

REVIEW,

THE

TOMB OF THE MARTYRS,

ADJOINING THE UNITED STATES NAVY YARD,

BROOKLYN CITY, IN JACKSON-STREET,

WHO DIED IN

DUNGEONS AND PESTILENTIAL PRISON-SHIPS, IN AND ABOUT THE CITY OF NEW-YORK,

DURING THE SEVEN YEARS OF OUR

REVOLUTIONARY WAR.

BY

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AN OLD NATIVE CITIZEN OF NEW-YORK.

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4TH JULY, 1839.

THE  
TOMB OF THE MARTYRS.

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THE following inscriptions are now displayed in and about the sacred premises.

*First.*—The PORTAL to the TOMB of 11,500 patriot prisoners of War, who died in dungeons and pestilential prison-ships, in and about the City of New-York, during the War of our Revolution.—The top is capt with two large Urns, in black, and a white Globe in the centre.

*Second.*—The interior of the Tomb contains thirteen Coffins, arranged in the order as observed in the Declaration of Independence, and inserted thus—*New-Hampshire,—Massachusetts,—Rhode Island,—Connecticut,—New-York,—New-Jersey,—Pennsylvania,—Delaware,—Maryland,—Virginia,—North Carolina,—South Carolina, and Georgia.*

*Third.*—Thirteen beautifully turned posts, painted white, each capt with a small Urn, in black; and between the posts, the above-named States are fully Lettered.

*Fourth.*—In 1778 the Colonial Congress promulgated the Federal-league-Compact, though it was not finally ratified until 1781, only two years before the peace of 1783.

*Fifth.*—In 1789 our grand national Convention, “to form a more perfect Union,” did ordain “the present Constitution for the United States of America,”—to be ONE ENTIRE SOVEREIGNTY, and in strict adhesion to the equally necessary and sacred STATE RIGHTS. Such a Republic must endure forever!!!

*Sixth.*—In the same year, 1789, in the City of New-York, Washington began the first Presidential career. The wide-spread Eagle of Union, with a gilded Sun and Star in his Beak, and standing erect on a Globe, is now represented as waiting on Washington’s command, and then as instantly raising his flight in the heavens,—and like the Orb of Day, speedily became visible to half the Globe. Washington had appeared, uncovered, before the majesty of the people, under the canopy,—in front of our City Hall,—when Chancellor Livingston administered to him the oath of office,—and then proclaimed, LONG LIVE GEORGE WASHINGTON! The air was rent with shouts of acclamation, and our goodly ship Union moved on her ways, a model for the Universe!!—A witness to this scene declared that it appeared ‘o him that the hosts of heaven, at that moment, were looking down with approbation on the act.—That he was deprived of utterance, and could only wave his hat among the multitude!—I was also a witness to the scene!—Then it was, at that moment, when our State Sovereignities,—not our equally sacred STATE RIGHT, ceased to exist, and the Sovereign power was proclaimed to be invested in the whole people of the United States, ONE AND INDIVISIBLE!!!

*Seventh.*—The Constitution of the United States consists of TWO PARTS,—The SUPREME SOVEREIGNTY, and the unadulterated STATE RIGHTS, one and inseparable. It has no parallel except the sacred Decalogue by Moses, which proclaimed our duties to God and man, *one and indivisible*,—six thousand years ago.

*Eighth.*—In the Ante-chamber to the Tomb will be arranged the Busts, or other insignia, of the most distinguished deceased Military men and Civilians of the Revolution. The Governors and Legislatures of the Old Thirteen States, will confer a great favor by sending them to Benjamin Romaine, No. 21 Hudson-street, City of New-York.

In 1776 our Colonial Congress proclaimed the Union of Thirteen British Colonies as “Free, Sovereign and Independent States.” Our old Step-Mother (Britain) having determined to tax these Colonies “in all cases whatsoever,” and without representation. The daring act of Independence, done in the face of full thirty thousand British and hired European troops, who had crossed the Atlantic ocean, and were encamped on Staten Island, within nine miles of this city,—in full array, to commence the scene of blood and conquest. Here we ought to name the heroic majority of our Colonial Congress who then proclaimed and sustained our first title deed of Independence.

Our city was speedily captured, and held during the seven years contest.—Washington was beaten in every direction.

The energy of determined resistance by the Colonial Congress astonished Europe, though many of its most prominent members were appalled, and propositions were made of further petitionings for redress of grievance. A mighty host of internal opposition became bold and loud, in aid of the external onset. Clouds and mists, and almost total darkness obscured the light of our rising sun of Independence, in its first appearance, at the verge of our political horizon, and they have not ceased even to this day.

In 1778 a middle course was adopted by our Colonial Congress. The declaration of our Independence then failed to be carried out. The form of government adopted was a mere Federal Compact,—Solemn League and Covenant,—a *Compromise*,—a Confederacy, &c.—These terms were however truly significant in word and spirit, though all of them of the same sense and meaning. The thirteen States were proclaimed to subsist in separate State Sovereignities. The American *Eagle*,—thirteen *Stars*, and thirteen *Stripes*, were adopted as their motto; and “E Pluribus Unum” was significant of the combination. This federal form of government was not finally settled upon until 1781, only two years before the peace of 1783, when the British Lion was made to cower under the talons of the American Bird.

The Federal league or compromise government begins thus—“*Each state retains its sovereignty, freedom and Independence, and every power, jurisdiction and right, which is not by this confederation, expressly delegated to the United States in Congress assembled.*”

Four years elapsed after the peace, under the old confederation, and which had completely failed of all uniting purposes between the Sovereign States. The extension of our commercial relations, and the local, *dissimilar*, and imposing arrangements of some of the most powerful states, pointed to a more efficient Legislation to preserve the integrity of the union; and more especially, for the *united* adjustments and formation of our treaties, both political and commercial, with foreign states and nations.

Those nations refused, nay they *could not* treat with us *collectively*, as a united people, while the several states continued to be distinct and separate Sovereignities, as declared by the old confederation.

Thus our existence in thirteen independent Sovereignities, and destitute of a united and controlling energy, was demonstrated to be totally incompatible with union at home or respect abroad, and which *became the sole cause for calling the convention, of the then Sovereign States to remedy the evil!* Certain states had actually commenced restrictions on the intercourse with other states, and to form separate tariffs of internal duties, and also on “*exports and imports*” with foreign nations.

Our present most glorious government proclaims.—“*We, the people of the United States, in order to form a more perfect union,—establish justice, ensure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of Liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.*”

↳ *In all communities of men it has been found indispensable to create a MAJESTY, a Sovereign controlling power, an Arbiter which can have no equal, and much less a superior, or it could not be Sovereign, nor act efficiently to a general interest.*

Thus Governments of every kind must possess the power of self-preservation.—They must be able to enforce the civil laws, command the national purse, bring into action the physical force, put down insurrection and rebellion, punish treason, repel invasion, defend the nation against foreign power and internal defection, and thus provide for the general welfare. No Government can permit, or shew a weakness, or failure, in any of these indispensable requisites, with security to itself, and let it be forever remembered “*that fears in the public councils betray like treason.*” We ought never to doubt for a moment, of the efficiency of our general government, to sustain its united integrity.—[*Washington's farewell address.*

The United States government, constructed as it now is, of agents to execute the whole people's Sovereign power, and who are to be changed at their will, can never become a tyranny. The state governments in Sovereignty must, long e'er this day have become contending despotisms:—our revolution a curse, and the people of each state made aliens, and foreigners to each other, and far less degrading and humiliated would have been our present condition, to have remained the slaves and commercial dependents of our old task-master.

It is of general remark, “that the States have given away a large portion of their liberties to secure the rest.” Such is not the fact. No important State authority, which they ever exercised, under the Old Confederation, except their *adventitious* and most destructive individual Sovereignty, was yielded to the general Government, that is yielded to *themselves collectively*: and in the most ample manner and form, with full powers to enforce and sustain their undivided

integrity, from foreign attack, and internal aberration. Not only was every *State right* made sacred, but vast additional powers and influences were guaranteed to them for ever;—a free press, a full share of representation in both houses of Congress, to guard the general and local interests of each State, and the free instructions to them in the Councils of the nation. The Senators from each State control the President in all our foreign relations, and in his nominations to office, both civil and military, which appertain to the Government of the United States. Are these things, and a thousand more, “the giving away of *State Rights*?” Each State now stands erect, as a mighty column, “consolidated” in the fabric of Union, and is protected by the whole power of it! That which injures one State, must injure all; and no unjust or unequal law can be long sustained, having such tendency, *if it be possible to afford relief*; and be assured, that none of the states would yield their proud original, present eclat, and elevation in the eye of the world, (and their own *united power*;) for all the individual state Sovereignty blessings of the old confederation compact.

Six thousand years are said to have passed since the creation, and the United States is the first instance of a great nation, in a time of profound peace, whose religion was of their own choice, whose politics were derived from their own experience, freed from the power of personal despotisms, and from the superstitions of the old world;—and thus choosing their form of Government. Then it was, that our sages *deliberated*, and by the most happy combination, they finally *arranged, entwined, “consolidated,” and formed our general Government*, and **WHOLLY BY AUGMENTATIONS OF POWER ADDED TO THE INDIVIDUAL STATE GOVERNMENTS!!**

If the states had intended to retain their Sovereignty, they would have so instructed their several delegates in the Convention, or have refused to sanction the Constitution, as the words *State Sovereignty* are not even mentioned in it; but it is declared by the Convention, to be “obviously impracticable in the government of the United States.”

What is the general government, but the aggregate of state rights? The state authorities, legislative, judiciary and executive, are in the constant exercise of those retained rights, to sustain their united Sovereignty. It certainly borders on the ridiculous, even to suppose this *united Sovereignty* to seek to injure or destroy the state rights by which alone that Sovereignty can continue to exist! Nevertheless in every individual and state aberration, the first we hear, is state Sovereignty, and a vast concern about the infringements on “paramount” state rights.

The convention having finished the work assigned to them, by their separate state Sovereignities, *did* on the 17th day of September, 1787,—“*Resolve*, that the preceding Constitution be laid before the United States in Congress assembled, and that it is the opinion of this Convention that it should afterwards be submitted to a Convention of delegates chosen in each state, by the people thereof, under the recommendation of its Legislature, for their assent and ratification.”

In conformity to this resolution the Convention finally closed their labors, by the following (in part recited) address to the President of Congress.

Sir,—“We have now the honor to submit to the consideration of the United States in Congress assembled, that Constitution which has appeared to us the most advisable.”

“The friends of our country have long seen and desired, that the power of making War, Peace and Treaties, that of levying money and regulating commerce, and the corresponding executive and judicial authorities should be fully and effectually vested in the general government of the Union. It is **OBVIOUSLY IMPRACTICABLE**, in the federal government of these states, *to secure all rights of Independent Sovereignty to each and yet provide for the interests and safety of all.*”

“In all our deliberations on this subject we kept steadily in our view, that which appears to us the greatest interest of every true American, the **CONSOLIDATION** of our Union, in which is involved our prosperity, felicity, safety, perhaps our *national existence*. This important consideration, seriously and deeply impressed on our minds, led each state, in the Convention to be less rigid on points of inferior magnitude, than might have been otherwise expected. That it may promote the lasting welfare of that Country so dear to us all, and secure her freedom and happiness, is our most ardent wishes.”

With great respect, we have the honor to be, Sir,

Your Excellency's most Obedient and Humble Servants,

GEORGE WASHINGTON, President,

By unanimous order of the Convention.

His Excellency, the President of Congress.

Sept. 17th, 1787.

The Convention also declares it “*obviously impracticable, in the Government of these States, to secure all the rights of independent sovereignty to each, and yet provide for the interest and safety of all.*” Here the Convention affirms the *abolition* of the State Sovereignities, as an act

of plain common sense *necessity*, and to avoid a downright absurdity, from their having "*consolidated*" the Sovereign power in the whole people of the States *collectively*; and who, by their several independent State Conventions, consented to be clothed with every attribute of power, denominated supreme, and as appertains to every other Government on earth; when each state, *then* relinquished its individual Sovereignty, and in good faith, proceeded so to alter and conform their several State Constitutions accordingly. If the State Sovereignities had been reserved, would they have failed to mention it in their State Constitutions? or in that of the United States? Surely, those sacred instruments, and especially *the old thirteen*, and those since formed, would have been made the depositories of so sacred a reservation!

We had been accustomed to use the words *State Sovereignty and Independence* with veneration and *correctness* from the 4th day of July 1776, up to the 4th day of March 1789, twelve years and eight months, when the present Constitution went into full effect. On this all important *transition*, or change "of the relations between the states and general government," it only required to put in use their true substituted fact meaning, *viz.*—*State Rights*, in the stead of continuing the words *State Sovereignty*, which became abrogated, on the adoption of the present Constitution. These two words are the true hocus-pocus, of all the state aspirants from that day to this. What shall restrain a Sovereign power but its limitations, if the states are all Sovereign, then is the United States Sovereignty annihilated; *and this is the sum of the whole matter at issue!* The idea of State Sovereignty had become inveterate.

Washington says in his farewell address—"The unity of Government makes you *one people*. *Designing men will ENDEAVOR to excite a belief that there is a real difference of interests and views; beware of heart-burnings from these misrepresentations.*"

Again.—"That facility in changes upon the credit of mere *hypothesis* and *opinions*, exposes to perpetual change, from the endless variety of *hypothesis* and *opinion*. That in a country so extensive as ours, a Government of as much vigor, as is consistent with perfect security of liberty, is indispensable. *Frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, enfeebling the sacred ties which link together the various parts. BUT LET THERE BE NO CHANGE BY USURPATION; THOUGH IT BE THE INSTRUMENT OF GOOD, WHICH IS OVERBALANCED IN EVIL TENDENCY!* Parties in small minorities, will seek to make the public administration the MIRROR OF FACTION, and become the most frightful despotisms, of one faction over another."

Here we see the penetrating mind of our Washington to ward off the "*Evil tendency of mere hypothesis and opinions in a country so extensive as ours.*"

It appears clear to my mind that a case in full point has already occurred, and spread its most deleterious effects throughout our entire Republic. If the law of Congress in relation to the tariff system be in any shape or form a *compromise* with any State already in full fellowship with our consolidated twenty-six States, the "*evil tendency*" has occurred, and we are thus thrown back into the arms of our old Confederation Compact system. This "*tendency*" is industriously circulated throughout our Union, and the assumptions are already made to justify the States to seek their separate defence on the old ground of their separate sovereignty. Conventions are said to be now forming for like purposes. There is certainly no clause in our national Constitution which warrants such practice; it is nevertheless now boldly defended on the ground of mere "*opinion*," that the tariff *Compromise* "prevented the severance of our Union!"

Our united Republican Empire will fully inquire into this matter.

In 1808, after thirty years neglect, the corner-stone of this Tomb or Vault, was laid by the present owner, as then Grand Sachem of Tammany Society.—In the same year, from the great collection of the bleached remains of the Martyrs to our Independence,—Thirteen Coffins were filled, and interred into the Tomb, in great display of military and civil procession from the city of New-York and Brooklyn. Fifteen thousand attendants, without distinction of party, were then believed to have been present.

The monument hereby contemplated to be erected is strictly and properly the business of the United States, it is therefore respectfully intended that no individual State, or States,—City,—Town, or Corporate Body, be concerned in expenditure of the work;—except that the thousand dollars donation of this State, made some years since, to me as an individual, by a law of this State, and to be accounted for by me,—is not yet taken up on account of the smallness of the sum,—and other means failing. This sum only will be applied for, at the commencement of the work.

That the President of the United States, and the general Congress, be most respectfully addressed on this subject. If ever there was an event deserving the most imperishable materials to stand as representative of it, this occurrence must, one day, be made to appear as of imperishable memorial, and stand as a main Pillar in the fabric of our freedom and perpetual Union.

It is ordered that all monies to be received by me as pension rewards for military duties during the Revolutionary War, be wholly expended, from time to time, on these sacred premises.

The government of the United States is now, and has been since 1789, one entire and consolidated *Republican* Empire,—on its like the sun of heaven never before shown, and it has been so administered from that day to this, whatever party fogs and mists may have been thrown around it in the pursuit of office, the principle remains, and without it, we could not preserve our national influence, and sustain any permanent internal solidity.—The term *Empire*, as applied to this State, is invidious. The word *Consolidation* has been, and yet continues to be, made as of frightful tendency, now full fifty years. When these spectres shall become extinct, then will the "*Othellos occupations*" be gone, and the boundary line set to irregular personal and tumultuous state ambition. It is the object of their perpetual hate.

Our general government is not now a compact, contract, bargain or compromise, between twenty-six independent state Sovereignities; that compact has been had, and settled. It is now a government in fact, holding command, and by order of the whole people, of *all* the energies of supreme power over the Union, to enforce and sustain its *undivided integrity*. Thus are the main powers and penalties of our government all plainly written and published to the world;—those of England are mostly first declared by certain "*Orders in Council*,"—and no where known before,—no, not to their King and Parliament themselves, until the *Expediency* arrives, which gives the impulse to their action;—if that be a declaration of war,—or the interdict of trade between certain independent powers at peace with each other, on the pains and penalties of confiscation of property. Then is their "*Faithful Commons*" but first informed and requested to furnish the supplies! That they are sure to do, until the game is given up, when the said Commons declare against that ministry, (not their king)—and that ministry then retires. And so on,—again and again! Yet our President and Congress are held to exercise more power than the English King and his Parliament! Our government cannot now turn to the right hand nor to the left, until it be forced into a display of the people's power, by some overt act, of daring obstruction to its straight forward, *constitutional* course.

If the executive arm fail, or refuse to enforce the supreme laws, or other misdemeanor, or *tumultuous excitement*, then will the people's *reserved power*, through THEIR *immediate representatives*, in the Congress of the United States, resume the executive command, and impeach such delinquent, at the Bar of the Nation; whether it be the *President*, the *Vice President*, or other individual who may be called to exercise the Executive Authority; then will the *supreme judiciary* preside, and the Senate of the United States, the immediate representatives of the states, as states *collectively*, try and *adjudge* such delinquents, in conformity to the Sacred Charter of Union. This federalism is not of *league* and *compromise* character.

The basis of our Consolidation is the universally extended elective franchise. This principle, hitherto unknown, and much less practised upon by any other people on this earth,—it will require the most rigid laws, "*consistent with civil liberty*," to enforce its true practice.

When the child shall ask his parent, after the lapse of a thousand years,—My Father, what does that structure mean? what is its use? The Father shall say,—My Son, there were interred the representative remains of eleven thousand five hundred heroes of our Revolutionary War, who perished in doleful dungeons, and pestilential prison-ships, in and about the City of New-York, and who rather chose death than enlist in the enemy's service, to which they were daily urged, as well by threats as by enticing allurements. Of many of these facts I have practical knowledge, at my imprisonment in two of those dungeons during seven weeks of the Revolutionary War, after which I was exchanged in October 1781.

A single individual, or battle-ground, is glorious in remembrance to freemen, but here was an event of long and painful duration, a crisis, and without a parallel of suffering in the history of our Revolution.—I had long hoped and expected, and yet hope and expect, in this life, to see the cap-stone take its bed, and hearing the last stroke of the hammer on some noble edifice, ordered by none but the UNITED STATES, at the Wallabout, reaching towards the heavens, at least one hundred feet above its base;—which shall *transmit*, *inspire* and *perpetuate* throughout a thousand years, the heroism and patient endurance of misery, and ultimate death, rather than accept the dishonorable term of submission.

I will only add here, that if those revolutionary dead had survived our glorious conflict, they would have obtained their pension claims and bounty lands of the Union and every state in it, to themselves, their wives and their children,—ten thousand times more even in pecuniary expenditure, than the most splendid monument which is now expected to be erected. All those sires now ask, and for more than fifty years have asked, and never can cease to plead from their silent, though not mute abode at the Wallabout—**IS—ONLY GIVE US A MONUMENTAL TOMB!!**

**ELEVEN THOUSAND FIVE HUNDRED.**