

the-field may be wielded to the destruction of the very principle the war was made to sustain.

Since General Scott first announced himself as a candidate for the Presidency there have been under his command perhaps two hundred thousand men; half of whom are now living scattered in the various States. Two-thirds of these are undoubtedly democrats, who are now appealed to by fireworks, and transparencies covered only with the names of battle-fields, without allusion to a single measure, to abandon their principles, for their successful General. And this is Whig politics.

In every light, as democrats, and as patriots, we are glad of this nomination; we exult in the fatuity which thus leads the Whig party to expose its real sentiment and judgment of the people. Having heretofore tampered with the masses successfully, they believe they can continue to do so without exposure or suspicion; they will find, however, this last turn of the peg a little too much for the elasticity of the string upon which they hoped to play another tune for their own dance. No democratic element addresses the masses in the character of General Scott, it is not the kind-hearted, unassuming, benevolent old farmer, General Harrison, this time—nor the bluff old soldier, Rough and Ready, who with all his incompetency for the majestic and exacting duties of the Presidency, never intrigued, bartered, or supplicated for the position. From the time when General Scott made his first mark on the page of our great city, by attempting, in defiance and contempt of popular right, and popular feeling, to build himself a house on the Battery,* and thus make the public promenade a nobleman's grounds, down to the present day there never has been

the smallest indication of republican feeling or regard for the masses from General Scott.

The rank and file need not expect to get near his illustrious person; there will be ushers and guards, and all sorts of etiquette, military and diplomatic, to wade through, before his dignity can be reached. While he will be mere putty under the fingers of those to whose superior sagacity he finds himself obliged to yield, for the sake of his own egotistical ambition, they on whom he may feel it safe to indemnify himself for this forced submission by indulging the petty despotism of an egregious vanity, will find him as broken glass in the handling.

Contrast now the candidates of the two Conventions. Compare the fitness of the two men for the highest civic post in the world.

The one, an aged veteran, a soldier by profession and military instincts, utterly unfamiliar with legislative duties, and ignorant of the popular needs—of a temper naturally despotic, and confirmed in its faults by nearly fifty years of undisputed command—jealous of any merit which approaches too near his own rank and position—only safe as a superior officer, when conciliated by a cautious deference, or flattered by a blind admiration, or served with a slavish zeal.

The other, a young statesman in the fullness of manhood's meridian power, occupying at present no position which could give rise even to the suspicion of undue influence over the act, opinion, or language of a single voter—a public man only at the unsought desire of his fellow-citizens—a soldier only when danger menaced his country. Thoroughly educated, a civilian, a progressive Democrat from the start, the breath of popular rights has nourished his statesmanship from his school-boy days. At once the pupil, the friend and adviser, defender and comparison of the people—such is Frank Pierce, the nominee of the Democratic Convention, and the leader of Democratic action for the next four years.

* Three dollars Reward.—One year's subscription to the *Democratic Review* is hereby offered to whoso will bring us the newspaper containing the account of the campaign of the "b'boys" against old Fuss and his house—when the former triumphantly flung his bricks into the New York harbor.

THE NEUTRALITY LAW:

WHAT DOES IT MEAN, WHAT PROHIBIT AND WHAT PERMIT?

VERY loose ideas are prevalent respecting the law above referred to. The strangest misconceptions of its meaning and effect have been manifested, and in responsible official quarters; to say nothing of hundreds of crude editorials, struck off in the daily haste of partizan service, by writers who have never read the very text of the law in question in their born days, and who, even if they had it before their eyes, possess little historical knowledge of its origin, and less of those habits of critical analysis and legal judgment, requisite for any correct understanding either of the true political spirit, or of the practical prohibitory or penal application of such a law.

Times are coming—nay, the time is fully now—when it is important that this law should be both correctly and generally understood. Let us cast a glance around and abroad—far as well as near—at the novel and peculiar political condition of the community of Christendom, and give a thought to the new relations, and corresponding duties, which have therefrom arisen to us, in regard not merely to the principalities and the powers, but also, and far more sacredly, to principles and the peoples. Let us see what claims exist, what appeals are made upon us; on what rights those claims and those appeals are founded; and what should be our answer and our action. And even if we should then find on our statute books any old law of another century standing in the way of the performance of high and great duties, national or individual, which have grown out of the progressive events and the new facts of our own day and generation, it would behoove us to consider what amendments to the same might be expedient as well as right. But if we find no such restrictive or preventive enactment, but merely an old statute of vague and indefinite terms, open to constructions varying

according to the variety of predisposition with which it is approached, and wholly inapplicable, in any just and proper practical operation, against the good and generous impulses of our hearts, and the clear convictions of our minds, then, while there may, perhaps, be no objection to leaving the harmless antiquity undisturbed on its dusty shelf of obsolete oblivion, will it also behoove us to be well on our guard against those retrograde friends of the despotic reaction, who unhappily at present swarm about the palace of power and the hall of law, tasking and abusing the resources of tyrannical authority, in order to strain its language and pervert its spirit, into applications of it as little intended by our grandfathers as tolerable to ourselves.

Look at the Continent of Europe. See the despotic reaction everywhere triumphant and dominant; all the popular liberties everywhere crushed and chained. The partial exceptions to be found, in varying degrees, and on precarious tenure, in Belgium, Switzerland, and Sardinia, are not enough to break the general truth of this sad statement. The people are completely down, and with the sword-point at the throat are held prostrate there by their imperial, royal, ducal, papal, or presidential tyrants. A permanent state of siege may be said to prevail over nearly the whole surface of Europe. Martial law is almost everywhere the highest, if not the only, law. Omnipresent vigilance and espionage; prompt and fierce vigor, not merely in the repression of all resistance, but in anticipation of even suspected discontent; incarceration of thousands, and expatriation of tens of thousands; and combination for mutual succor and support against the one common enemy, the people,—these constitute the system of the renewed Unholy Alliance of despots which now rules nearly all Europe, with a royal "reign of terror," and

threatens all it does not yet absolutely rule. The people everywhere disarmed; the press everywhere silenced from all other utterance but laudation of government and vituperation of all liberalism; distrust and dissension sedulously fomented between the wealthier and the poorer classes of the people, by a chronic condition of false alarm of socialistic and communistic danger pretended to menace the foundations of society; difficulty everywhere, impossibility almost everywhere, of effective concert or understanding among the scattered members of that headless and helpless giant, an uncombined people; quick and keen skill of police and martial authority, in recognizing or guessing the present or possible future leaders of revolt, and summary and sweeping ruthlessness in anticipating the danger incarnate in their persons, by employment of all the various resources of destruction or paralyzation in the possession of irresponsible power; and finally, crowning and consolidating all, an understood combination of all the vast and varied forces of the different despotisms—

"Distinct as the billows, but one as the sea,"

—pivoting upon the immovable and impregnable base of Russia, multiplied in efficiency through the fatal facilities of the railways and magnetic telegraphs, and ever ready to bring to bear upon each point all the moral and physical powers of the whole tremendous organization of tyranny,—such, in brief outline, is the spectacle of the dominant reaction now presented by the continent of Europe.

We have all been startled and shocked within the past few months, by the extension of this system over France too; and every successive step in that process has elicited a fresh exclamation of horror and disgust,—not unmingled with contempt for the endurance of its victims. Under the lively impression of these new events, many have imagined the state of things to be worse in France than in the other continental countries, and the new régime of Louis Napoleon to be more thoroughly and violently tyrannical than that of the older despotisms of the continent. This is a mistake, naturally enough induced by the sudden contrast between the liberty

and republic subverted, and the slavery and empire abruptly substituted, and by the sharp outcries of a new and fresh agony. But in truth, bad as is the state of things under the bad uncle's worse nephew, it is not to be compared with that to which the other countries were already so far habituated, that the stifled groans of their old sufferings and wrongs, when audible beyond the depths of their own dungeons, had ceased to make much impression on our blunted attention. While the despotism in those countries is not less absolute, (perhaps even more so, being less tempered by moderating influences,) it has certainly been more cruel and sanguinary, in Naples, Rome, Lombardy, Poland, and Hungary, than even in France,—deeply soaked in another purple than the imperial, as is that mantle, lost before on the field of Waterloo, which the traitor and perjured President keeps awaiting some grand day of military pomp worthy of its re-appearance.

Fettered and paralyzed as they may be, the people are, however, thank God, neither annihilated nor changed. That they feel all the weight of the very chains which keep them for the time prostrate, who can doubt? Who can doubt that they still hate tyranny and tyrants, that they still love country and countrymen, and still aspire towards at least a future hope and purpose of freedom? Silenced as may be all modes of expression, for the thought and the feeling fermenting in the depths of the popular as of the individual heart, who can doubt that they are even now pondering upon the mistakes as well as the misfortunes of the past, and that when God sends them the next providential opportunity for the re-assertion of the rights of men and of peoples, they will rise up to the stern and sacred duty, not less brave for the great blow required, while better and wiser than before for the still more important object and duty of securing the fruits of the victory?

Their leaders meanwhile, those of them who have escaped the scaffold and the dungeons which have been the fate of so many thousands and tens of thousands within the past three years, are necessarily in exile. That these men live only in the hope of return to their country, is a matter of course; who could expect, and who among us would wish, that it should

be otherwise? Such return means, of course, revolution, and, as a general rule, though not without exceptions, such revolution means now, of course, republicanism. Italian, German, Hungarian, Polish, French, Cuban, and Spanish, tens upon tens of thousands of these unfortunate men are thus situated, the greater part of them absorbed into the industrial classes of the countries where they may have severally found refuge, and little able to divert any portion of their time from the toils of a precarious subsistence, to the agitation of those revolutionary hopes and plans in which, nevertheless, they take deep interest, and to which many others of their number, on the other hand, devote every thought by day and every dream by night. Thrown together in foreign lands, brethren in a community of misfortune, suffering, resentment, opinion, hope, and aim, they constitute a revolutionary body and force, single while various, united in one cause though each part having its own distinct nationality and patriotism,—and tending to a consolidation in which is perhaps already foreshadowed that happy pacific federation of the future European republics, which is not, we devoutly trust as well as hope, a mere Utopian dream of Christian philosophers and amiable peace congresses. Operating from abroad, the different secret central committees communicate with their friends at home, and extend, as widely as their means and abilities enable them to do, the secret organization of the revolutionary republican party in each country. A cardinal idea with them all is to restrain the people everywhere from premature and uncombined movements, as well as to prepare them, so far as that may be possible, for efficient action when the hour of Providence shall come, and when the signal shall be given by the proper central intelligence,—no tocsin of a mere city insurrection, nor even of a national insurrection, but the great alarm-bell of a continental uprising for freedom, and for right indeed divine.

Of these organizations, the Italian is, as is generally understood, by far the most complete. We are not aware, nor do we presume, that any others admit of comparison with it in this respect. Practical and the national genius have made the Italians more apt than any other peo-

ple for working the machinery of secret associations. Months ago we were credibly informed that the number of members of the secret revolutionary societies throughout Italy, organized at present under the admirable discipline of Mazzini's central committee, did not fall short of four hundred thousand. This is in part effect, and in part cause, of the large amount of money which Mazzini has been able to raise for this purpose. The formation and maintenance of such organization is a somewhat costly operation, with all its incidents of travelling, subsistence of necessary agents, printing, *ciphering*, &c. Mazzini's first loan, of two millions of francs, was promptly taken up, and when we last heard about it, some months back, a second was being rapidly absorbed in the same manner. It was, therefore, with little surprise that we read, in one of Kossuth's late speeches, the following curious account of the state of things at this moment existing, in greater or less degree of completeness, throughout Italy:

"And let me tell you in addition, upon the certainty of my own positive knowledge, that the world never yet has seen such a complete and extensive revolutionary organization as that of Italy to-day, ready to burst out into an irresistible storm at the slightest opportunity, and powerful enough to make that opportunity, if either foreign interference is checked, or the interfering foreigners occupied at home. The Revolution of 1848 has revealed and developed the warlike spirit of Italy. Except a few wealthy proprietors already very unimportant, the most singular unanimity exists both as to aim and to means. There is no shade of difference of opinion either as to what is to be done, or how to do it. All are unanimous in their devotion to the Union and Independence of Italy, with France or against France, by the sword, at all sacrifices, without compromise; they are bent on renewing, over and over again, the battle with that confidence that even without aid they will triumph in the long run.

"The difficulty in Italy is not how to make a Revolution, but how to prevent its untimely outbreak; and still even in that respect there is such a complete discipline as the world never yet has seen. In Rome, Romagna, Lombardy, Venice, Sicily, and all middle Italy, there exists an invisible government whose influence is everywhere discernible. It has eyes and hands in all departments of public service, in all classes of society—it has its taxes voluntarily paid—its force organized—its police—its newspapers regularly printed and circulated, though the possession of a single copy would send the holder to the galleys. The officers of the existing government convey the missives of the invisible government—the diligences transport its agents. One line from one of these agents opens to you the galleries of art on

prohibited days, gives you the protection of uniformed officials, and, if you find no place at a diligence office, determines the directors to send a supplementary carriage. The chief of police avowed openly to Cardinal Antonelli that formerly the palace watched and spied, but now the palace itself is watched and spied, and punished terribly, inexorably, if it dares to interfere with the orders of the invisible government, which never fail to be punctually obeyed.

"The opinion of the enemy being the best evidence of the prospects of the Revolution, I claim your indulgence to tell a very graphic incident.

"A Monsignore, the head of the Secret Police in Rome, came to the English Consul, Mr. Freeborn, reproaching him with having sheltered the enemies of the Papal Government. 'Whatever my sympathies, I protect equally,' said Freeborn, 'all who seek refuge from political oppression under my roof. If to-morrow an insurrection breaks out and you, Monsignore, come to the Consulate to demand an asylum, you shall not be taken out while I am living.' 'On your honor,' said eagerly the Monsignore. 'Yes, on my honor,' answered Freeborn. 'Oh,' said the Police Director, with flowing eyes, and grasping enthusiastically the Consul's hands, 'I shall count on your word—I shall,' and forgetting his official errand, he proceeded eagerly to detail the disguise in which he would present himself.

"Such is the condition of Italy in the very opinion of the Director of the Secret Police; and that this is the condition of all Italy, is shown on one side in the fact that the King of Naples holds fettered in dungeons 25,000 patriots, and Radetzky has sacrificed nearly 40,000 political martyrs on the scaffold, and still the scaffold continues to be watered with blood, and still the dungeons receive new victims, evidently proving what spirit there exists in the people of Italy. And still Americans doubt that we are on the eve of a terrible revolution, and they ask what use can I make of any material aid, when Italy is a barrel of powder which the slightest spark can light, and Italy is the left wing of that army of Liberty of which Hungary is the right."

To what extent the revolutionary organization on similar principles has been carried in other countries, we are unable to say. In both France and Germany it is said to be considerable. Kossuth has already done much in Hungary, and, moreover, has agents many and devoted, so that with time and funds for its necessary expense, we have no doubt that he will effect a result in this important respect of preparation, not less perfect and extensive than that existing in Italy, under the auspices of Mazzini; being enabled, meanwhile, through the same means which are to organize adequate preparation for the proper hour, to effect the not less important object of preventing those premature

attempts, which it is the constant policy of tyranny to precipitate and to crush.

A part of this system of preparation which is in the course of execution among the European patriots or republicans, concerted between the united leaders in foreign countries and the various ramifications of secret societies at home, is of course the purchase of arms and munitions of war for the approaching struggle. That this has already been done to no small extent in England, where Lord Palmerston refused to interfere with commercial transactions of this nature which involved no violation of any British law, is pretty well known. That purchases and contracts of a similar description have been recently made to some extent by Kossuth in this country, is no secret,—as why should it be?

Our government maintains its regular diplomatic relations with all those governments, the worst and the wickedest as well as the best. We duly exchange ministers, dinners, and assurances of distinguished consideration. In reference to all the affairs of public business, or official national relations, these governments represent and embody, to the functionaries of ours, the nations which they respectively rule or misrule. All this is so, and must needs be so, but are these governments every thing, and is our own government every thing in this matter? Are the peoples nothing in the question? Are there not natural relations between our people and their peoples, as well as official national relations between our government and their governments? We of the great Republic of the earth, we of this mighty and yearly mightier young Democracy of the New World, deeply imbued as is our very blood with the mingling currents of the European nationalities, in this great issue between the peoples and their despotic governments,—between the tyrannized democratic masses on the one hand, and on the other the emperors, kings and nobles who keep them tight down by the tremendous resources of disciplined physical power at their control,—are we required to ignore the existence of the former, and to know, to recognize, to regard, to consult the will and pleasure of only the latter? God forbid!

No! it is rather with the peoples than with their false governments, wrongful and

wicked before God; however firm in *de-facto* existence before men, that exist those true national relations of friendship, sympathy and instinctive alliance, which have the highest worth and sacredness for us, the American people. As between the two, the oppressors and the oppressed, we are with and for the oppressed. As the despots everywhere stand by the despots, so do we, the people, stand by the peoples; so do we, republicans, stand by those who live and labor to extend to other lands the blessings of that republican freedom toward which human nature every where tends and aspires, as flame ascends, and for which our example quickens and deepens their longing hopes; so do we the children of a generation which achieved by successful patriotic revolution the independent liberty which is now our happiness, pride and strength, stand by all who aim in sincerity and truth towards the same good and glorious achievement, to be likewise transmitted to succeeding generations of emancipated mankind. We will stand by them, by the free utterance of our warmest words of sympathy, praise and cheer. We will receive them to our shores with open hearts and arms. We will welcome with unpremeditated ovations their worthy representatives and chiefs. We will recognize their known ambassadors who come into our midst, on a higher mission, and with a better and truer title, than the courtly gentlemen who present, in gold-brodered coats at Washington, the official diplomatic credentials which attest them as the agents of their governments. We will do all that may seem good in our own eyes—we the people, acting with the freedom of individual thought and will—to aid them in their noble and patriotic purposes. Let the despots go yearly to the Rothschilds and the like for the loans requisite for their enormous military wants; but the friends and leaders of the people shall not come to us in vain, to ask at our fraternal hands at least such limited aid as it may be in our power to bestow, towards the more efficient organization and preparation of the great popular movement which every day brings nearer and nearer. Nor will we lend them money alone, we will lend, or give, or sell them—and rejoice so to use our incontestable rights of commercial freedom and enterprise—whatever may

strengthen the hands of our unfortunate brethren in the approaching hour of their need, whether it be muskets or munitions, saddles or steamers. Let despot help brother despot if he will, tyrant brother tyrant; we, the people, have the same right to help a brother people, through such agencies as we may recognize as being truly representative of it to us. And we will do more,—some of us at least,—in the exercise of our further incontestable rights of personal freedom, and we will go in person to help them in the hour and on the field of their struggle, in a cause which is not wholly theirs alone, but in some degree the cause of our principles, sympathies and interests as well.

We are not now speaking of the action of our government. Representative as it may be of us, the people, it and we are not one, but in many respects we are thoroughly twain. Its action is collectively national, *ours* may be so extensive as to be in one sense popular, without at the same time ceasing to be individual. It operates only with the army and navy, and the public treasury, *we* with our single rifles, merchant steamers or clipper schooners, and with the humble resources of our private pockets. The country, the nation, the Union, is responsible for *its* collective public action; none but ourselves for *ours*, individual and private as it must be; and provided we violate none of our own laws, conscience and the consequences are the only responsibilities which attend our exercise of the rights of our personal freedom.

It would, indeed, be well, if our government itself could but nerve itself to the degree of Americanism requisite for a worthy and honorable assertion of the true sentiment and spirit of our people, in reference to this great pending issue between the peoples and the despots of Christendom. But nothing of that kind is to be expected from the present men in power among us, nor from any possible men of that party—we mean, any who could by possibility rise in that party to the heights of official power. This is not the aspect of the subject which we have now in view. Accepting as a necessary fact, at least for the present, not only the inaction but the silence of our government,—leaving it to ignore as it may please the existence of any other rights

or claims upon it than those of the governments diplomatically known to it on paper and parchment, and to shut its eyes and its ears to the existence of *peoples* under and behind those governments, different from them, wronged and oppressed by them, hostile at heart to them, and only awaiting the auspicious hour for the exercise of the sacred though hazardous right of insurrection against them,—knowing that this is all that is now to be expected from our government, and assuming it to be all that ought to be looked for from it, it is the totally different question of what *we*, we of the people, ought to and have the right to do, to which we now confine our attention. We have already indicated the question practically submitted to us by the great and rapid events of the day; and we are sure that we have not erred in indicating the general response of the sound, warm democratic heart of our people.

It is true that this answer, and the spirit of this answer, as we have indicated it, are not universal, as the question addresses itself to all the various classes, parties, interests and opinions which go to make up the totality of our national existence. We have but indicated the general or the prevailing response, without meaning to evade the confession that it is not without many, loud and influential exceptions.

In the first place, we have what may be fairly called anti-republican or anti-American opinion and party among us. We do not say that every whig belongs to this party, nor that a majority of the whigs belong to it—thank God, no!—but we do say that every one of this party (and its influence is far from being insignificant in our large cities) is a whig; infallibly and necessarily a whig, unless he happens to belong to that miserable and mercenary class of mere hypocrite democrats who, without either democratic conviction or sentiment, corrupt while they cumber our noble party, for the sake of the profits and the honors which they seek to secure by a loud lip-service on its side. This anti-republican party in our republic, anti-democratic in the midst of our democracy—Hibernia Hibernior—is more thoroughly Austrian than Austria herself. Compelled to dissemble its anti-popular ideas and instincts, it hates the opinions,

the measures and the men to which it stands naturally opposed, all the more bitterly for this irksome secrecy imposed upon it, and for the mean artfulness of the modes in which alone it ever ventures to hazard the sly proof of that hostility.

We have, in the second place, the commercial class and interest proper (the merely commercial, we mean), feeling or caring little for anybody or anything but the profits of a trade which is half fraudulent and all selfish,—that class so terribly painted by Burke, whose temple is the counting-house, its Bible the ledger, with Mammon for its God;—with no political thought and no belief, whether for or against either the democratic or the despotic doctrine; with no convictions in religion rising even to the respectability of atheism, nor in politics to that of Austrianism. Our vast and various commercial community furnishes no small number of men and minds of whom this language is no exaggeration, and a still larger number of whom it is only an exaggeration; though still, happily for the destinies of the republic, the spirit of the age and of the country preserves the great bulk of that portion of our people engaged honestly and honorably in the manifold branches of trade and commerce, from this general tendency of the system of which they form a part. Caring little more than a quarter of one per cent. for neighbor or brother, whether on the other side of an ocean or a street, it is needless to say that the men of the class here referred to have little sympathy for any woes or wrongs of a brother people or a neighboring nation. In no respect or degree participating, therefore, in the above indicated democratic response to the appeals and claims of prostrate but aspiring European democracy, all that this class of men want is the maintenance of the general tranquillity auspicious to trade; and they are rather disposed to regard as “enemies of the human race” all those who may happen to think, feel, and act on other impulses and motives of action than their own selfish, sordid and shallow ones.

The large majority of this latter class also,—all, indeed, we dare be sworn, but a small proportion,—breathe more easily in the political atmosphere of the whig party than in the democratic. But there is another not inconsiderable class, whose

adverse predisposition, on the question referred to, grows out of a different cause, a cause independent of parties or political creeds. Irritated by abolitionist interference with their internal concerns and social relations, great numbers of our Southern citizens have a natural bias against anything appearing even to resemble similar interference, or active sympathy or interest, in the affairs of foreign nations, whether exerted nationally by our government, or individually by our citizens. This is far from being the universal disposition at the South,—and far too from being as decided in its application to nearer objects of national and popular sympathy, as to the more distant; yet it does unquestionably exist in a very considerable degree in that portion of the Union, modifying and restraining the natural tendency of the men of that region towards all generous impulses and manly and noble action.

Still, after all, these exceptions do not destroy the general truth of the response rendered, warmly and freely rendered, by the democratic heart of our people, to the appeals and claims of the democracies of other lands, crushed to the earth as they are by the vast combined military power of the continental despotisms, Russia being the Pelion surmounting the Ossa upon Olympus of the rest. Yes, we will sympathize with you, we will cheer, we will help you. We will help you with moral, we will help you with “material” aid. We will help you with money, we will help you with muskets, we will help you with men. The very utmost that we could possibly thus do, acting as private individuals, must still fall infinitely short of what your combined enemies are ever doing, and ever ready to do, for each other and against you. We will throw at least a little counterpoise, into the fearful balance of your fate, against all the heavy weight of metal, gold as well as iron, which weighs you down on the other side. The law of nature prompts, no law of man forbids, and may the blessing of God go with such slight succor as it is in our power to extend to you!

But here, forsooth, we find suddenly flung in our faces the famous “Neutrality Law,” originally the act of 1794, now of 1818. We are threatened with its pains and penalties, its heavy fines and long

imprisonments; and grandly denounced as lawless violators of statutes and treaties, and of a settled policy of our government, pretended to have been canonized by time and authority into an equal sanctity with that which embalms the memory of its alleged author and founder, the Father of his Country. And we are thus brought to the examination of what is the true meaning of this same “Neutrality Law,” what the real policy expressed in its terms or involved in its sense—what does it prohibit and what permit?

If, indeed, it does mean and enact all that our antagonists pretend and claim for it, and if it so far restrains the personal rights and liberties of our citizens as to prevent our lending such aid and comfort to our brethren of lands less happy than our own, then is it full time to change such a law; to adapt it to our own altered condition, and the altered circumstances of the world and the age; and to sweep away from our statute book all such narrow, cold, and selfish restrictions upon individual freedom and the sympathies of the public heart. Let the despotisms take it as they may please. We have nothing to fear from them. They dare not, singly or collectively, attack us, impregnable as we are to them, weak as they would be against us in a contest in which their own millions at home would be our best allies.

But happily for ourselves, and for the cause of republican freedom, of human and national rights, there is no necessity for any alteration of the law in question. The law has no such effect, whether in its terms or in its meaning,—its authors had no such purpose or policy, as is pretended by those whom we have of late observed such fierce advocates for its application, both for punishment and for prevention. It forbids nothing we would desire to do for our persecuted brother republicans of other countries; it commands nothing to which the most zealous of their friends can have any reasonable objection. It is a very good and proper law as it stands, and we have no desire to see it either repealed, modified, or evaded. Only—and this is an essential proviso—only, we say, we do not want to see it perverted into applications wholly foreign alike to its letter and its spirit; and to secure this object it is indispensable that a democra-

the administration be in power at Washington.

Examine it closely and fairly, and it will be seen that all that the law, after all, prohibits, is as follows:

During any war between two foreign powers, participation in its operations within the United States, by accepting and exercising within the United States commissions from the one power to serve against the other (the latter being a friendly power in relation to us); by enlisting or engaging soldiers for the one against the other; by fitting out armed vessels or privateers for the service of one against the other, or by increasing the force of such vessels, within our ports. These prohibitions are contained in the 1st, 2d, 3d, and 5th sections.

The 4th and 6th do not on their face apply to an existing state of war between two foreign powers, as do the others. The 4th (which was an addition in 1818 to the act of 1794) prohibits the fitting out of privateers by our own citizens to cruise against our own commerce, under commissions from a foreign power with which the United States should be at war; and the 6th (which was quoted in full in the review of "the late Cuba State Trials," in our April number) prohibits the fitting out within the United States, of military expeditions to be carried on from the United States against the territory of a friendly power.*

These are all the prohibitory enactments of the law, all that is material in it to the present discussion; and there are three important points not to be overlooked:

1st. That it is only in reference to the traitorous and parricidal proceeding of *our own citizens participating in fitting out privateering adventures under foreign commissions against our own commerce*, that the law pretends to extend any con-

* Though quoted in its exact terms in our April number, it may be convenient to the reader to repeat it here. It is as follows:

"If any person shall, within the territory and jurisdiction of the United States, begin or set on foot, or provide or prepare the means for any military expedition or enterprise, to be carried on from thence against the territory or dominions of any foreign prince or state, or of any colony, district or people, with whom the United States are at peace, every person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding three thousand dollars, and imprisonment not more than three years."

trol over the acts of our citizens committed elsewhere than within our own territory or jurisdiction; and in reference to this heinous offence it very properly makes highly penal the fitting out of vessels for that purpose by our citizens whether in foreign ports or within our jurisdiction.

2d. That with all its care to protect our national neutrality, as between two foreign belligerents, it does not forbid our citizens from engaging in the contest, from taking part with the one against the other, provided it is done abroad;—it does not even forbid their *accepting commissions for that purpose*, from the one against the other, whether abroad or at home; its prohibition is simply against the *acceptance and exercise*—the acceptance and exercise of such commissions within our limits and jurisdiction.

And 3d, that obvious as was the probability that important services might be rendered by our citizens to either of any foreign belligerents, by *carrying to them from our ports all sorts of military equipments, supplies, &c.*, which then their vessels or their other forces, whether near to or remote from our shores, might so easily receive from us, no prohibition, against this or any similar mode of assistance being rendered by our citizens to the one or the other side, was attempted in the law, though it has been several times re-enacted, and was in 1818 carefully and thoroughly revised.

It not unfrequently thus happens that prohibitions, kindred to the subject, yet not contained within a law for the general regulation of that subject, serve to throw useful light upon the intended meaning and application of such other prohibitions as it does contain. The care thus observed throughout the rest of the law to leave unimpaired the liberties of the citizen, beyond a certain limit within which alone its restrictions apply, warns us, when we come to construe and apply the vague generalities of language found in the 6th section, against extending its prohibition any further than is strictly necessary; and, especially, makes plainly absurd any such extension of prohibition carried further than the spirit and meaning apparent on the face of the rest of the law.

Will it be pretended that it is a violation of the 6th section, against "military expeditions" to be "carried on from" our

shores, merely to plan and prepare within our ports for such an expedition to be organized and carried on from elsewhere than our own territory? Surely not; the law does not even prohibit as many of our citizens as may think proper, from accepting, within our limits, foreign commissions to serve against a friendly power; it only prohibits their accepting and exercising them within our jurisdiction. Elsewhere they are free to do as they please.

Or, again, will it be alleged that it is a violation of this section to send out from our ports, to some foreign jurisdiction, any or all sorts of materials, armament, equipment, munitions of war, &c., for the organization of such an expedition within such foreign jurisdiction and its carrying on from thence? Again, surely not; for while it elsewhere forbids the fitting out *within our ports* of armed vessels or privateers to cruise against a friendly power, it neither prohibits our citizens from so fitting them out in foreign ports, nor from sending out, from our own to such foreign ports, any or all sorts of materials, armament, equipment, munitions of war, &c., for that purpose.

But perhaps it will be said that this was an oversight; and that if the reflection had occurred to the legislative thought, that in this mode our citizens could really contribute toward fitting out such armed vessels or privateers against a friendly power, almost as conveniently as within our own ports, by taking advantage of the numerous and various foreign jurisdictions on the different islands at short distances from our coasts, this practice, in view of the general purpose of the prohibition, would have been forbidden as well as the actual fitting them out within our own ports. But unfortunately for this argument, we are able to oppose to it the fact that the legislature was perfectly attentive to the difference between such fitting out in our own ports or within a foreign jurisdiction; because, in reference to the offence of such fitting out by our own citizens against our own commerce, (a grave offence, and a *malum in se*), the law does send its operation abroad, and prohibits any participation in such fitting out whether within our own or in foreign ports.

Even therefore without resting particular stress on the significant words con-

tained in the "military expedition" section of the law, namely the words "*to be carried on from thence*," (that is, from our territory), it is conclusively clear that it neither prohibits, nor means, ventures nor desires to prohibit, our citizens from forming such expeditions elsewhere than within our own jurisdiction; from engaging in them; from departing from our shores for the purpose of engaging in them abroad; or from sending from our ports whatever materials, armament, or equipment they may think proper to send for their use or benefit. And it is clear too, that this proceeds from no oversight, but that the liberty thus left unrestricted is one of the essential ideas of the general policy and meaning of the law. And if this is thus clear from the mere application to this section of the plain analogy derivable from the other sections of the same law, how much more so is it, when we give a proper attention to these pregnant words just alluded to, and observe the care with which the law is limited to the case of military expeditions *to be "carried on from" our own shores* against the foreign territory. This can only mean, to be carried on as military expeditions from our shores, and necessarily involves a previous constitution or organization into a military expedition within our territory. Nothing short of that is forbidden, nor thought nor intended to be forbidden. Short of that, every thing is free and open to the citizen, or to any number of our citizens, acting always under responsibility to God for motives, and to the enemy for consequences; and this not only actually or accidentally, but designedly, and for ample and excellent reason; for the authors of this law were very different men from those who have lately attempted its application; very different the times and the spirit of the times.

For the birth of this law was in what may be termed still the revolutionary epoch. The men of the revolution conceived and created it in 1794. The memory of the revolution was yet fresh and green. The glory of the many and valuable foreign friends whose aid had so largely contributed towards the achievement of our liberty and independence, had not yet faded into forgetfulness under the influence of time, and the fat pride of long prosperity. One of the

last ideas that would have entered the head or the heart of an American of that day would have been that of legislating into crime, conduct on the part of our own citizens in behalf of others, similar to that for which our gratitude had so recently canonized such names as Lafayette, Kosciusko, Steuben, Pulaski, and a kindred host of minor prominence. To meddle in the revolutionary attempts and struggles of other oppressed peoples, suggested then no idea of wrong. It is even doubtful whether an effort to aid one suffering under a tenfold worse tyranny than we had just escaped from, would in that day have been stigmatized as piracy, plundering, buccanering or "filibustering." So far were the men of that more primitive age of the republic, from the Whig commercial enlightenment of the present better and nobler times!

And, moreover, it should not be forgotten that, slightly restrictive upon the freedom of the citizen as it was in fact, in comparison with the applications into which some in our day would fain stretch and pervert it, even this law was not passed without the greatest difficulty, notwithstanding all the powerful influence of Washington and his first administration; notwithstanding the insolent and indecent excesses of conduct on the part of the French Minister Genet, who came here to wage open war against England and Spain, from our shores and ports; and notwithstanding the comparative infant feebleness of our condition at that period, which made the maintenance of the strictest neutrality so important an object of our public policy. Even as it was, the law was strenuously resisted by the Republican party, and got through the Senate only by the casting vote. The casual loss of the vote of Mr. Gallatin to the Republican party, a short time before its passage, alone saved the bill from rejection. Some of its sections were severely struggled over in debate, and were successively stricken out and reinserted. If it had been in any degree further restrictive of the liberty of the citizen, there is every reason for the presumption that it could not have passed at all. The liberties left, alone carried through the unpopularity of the interference with those that were restricted. By stronger right and reason, therefore, in

the instance of this particular law than even in others—well settled as is the general rule of construction in favor of liberty—are its friends entitled to insist upon the strictest severity against the government, the widest liberality of construction in favour of the citizen, on every occasion that may arise for any attempted application of its prohibitions and penalties.

No better nor fairer rule of application, indeed could be taken, than to measure its restrictions according to the facts of the occasion which gave rise to it, the mischief it was designed to remedy. It was confessedly against Genet and his operations that it was levelled; to arrest him and to prevent them, that it was required and adopted. Now, what Genet did was little short of carrying on open, public, regular war within our territory, and by means of its shelter and resources, against powers with which we were at peace, and with whom it was deemed highly expedient that we should remain at peace. He recruited men, held public rendezvous, with flag, drum, and trumpet, fitted out, armed and commissioned vessels, and regularly commissioned officers for land operations also, who embodied, organized, drilled and marched their men through our territory for military enterprises. All this was what Genet did, and claimed and insisted upon the right to do. And all this, if allowed within our territory, was plainly incompatible with any sort of neutrality between the belligerents of the occasion. Such was the evil legislated against; such the acts forbidden. But at the same time that a law was passed adequate to the occasion (at first only as a temporary measure, afterwards left as a permanent statute), great care was observed to make it as little restrictive as possible upon the liberties of the citizens, in regard to acts done outside of our territory and jurisdiction; or in regard to acts done within our territory and jurisdiction, yet not of such a public, complete and unequivocal character as to involve the government in reasonable and necessary responsibility for them.

And this "responsibility" does not mean exactly such as attaches to an absolute government for the acts of its subjects, when those acts and their objects are such as to have been necessarily known to the government, and to have admitted of pre-

vention or interruption if it had felt disposed to arrest them. Governmental responsibility is a something materially different under different forms of government and in different countries; very different in France, Russia, Austria, Naples, Spain or Cuba, from governmental responsibility for the acts of the citizen in the United States, or even of the subject in England; in any country, in a word where personal rights are under the protection of law paramount to any despotic will and pleasure of the head of the government, and where all restrictive or penal proceedings against the citizen can only be pursued in the regular forms and modes established by law, as the sacred guards and guaranties of liberty and rights. Under the despotic system, whatever is known to or reasonably suspected by the government, and yet not arrested, is permitted and sanctioned; and such government is fairly responsible for it to all parties concerned, as well as to the general opinion of the world. In a republic the case is wholly different. The personal freedom of the citizen and immunity from vexatious intermeddling of public authorities with his private pursuits of business or pleasure, which is the atmosphere of civil and political existence to a republican people, cannot be infringed upon at caprice, on vague suspicion, or otherwise than by due authority of law and on good evidence. He may be penally prosecuted for infraction of law, at the same time that the government, whatever suspicions may have existed of such intended infraction, could have had no possible means of interference in advance of commission. In such a case, to claim the right of fastening responsibility upon the government for not having prevented an act the preliminary stages of which were in themselves either secret or else, if public, unexceptionable and intangible, and which ripened suddenly into illegality only in its consummation, when beyond the reach of interference, would be simply absurd. To complain of it would be nothing more nor less than to complain of freedom instead of despotism being the principle of the institutions of the country in question. To attack that country—England, or the United States, for instance—on the ground of such provocation, growing out of the acts of individuals which the government

neither sanctioned nor could have prevented, would be aggression on a mere pretext. To be sure, it would be a pretext easily enough magnified into a good enough *casus belli* for practical purposes, by a powerful despotic government against a weak and helpless republican neighbor; and it might fare hardly with poor Switzerland, under such circumstances, with a Louis Napoleon standing above it on the stream, and disposed to spring at its throat on the ground of the muddying of the water. Still, it would be a mere pretext; available, perhaps, against weakness; absurd against strength; aggressive and wrongful in either case; and certainly little to be dreaded, from any quarter, by the gigantic Democratic power and energy of our glorious young country and people.

Briefly then, to sum up the conclusions to which we have pretty clearly arrived, what this much and loosely talked of "Neutrality Law" forbids and allows, may be thus fairly stated:

It forbids the fitting out of armed vessels within our ports to cruise against a friendly power, or the augmentation of the force of such; but it does not forbid the preparation and despatching to other places, beyond our territory, of any or all materials for armament or equipment, to be there so employed.

It forbids the acceptance and exercise within our territory, of commissions from one of two belligerents to serve against the other, (being a friendly power); but it does not forbid the acceptance of such commissions within our territory, and departure from our shores for the purpose of their exercise elsewhere.

It forbids the enlisting of men within our territory for the service of one of two belligerents against the other, (being a friendly power,) or the engaging of them to go abroad for the purpose of so enlisting; but it does not forbid any man or men from going beyond our jurisdiction voluntarily, himself, for the purpose of so enlisting, nor does it forbid any person who may be disposed to furnish facilities for that purpose, from doing so to any extent thought proper, whether by paying the passage and maintenance of those thus desirous of going for that purpose, or by furnishing ships or steamers for their conveyance.

It forbids the formation of military

expeditions" within our territory, to be "carried on from thence" against that of a friendly power; but (at the same time that it does not indicate any definition to that vague and loose expression.) it does not forbid our assisting in forming such "expeditions" to be "carried on" from other territory or jurisdiction than that of the United States.

It does not forbid the purchase or preparation, within our territory, of equipments, armaments, munitions of war, &c., to any extent that may be thought proper, designed to aid in the formation of such a "military expedition" elsewhere than within our own jurisdiction; nor the despatching of such effects from our ports for that purpose, with or without a public declaration of the points of destination.

It does not forbid any contributions of money or other resources and aids for that purpose; nor any services rendered in despatching abroad any kind of materials likely to be useful in the formation of such "military expeditions."

It does not forbid either our citizens or others from going abroad to any foreign jurisdiction, singly or in any numbers they may choose, there to participate in the formation of any such expedition; nor does it restrain the perfect liberty enjoyed by any person whose sympathies may dispose him thereto, of extending to others, desirous of going out of the country with such views, every facility or assistance convenient for that purpose, such as maintenance, conveyance, &c.

None of these acts are forbidden by the Neutrality Law, whether by its letter, or in view of its purpose and policy. None of these acts are such as government in any country of even moderately free institutions and habits, can be fairly held responsible for, and the protection of the governmental responsibility is all that is meant by these Neutrality Laws, with as little infringement as possible on the private liberties of the citizen. For none of these acts thus enumerated as left free, could any foreign government, whether the Young Nero of Austria or the worse than modern Tiberius of Naples, Nicholas or Solouque, Antonelli or Christina (the capitalist of Flores's attempted expedition in 1847, for the re-establishment of monarchy in the republic of Ecuador,) justly or reasonably call our government

to account, because none of their acts are such, within our territory and jurisdiction, as in themselves to go beyond that freedom of trade, personal motion and disposal of property, which our government, from the nature of men and things, could not possibly restrain if it would, and which it cannot be expected indeed to be particularly desirous of restraining if it could. If they should threaten us with war in consequence of such unrestrained proceedings of our citizens, in sympathy and concurrence with their subjects resident as political refugees among us, it would be wrongful, aggressive war on their part;—in regard to which all we need say is, in the first place, that the danger of any such aggression from them, on such a ground, is infinitesimally minute; in the second place, that it rather behoves them so to govern their oppressed people as to prevent reason or motive for such proceedings, which will certainly never be attempted without strong provocation, and without that probability of success founded only on the known existence of a general spirit of revolutionary discontent among their subjects;—and in the third place, wo! wo! to them and their system if they should attack us on such a pretext and in such a quarrel!

The law in question is then, after all, on the whole, a good enough law as it stands, provided it is not perverted and stretched into applications wholly foreign to its proper sense, by abuse of the executive power. It, in fact, prohibits nothing more than it was perfectly right and necessary to prohibit, namely, the fitting out of armed vessels, or the formation of organized military expeditions, embodied as such, within the limits of the United States; and it prohibits these because they are acts of public war-making of a nature to be necessarily known to the government, to be unequivocal, tangible and complete in themselves, and, therefore, such as to make the government fairly responsible for them;—in other words, because they are such as indeed truly to compromise our "neutrality." It is not that the law contemplates the fitting out of such armed vessel, or the formation of such military expedition, as being an act criminal or wrong in itself. On the contrary, it might be in itself eminently meritorious and noble. Need

we allude to Thrasylbulus and to Pelopidas, who succeeded, to Miranda and to Mina, who failed? Its character would depend on its motive, object, and circumstances. All that the law means is that it shall not be done within our territory,—within the limits of jurisdiction to which our public, governmental responsibility would attach. Beyond our territory, beyond those limits, it neither takes, nor from the necessity of the case could take, cognizance of the acts of our citizens in reference to such military affairs, and as little, beyond those limits, could it be reasonably held responsible for them. And, of course, when any such proceeding is in contemplation, to be carried into effect elsewhere than within the scope of our laws and responsibility of our government, it would be plainly absurd to suppose that this law does, or that any law could, restrict the perfect right of as many persons as may think proper to depart, unarmed, unorganized, uncommissioned, unenlisted, from our shores to that contemplated foreign point, for the formation of a military expedition, there to observe, see, hear, judge and act for themselves, and to take part in it if they so elect, free to abstain if such should be their choice. Equally absurd would it be to attempt to restrict the commercial freedom of sending to such a foreign port any description of property or goods, whether adapted for the purposes of military or naval equipment or not.

We therefore say to our republican brethren of other and less happy lands: Be not misled by the false constructions and applications of this much misinterpreted Neutrality Law of the United States; and do not suppose that it either has any such meaning, or can have any such operation, as to prevent your friends and brethren among us from rendering you at least a great deal of valuable succor and support, in effective practical modes, as well as such cheer as you may draw from our sympathy and encouragement. When you find a refuge among us from the tyranny which drives you from your homes, we do not, as the price of our shelter, require you to forget your own oppressed and bleeding country, and to hold back your hands from all exertion for redressing her wrongs and her

woes, and restoring or giving her that freedom which is the natural right divine of men and nations. You are free to do, here on our soil, consecrated to freedom by a successful revolution against a comparatively mild oppression, all that you may find possible toward that end, (within the reasonable limits above explained), not only in combination with your brethren at home, but in concert with such friends as you may find on our shores, able and willing to lend you a sympathy more active and practical than that of mere sentiment and rhetoric. All the individual aid, in money or other useful means, which the merit of your cause, or the force of your pleading, can elicit from our citizens, you are free to seek and to receive. Our workshops are as free to you as to the agents of your oppressors, for the purchase of any or all descriptions of arms, equipments and supplies. You are at liberty to buy Colt's revolvers as well as your tyrants. You have the same right in regard to any of the thousands upon thousands of vessels whose keels vex our waters, to buy or employ them for the conveyance of such effects to whatever places of foreign jurisdiction you may choose as convenient for the purposes natural to your position; purposes which command our heartiest commendation and good wishes. In similar manner may they be lawfully as well as honorably employed for the conveyance of brave and devoted men whom you may find disposed to assist you in any cause worthy of their sympathy, as passengers to any points of foreign jurisdiction which you may select for the purpose of there forming, unmolested, your patriotic liberating military expeditions. This game of mutual succor and support must not be left to the despatches of the earth alone. While Czar and Kaiser, King, Pope and President, mutually render it, or stand avowedly ready to render it to each other, against the several subject peoples of each and all, here, at least, there shall be at least some slight counteraction, and republicans will support republicans, and the children of successful revolution will help their brethren in a kindred cause.—repaying thus, in small part, their own debt of olden gratitude for essential succor received by themselves from abroad in the hour of their own sore need. This may not, perhaps,

be wholly satisfactory to your governments, who would doubtless prefer to extend their restrictive police power over you to our territory as well as their own, and to make our government their instrument for that purpose, under the plea of the maintenance of peace and friendship, and through the facilities of the vague language of "neutrality laws," etc. But their gratification is not our supreme law,—at least it is not the supreme law of the Democracy of this country,—and we care little for their displeasure, or for their unreasonable complaints. The ordinary and legal liberties of our citizens, or other residents among us, shall not be subjected to restriction within our territory, because it may be believed, or known, that beyond the limits of our jurisdiction and responsibility they may contemplate, at their own hazard and on their own conscience, proceedings calculated to aid your revolutionary hopes and efforts. Let your governments do the best they can for themselves and for each other, with their cruisers on the sea and their armies on the shore to guard their evil power against whatever dangers may thus menace it. The time, perhaps, is not distant, when we shall collectively, as a nation and a great power of the earth, on sea and on land, and through the strong voice of our government, forbid their thus interfering in each other's support against the republican aspirations of their respective peoples. But though that time may not, perhaps, have quite yet arrived, at least they shall not intrude, with all their insolent espionage and arbitrary suspiciousness, upon our territory, under cover of perverted and misapplied laws of our own, to restrain the freedom of trade, industry and locomotion of our citizens who may desire to go forth abroad, in private capacity and on private responsibility, to form under other jurisdiction any such organizations, military or peaceful, as they may choose to form for your assistance and support. God help every good and worthy cause of democratic revolution for national liberty and independence! God bless all who participate in, befriend or aid them! The applause of sympathizing Liberty and Democracy be theirs, despite the habitual abuse of tyranny and its tools. Praise and not obloquy—encouragement, not persecu-

tion—shall be their meed, at least among us; and the full benefit shall be theirs of all the protection and rights secured to them under a liberal administration of our laws, an administration of them in accordance with the general spirit of our institutions, as with our national sentiment, character, origin and aspiration.

Such is the language of American Democracy to the Patriots of other lands; such its spirit, feeling and will; and harmonious therewith must necessarily be its action through all its agencies or organs of expression, whether in the democratic press, on the judicial bench, in the jury box, in the halls of legislation, or in the still higher places of administrative authority.

In our April number, we exhibited the attempted application of this same "Neutrality Law," by the present administration, to two specific cases of fact, the one at New Orleans, growing out of Gen. Lopez's "Creole" expedition to Cardenas, and the other at New York, growing out of the attempted, but arrested, departure of the "Cleopatra" from that port, under circumstances which we need not again restate. The facts in the former of those cases certainly went much further, in approach to a resemblance to a violation of the law, than in the latter. In the former, the whole thing had been done, consummated; and there stood the result—namely, the expedition which had landed as a full-blooded military expedition at Cardenas—to reflect back the light of its testimony as to the purpose and character of the preparations for the same which had taken place within the United States; whereas, in the latter case, frustration, prevention, had interposed, so that nothing had in fact been done, beyond preparations for acts whose imputed illegality could exist only in the contingent and uncertain future. Nevertheless, on the last of the three trials at New Orleans, the jury stood eleven to one for acquittal,—that is to say, in favor of the position that there was no violation of this "Neutrality Law" in the proved and undenied facts of that case, broad and strong as those facts certainly were. Not less strong were those of the Smith and Ogden cases in New York, in 1806, growing out of the closely similar Miranda expedition to the

Spanish Main; while in both those cases the verdict was that of acquittal.

In our former article we showed how impossible it was, and must always be, for prosecuting officers to obtain convictions under this law, on those or similar facts, from intelligent and clear-headed juries,* limiting our attention then to the consideration of the particular terms of the sixth section (the section under which the indictments were laid), rather than directing it to the general spirit and policy of the whole law. This latter higher and wider field of examination was reserved for the present article. We greatly deceive ourselves if we have not sufficiently vindicated the law from the false and narrow construction which extreme anti-democratic bigotry of political opinion and temper have attempted to give it, and rescued it from the base uses to which some of the fitting agents of the present administration have sought to pervert it.

One only point remains, on which a few words should be bestowed before concluding, in order to show the fair and full application, to these late Cuba cases, of the more enlarged view of the general spirit of the Neutrality Law, which we have now presented;—that is to say, to show that the Cuban patriot refugees, aiming, in concert with their friends at home, at a republican revolution for independence as well as liberty, were perfectly justifiable in seeking such assistance as could be rendered them in the United States; and that, when they did so, their case addressed itself powerfully to the sympathy of their friends in this country, placing their cause on the highest ground of merit and claims, so as to entitle them to all that could be done for their succour

* Since the date of that article the government has sustained a similar defeat before a jury of Ohio, in its attempt to convict Captain Robinson of a violation of the sixth section of the Neutrality Law, for alleged participation in preparations for a "Cuban expedition." Not informed of the details of the trial, we are not able to compare the facts and circumstances of this case with those of the New Orleans and New York cases. The general result, however, was the same, namely, virtual acquittal by disagreement and discharge of the jury. The administration have now tested the law before southern, northern, and western juries. It only remains for it to get up an indictment "down east," and when it shall have boxed the compass of its zealous obsequiousness to Mr. Calderon and the Captain General, perhaps it will be satisfied. If it is—and indeed, whether it is or not—we are; and so is the American people.

and support, within the restrictions of the law; of the law liberally, republicantly, democratically understood, as contradistinguished from the Austrian or *Fitzmore-Webster-Whig* interpretation of it,—expressions which are well entitled to a place in the next edition of Crabb's Synonyms.

We shall not waste words to prove the universal desire of the Cubans—that is to say, the native or "Creole" Cubans—for emancipation from Spain and the Spaniards. Few letters, public or private, are written from the island by the numerous travellers who visit it, which do not bear this testimony. As little either is it worth while to prove the atrocious character of the tyranny by which the island is governed, plundered and enchained. The system is avowedly a military autocracy. Spanish colonial domination has always and everywhere been proverbially corrupt and cruel, bloody and extortionate; and it seems to have culminated or concentrated itself in Cuba, the last foothold of its once magnificent American empire.

The London *Times* has within a recent period expressed astonishment that such a system of government could exist in the present century; and even the *Courier and Enquirer* of New York, (*"quid plura dicam?"*) after having sent one of the gentlemen of its editorial staff on a visit last winter to the island, unwrote on the 1st of December last, much of what many papers of its stamp had been saying for a couple of years past, when it made the following pregnant admission of the manifest character of the Spanish government in Cuba: "There is, among all the shocking evidences of tyrannical rule which abound in Cuba, none which so offends the eye, which grates so noisomely on the ear of an American, as that presented by the chain-gangs, as they go clanking through the streets, morning and evening, chained in pairs, under a guard of soldiers."

Well, there are the poor Cubans, shut up in a long and narrow island, with no chance of escape, except in rare single instances of good fortune, in case of failure in any attempt against the government;—with a well disciplined army of 20,000 troops, a considerable number of cruisers by sail and steam, and powerful fortifica-

tions in the possession of the government;—with such a proportion of numbers between the troops and the people, that it has been fairly calculated that for every five grown white Creole men, there is a bayonet at their breasts;—with a total destitution of fire-arms, as well as of familiarity with their use;—with a considerable population, moreover, of "old Spaniards," or Peninsulars, who are as ready as the troops to support the government, and who are freely armed and organized under its orders;—with an outnumbering population of slaves, most of whom are of recent importation, from warlike African tribes, and whom the government threatens always to free and arm for another Saint Domingo on a larger scale, if the Creoles dare to make any formidable movement;—with laws which prevent the owning of even a kitchen-knife with other than a rounded point;—with police permission required for even such an assembly as a social dinner or an evening dance;—with no possibility of five persons, not known to be staunch friends of Spain, meeting together twice in succession without danger;—with no possibility of travelling from one point to another, even to go from town to country estate a few miles distant, without police permit;—with a sleepless and suspicious vigilance on the part of the government, watching every man not known to be safe and reliable;—with a Damocles sword known by every Cuban to hang suspended by a hair over his head, and with the knowledge that he may be at any moment suspected by the government, snatched away from his family, consigned to a prison, where he may languish for an indefinite period, without being allowed even a word with his jailer, banished for life from the island, despatched to Spain, there to reside under police surveillance at some inland point, or handed over to the tender mercies of the *comision militar* or *court martial*, a tribunal once occasional, now permanent and regular in Cuba, and a court, not of *trial*, but of *summary condemnation*, according to the simple will and pleasure of the Captain-General.

In such a state of things as this, what wonder that effective combination for insurrection should be impossible in Cuba,

bitter as may be the people's hatred of their tyranny and tyrants?—And that when the plan for rising of Lopez and his friends, in 1848, had been frustrated by premature discovery, and he and his friends had been compelled to escape from the island, the only way in which he could return to raise the liberating flag was by drawing from the neighbouring United States the materials for an expedition to land in Cuba for that purpose? This is what he did. Large amounts of money were sent him from the island, or furnished by Cubans in the United States, to be so applied,—even, to some extent, the women of Cuba, of all classes and ages, sending him their jewelry to be converted into arms. He found some friends in the United States, too, who knowing Cuba well, and knowing his noble nature and purposes, sympathized warmly and actively with him and his plans, and contributed material aid to increase the force with which he should make his landing, resolved as he was at all hazard to make the attempt. His plan was to send materials out of the United States, to a secret foreign point, at which he should form his expedition. In all this there was no violation, either of the letter or of the real spirit and meaning of the Neutrality Law; though unhappily the men at present in power, whether from a natural whig anti-democratic construction of the law, or with conscious perversion and abuse of its provisions, made it the ground of a fierce opposition to all his efforts, and cut up root and branch his best concerted schemes. *It is to that opposition, so conducted, illegal, but irresistible, tyrannical but successful, that the fate of that noble old soldier and patriot, and of his gallant companions, and the prolonged slavery of Cuba to Spain, are mainly to be ascribed.*

To this point we shall endeavor to do justice on some future occasion. To enter upon it now would be a departure from the particular subject which it has been our present purpose to elucidate; a purpose which we trust has been fulfilled, to the satisfaction of all our other readers, except perhaps those few, of the Austrian political school, whom we as little care, as we could hope, on such a subject to please or to convince.

VANITY versus PHILOSOPHY.

MARGARET FULLER OSSOLI.

MARGARET FULLER OSSOLI should have been by nature a woman among men, but by intellect she was a man among women. Whether in her case the latter will pass current as value for the former on the great 'Change of human nature, we will not take on us to decide; but we would say, that, whatever chance it might have had of such a consummation has been materially diminished by the parties who were selected to collect, write, and edit her memoirs. Not that anything can be taken from intellect where it exists, but much may be added to it which will lessen its value, even as a superfluity of clothing will deform the appearance of man, though the man is still the same, or as the attachment of a few weights will drag down and sink the most buoyant piece of cork, the cork being still the same, only that it is obscured.

These volumes detract much from our idea of Margaret Fuller; and we are certain there is no admirer of her high talents and brilliant capacities but will feel wearied and disgusted with the overweening vanity, inordinate ambition, and capricious characteristics which those books treasure up to her account. We deem it anything but worthy or characteristic of the friendship (which the editors of her memoirs profess to have had for the living), and love for the memory of their dead "Margaret," to parade throughout the greater portion of two volumes her idiosyncratic weaknesses and egotism; and we more object to the exercise of the same faculties in the persons of, and as regards those editors themselves. We heartily wish those volumes could exchange places with their subject, and that she were here to defend and save herself from her friends. Samuel Johnson used to say that he would take the life of any person who intended to write his; and indeed, we do not remember a case in which such an act could be perpetrated with more justification, if the

party under consideration had been aware of the intention of her "friends," than the publishing of the memoirs before us, always and ever excepting Leigh Hunt's *Life of Byron* and Lamartine's autobiographical "Confidences."

The "Life" should have been written and edited by more *mere* mortal men than Messrs. Emerson, Channing, and their friends, account themselves. A readable and worthy volume might have been furnished by the hands of more practical and less transcendental philosophers. They should not have intruded on the public three-fourths of the correspondence printed, very much of which is in the style of thought and phraseology of those New England lights, and the only point of which seems to be the adulation of the writer and receiver of each letter. Things of such small interest to the world will be forgotten by it, and the temporary notoriety such may gain by publication, will only the more hastily and inevitably drag whatever else of good there may be mixed up with them to a more immediate oblivion. We say all this because those parties boast of being the friends and intellectual lovers of Madame Fuller Ossoli. But if they were, they should have more regard for her character as a "philosopher" than for any self-glorification, and should not have printed what, while it only praises them or herself, also ruins her in the estimation of all common-sense readers. For ourselves, who do not profess any such adoration, but who respect and admire the ability while we condemn the vain glory, and who feel proud of her as an American writer, while we blush to see how her intellectual womanhood was overcome in early life by vanity, and afterwards by the acquaintanceship and superficial halo of philosophy of sundry Boston writers—we can but say, that as we suppose the letters and journals are authentic, they reveal Margaret Fuller; and however disgusting their perusal may