Speech of John Hossack, Convicted of a Violation of the Fugitive Slave Law eBook

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Contents

Speech of John Hossack, Convicted of a Violation of the Fugitive Slave Law eBook.....1

Contents.....2

Table of Contents.....3

Page 1.....4

Page 2.....6

Page 3.....7

Page 4.....8

Page 5.....9

Page 6.....10

Page 7.....11

Page 8.....12



Table of Contents

Table of Contents

Section	Page
Start of eBook	1
SPEECH OF JOHN HOSSACK.	1

Page 1

SPEECH OF JOHN HOSSACK.

[At the February term of the U.S. District Court for the Northern District of Illinois, *John Hossack* and *Joseph Stout*, of Ottawa, were convicted of having aided in rescuing a fugitive slave from the custody of the U.S. Deputy Marshal at Ottawa, Oct. 20, 1859, and sentenced by Judge Drummond to pay a fine of one hundred dollars, and be imprisoned ten days. Mr. *Hossack* is a Scotchman by birth, but spent many years of his life in Quebec, following the occupation of a baker. About twenty years since, he removed to Ottawa, Illinois, and assisted in the construction of the Illinois and Michigan Canal. He has been for some years past a prominent dealer in grain, has acquired a competency by enterprise and industry, and is considered one of the most upright and intelligent citizens in the community. The following Plea, made by him before the Court, evinces true nobility of soul, the highest moral integrity, the most generous humanity, and genuine manly eloquence. Let it be read in every household, so that the execution of the infamous Fugitive Slave Act, in every part of the North, shall be rendered impracticable by a regenerated public sentiment.]

May it please the Court:

I have a few words to say why sentence should not be pronounced against me. I am found guilty of a violation of the Fugitive Slave Law, and it may appear strange to your Honor that I have no sense of guilt. I came, Sir, from the tyranny of the Old World, when but a lad, and landed upon the American shores, having left my kindred and native land in pursuit of some place where men of toil would not be crushed by the property-holding class. Commencing the struggle of life at the tender age of twelve years, a stranger in a strange land, having to earn my bread by the sweat of my brow, your Honor will bear with me. Unaccustomed as I am to appear in Courts, much less to address them, I have feared that I might fail in bearing myself on this occasion worthy of the place and the position I occupy, and the great principles involved in the case before you. I say to your Honor, therefore, if I fail in observing the usual forms of the place, it will be from a want of judgment and error of the head, and not of the heart. Therefore I do not think I shall fare worse at the hands of your Honor, if I state plainly my views and feelings on the great question of the age—the rights of man. I feel that it is a case that will be referred to long after you and I have gone to meet the great Judge of all the earth.

It has been argued by the prosecution that I, a foreigner, protected by the laws of my adopted country, should be the last to disobey those laws; but in this I find nothing that should destroy my sympathy for the crushed, struggling children of toil in all lands.

Surely, I have been protected. The fish in the rivers, the quail in the stubble, the deer in the forest, have been protected. Shall I join hands with those who make wicked laws, in

crushing out the poor black man, for whom there is no protection but in the grave, where the wicked cease from troubling, and the weary are at rest?

Page 2

It is true, Sir—I am a foreigner. I first saw the light among the rugged but free hills of Scotland; a land, Sir, that never was conquered, and where a slave never breathed. Let a slave set foot on that shore, and his chains fall off for ever, and he becomes what God made him—a man. In this far-off land, I heard of your free institutions, your prairie lands, your projected canals, and your growing towns. Twenty-two years ago, I landed in this city. I immediately engaged on the public works, on the canal then building that connects this city with the great river of the West. In the process of time, the State failed to procure money to carry on the public works. I then opened a prairie farm to get bread for my family, and I am one of the men who have made Chicago what it is to-day, having shipped some of the first grain that was exported from this city. I am, Sir, one of the pioneers of Illinois, who have gone through the many hardships of the settlement of a new country. I have spent upon it my best days, the strength of my manhood. I have eleven children, who are natives of this my adopted country. No living man, Sir, has greater interest in its welfare; and it is because I am opposed to carrying out wicked and ungodly laws, and love the freedom of my country, that I stand before you to-day.

Again, Sir, I ought not to be sentenced because, as has been argued by the prosecution, I am an Abolitionist. I have no apologies to make for being an Abolitionist. When I came to this country, like the mass from beyond the sea, I was a Democrat; there was a charm in the name. But, Sir, I soon found that I had to go beyond the name of a party in this country, in order to know any thing of its principles or practice. I soon found that however much the great parties of my adopted country differed upon banks, tariffs and land questions, in one thing they agreed, in trying which could stoop the lowest to gain the favor of the most cursed system of slavery that ever swayed an iron rod over any nation, the Moloch which they had set up, to which they offered as human sacrifice millions of the children of toil. As a man who had fled from the crushing aristocracy of my native land, how could I support a worse aristocracy in this land? I was compelled to give my humble name and influence to a party who proposed, at least, to embrace in its sympathies all classes of men, from all quarters of the globe. In this choice, I found myself in the company of Clarkson and Wilberforce in my native land, and of Washington and Franklin, and many such, in this boasted land of the free; and more than all these, the Redeemer in whom I humbly trust for acceptance with my God, who came to heal the broken-hearted, to preach deliverance to the captives, to set at liberty those who were bruised; yea, this very religion binds me to those in bonds as bound with them. Tell me, Sir, with these views, can I be any thing but an Abolitionist? Surely, for this I ought not to be sentenced.

Page 3

Again, Sir, I ought not to be sentenced, because the Fugitive Slave Law, under which I am torn from my family and business by the supple tools of the Slave Power, the slave-breeder and the slave-hunter, is at variance with both the spirit and letter of the Constitution. Sir, I place myself upon the Constitution, in the presence of a nation who have the Declaration of Independence read to them every Fourth of July, and profess to believe it. Yea, in the presence of civilized man, I hold up the Constitution of my adopted country as clear from the blood of men, and from a tyranny that would make crowned heads blush. The parties who prostitute the Constitution to the support of slavery are traitors—traitors not only to the liberties of millions of enslaved countrymen, but traitors to the Constitution itself which they have sworn to support. A foreigner upon your soil, I go not to the platforms of contending parties to find truth. I go, Sir, to the Constitution of my country: the word slave is not to be found. I read, "We, the people of the United States, in order to form a more perfect Union, establish justice,"—yes, Sir, *establish justice*—"to promote the general welfare, and to secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America." These were the men who had proclaimed to the world that *all* men were created equal; that they were endowed by their Creator with certain inalienable rights—life, liberty, and the pursuit of happiness; and contended even unto death for seven long years. Can it be, Sir, that these great men, under cover of those hallowed words, intended to make a government that should outrage justice and trample upon liberty as no other government under the whole heavens has ever done? This dreadful power, that has compelled the great political parties of the country to creep in the dust for its favor; that has debauched to a large extent the Christianity of the nation; that bids a craven priesthood stand with Golden Rule in hand, and defend the robbing of mothers of their babes, and husbands of their wives; that bids courts decree injustice; Sir, I plant myself upon the Constitution, and demand justice and liberty, and say to this bloody Moloch, Away! Sir, the world has never furnished so great a congregation of hypocrites as those that formed the Constitution, if they designed to make it the greatest slaveholder, slave-breeder and slave-catcher on earth. He is a great slaveholder that has a thousand slaves; but if this law is a true exponent of the Constitution, this Government, ordained for justice and liberty, holds four millions of slaves.

No, Sir! no! for the honor of the fathers of my country, I appeal from the bloody slaveholding statute to the liberty-loving Constitution. While these fathers lived, State after State, in carrying out the spirit of the Constitution, put an end to the dreadful system. The great Washington, in his last will and testament, carried out the spirit of the Constitution.

Page 4

But, sir, the law under which you may sentence me violates both the letter and the spirit of the Constitution. I have a word to say upon the articles of the Constitution which it is claimed the Fugitive Slave Law is designed to carry out.

“No person held to service or labor in one State, under the laws thereof, escaping into another, shall in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on the claim of the party to whom such service or labor is due.”

That is the provision that is claimed transforms the Government into a monster of iniquity. I have read, over and over, that article, interpreted by all laws of language known to a plain man. How these three or four lines can transform this Government, ordained to secure justice, into a mean tool to aid the plunderers of cradles, the destroyers of home, the ravishers of women, and the oppressors of men, to carry on their hellish work—how it can do this thing, I cannot see. That article binds the several States separately not to pass a certain law, but where in it do we find a Fugitive Slave Law? Where do you find a Commissioner? Where do you find that the Government is to hunt up and return, at its own expense, a slave that flees from his cruel and bloody master? Where in those lines is the authority to compel me to be a partaker in the crimes of the man-stealer? The General Government is not once mentioned; but the States in their separate sovereignties are named. But, Sir, this article expressly provides that the party making the claim shall have owed him service, or labor due from the party claimed. If Jim Gray owed service, or labor, or money, to Phillips, I am the last man in the world to raise my voice or hand to prevent Phillips, or any man, from obtaining his dues. What I would grant to the devil himself, I would not withhold even from the slaveholder—his due. Jim Gray claims that he does not owe Phillips a day’s work or a dollar of money. Phillips claims that he owes him every day’s work that has been deposited in his bones and sinews; yea, the toil of his body and mind both, till death shall end the period of stipulated toil. Here is a question for legal examination and judicial discussion. Does the man Gray owe this man Phillips any thing? The Constitution is very clear and very plain in pointing out the way this question is to be settled.

Article V. provides that no person shall be deprived of life, liberty or property without due process of law. That Jim Gray is a person, is admitted on all hands. Phillips admits it; the blood-hounds, marshals and attorneys that hunt him, say he is a person—a person held to service. The amount in dispute is the liberty and life-long toil of a man just entering into the full maturity of manhood. A great question lies between these men. But Gray, standing on soil covered by this Constitution, can be robbed of liberty, or the wages of his toil, only by due process of law.

Page 5

Article VII. says, expressly, in suits at common law, when the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved. Here, sir, is a case involving the question of liberty, and hundreds of dollars of money. The law, Sir, under which I appear before you, overrides these plain provisions, and commits this whole question to one man, and offers him a bribe to trample right and liberty under foot. I know, Sir, it may be said that Jim Gray was a slave, and not entitled to these humane provisions. Had he never worn the chain of the oppressor, nor felt the lash of the bloody task-master—had he been born in Canada, or any where else on the globe—had he been a citizen of one of the States of this Union, and never been enslaved, it would have been all the same. His liberty would have been stricken down, and he been given to the party claiming his life-long toil, and your Commissioner would have pocketed the bribe offered by this law for doing such a crime against humanity and the plainest provisions of the Constitution.

No sir; in a Court of the United States, where the Constitution provides for trial by jury, I ought not to be sentenced for raising my hand to rescue a fellow-man from a mob that would strip him of his liberty and life-long toil without due process of law, without trial by jury. Sir, this, law tramples so flagrantly upon the spirit and letter of the Constitution, that I ought not to be sentenced.

Before passing from the Constitutional objections to this law, I would call the attention of your Honor to the partiality of the law, which is so at variance with the designs of the Fathers in organizing this Government. No man can read the Constitution—in which the word slave cannot be found; from which the idea that a man could be reduced to a thing, and held as property, was carefully excluded—no man, I say, can read that Constitution, and come to the conclusion that slavery was to be *fostered, guaranteed* and *protected* far beyond every thing else in the country. Admit that Jim Gray was Phillips's property, how comes it that that particular property is more sacred than any other property? Phillips's horse escapes from him, and is found in a distant State; but the President of the United States, and every department of Government, are not put on the track to find the horse, and return him to Phillips's stable, and then pay the whole bill from the National Treasury. No, Sir. But his slave escapes—he runs away, and, for some reason, his property in man is so much more holy and sacred, that the whole Government is bound to take the track and hunt, the poor panting fugitive down, and carry him back to his chains and bondage at the Government's expense.

Sir, under a Constitution unstained by the word slave, we have a law magnifying slave property above all other property in the nation—a law giving it guarantees that no other property could possibly obtain. Sir, the partiality of this law is so great, that it stands opposed to a Constitution that guarantees equal justice and protection to all.

Page 6

John G. Fee is driven out of his Kentucky home, and robbed of the fruits of his life-long toil. There is no power to secure him his home, or protect him in his rights of property or opinion. But had John G. Fee only owned a slave, and his slave escaped, the Government, under this law, would have followed his slave to the utmost limit of the United States, and returned his slave to him at its own expense. Your Honor will pardon me, (if I need pardon,) but I cannot, for the life of me, see what there is in robbing a man of his inalienable rights and enslaving him for life, that should entitle it to the special and peculiar protection of national law.

I am aware, Sir, that I shall be reminded that judges, marshals, attorneys, and many citizens, regard this law as Constitutional, and stand ready to execute it, though it trample every principle of the Declaration of Independence in the dust. Sir, no law can be enacted so bad but that it will find men deluded or base enough to execute it. The law of Egypt that consigned the new-born babe to the slaughter found tools for its execution. The bloody decree of Herod found men ready to obey the law of the country, though it commanded the slaughter of the innocents of a province, Sir, tell me not of men ready and willing to execute the law! My Redeemer, whose name I am hardly worthy to speak, and yet whose name is all my trust, although he knew no sin, yet he was crucified by law.

Again, Sir, it will be said that some whom the world calls Doctors of Divinity and Doctors of Law have undertaken to prove that slavery was guaranteed by the Constitution. If that be so, in the name of the Most High God, tear out the red strip of blood; it was not written by the Angel Gabriel, nor nailed to the throne of the Almighty. If slavery is in it, it is “a covenant with death, and an agreement with hell.”

But, Sir, I have one consideration more that I will urge why sentence ought not to be pronounced against me. This law, which I think I have proved outrageous to the rights of man, is so obviously at variance with the law of that God who commands me to love Him with all my soul, mind, might and strength, and my neighbor as myself, and the Redeemer who took upon him my nature and the nature of poor Jim Gray has been so particular in telling me who my neighbor is, that the path of duty is plain to me. This law so plainly tramples upon the divine law, that it cannot be binding upon any human being under any circumstances to obey it. The law that bids me do to other men as I would have other men do to me, is too plain, too simple to be misunderstood. But, Sir, I am not now left to the general law of love in searching for my duty in this particular case. Permit me to refer your Honor to the oldest law-book in existence. Though it may not be in use in this Court, yet I think it better authority than Blackstone or any law-book that ever was written. It is the book of books. In that book, I find some special enactments given

Page 7

to the Hebrew commonwealth, that leave me in no doubt as to my duty in reference to this law. "He that stealeth a man and selleth him, or if he be found in his hands, he shall surely be put to death." Again: "Thou shalt not deliver unto his master the servant that has escaped from his master unto thee; he shall dwell with thee, even among you, in that place he shall choose in one of thy gates where it liketh him best; thou shalt not oppress him." These plain statutes, with many more that I might give, leave me in no doubt as to the mind of the unchanging Jehovah, in reference to man-stealing and slave-hunting. Sir, the whole system of slavery originated in man-stealing, and is perpetuated by fraud and violence and plunder. Others may have their doubts as to their duty under this law; I, Sir, have none. This law is just as binding on me as was the law of Egypt to slaughter Hebrew children; just as binding as the law that said, Worship the golden image, worship not God; just as binding as the law forbidding Christ and his Apostles to preach the Gospel. Send me a law bidding me rob or murder my neighbor, I must decline to obey it. I can suffer, but I must not do wrong. Send me a law bidding me join hands in robbing my fellow-men of their freedom, I cannot do so great a wrong. Yea, send me a law bidding me stop my ears to the cry of the poor, I can suffer the loss of all these hands have earned, I can suffer bonds and imprisonment—yes, God helping me, I can give up my life—but I cannot knowingly trample upon the law of my God, nor upon the bleeding, prostrate form of my fellow-man. I go not to Missouri to relieve oppressed humanity, for my duty has called me nearer home; but when He that directs the steps of man conducts a poor, oppressed, panting fugitive to my door, and there I hear his bitter cry, I dare not close my ear against it, lest in my extremity I cry for mercy, and shall not be heard. Sir, this law so flagrantly outrages the divine law, that I ought not to be sentenced under it.

A single remark, and I have done. From the testimony, (part of which is false,) and from your rendering and interpretation of the law, the jury have found me guilty; yes, guilty of carrying out the great principles of the Declaration of Independence; yes, guilty of carrying out the still greater principles of the Son of God. Great God! can these things be? Can it be possible? What country is this? Can it be that I live in a land boasting of freedom, of morality, of Christianity? How long, O, how long shall the people bow down and worship this great image set up in this nation? Yes, the jury say guilty, but recommend me to the mercy of the Court. Mercy, Sir, is kindness to the guilty. I am guilty of no crime, I therefore ask for no mercy. No, Sir, I ask for no mercy; I ask for justice. Mercy is what I ask of my God. Justice in the Courts of my adopted country is all I ask. It is the inhuman and infamous law that is wrong, not me.

Page 8

My feelings are at my home. My wife and my children are dear to my heart. But, Sir, I have counted the cost. I am ready to die, if need be, for the oppressed of my race. But slavery must die; and when my country shall have passed through the terrible conflict which the destruction of slavery must cost, and when the history of the great struggle shall be candidly written, the rescuers of Jim Gray will be considered as having done honor to God, to humanity, and to themselves.

I am told there is no appeal from this Court; yet I do appeal to the Court of High Heaven, when Judge Drummond and Judge Caton, the rescuer and the rescued, shall all have to stand at the judgment-seat of the Most High.

I have, Sir, endeavored to obey the Divine law and all the laws of my country that do not conflict with the laws of my God. My humble wish is, that it may then appear that I have done my duty. All I wish to be written on my tomb-stone is, “He feared God and loved his fellow-men.”