We find the present Executive of this State declaring, in his inaugural address, (page 14, 1863): "We are told that the belief that slavery is the cause of the war, and that the war can never cease and the life of the nation be preserved until slavery be abolished, has lead to a departure from the original purpose of the war. *This is the radical error of the Emancipationists. Slavery is no more the cause of the war than gold is the cause of robbery and murder.*"

Compare this with the avowal of Alexander H. Stephens, the associate of Jefferson Davis, in a speech delivered in Savannah, on the 21st of March, 1861. He says: "The new Constitution has put to rest forever all the agitating questions relating to our peculiar institutions. *African slavery, as it exists among us, is the proper status of the negro in our form of civilization. THIS WAS THE IMMEDIATE CAUSE OF THE LATE RUPTURE AND THE PRESENT REVOLUTION.*" Between such eminent advocates of slavery as the Governor of New Jersey and the Vice President of a moribund Confederacy, who shall decide?

Outside of this State, and excepting the city of New York, I do not know where it is seriously contended that "abolitionism and secessionism" were the cause of the war. Yet such was the opinion deliberately expressed by Joel Parker in his inaugural address in 1863, and boldly avowed in his annual message of January 12th, 1864. He thinks, too, that if the policy of emancipation had not been inaugurated, the mass of the people in some of the Southern States would have "supplanted their rulers and returned to their allegiance." A greater fallacy was never uttered. Let Maryland and Missouri and Arkansas answer, where you cannot find any fugitive slaves, but where fugitive masters abound. There, where wisdom has been born of this terrible contest, they hold that slavery, like Achan's wedge of gold,

is an accursed thing, and they gladly tear down the rebel banner and run up "our beautiful flag."

But in Kentucky, where neutrality prevailed,—and neutrality in a struggle between freedom and barbarism is a monstrosity,—where neutrality prevailed, we now find Governor Bramlette threatening to resist the enlistment of negroes as soldiers. Kentucky answers New Jersey while South Carolina applauds!

And I venture the assertion that outside the rebel lines there is no Legislature that dares to defy the Federal Government by passing so iniquitous a measure as the one under consideration, unless it be the Legislature of the State of New Jersey. No man whose heart is with his country can read the bill without condemning it. It provides, "That from and after the passage of the act it shall not be lawful for any part of the moneys now raised, or which may be hereafter raised for war purposes, to be used for the employment of negroes as soldiers; and any one offending against the provisions of this act shall, for each and every offence, upon conviction, be subject to a fine of not less than five hundred dollars, and imprisonment for a term of not less than five years."

And I would be glad to know whether this bill meets the approval of the Governor of New Jersey. When such a measure was proposed for the county of Union, I said that the policy of negro enlistment under the laws of the United States had met the sanction of the Executive of this State. I was glad to credit him with sustaining the Government after his own fashion. I appreciate the social virtues of Joel Parker, but I am not bound to admire that easy political virtue which writes a sympathizing letter to a Vallandigham meeting, declares against the suspension of the writ of *habeas corpus*, and says, in the face of a popular majority of nearly two hundred thousand, that the Proclamation of Emancipation is a mistake, intimates that it is unconstitutional, and ends by declaring it an "obstacle in the way of peace." Sir! We have had too much of this style of supporting the Government.

New Jersey, to-day, is full of Union men with Confederate principles. Like the Cavaliers in the days of the Pretender, they hold their wine glasses above their water glasses, and drink "to the King"—*over the water*. They say, (these half-hearted Union men),

"God bless the King, God bless the faith's defender.  
The Devil take the Pope and the Pretender;  
But who the Pretender is, and who King,—  
God bless us all,—is quite another thing."

I charge now, as I have charged before, that the Governor of New Jersey was elected in the interest of slavery, and that Democracy, as officered and manned in New Jersey, is in sympathy with treason and rebellion.

If you decorate your Senatè Chamber with an American flag, a State flag must be elevated beside it. The doctrine of State rights, a political falsehood, and a delusion, is boldly proclaimed as part of the new gospel of peace. Three weeks since, the Senator from Bergen (Mr. Holsman) declared himself in favor of a vigorous prosecution of the war, and I congratulated the Senatè that since he was in favor, now, of a war with white men, in the next year he would be eloquently for carrying the war into Africa, *with Africans*. But, Sir, the Peace Committee met at the New York Hotel, on the 22d day of February, desecrating the anniversary day that gave birth to George Washington, and since then the Senator from Bergen, in almost the identical language of the pronunciamento of the Rebel Congress, declares that he is now, and has been since the firing upon Fort Sumter, against the war. My accusation against "Democracy as it is," hath this extent. It is without honest purpose or principle. If it pretends to be for the war in Pennsylvania, it is for peace in New Jersey. And when General Lee was marching through the beautiful and fertile valley of the Cumberland up to Harrisburg, the Democratic party was joyously assembling in the State Capital of Pennsylvania, to nominate George H. Woodward, who said "it was a sin to think against slavery," and that the time must come when the South could fall back upon her natural rights, and use

all the means she possessed, or could command, in defence of her soil. No wonder that General Lee hastened to ratify a nomination so opportunely made! No wonder a single voice was not raised in that convention which found the latitude of Harrisburg suggestive of shot and shell. And it is not singular that a retired Major General, in the U. S. Army, who would make a "capital engineer for a stationary power," wrote his distinguished considerations on the eve of a most significant election, to Mr. Woodward, who believed that "slavery was a blessing!"

And, while this subject is in my memory, let me say that the saddest sight that my eyes ever beheld was the sight of the weary thousands who thronged the bridge across the Susquehanna, on the 19th day of June, in the year of grace 1863; old men, tender women and helpless children, for the first time in their lives aliens to their hearths and homesteads, they had gathered together their household Gods, and sought shelter from the Goths and Vandals of barbarism—sought shelter and protection on the peaceful banks of the Juniata. The recollections of these scenes can never be effaced, and till they have passed from my mind, let no more ask me to pause in my efforts to point to my countrymen the perils which threaten the republic. One of the finest passages in Roman history tells us that after the battle of Cannæ, when disaster and defeat had followed the Roman general, the Senate went beyond the walls of the imperial city to thank their general that he *had not despaired of the republic*.

To that man who would stop the victorious banners of the armies of the Union, by cavilling at the proclamation of emancipation, I would answer that it was six months after the head of the nation had invoked the "considerate judgment of mankind and the gracious favor of Almighty God," on that proclamation, before—standing by the unnumbered graves of our dead in the nation's cemetery—we could say, "of the two great efforts to enslave the English race in body and mind,

the first met its grave at Marston Moor, the second at Gettysburg."

But to return to the political decline and fall of New Jersey. In 1849 both Houses of this Legislature, by joint resolution, declared slavery to be an evil, and instructed our Senators and Representatives in Congress to vote against the extension of human bondage in the Territories. (Pamp. Laws, p. 334, 1849.) But soon the leading politicians who represented the dominant power became—by social ties, or by the powerful influence of interest—wedded to the cause of slavery. New Jersey became pro-slavery in sentiment, or at least, the dominant party were for slavery rather than for the Union.

It sent Senators to Congress who defended the institution. It sent members to the lower House who worshipped at the shrine of Jefferson Davis—then, as now, the leading spirit of Southern aggression.

A monster monopoly, which subsidized newspapers, and treated the consciences of legislators as a merchantable article—a corrupt corporation, which may yet learn that "corruption win not more than honesty"—aided and abetted this spirit of pro-slavery fanaticism. A man who was for liberty, and against the despotism of men who called themselves the "master race," was ostracised in private and in public life.

It was during the time when James Buchanan made Lecompton a test. He and his viceroys made power tyranny, and they made tyranny contemptible. I then felt as I now feel—that obedience to such behests was a crime.

I declared in 1858 that if the creed of Buchanan on the Kansas question became the policy of New Jersey, and in the country, the Democratic party would become a political and moral abomination.

The money power and the slave power triumphed, and controlled the Democracy in the district in which I resided. The Kansas candidate, who believed in Buchanan, was nominated and defeated.

I said, in the Philadelphia *Press* of October 19, 1858: "The man who is chosen to bear the Democratic stand-

ard this fall must bend to the anti-Lecompton sentiment; the *principle* will not bend to him, and no shifting or truckling on that question will satisfy the people or subdue the voters of the First District, and woe be to the candidate for Congressional honors who has already pledged himself against the double dealing of a treacherous Administration and has then turned back."

From that day to this I have been in undying hostility to that sort of Democracy which hates liberty, loves slavery, and would rather celebrate the funeral rites of constitutional liberty amid the incantations and orgies of Secession and Rebellion, than see the triumphant advance of civilization which strikes the shackles from the Slave and tells the oppressed to go free.

Since 1860 the history of New Jersey has been written so that all the world has read it. I yield, Sir, to no Senator on this floor in regard for the honor of New Jersey—dearer to me than life itself. For her I have labored, for her I have made sacrifices which it does not become me here to narrate, and for her future destiny I shall do battle with my latest breath, hoping—aye, and praying—that she may yet be free. But, Sir, and I say it with shame, the political history of this State for three years is one of which no patriot can be proud, save as its darker lines are made glorious and lustrous by the deathless courage of New Jersey soldiers, who have made crimson on every battle field from Roanoke to Gettysburg, with their blood, the banner of victory.

Mr. President, I am charged with being political, rather than argumentative. But, Sir, this is a political question; it is a capital cause we are trying. The nation is on trial for its life. The Democratic party has already been tried and condemned. Has it anything to say why sentence of death should not be pronounced against it? I pause for a reply. Who are its advocates? Is it the sage of Monticello, Thomas Jefferson—a Virginian when Virginia was the mother of Presidents, and not the grave of Northern patriots? No. Who is it, then, who cometh with dyed garments to defend "De-

mocracy as it is?" Ah! Now I behold the melancholy procession! At its head I do not find the sage of Monticello, or the "War Horse of the Hermitage," but I behold Chauncey Burr, the Senator from Bergen (Mr. Holsman) and David Naar!

And now, Sir, a few words upon this measure, which I understand has the sanction of the Democratic caucus, and I have done. I oppose the bill because—

*First*—It contravenes the laws of Congress.

*Second*—Because it is against public policy and against the rights of mankind.

The laws of Congress passed in and since the year 1862 authorize the President to enroll, arm, equip, and to receive into the land and naval service of the United States such number of volunteers of African descent as he may deem useful to suppress the present rebellion, for such term as he may prescribe.

Under and by virtue of these several acts of Congress, as I am informed by the chairman of the Military Committee of the United States, 80,000 colored men, many of whom were once slaves and are now freedmen, are enlisted in the armies of the Union. At least 30,000 more of these despised Africans, about whom the majority of the Senate talk so much and care so little, are employed by the Government, though they do not wear a soldier's uniform. These black men carry a flag which is the symbol of nationality, of power and of liberty, and they have never disgraced it. It is, then, the settled policy of the United States Government to employ black soldiers. The experiment has been made under the laws of Congress. It has succeeded.

And now I suppose the Legislature of New Jersey sends greeting to the War Department, with instructions to desist from enlisting, under a penalty (for citizens of this State) of "a fine not less than \$500, or imprisonment for a term of not less than five years." I am pleased to be able to state that Democracy with Edwin M. Stanton does not mean "strategy and peace," but means "fidelity to one's country." The prospect, there-

fore, of impressing the peculiar views of a majority of this House in that quarter is quite slender.

The object of this bill is either to deceive the people or to embarrass the government. If to deceive the people, it is not a new game which is now played for the first time; if to embarrass the Government, it is only a new foe with an old face, for the election of Horatio Seymour on a war platform was soon made the occasion for organizing an armed mob, who *declared for peace* in the city of New York with torch and sword!

Let there be sincerity between us. The South began this war in the interest of slavery. We began the war for the Union; we carry it on for the Union; and we will end it by subduing the rebellion, and by subjugating the "fugitive masters" in the South. The war for us is necessarily and justly in the interest of Freedom, for Slavery is the lion in the way. God binds up the nation's wounds with emancipation. The Constitution was meant to "*secure liberty*," not to protect slavery.

No principle of law is plainer than the one which denies to a State the power to pass laws in conflict with the laws of the United States; and this bill practically raises the banner of resistance, because it resists the law of the Federal Government; and I am glad that the Senator from Union (Mr. Jenkins) abjures the political heresy of State Rights. Perhaps we can meet on friendly grounds, as I learn he was once a Whig, when I quote the language of Henry Clay: "If Kentucky unfurl tomorrow the banner of resistance, *I will not fight under that flag*. I owe allegiance to my native State, but I owe a paramount allegiance to the United States Government."

If it were required, Sir, I could produce volumes of testimony to the bravery and efficiency of our colored soldiers. General Hunter, in speaking of the First Regiment of South Carolina Volunteers, said: "I am glad to be in the midst of you—glad to have seen so fine an exhibition of proficiency as you have shown this day. I only wish I had a hundred thousand of you to fight for the freedom of the Union."

Commodore Dupont wrote from Port Royal his gratitude to the contrabands who had rallied around him, and his declaration is: "They serve us with zeal, make no bargains for their remuneration, go under fire without the slightest hesitation, and, indeed, in our cause are as 'insensible to fear' as Governor Pickens. Some of them are very intelligent."

At Wagner, when the gallant Shaw, of the Fifty-fourth Massachusetts, fell with his feet to the foe and his back to the field, a black sergeant, wounded and bleeding, dragged himself forward when the color bearer fell, and, wrapping the flag about his body, crawled back, amid a deadly rain of artillery; and when he whispered to the white soldiers in the hospital, "I saved the flag," three cheers went up for the black sergeant of the Fifty-fourth.

Let me assure the other side of the chamber that the reign of force is ended, and even chivalry begins to understand that *ideas rule the world*; civilization wrestles with prejudice as the angel of old wrestled with the patriarch, and prejudice will be smitten to the death.

I oppose this bill because it is against the rights of mankind. The nation has outgrown the Dred Scott decision, and the conscience of the nation is at last satisfied that God's lesson for America is that absolute justice to the African in mental and moral emancipation to the white man.

I beg leave to refer to George Bancroft's views upon the effort to betray the rights of man at the command of passion and prejudice. He says: "That ill-starred disquisition is the starting point of this rebellion, which, for a quarter of a century, had been vainly preparing to raise its head. 'When courts of justice fail, war begins.' The so-called opinion of Taney, who I trust did not intend to hang out the flag of disunion—that rash offence to the conscious memory of the millions—upheaved our country with the excitement which swept over those of us who vainly hoped to preserve a strong and sufficient, though narrow, isthmus that might stand between the conflicting floods. No nation can adopt that judgment

as its rule and live; the judgment has in it no element of political vitality. I will not say it is an invocation of the dead past; there never was a past that accepted such opinions. If we want the opinions received in the days when the Constitution was framed, we will not take them second hand from our Chief Justice. We will let the men of that day speak themselves. How will our American magistrate sink when arraigned, as he will be, before the tribunal of humanity! How terrible will be the verdict against him when he is put in comparison with Washington's political teacher, the great Montesquieu, the enlightened magistrate of France, in what are esteemed the worst days of her monarchy!

“The argument from the difference of race which Taney thrusts forward with passionate confidence as a proof of complete disqualification, is brought forward by Montesquieu as a scathing satire on all the brood of despots who were supposed to uphold slavery as tolerable in itself. The LIGHTS OF MANKIND—that precious word which had no equivalent in the language of Hindostan, or Judea, or Greece, or Rome, or any anti-Christian tongue—found their supporter in Washington and Hamilton, in Franklin and Livingston, in Otis, George Mason and Gadsden—in *all* the greatest men of our early history.

“The one rule from which the makers of our first Confederacy, and then of our National Constitution, never swerved, is this: To fix no constitutional disability in any one. Whatever might stand in the way of any man from opinion, ancestry, weakness of mind, inferiority, or inconvenience of any kind, was itself not formed into a perfect disfranchisement.

“The Constitution of the United States was made under the recognized influence of the eternal rule of order ‘and right,’ so that, as far as its jurisdiction extends, it raised at once the numerous class who had been chattels into the condition of *persons*. It neither originates nor perpetuates inequality.”

If the Constitution does not perpetuate inequality shall we?

Thomas Jefferson said: "The opinion that they (the colored race) are inferior in the faculties of reason and imagination must be hazarded with great diffidence." (Jefferson's Works, Vol. VIII., pp. 386.) He said afterward: "I expressed these views, therefore, with great hesitation; but, *whatever be their degree of talent*, it is no measure of *their right*. Because Sir Isaac Newton was superior to others in understanding he was not, therefore, lord of the person and property of others."

We are now paying the price of our national vices, as well as virtues. If this nation had been without virtues, we would possibly have been at peace, but it would have been the peace which follows dissolution and death.

The monument at Bunker Hill stands for Prescott and Putnam and Warren, and it also stands for Salem, the colored man who shot the gallant Pitcairn as he mounted the parapet.

Red Bank, in the Revolution, and Bladensburg and New Orleans, at a later day, attest the valor of the colored soldier.

Our unfriendly legislation will not stay the eternal laws of order and right. Let us rather hasten the advance of that day when we may "realize truth without suffering, and follow the triumphant road of justice without watering it with tears." The revolution through which we are passing is a necessary one, and if we are true to ourselves it will be one fortunate for all the world. Let us endeavor to elevate a race which for centuries has been despised, and in doing this we elevate ourselves.

The struggle will soon be over. The right never fails in the eternal years of God. And this country will become what Garibaldi and Cavour dreamed that Italy might be. Privilege will no longer stalk in our streets, while justice speaks with "bated breath and whispering humblances;" and as we look over this continent, we will say of our native land in the next four years that, "Under such an Administration as that of Abraham Lincoln this country will become what it ought to be, and what I believe its Divine Author intended it to be—not a vast plantation for the breeding of human beings for the purposes of lust and bondage, but a new valley of Jehosaphat, in which the nations of the earth, acknowledging and worshipping a common God, will assemble and celebrate the resurrection of human freedom."