Douglass' Monthly, April 1862, Vol. IV, N0. XI

636. DOUGLASS' MONTHLY. APRIL, 1862
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THE FALL OF LEXINGTON---MR. COLFAX TO MR. BLAIR.
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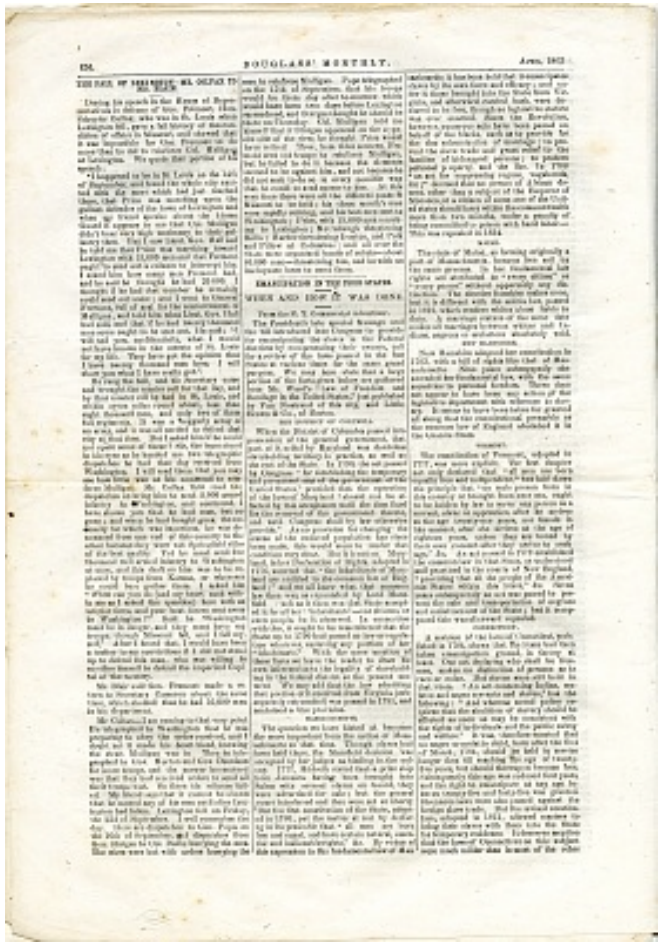
During his speech in the House of Representatives in defence of Gen. Fremont, Hon. Schuyler Colfax, who was in St. Louis when Lexington fell, gave a full history of the condition of affairs in Missouri, and showed that it was impossible for Gen. Fremont to do more than he did to reinforce Col. Mulligan at Lexington. We quote that portion of his speech:

"I happened to be in St. Louis on the 14th of September, and found the whole city excited with the news which had just reached there, that Price was marching upon the gallant defender of the town of Lexington and when my friend speaks about the Home Guard it appears to me that Col. Mulligan didn't bear very high testimony to their gallantry then. But I saw Lieut. Gov. Hall and he told me that Price was marching toward Lexington with 15,000 men and that Fremont ought to send out a column to intercept him. I asked him how many men Fremont had, and he said he he thought he had 20 000. I thought if he had that number he certainly could send out some; and I went to General Fremont, full of zeal for the reinforcement of Mulligan, and told him what Lieut. Gov. Hall had said, and that if he had twenty thousand men some ought to be sent out. He said; "I will tell you, confidentially, what I would not have known in the streets of St. Louis for my life. They have got the opinion that I have twenty thousand men here. I will show what I have really got.".

He rang the bell, and his Secretary came and brought the muster roll for that day, and by that muster roll he had in St. Louis, and within seven miles round about, less than eight thousand men, and only two of them full regiments. It was a beggarly array of an army, and it was all needed to defend that city at that time. But I asked him if he could not spare some of these? Sir, the tears stood in his eyes as he handed me two telegraphic dispatches he had that day received from Washington. I will read them that you may see how little was at his command to reinforce Mulligan. Mr. Colfax then read the dispatches ordering him to send 5,000 armed infantry to Washington, and continued, I have shown you that he had men, but no guns; and when he had bought guns, the necessity for which was imperious, he was denounced from one end of this country to the other because they were not Springfield rifles of the best quality. Yet he must send five thousand well armed infantry to Washington at once, and this draft on him was to be replaced by troops from Kansas, or wherever he could best gather them. I asked him "What can you do (and my heart sank within as I asked the question) here with an inferior force, and your best forces sent away to Washington?" Said he "Washington must be in danger, and they must have my troops, though Missouri fall, and I fall myself," After I heard that, I would have been a traitor to my convictions if I did not stand up to defend this man, who was willing to sacrifice himself to defend the imperiled Capital of the country.

Mr. Blair said Gen. Fremont made a return to Secretary Cameron about the same time, which showed he had 55,000 men in his department.



Mr. Colfax——I am coming to that very point He telegraphed to Washington that he was preparing to obey the order received, and I doubt not it made his heart bleed, knowing the strait Muiligan [sic] was in. Then he telegraphed to Gov. Morton and Gov. Dennison for more troops, and the answer he received was that they had received orders to send all their troops east. So there his reliance failed. My friend says that it cannot be shown that he moved any of his men until after Lexington had fallen. Lexington fell on Friday, the 22d of September. I well remember the day. Here are dispatches to Gen. Pope, on the 16th of September, and dispatches from Gen. Sturges to Col. Davis, hurrying the men. The wires were hot with orders hurrying the
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men to reinforce Mulligan. Pope telegraphed on the 17th of September, that his troops would be there day after to-morrow, which would have been two days before Lexington surrendered, and Sturges thought he should be there on Thursday. Col. Mulligan told me himself that if Sturges appeared on the opposite side of the river, he thought Price would have retired. Thus, from three sources, Fremont sent out troops to reinforce Mulligan, but he failed to do it because the elements seemed to be against him, and not because he did not seek to do so in every possible way that he could to send succor to him. At this very time there were all the different posts in Missouri to be held; his three month's men were rapidly retiring, and his best men sent to Washington; Price, with 15,000 men marching to Lexington; McCullough threatening Rolla; Hardee threatening Ironton, and Polk and Pillow at Columbus; and all over the State were organized bands of rebels——about 80,000 men——threatening him, and he with an inadequate force to meet them.
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EMANCIPATION IN THE FREE STATES.
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WHEN AND HOW IT WAS DONE.
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From the N. Y. Commercial Advertiser.

The President's late special Message and the bill introduced into Congress to provide from emancipating the slaves in the Federal districts by compensating their owners, call for a review of the laws passed in the free States at various times for the same grand purpose. We may here state that a large portion of the facts given below are gathered from Mr. Ward's "Law of Freedom and Bondage in the United States," just published by Van Nostrand of this city, and Little, Brown & Co., of Boston.

THE DISTRICT OF COLUMBIA.

When the District of Columbia passed into possession of the general government, that part of it ceded by Maryland was doubtless slaveholding territory in practice, as well as the rest of the State. In 1790, the act passed by Congress "for establishing the temporary and permanent seat of the government of the United States," provided that the operation of the laws of Maryland "should not be affected by this acceptance until the time fixed for the removal of the government thereto, for the removal of the government thereto, and until Congress

shall by law otherwise provide." As no provision for changing the status of the enslaved population has since been made, this would seem to render that condition very clear. But it is not so. Maryland, in her Declaration of Rights, adopted in 1776, asserted that "the inhabitants of Maryland are entitled to the common law of England;" and we all know what that common law then was, as expounded by Lord Mansfield. Such as it then was that State accepted it for all her "inhabitants"——not citizens, or even people, be it observed. In connection with this, it ought to be remembered that the State up to 1790 had passed no law or regulation whatever, enslaving any portion of her "inhabitants." With the mere mention of these facts we leave the reader to draw his own inference as to the legality of slaveholding in the federal district at the present moment. We may add that the law admitting that portion of it received from Virginia (subsequently retroceded) was passed in 1791, and contained a like provision.

MASSACHUSETTS.

The question we have hinted at becomes the more important from the action of Massachusetts at that time. Though slaves had been held there, the Mansfield decision was accepted by her judges as binding in the colony. 1777, Hildreth stated that a prize shop from Jamaica having been brought into Salem with several slaves on board, they were advertised for sale; but the general court interferred and they were set at liberty. But the first constitution of the State, adopted in 1780, put the matter at rest by declaring in its preamble that "all men are born free and equal, and have certain natural, essential and inalienable rights," &c. By virtue of this expression in the fundamental law of
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Massachusetts it has been held that it emancipates slaves by its own force and efficacy; and under it those brought into the State from Virginia, and afterward carried back, were declared to be free, though no legislative statute was ever enacted. Since the Revolution, however, numerous acts have been passed on behalf of the blacks, such as to provide for the due solemnization of marriage; to prevent the slave trade and grant relief to the families of kidnapped persons; to protect personal p operty, and the like. In 1788 "an act for suppressign rogues, vagabands, &c;" decreed that no person of African decent, other than a subject of the Emperor of Morocco, or a citizen of some one of the United states should tarry within the commonwealth more than two months, under a penalty of being committed to prison with hard labor.——This was repealed in 1834.

MAINE.

The state of Maine, as forming originally a part of Massachusetts, became free soil by the same process. In her fundamental law rights are attributed to "every citizen" or "every person" without apparently any distinction. The elective franchise makes none, but it is different with the militia law, passed in 1821, which renders whites alone liable to duty. A marriage statue of the same date makes all marriages between whites and Indians, negroes and mulattoes absolutely void.

NEW HAMPSHIRE.

New Hamshire adopted her constitution in 1783, with a bill of right like

that of Massachusetts. Nine years subsequently she amended her fundamental law, with the same securities to personal freedom. There does not appear to have been any action of the legislative department with reference to slavery. It seems to have been taken for granted all along that the constitutional preamble or the common law of England abolished it in the Granite State.

VERMONT.

The constitution of Vermont, adopted in 1777, was more explic it. The first chapter not only declared that "all men are born equally free and independent," but laid down the principle that "no male person born in this country or brought from over sea, ought to be holden by law to serve any person as a servant, slave or apprentice, after he arrives at the age twenty-one years, nor female in like manner, after she arrives at the age of eighteen years, unless they are bound by their own consent after they arrive to such age," &c. An act passed in 1779 established the common law in that State, as understood and practised [sic] in the courts of New England, "providing that all the people of the American States within this State," &c. Seven years subsequently an act was passed to prevent the sale and transportation of negroes and mulattoes out of the State; but it is supposed this was afterward repealed.

CONNECTICUT.

A revision of the laws of Connecticut, published in 1784, shows that the State had then taken emancipation ground, in theory at least. One act declaring who shall be freemen, makes no distinction of persons as to race or color. But slaves were still held in that State. "An act concerning Indian, mulatto and negro servants and slaves," has the following: "And whereas sound policy requires that the abolition of slavery should be effected as soon as may be consistent with the rights of individuals and the public safety and welfare." It was, therefore enacted that no negro or mulatto child, born after the first of March, 1784, should be held in service longer than till reaching the age of twenty-five years, but should thereupon become free. Subsequently this age was reduced four years, and the right to emancipate at any age between twenty-five and forty-five was granted. Strenuous laws were also passed against the foreign slave trade. But the revised constitution, adopted in 1821, allowed masters to bring their slaves with them into the State for temporary residence. It deserves mention that the laws of Connecticut on this subject were much milder than in most of the other
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