

Alabama

AN ADDRESS

TO THE

CITIZENS OF ALABAMA,

ON THE

CONSTITUTION AND LAWS

OF THE

CONFEDERATE STATES OF AMERICA,

BY THE

HON. ROBERT H. SMITH,

At Temperance Hall, on the 30th of March, 1861.

[PUBLISHED BY REQUEST OF THE CITIZENS OF MOBILE.]

MOBILE:

MOBILE DAILY REGISTER PRINT.

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1861.

Permanent Government for the seceding States upon the same principles, which shall be submitted to Conventions of such seceding States for adoption or rejection."

We met and consulted and framed a Provisional Government, by adopting the Constitution and enacting the laws to which you are now obedient, and we have submitted a plan for the creation and establishment of a Permanent Government of the seceded States. I am gratified to know that our State Convention has accepted this Constitution by an almost unanimous vote and the act meets, so far as I have ascertained, the approbation of our people.

The first question, which necessarily arrested the attention of the Convention was what powers should it exercise, in view of the authority conferred and the condition and wants of the constituency represented. We assembled as the Deputies of six separate States for the purpose of securing concerted and harmonious action in such measures as might be deemed most desirable for our common peace and security; and to this end we were instructed, as I have said, to frame a Provisional Government upon the principles of the Constitution of the United States.

Each State had seceded with the expectation of speedily forming a close bond of union with her sympathizing sisters, and the great object of the Convention was to bind together the broken fragments of a separated, but homogeneous people, and thus "establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves, and our posterity."

The long strife with the non-slaveholding States had ended in a disruption of our relations with the Government. The Constitution of our Fathers had been long and persistently abused to our injury, until a hostile party was coming into power, whose rule of action was the almost single idea of embittered hate towards our people and our institutions, unmindful of the Constitutional guaranties which were intended as checks against popular majorities. It's elected President looked to his advent to power with the narrow vision of a sectional partisan and heard in the complaints and saw in the resistance of a free people nothing but the clamor of rebels, who were to be punished. It is impossible to doubt that it was Mr. Lincoln's policy, under the name of enforcing the laws, to retake the forts, to collect the revenue of the United States in our Ports and to reduce the seceded States

to obedience to the behests of his party. His purpose therefore was war upon, and subjugation of our people. I need not tell you that this state of things demanded prompt and united resistance and that the position assumed by the seceded States was to be maintained at any and every hazard. Each State had for herself put on the armor of war, but the cause was a common one, and the cardinal object of assembling a Congress was to meet and provide for a common exigency; and the required Provisional Government could only be framed, so as to respond to the high purposes aimed at, by the exercise of legislative powers. Indeed the letter of our authority would not have been fulfilled, had we simply made a Provisional Constitution without the enactment of laws; for by stopping at the creation of the fundamental law, we should have performed but one important part in framing a Government.

The necessities of the occasion demanded prompt and efficient military organization under the direction of one power; the collection of revenues at a few seaports for defraying the expenses of the common cause; the enactment and administration of laws emanating from an acknowledged head empowered to speak, within the sphere of its authority, in the name of the whole; the creation of a Government which would command obedience at home and acknowledgment and respect abroad, and which, by the promptitude, efficiency and wisdom of its action, might avert the calamities of war, or, failing in this high hope, successfully maintain, through the last appeal of nations, the rights of these States.

For myself, I never doubted but the warrant of our authority, the expectations of the public and the necessities of the occasion, demanded that the Convention should adopt and put in motion the Government of the Confederate States, by enacting as a Congress such laws as the exigency required. In my opinion, we are this day indebted to such a course for the pacific policy now beginning to prevail at Washington; for a change from threatening war to promised peace; for that revival of confidence which business to-day exhibits in your streets, and for that cementing together of public opinion so happily illustrated in the councils of our State in the adoption of a permanent Constitution; and what is more and least disputable, to it we are indebted for the power of this Confederacy to maintain by arms the position we have taken.

“Congress shall discharge any debt contracted before the passage of the same.”

A new policy is to be inaugurated in regard to postal affairs; for the permanent Constitution declares that the expenses of the postoffice department, shall after the 1st day of March, 1863, be paid out of its own revenues. Without entering upon the mooted question whether the correspondent should pay for the transmission of his own letters or whether cheap postage should be purchased at the expense of the whole people, the clause in question recommends itself to me for the secondary benefits it will bring; for it is manifest that the much abused franking privilege is thus cut up and that our mails will not be loaded with the carriage, nor our treasury burdened with the printing of political trash, tending more to mislead than to enlighten the public mind. I am pleased to say that our postal act is in conformity with these views.

The question of negro slavery has been the apple of discord in the government of the United States since its foundation. The strife has now and then lulled, but has not ceased. All observing men must have felt, for at least ten years, that this fanatical agitation was the death knell of the Union. A triumphant party, that repudiated the constitution and set up a law higher even than that of the Bible, came into power on a single idea—hostility to our people and our rights. We have long borne with the evil and endured reproach, until our national character has been greatly injured, and our enemies have read, in our forbearance, a want of courage to defend our rights. The scales have at last fallen from their eyes, and they begin to survey with surprise and regret the deed they have done. But the die is irrevocably cast. *Henceforth and forever* we are separate nations. The Confederate States are a nation; to be maintained in peace if it may be, but to be maintained.

The institution of slavery is as old as the records of man. It has found its existence in the polity of every nation, civil or ecclesiastical, ancient or modern. It was firmly established in the laws of the Jews, and is recognized in the Revelations of Christianity. The pages of earliest profane history are full of its existence, “It spread from Chaldea into Egypt, Arabia and all the East, and found its way into every known region under the heaven.” ’Tis part of the song of the seige of Troy. Hector in taking a tender, and perhaps last farewell of his wife, tells her that, on the conquest of Troy, she would be compelled

"To bear the victor's hard commands, or bring
The weight of water from Hyperia's spring."

Rome, in all the pride of her power and the progress of her knowledge and her arts, and long after the conversion of Constantine to Christianity, bound hard upon her captives the fetters of a galling slavery. The ancient German, it is said, in his thirst for gaming sold himself to slavery upon the throw of the dice; and Great Britain, who boasts that "slaves cannot breathe in England," but who, in her apprentice system, is now forging for freemen fetters at which humanity revolts, abolished the institution of slavery within her own island home and from her own immediate subjects only in the reign of Queen Elizabeth.*

But let the subject pass. Its discussion is not our theme to-night, and were it, we might end it by saying, our rights, as written in the contract, have been persistently refused and violated and the war of "irrepressible conflict" waged upon the guarantees of the Constitution. I repeat it, the deed is done, and is final; and, taking this as our stand point, we turn to the rising sun and see where we now are in respect to this institution.

The right of transit and sojourn with our slaves in any State of the Confederacy is secured, and slaves escaping or lawfully carried from one State or Territory to another, shall not be discharged from service or labor by any law or regulation therein, but shall be delivered up on claim of the party to whom they belong; and the power to acquire new territory and legislate for the inhabitants thereof, is subject to the qualification that, "the institution of negro slavery, as it now exists in the Confederate States, shall be recognized and protected by Congress and by the territorial government; and the inhabitants of the several Confederate States and Territories shall have the right to take to such Territory any slave lawfully held by them in any of the States or Territories of the Confederate States." Thus, by language too plain to be misunderstood, is the question of our rights in the Territories settled—and upon the principle that what is acquired from the common means of the whole is held in trust equally for each and every part, and that property under the Constitution must remain such under the Acts of Congress.

So much for this question of strife; but there was another point of view from which our institution was to be regarded and treated: one solely concerning ourselves. I mean, of course, the African slave trade.

Had we been sitting as Legislators for Dahomey, the richest

* See Encyclopedia Britannica, Title Slavery.

Let the negro philanthropist come to the confessional and make restoration for all the rights which he holds from a wrong, and we will then listen to him; but till then let him be silent and abashed.

As an economical question the fact is before us that about four hundred thousand Africans have been imported into the United States. From these have sprung about four millions of improved, civilized, hardy and happy laborers.

Cuba, on the other hand, has relied upon Africa for recruits, and a fresh supply is constantly necessary to keep up the population of her slaves.

We have dissolved the late Union chiefly because of the negro quarrel. Now, is there any man who wishes to reproduce that strife among ourselves? and yet does not he, who wished the slave trade left for the action of Congress, see that he proposed to open a Pandora's box among us and to cause our political arena again to resound with this discussion. Had we left the question unsettled, we should, in my opinion, have sown broadcast the seeds of discord and death in our Constitution. I congratulate the country that the strife has been put to rest forever, and that American slavery is to stand before the world as it is, and on its own merits.

We have now placed our domestic institution, and secured its rights unmistakably, in the Constitution; we have sought by no euphony to hide its name—we have called our negroes "slaves," and we have recognized and protected them as persons and our rights to them as property. We have further declared that

"Congress shall also have power to prohibit the introduction of slaves from any State not a member of, or Territory not belonging to, this Confederacy."

I trust it may not be necessary to exercise this power, because I hope to see the Southern States of the United States joined in Government with us; but the power was essential, and, as a legislator, I shall be ready to exercise it to absolute prohibition whenever I shall be driven to adopt the conclusion that these States have chosen to remain a fringe upon the skirts of New England abolition. I shall then think the day has come to force them to keep their blacks or to seek other outlets for them than this Confederacy.

"Other States may be admitted into this Confederacy by a vote of two-thirds of the whole House of Representatives, and two-thirds of the Senate, the Senate voting by States."

on the field of battle; and he has summoned into his cabinet men of national renown and established capacity and honor.

We have placed, in the next highest office, him who stood second to none among his Peers in the Congress of the United States. We have raised and put into the field a national army of ten thousand men, officered by the flower of the soldiery of the old Government, and our several States have raised the best spirits of the land, who stand ready to throw themselves into the front of the battle. So rapidly and effectively have our military operations gone forward that Fort Sumter is about to be surrendered, and already are we told that, on sober second thought of the authorities at Washington,

“Grim-visaged war hath smooth'd his wrinkled front.”

In my opinion, we shall have no war. We shall have none because we are ready to meet and maintain the stand we have taken, and because we are right, and the soldiery of the United States know we are, and will not fight against us.

We are organizing a navy sufficient for coast defences, and shall be ready to keep our ports open; and should a blockade be attempted, Europe will see that it must be close and effectual to be regarded; and when the little navy of the United States shall be persuaded to fight our people, or to attempt to blockade our ports, we will license the privateer to prey upon the unprotected commerce of the North. But Mr. Lincoln, we are told, has at last ascertained that he has no power to collect revenues, otherwise than at the custom-houses and through the officers of custom and the courts of the country; nor power to blockade the ports, or to attempt it; and descending from his big words he has drivelled down to the puling and imbecile head of a fanatical party, and is reaping a rich harvest of abuse from his radical Republican journals; while Mr. Seward is no doubt enjoying over again his day dream, by standing in imagination on the shores of the Northern Lakes and contemplating the spread of Northmen over frozen lands.

We have originated and will soon put in motion an effective postal service; have established courts of justice, and learned and honest judges have been appointed to administer the law; we have sent our diplomats to Europe with the Constitution in one hand and a low tariff in the other; carrying the news that the surrender of Fort Sumter is a “military necessity”; and the intelligence of these material facts will follow fast upon the tidings that the Morrill tariff has become the law of the United States.