



SLAVERY
AND THE
WILMOT PROVISIO;
WITH SOME
SUGGESTIONS
FOR
A COMPROMISE.

BY JOHN L. CAREY.

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A P P E N D I X .

The following report of proceedings in the Convention which framed the Constitution of the United States is taken from the "Madison Papers," vol. iii, pages 1390-1396, both inclusive.

WEDNESDAY, AUGUST 22D, 1787.

In Convention—Article 7, Section 4, was resumed.

MR. SHERMAN was for leaving the clause as it stands. He disapproved of the slave trade; yet as the States were now possessed of the right to import slaves, as the public good did not require it to be taken from them, and as it was expedient to have as few objections as possible to the proposed scheme of government, he thought it best to leave the matter as we find it. He observed that the abolition of slavery seemed to be going on in the United States, and that the good sense of the several States would probably by degrees complete it. He urged on the Convention the necessity of despatching its business.

COL. MASON. This infernal traffic originated in the avarice of British merchants. The British Government constantly checked the attempts of Virginia to put a stop to it. The present question concerns not the importing States alone, but the whole Union. The evil of having slaves was experienced during the late war. Had slaves been treated as they might have been by the enemy, they would have proved dangerous instruments in their hands. But their folly dealt by the slaves as it did by the Tories. He mentioned the dangerous insurrections of the slaves in Greece and Sicily; and the instructions given by Cromwell to the commissioners sent to Virginia, to arm the servants and slaves, in case other means of obtaining its submission should fail. Maryland and Virginia he said had already prohibited the importation of slaves expressly. North Carolina had done the same in substance. All this would be in vain, if South Carolina and Georgia be at liberty to import. The Western people are already calling out for slaves for their new lands; and will fill that country with slaves, if they can be got through South Carolina and Georgia. Slavery discourages arts and manufactures. The poor despise labor when performed by slaves. They prevent the emigration of whites, who really enrich and strengthen a country. They produce the most pernicious effect on manners. Every master of slaves is born a petty tyrant. They bring the judgment of Heaven on a country. As nations cannot be rewarded or punished in the next world, they must be in this. By an inevitable chain of causes and effects, Providence punishes national sins by national calamities. He lamented that some of our Eastern brethren had, from a lust of gain, embarked in this nefarious traffic.

As to the States being in possession of the right to import, this was the case with many other rights, now to be properly given up. He held it essential in every point of view, that the General Government should have power to prevent the increase of slavery.

MR. ELLSWORTH, as he had never owned a slave, could not judge of the effects of slavery on character. He said, however, that if it was to be considered in a moral light, we ought to go further, and free those already in the country. As slaves also multiply so fast in Virginia and Maryland that it is cheaper to raise than import them, whilst in the sickly rice swamps foreign supplies are necessary, if we go no further than is urged, we shall be unjust towards South Carolina and Georgia. Let us not intermeddle. As population increases, poor laborers will be so plenty as to render slaves useless. Slavery, in time, will not be a speck in our country. Provision is already made in Connecticut for abolishing it. And the abolition has already taken place in Massachusetts. As to the danger of insurrections from foreign influence, that will become a motive to kind treatment of the slaves.

MR. PINCKNEY. If slavery be wrong, it is justified by the example of all the world. He cited the case of Greece, Rome and other ancient States; the sanction given by France, England, Holland and other modern states. In all ages one half of mankind have been slaves. If the Southern States were let alone, they will probably of themselves stop importations. He would himself, as a citizen of South Carolina, vote for it. An attempt to take away the right, as proposed, will produce serious objections to the Constitution, which he wished to see adopted.

GENERAL PINCKNEY declared it to be his firm opinion that if himself and all his colleagues were to sign the Constitution and use their personal influence, it would be of no avail towards obtaining the assent of their constituents. South Carolina and Georgia cannot do without slaves. As to Virginia, she will gain by stopping the importations. Her slaves will rise in value, and she has more than she wants. It would be unequal, to require South Carolina and Georgia to confederate on such unequal terms. He said the Royal assent, before the Revolution, had never been refused to South Carolina, as to Virginia. He contended that the importation of slaves would be for the interest of the whole Union. The more slaves, the more produce to employ the carrying trade; the more consumption also; and the more of this, the more revenue for the common treasury. He admitted it to be reasonable that slaves should be dutied like other imports; but should consider a rejection of the clause as an exclusion of South Carolina from the Union.

MR. BALDWIN had conceived national objects alone to be before the Convention; not such as, like the present, were of a local nature. Georgia was decided on this point. That State has always hitherto supposed a General Government to be the pursuit of the central states, who wished to have a vortex for every thing; that her distance would preclude her, from equal advantage; and that she could not prudently purchase it by yielding national powers. From this it might be understood, in what light she would view an attempt to abridge one of her favorite prerogatives. If left to herself, she may probably put a stop to the evil. As one ground for this conjecture, he took notice of the sect

of ——— ; which he said was a respectable class of people, who carried their ethics beyond the mere *equality of men*, extending their humanity to the claims of the whole animal creation.

MR. WILSON observed that if South Carolina and Georgia were themselves disposed to get rid of the importation of slaves in a short time, as had been suggested, they would never refuse to unite because the importation might be prohibited. As the section now stands, all articles imported are to be taxed. Slaves alone are exempt. This is in fact a bounty on that article.

MR. GERRY thought we had nothing to do with the conduct of the States as to slaves, but ought to be careful not to give any sanction to it.

MR. DICKINSON considered it as admissible, on every principle of honor and safety, that the importation of slaves should be authorized to the States by the Constitution. The true question was, whether the national happiness would be promoted or impeded by the importation; and this question ought to be left to the National Government, not to the States particularly interested. If England and France permit slavery, slaves are, at the same time, excluded from both those kingdoms. Greece and Rome were made unhappy by their slaves. He could not believe that the Southern States would refuse to confederate on the account apprehended; especially as the power was not likely to be immediately exercised by the General Government.

MR. WILLIAMSON stated the law of North Carolina on the subject, to-wit, that it did not directly prohibit the importation of slaves. It imposed a duty of £5 on each slave imported from Africa; £10 on each from elsewhere; and £50 on each from a State licensing manumission. He thought the Southern States could not be members of the Union, if the clause should be rejected; and that it was wrong to force any thing down not absolutely necessary, and which any State must disagree to.

MR. KING thought the subject should be considered in a political light only. If two States will not agree to the Constitution, as stated on one side, he could affirm with equal belief, on the other, that great and equal opposition would be experienced from the other States. He remarked on the exemption of slaves from duty, whilst every other import was subjected to it, as an inequality that could not fail to strike the commercial sagacity of the Northern and Middle States.

MR. LANGDON was strenuous for giving the power to the General Government. He could not, with a good conscience, leave it with the States, who could then go on with the traffic, without being restrained by the opinions here given, that they will themselves cease to import slaves.

GENERAL PINCKNEY thought himself bound to declare candidly, that he did not think South Carolina would stop her importations of slaves, in any short time; but only stop them occasionally as she now does. He moved to commit the clause, that slaves might be made liable to an equal tax with other imports; which he thought right, and which would remove one difficulty that had been started.

MR. RUTLEDGE. If the Convention thinks that North Carolina, South Carolina and Georgia, will ever agree to the plan, unless their right to import slaves be untouched, the expectation is vain. The people of those States will never be such fools, as to give up so important

an interest. He was strenuous against striking out the section, and seconded the motion of General PINCKNEY for a commitment.

MR. GOUVERNEUR MORRIS wished the whole subject to be committed, including the clauses relating to taxes on exports and to a navigation act. These things may form a bargain among the Northern and Southern States.

MR. BUTLER declared that he never would agree to the power of taxing exports.

MR. SHERMAN said it was better to let the Southern States import slaves, than to part with them, if they made that a *sine qua non*. He was opposed to a tax on slaves imported, as making the matter worse, because it implied they were *property*. He acknowledged that if the power of prohibiting the importation should be given to the General Government, that it would be exercised. He thought it would be its duty to exercise the power.

MR. READ was for the commitment, provided the clause concerning taxes on exports should also be committed.

MR. SHERMAN observed that that clause had been agreed to, and therefore could not be committed.

MR. RANDOLPH was for committing, in order that some middle ground might, if possible, be found. He could never agree to the clause as it stands. He would sooner risk the Constitution. He dwelt on the dilemma to which the Convention was exposed. By agreeing to the clause, it would revolt the Quakers, the Methodists, and many others in the States having no slaves. On the other hand, two States might be lost to the Union. Let us then, he said, try the chance of a commitment.

On the question for committing the remaining part of Sections 4 and 5, of Article 7,—Connecticut, New Jersey, Maryland, Virginia, North Carolina, South Carolina, Georgia, aye—7; New Hampshire, Pennsylvania, Delaware, no—3; Massachusetts absent.

W.E.H. 5/11-1847
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P R E F A C E .

IN the effort to concentrate a large subject within a small space, it may often happen that brevity will be obtained at the risk of obscurity. The proposition of compromise, however, set forth in these pages, is plain enough in itself, no matter how imperfect the exposition may be of the considerations urged in its behalf. I have, therefore, to hope that the essential idea will be regarded more than the accompanying enforcements.

Nay, for that matter, let any modifications be added, not suggested here, which may render the compromise more acceptable, and enough will be attained to answer the most sanguine expectations connected with this publication.

Or, if nothing here recommended shall find favor, it will yet be sufficient for a great purpose, if the minds of those to whom this publication may come, shall be turned thereby to the subject of a compromise of any kind, by which the tendency towards mutual exasperation, now so manifest on both sides of the question of Slavery, shall be checked, and finally converted into a disposition to make the best of facts and circumstances which are imperative.

J. L. C.

BALTIMORE, August, 1847.

SLAVERY AND THE WILMOT PROVISIO.

THE WILMOT PROVISIO, appended to a bill in the House of Representatives, appropriating money to be used in negotiations with Mexico for territory and a peace, stipulates: *That as an express and fundamental condition to the acquisition of any territory from the Republic of Mexico by the United States, by virtue of any treaty which may be negotiated between them, and to the use by the executive of the monies herein appropriated, neither Slavery nor involuntary servitude shall ever exist in any part of said territory, except for crime, whereof the party shall be first duly convicted.*

The question of Slavery in the United States, has been one of compromise from the first. As embodied in the Wilmot Proviso, it seems likely to bring on a crisis which may render necessary a compromise at this juncture; and it has occurred to me that the question admits of one.

CHAPTER I.

I. The first compromise connected with the existence of Slavery in this country, belongs to the epoch of the Constitution and the Ordinance of 1787. The latter excluded Slavery "otherwise than in the punishment of crimes whereof the party shall have been personally guilty," from all that region then known as the North Western Territory, bound-

ed by the Ohio and Mississippi rivers, and by the British Possessions on the North. If the Mississippi had continued to be the western boundary of the United States, and no new territories had been acquired, this compromise would have sufficed, once for all, so far as the action of the general government could be interposed in relation to Slavery.

But the acquisition of Louisiana, introducing a new and a very extensive territory, made another compromise necessary; this took place in 1820-21, and is known as the Missouri compromise. By the terms of this adjustment, Slavery, except for crime, is excluded from all the Louisiana territory above the line of 36 degrees and 30 minutes North latitude.

The annexation of Texas bringing still further accessions of territory, only enlarged the application of the Missouri compromise.

II. It is, however, to be here observed, that inasmuch as the boundaries of Texas, as annexed to the United States, were not defined in the resolutions of incorporation, but were left for future adjustment between our government and that of Mexico, the real extent to which the line of the Missouri compromise is to be applied, in this case, becomes somewhat uncertain. Texas, indeed, claimed to the Rio Grande, from the mouth to the sources of that river; but this claim had not been made good by occupancy; it had not been acknowledged by Mexico, nor was it recognized by the United States at the time of annexation. New Mexico and the Santa Fe country remained under the administration of Mexican governors, whose jurisdiction was undisputed. Our traders to Santa Fe, paid duties on their goods to the Mexican authorities, the validity of whose jurisdiction was admitted by our government in its system of drawbacks. Upon the occupancy of the country by our troops, a separate government was established at Santa Fe, with its func-

tionaries and officials—a provisional government, it is true, yet a government fully organized and independant of that of Texas.

Without expressing any opinion, however, which it is not necessary to do, as to the extent of “the territory properly included within and rightfully belonging to the Republic of Texas,” which became ours by annexation, it is sufficient for my present purpose, to indicate merely the source of the difficulty which exists in reference to the extent to which legislation, now in force, really carries the line of the Missouri compromise.

But at any rate, additional acquisitions of territory are contemplated: not only New Mexico to the Rio Grande, but California, also, if no more, are to be incorporated into the body of the Republic. A third compromise, therefore, is now made necessary. But the Wilmot Proviso is not a compromise.

III. The reason why compromises are always necessary whenever the government of the Union has to deal with Slavery, may be found primarily in the nature of the institution itself.

There are two ideas involved in the institution of Slavery, which, forming its constituent parts, are, nevertheless, at the same time, in perpetual conflict. These are the ideas of *Property* and of *Personality*. Clearly diverse, nay directly opposite to one another, these two elements dwell together here in a combination such as it is; and the struggles between the two, while they draw sympathy and attach interest to the condition of Slavery, when seen in the light of civilization, demonstrate, also, with absolute conviction, that it is in itself a transition-state.

Person and Property: Most assuredly man is a person; that is his characteristic. If he becomes property—that must be an accident of his being, not an essential part of it.

When Personality is weak ; when it cannot stand alone ; when it is unable to maintain a separate existence, but must depend for nurture and protection upon another ; then, indeed, as in the case of minors and apprentices, the guardian or master has a right to obedience, a power of control ; nay, for that matter, a right as of property to the labor of the party nurtured and protected. This applies also to a race, weak and docile as childhood, yet servile, dwelling together with another race, superior and accustomed to rule—the two races remaining socially distinct. Upon consideration, it will be seen that they could not dwell peacefully together in any other way, and that, in fact, the relation so established might be beneficial to both parties—nurture and protection being given on the one hand for obedience, and dutiful service on the other. The weaker party would be especially the gainer ; but it is to be understood, that the relation could not be perpetual. For when there is personality under the influences of civilization, there is progress ; and where personality and property are combined together under an obligation of service, the former must be mainly considered ; the man is greater than the chattel. Personality, implying a living spirit, must advance ; must finally predominate ; while the idea of property, applicable only to inert things, is fixed ; stationary ; without the power of becoming, of itself, at any time, other than it is.

IV. The two ingredients, Personality and Property, can exist together only by compromise, there being really no principle of coalescence between them. So antagonistic are they in their respective natures, that in proportion as the one prevails, the other subsides. Corresponding to the opposite qualities of the two constituents, the institution of Slavery is regarded, externally, in aspects totally diverse. Those who look to the personality of the slave, many of them, will see nothing else ; they look exclusively at that ;

all their sympathies are enlisted on the side of enslaved personality, which exhibits to their view nothing but outrage. The holders of slaves, and others who appreciate their position more correctly in some particulars, know the incapability of the negroes as a race to take care of themselves; they know that as a race, the negroes cannot, in this country, hold in safety to themselves, any other relation to the whites than that of servitude; that emancipation gives but a nominal freedom, which, in many cases, is worse than the ordinary servitude; since it makes the negro the slave of the social system which has no sympathies, while it takes him from a master who can be also a protector and friend.

Mingled with these views, there are, also, no doubt, infusions more or less of selfish interest, with a persuasion that slave labor is not only a desirable thing to retain, but that the organization of labor itself, as established by Slavery, is, upon the whole, as good as any that can be devised, if not the best; and that it is well adapted to promote the prosperity and the perpetuity of the social system.

V. At the foundation of our government, Slavery had assumed the twofold aspect which it now presents; but it was not regarded then with the virulence of feeling which jaundices the vision at this era of morbid excitement. The more Northern States, getting rid of the institution, which they could easily do, because in communities where intelligence and skill have to be conjoined with labor to make it productive, it is not possible for Slavery to maintain a foothold, those states having become non-slaveholding, were the first to give pre-eminence to the personality of the slave. In the South, where slave labor finds a more congenial occupancy, and where the number of slaves has become great, so as to render any change in their relative condition difficult, save by gradual means and the operation of organic social laws, the idea of property has become the paramount one in refer-

ence to the slave. Thus the struggle, which has its seeds in the institution of Slavery itself, now finds its representatives in the two great sections of the Union—a struggle which must advance from one stage to another by successive compromises.

The Constitution, accepting Slavery as an existing thing which some of the States would not part with, recognizes the two principles which enter into its nature and leaves them to work out their own development. It tolerates Slavery; but it never speaks of slaves. It calls them "*persons*;" in one case it calls them "*persons held to service*."

Here follows all that is contained in the Constitution relating, directly or indirectly, to the subject in hand:

Art. 1. Sec. 2. Clause 3.—Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, *three-fifths of all other persons*.

Sec. 9. Clause 1.—The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress, prior to the year eighteen hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

Sec. 9. Clause 4.—No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

Art. 4. Sec. 2.—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 claim of the party to whom such service or labor may be due.

Sec. 3.—The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States: and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

Sec. 4.—The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion ; and on the application of the Legislature or of the Executive, (when the Legislature cannot be convened,) against domestic violence.

Art. 5. Proviso.—Provided, that no amendment which may be made prior to the year 1808, shall, in any manner, affect the first and fourth clauses in the ninth section of the first article.

The first clause, section third, article fourth, relates to the admission of new States into the Union, and runs thus :

New States may be admitted by the Congress into this Union ; but no new State shall be formed or erected within the jurisdiction of any other State ; nor any State be formed by the junction of two or more States or parts of States, without the consent of the Legislatures of the States concerned as well as of the Congress.

VI. The Constitution, it will be seen, does not undertake to determine the question how far slaves are persons, and how far they are property. It was indispensable that some notice should be taken of the institution ; but as far as could be, the entire responsibility and control of Slavery was left with the States in which it existed. That slaves are persons, the Constitution declares : for it calls them so. But it also protects established rights of property. Recognizing both characteristics of personality and of property, it could safely, as it did properly, leave both to work together, that the one possessing the most vigor and vitality, might vindicate, in due time, its own supremacy.

Thus, slaves being numbered in the aggregate population, and admitted, to a certain degree, in the basis of representation, are so far regarded as persons. Again, the idea of property predominates in that clause which allows the master of an absconding slave to pursue him into another State and to reclaim him there ; although Slavery may not be authorized in the latter State. The power given to Congress to prohibit the importation of slaves after a specified period, and to impose a certain tax or duty on such importations until that

time, seems to involve the mixture of the two elements and to leave persons and property confounded vaguely together.

The guarded phraseology of the Constitution which avoids all use of the term "*Slave*" or "*Slavery*," will be noted. It is worthy to be observed, that the clause relating to the delivery up of fugitive slaves in the original draft of the Constitution, began thus :* "No person *legally* held to service or labor in one State, escaping into another," &c. This phraseology was changed to read as it now stands, thus : "No person held to service or labor in one State *under the laws thereof*," &c. Significant amendment!

VII. We here start from the beginning. Slavery rests on a compromise as its basis at the outset—a compromise adapted to its duplex character. The North would not permit the personality of the slave to be lost; the South would not give up its rights of property.

Emanating from this point as from a fountain, the authority of Congress to legislate concerning Slavery, whenever an occasion shall arise to make it proper and necessary, comes imbued with the spirit of the Constitution and breathes nothing but compromise. *Servetur ad imum, qualis ab incepto.*

Nevertheless, each particular compromise, thus far, has had to deal with the facts and circumstances only to which it related. It could not include future facts and circumstances not then existing nor foreseen.

Further, it is to be noted, that the Constitution recognizing both personality and property as characteristics of

* Madison Papers, vol. iii, p. 1558. As it may be interesting to the reader to have at hand some accurate exposition of the opinions and sentiments entertained on this subject by the framers of the Constitution, I have placed in an appendix, an extract of some length from MADISON'S Report of Debates in the convention.

Slavery, and pledged to the exclusive support of neither, will not interfere with the regular and orderly action of these two elements in their relations to one another.—No! *The institution must, itself, accomplish its own destiny, under the laws of its organization and the conditions of its existence here.*

CHAPTER II.

I. There are many at the South, who seek to avert the issue presented by the Wilmot Proviso, by denying the power of Congress to take action at all on the subject of Slavery. This is the ground assumed by the Legislature of Virginia, which declared, by resolutions, “that the government of the United States has no control, directly or indirectly, mediately or immediately, over the institution of Slavery; and that in taking any such control, it transcends the limits of its legitimate functions, by destroying the internal organization of the sovereignties who created it.”

This declaration would be valid enough against any attempt, on the part of the General Government, to control Slavery within the borders of any State where it exists by law. But, when Slavery, ceasing to be an institution, goes beyond the limits of a State, and enters upon territory subject to the exclusive jurisdiction of the General Government, then, it seems too clear for a doubt that Congress has full power to deal with it as the general good may require.

Congress has so dealt with Slavery. The Missouri compromise is evidence of this, if none other were at hand. Even under the loose organism of the old Confederation, Slavery, in so far as it pertained to territory not included within any State, was made the subject of legislation, as the Ordinance of 1787 bears witness.

Again, Congress was specially authorized by the Constitution, to put an end to the importation of slaves into any part of the United States, after a certain period, up to which time the importation was permitted—the permission itself, as well as the prohibition, showing the same spirit of compromise which prevails in all the provisions of the Constitution relating to Slavery.

If Congress, then, could prohibit the introduction of slaves into any and every part of the Union, the prohibition controlling the soil of organized States, it is difficult to understand why the National Government might not forbid the introduction of slaves into territory not under the jurisdiction of any State, but subject wholly to its own.

The matter, however, seems beyond argument. Is it not evident, that if Congress has the power, by the Constitution, “to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States,” there is no authority lodged elsewhere to take up any matter affecting the national territory. Slavery, coming within the jurisdiction of an authority so exclusive, must be dealt with by it; for, if its entrance upon national territory be not prevented, it is permitted; if permitted, sanctioned. Thus, the Government, under the circumstances, must deal with Slavery; acting, or forbearing to act; in either case.

When Louisiana was admitted into the Union, Slavery had existence already in the territory. Rights of property had accordingly grown up which Congress could not disregard; a local authority, more or less organized, stood in the place of a State Government. The admission of Texas took place under similar circumstances; so, of the acquisition of Florida. But, with regard to the new territory to be acquired from Mexico, it is well known that Slavery is not an institution upon the soil. Nothing, therefore, in the shape of a local

authority, is to be found in that territory, recognizing property in slaves, to interfere with the full jurisdiction of the General Government; and, if Slavery is to exist there, its introduction in the first place, and its existence afterwards, must involve the action of the Government, so far as to imply its permission, sanction and support.

II. There are others, who would evade the question which the Wilmot Proviso has raised, by refraining from all further acquisitions of territory. But, it cannot be so evaded. "It would be almost idiotic to doubt," says MR. CALHOUN, "that a large majority of both parties in the non-slaveholding States, have come to a fixed determination to appropriate all the territories of the United States, *now possessed, or hereafter to be acquired*, to themselves, to the entire exclusion of the slaveholding States."

Any one who observes the tendencies now so active and powerful towards an extension of our territorial limits, will scarcely doubt, that the process of acquisition must go on until the impulse exhausts itself, or meets some re-active barrier, interposed by nature, to check its farther advance. If we go no farther South at the close of the war than the boundary of the Rio Grande and thence to the Pacific, including the coast of California, there will be an addition of territory quite sufficient to involve the question of the Proviso. But the pause at the Rio Grande would, probably, be only a temporary one. For the Mississippi Valley, in its real unity, extends to the Sierra Madre; and in that bold and rugged chain of mountains, we find the natural boundary to our empire on the South. More of this as we proceed.

CHAPTER III.

I. THE WILMOT PROVISIO, thus far, has been discussed with a tendency on both sides to extremes. The South asserts that Congress has no power to consider the matter, at all, and that the whole movement is an outrage on her rights. She insists that the guarantees of the Constitution protect slave property; she remonstrates against any new restrictions; she contends for her proportionate share of the national territory, for the extension of her settlements, her institutions, her influence. With a like pertinacity, the advocates of the Proviso will admit of no modifications. They say that they are in no way Abolitionists, as that phrase is understood; that they do not seek to interfere with Slavery in any State where it is established; that the institution itself is a domestic one, subject entirely to the control of the State in which it exists, and beyond the control of any other authority. But, on the other hand, they also maintain that the General Government, having no power to interfere with Slavery where it is recognized and established in any State, has likewise no power to establish it *de novo* in any territory of its own; that by doing so the Government would make the free States parties to the extension of Slavery—a thing which they will not participate in: that if the institution is a domestic one, in behalf of which the South invokes State sovereignty, it shall have the full benefit of the appeal, but must remain satisfied therewith; and must not expect that the National Government shall step in to sustain that institution, to enlarge it, to identify it with the principles of our national existence.

The grounds assumed in opposition to the restrictive legislation proposed by the North, are set forth in two distinct series of resolutions ; one adopted by the Legislature of Virginia, the other submitted by MR. CALHOUN, in the Senate, on the 19th of February. The first series, first :

II. *Resolutions by the Legislature of Virginia :*

Be it Resolved unanimously by the General Assembly of Virginia, That the Government of the United States has no control, directly or indirectly, mediately or immediately, over the institution of Slavery ; and that, in taking any such control, it transcends the limits of its legitimate functions, by destroying the internal organization of the sovereignties who created it.

Resolved, unanimously, That under no circumstances will this body recognize as binding, any enactment of the Federal Government which has for its object the prohibition of slavery in any territory to be acquired either by conquest or treaty ; holding it to be the natural and indefeasible right of each and every citizen of each and every State of the Confederacy, to reside with his property, of whatever description, in any territory which may be acquired by the arms of the United States, or yielded by treaty with any foreign power.

Resolved, unanimously, That this General Assembly holds it to be the duty of every man, in every section of this Confederacy, if the Union is dear to him, to oppose the passage of any law, for whatever purpose, by which territory to be acquired may be subject to such a restriction.

Resolved, unanimously, That the passage of the above mentioned proviso makes it the duty of every slaveholding State, and every citizen thereof, as they value their dearest privileges, their sovereignty, their independence, their rights of property, to take firm, united, and concerted action in this emergency.

The first resolution avows the principle upon which the series is based. It is with no want of respect for the Legislature of Virginia if we do not dwell upon the doctrine here announced. No one, whose opinion is entitled to consideration, undertakes to assert that the National Government can go within the jurisdiction of any State, to interfere with Slavery there. In the other case, however,

such as is here presented, where the National territory is alone concerned, as to the matter of jurisdiction, it seems just as clear that the General Government can and must deal with Slavery, as that it cannot deal with it within any State organization.

Having already considered this point, it is not necessary to enlarge upon it here. The question, it must be admitted, is not one of constitutional authority, but of general policy, involving considerations of public good and national harmony. With this principle to guide the legislation of Congress, in making "all needful rules and regulations respecting the territory belonging to the United States," due regard would be had, undoubtedly, to the mixed nature of public sentiment on the subject of Slavery and to the diverse interests connected with it, whenever that question should be involved in any action of the Government relating to the territories.

III. *Mr. Calhoun's Resolutions :*

Resolved, That the territories of the United States belong to the several States composing this Union, and are held by them as their joint and common property.

Resolved, That Congress, as the joint agent and representative of the States of this Union, has no right to make any law, or do any act whatever, that shall directly, or by its effects, make any discrimination between the States of this Union, by which any of them shall be deprived of its full and equal right in any territory of the United States, acquired, or to be acquired.

Resolved, That the enactment of any law which should directly, or by its effects, deprive the citizens of any of the States of this Union from emigrating with their property into any of the territories of the United States, will make such discrimination, and would, therefore, be a violation of the constitution, and the rights of the States from which such citizens emigrated, and in derogation of that perfect equality which belongs to them as members of this Union, and would tend directly to subvert the Union itself.

Resolved, That, as a fundamental principle in our political creed, that a people in forming a constitution have the unconditional right to form and adopt the government which they may think best calculated to secure their liberty, prosperity, and happiness; and that in conformity thereto, no other condition is imposed by the federal constitution on a State in order to be admitted into this Union, except that its constitution shall be republican; and that the imposition of any other by Congress would not only be in violation of the constitution, but in direct conflict with the principle on which our political system rests.

This series, too, has its unity of principles, which is concentrated in the word *property*, in the third resolution.

We are here brought back to the two constituents of Slavery, as an institution—*personality* and *property*. MR. CALHOUN gives predominance to the latter; and not merely predominance; he would make property the sole characteristic of Slavery; and would regard a law of Congress, prohibiting a citizen from carrying slaves into a new territory of the United States, precisely as he would regard a law prohibiting emigrants from taking with them their cattle and household goods. One term designates, alike, slaves and cattle; both are regarded as *property*.

In order to vindicate this right, as alleged, MR. CALHOUN finds it necessary to give particular prominence to certain views of his concerning State sovereignty and the structure of the General Government, and the resulting relations between them. He finds it necessary to exalt State sovereignty and to depreciate the National authority; because he must find in the former, if at all, the illustration and support of his theory. Nay, he must maintain for each State a nationality of itself so complete, a sovereignty so supreme, an individuality so integral, that it can project itself beyond its own limits in the persons of its emigrating citizens and transfuse with them an unmixed identity, to which the sovereignty of the State pertains, into the new and unoccupied territories of the United States. Nor does the theory stop there. The State

sovereignty, thus transmitted, must become paramount to the authority which vests it in Congress to "make all needful rules and regulations respecting the territory belonging to the United States;" for, according to MR. CALHOUN, the phrase "*United States*," means merely "*States united*;" hence the public domain belongs not to the Government but to the States united; and as each is an independent sovereignty, all are joint partners in it; and each holds a specific claim to an undivided portion thereof.

The application of the theory runs thus: South Carolina may say that slaves are property and nothing more; but it cannot be required of Massachusetts to say the same; it cannot be required of the Constitution, which speaks for the whole country, to say the same. What then? South Carolina is embarrassed, if she must act in conjunction with the sister States and in accordance with the Constitution. Hence, the theory. She claims, on the ground of her own sovereignty, not only that slaves are property within her own limits, which nobody denies, but she also claims as a prerogative of sovereignty and of her independent nationality, the right of occupying, by her emigrating citizens, her portion of the public domain, and of having slaves recognized there, also, as property.

If the reader finds obscurity here, the fault, I think, is not mine. But MR. CALHOUN shall speak for himself. I quote from his address to the people of Charleston:

"We have, in the first place, the advantage of having the Constitution on our side, clearly and unquestionably, and in its entire fabric; so much so, that the whole body of the instrument stands opposed to their scheme of appropriating the territories to themselves. To make good this assertion, it is only necessary to remind you, that ours is a Federal, and not a National, or Consolidated Government—a distinction essential to a correct understanding of the Constitution, and our safety. It ought never to be forgotten, or overlooked. As a Federal Government, the

States composing the Union are its constituents, and stand in the same relation to it, in that respect, as the individual citizens of a State do to its government. As constituent members of the Union, all the territories and other property of the Union belong to them, as joint owners or partners, and not to the Government, as is erroneously supposed by some. The Government is but the agent intrusted with the management. And hence the Constitution expressly declares the territory to be the property of the United States—that is the States united, or the States of the Union, which are but synonymous expressions. And hence also Congress has no more right to appropriate the territories of the United States to the use of any portion of the States, to the exclusion of the others, than it has to appropriate the same way the forts, or other public buildings, or the Navy, or any other property, of the United States. That it has such a right, no one would venture to assert; and yet, the one is placed exactly on the same ground with the other by the Constitution.

“It was on this solid foundation that I placed the right of the slaveholding States to a full and equal participation in the territories of the United States, in opposition to the determination of the non-slaveholding States to appropriate them exclusively to themselves. It was my intention to urge them to a vote, but I was unable to do so, in consequence of the great pressure of business during the last few days of the session. It was felt by those opposed to us, that, if the foundation on which I placed my resolutions be admitted, the conclusion could not be successfully assailed; and hence the bold, but unsuccessful attempt, to assail the foundation itself, by contending that ours is a National or Consolidated Government, in which the States would stand to the Union, as the counties do to the States, and be equally destitute of all political rights. Such a conclusion, if it could be established, would, indeed, place us and our peculiar domestic institutions, at the mercy of the non-slaveholding States; but fortunately it cannot be maintained, without subverting the very foundation of our entire political system, and denying the most incontrovertible facts connected with the foundation and adoption of the Constitution.”

Let us consider the resolutions in connection with this exposition of them—briefly, and in the next chapter.

CHAPTER IV.

I. Our Government, we are told, is a Federal, not a National Government—federal, federated, confederated—a league of sovereignties. It preserves, as its chief characteristic, the special individuality of each State, as an integer, possessed of a separate and exclusive sovereignty, which is neither impaired by union nor blended in its action with that of other States. Thus the public lands are said to belong not to the Government, but to the several States as joint owners. The distinct identity of each State is, therefore, not lost in the commingling of confluent which make up the substance of the General Government and which are embraced in its measures, but runs like a vein or streak through the aggregate mass.

Nay, the General Government is not a substantive Government at all, having a basis of its own, with powers of its own—but a complex of transmitted powers held in trust. It cannot act in its own name—for it is a mere agent of the States. Rather it is a sort of medium through which the States act, with no power to harmonize their action or to give it concentration. It has being without entity; it is an existence without form; its elements are all borrowed, and it has no essence of its own.

Such is the chimera engendered of a theory which out of the inconsistent begets the incomprehensible.

II. But the Government of the United States *is* a substantive Government, asking no other power for leave to be. It is a sovereignty within its sphere, and that sphere is so wide and so comprehensive as to include the minor spheres of the

several States, and so powerful as to subdue to its own supremacy every thing it embraces. The elements of which it is formed, whether drawn from the States or from the general body of the people, being in fact drawn from both, once joined in combination, do not remain an unassimilated compound, but are blended into a new formation, having its specific attributes and appropriate functions.

The Constitution of the United States does not use the term *Federal*; nor does it use the term *National*. The Government which it has organized is exclusively neither, but partakes of the qualities of both. The United States are not merely States united. The former phrase indicates a unity; the latter an aggregate. The expressions are put forth as synonymous. Far from it; they are exactly opposite in signification. So opposite are they, that upon the distinction between them rests the definitive character of our Government and its structure.

“As a Federal Government, the States composing the Union are its constituents, and stand in the same relation to it, in that respect, as the individual citizens of a State do to its government.”

This explanation of the theory is at once its refutation. What is more manifest than the fact that the States are not the constituents of the General Government, and do not stand in the same relation to it, in that respect, as the individual citizens of a State do to its Government? If this were so, the laws of Congress would operate, not upon individuals, but upon States; the General Government could recognize only its constituents. In reaching individual citizens it would have to come at them through the medium and by the agency of the State tribunals and functionaries. If a tax were levied by Congress, the States would be looked to, and each State would have its quota apportioned according to a certain fixed ratio. So it was under the old articles of con-

federation, beyond which epoch in our history Mr. CALHOUN'S school does not seem to have advanced. The "more perfect Union," established by the Constitution, makes really and truly a *unity* out of a collection of integers—*E Pluribus Unum*.

The old notion of a league of States! Did the new era of human development which gave birth to this Republic effect nothing more than the re-production of that obsolete and exploded system? To little purpose, indeed, has the world grown older, if it has grown no wiser than that. The eighteenth century would well illustrate the compression of the oak within the acorn, if it could show nothing more, as the result of its political creations, than a new Achæan League, an Amphyctionic Council, or a Swiss Confederacy, on the western side of the Atlantic.

III. The world beholds a different sight—something worth looking at. A phenomenon has arisen—a new political emanation which concentrates within itself the virtues of all former knowledge and experience—a practical system of government which embraces, as its characteristics, the vastness of imperial dominion, with the most minute enforcement of local administration; which accomplishes the desideratum of philosophy, and combines unity of idea with diversity of manifestation; reconciles the finite and the infinite, the general with the particular; and while it affords all means and appliances for the development of the individual man, gives full scope for the growth and demonstration of Humanity itself. This is the task, which for its fulfilment, awaited the discovery of a new world. While European civilization gives us individualized characteristics and idiosyncratic peculiarities, and exhibits to us English human nature, or French human nature, or German human nature, it is ours not only to commingle the blood of all the advanced races, but also to set forth a nation which shall represent all

races—an epitome of mankind. But why speak of Europe? We are destined to hold in the bosom of our civilization the germs of all races, and peoples, and kindreds, and tongues. Europe supplies the basis; Africa is too well represented by her children, whose exodus, when the time shall come, cannot take place without the leaving behind of many ingraftations; and from the shores of the opposite Pacific, where the cradle of the human race stands to confront its maturity of manhood, the Mongolian tribes from the shores of China, Hindostan and Japan, may come over to add the last ingredients to this grand composite of human elements. The aboriginal Indian does not disappear. The Cherokees will preserve that item—and if not they, it will be preserved by the race of Mexico-Indians who are to be given to us by annexation.

Behold us with the Anglo Saxon stamina, indomitable and enduring; with which is blended an admixture of such various bloods—Scottish, Irish, Dutch, Swedish, French, German and Spanish. Have we no Italian blood? Nevertheless the spirit of Roman civilization is ours, its classics, its laws, its heroes. So Greece comes to us transmitted. It is thus that we imbibe antiquity, separated as we are from contact with its tangible elements by that great event—the Christian era.

The present is what it is because of the past. Nothing possessing real vitality has ever been lost. The quintessence of all things proved by human experience remains; the concentrated results of the labors, the trials, the struggles, the sufferings and the martyrdoms of all champions of the truth, in all preceding time, come to us now as the heritage which this generation receives from the ashes of the past.

CHAPTER V.

Our Government, as we have said, is both Federal and National; the combination of qualities which makes it so, constitutes its characteristic excellence. It retains all the advantages of distinct State organizations for local purposes, and for the details of administration, while its nationality gives it the aspect of a unit outwardly and imparts to its internal functions a consistency and concentration of action which belong to one will, controlling one organization.

A Government strictly Federal, that is to say, a Government having sovereign States as its constituents, would bear the evidences of its own inefficiency on the face of it. If it should make a law, the States in the minority, if they obeyed it against their will, would cease to be sovereign; they would become subjects at once. If they should refuse to obey it, there would be no way of settling the difficulty but by war. Governments of this sort, whenever attempted, have always resulted in the ascendancy of some of the more powerful States, or in continual bickerings and consequent feebleness.

The idea that in a National Government, the States would stand to the Union as the counties do to the States, is not far from a correct idea of our system, in view of the prominent characteristic of the State Governments as adapted for local administration.

It is to be borne in mind that the Government established by the Constitution proceeded from the very people who formed the State Governments; it is over the same people; it has ends to accomplish, and functions to fulfil for which the State Governments are wholly inadequate; and such is

the august authority with which the people have endowed it, that nothing in the laws or Constitution of any State conflicting with its rightful authority, can stand. Both forms of organization, State and National, have their respective objects and adaptations. That which one is to do, the other cannot do so well, if at all. "Let it be supposed for a moment," says Mr. MADISON, "that indefinite power should be given to the General Legislature, and the States reduced to corporations dependent on the General Legislature—why should it follow that the General Government would take from the States any branch of their power, as far as its operation was beneficial and its continuance desirable to the people? In some of the States, particularly in Connecticut, all the townships are incorporated, and have a certain limited jurisdiction—have the representatives of the people of the townships in the Legislature of this State ever endeavored to despoil the townships of any part of their local authority? As far as this local authority is convenient to the people, they are attached to it; and their representatives, chosen by and amenable to them, naturally respect their attachment to this, as much as their attachment to any other right or interest. *The relation of a General Government to State Governments is parallel.*"*

The Constitution, in the high elevation of its national character, promotes at once its own dignity and efficiency by respecting the minor spheres of the several States, and by preserving to them entire freedom of wholesome action. The General Government never interferes in the domestic affairs of a State, except to suppress an insurrection—and then it is at the instance of the State itself.

But, on the other hand, the Constitution never refers to the States as the agents by which its authority is to be en-

* Madison Papers, vol. ii, p. 923.

forced, or as powers upon whose assent the enforcement of its authority is dependent. Never. The enactments of Congress are not addressed to States as the constituents of the enacting government; they are over individuals. The General Government does not depend for the execution of its laws upon State tribunals; but, with the awful sovereignty of justice, it presides in its own. When it levies a tax, it does not affix to each State its quota, but has its own collectors, makes its own assessments, and enforces its demands upon each and every tax-payer in each and every State. A citizen of the United States is not a citizen of the "States united;" he is not regarded, when subject to a law of Congress, as a citizen of any one State, this or that; no—he is a citizen of that nationality known as the United States—a name which designates a political entity, one Republic.

To attempt an isolation of parts where all unite in forming a whole; to make the members revolt against the body; to claim independence for an arm, and to glorify a nullifying leg, or a sovereign foot—what would such efforts be but illustrations of that theory of political disorganization of which Mr. CALHOUN is an exponent? The nationality which embraces our entire system cannot conflict with the appropriate action of each member in its place. Is the chamber or apartment to claim disintegration from the edifice? How would it thereby disclose its own forlorn nakedness!

The great tree which our fathers planted—it is like that oriental tree, the Banyan, spreading, as the graceful boughs touch the ground and take root; thence arising to arch over, again and again, to take root; forming innumerable bowers, high, spacious, and sheltering, yet possessed of one central trunk with one common root, whence comes the essence of one life.

CHAPTER VI.

I. If the slaveholding States are kept within their present limits, while the area of the free States spreads itself to the Pacific, the loss of political influence will be one of the smallest of the disadvantages which the former may expect. That must come at any rate, sooner or later. Mr. CALHOUN regards it as inevitable. The Southern men, some more and some less clearly, have perceived the nature of the condition which awaits them, if the Proviso is to obtain. Let us hear them speak :

“The negroes of the South,” says Mr. BAYLY, of Virginia, “where the climate suits them, and where they are well treated, multiply with great rapidity. If there is no outlet for them, in a short time it will be difficult to employ them profitably in agriculture. The first effect when labor becomes less profitable, is to lessen its comforts. The next is to find for it new employment. As soon as the supply of slave labor exceeds the demands of agriculture, they are put in the trades. Blacksmiths, shoemakers, joiners, bricklayers, &c., are made of them. They are thus brought into competition with the white mechanics of the country, and they exclude the whites from employment. Emigration is the only recourse left them. The next step will be to employ slave labor in the factories, where, again, they will exclude the indigent whites. In many respects manufactories hold out stronger inducements for the employment of slave labor than any other pursuit. In the first place, generally less skill is required. The operative in the factory is little more than an animated part of the machinery. Slaves are fully equal to it. One of the great drawbacks on the employment of slaves in agriculture, is the fact that they are scattered about in their employment and the expense of supervision is proportionably great. In factories they are huddled together, and are always under the eye of the superintendent. Indeed, the employment of slaves in factories would not

make more supervision necessary than the employment of whites. This is no speculation. In Virginia they are exclusively employed in the extensive tobacco factories, where they are more efficient than whites. And, indeed, they have been employed with success in cotton factories. The only obstacle to their being thus employed, is the high price of them; but let that be reduced, by the supply exceeding the demand for agriculture, and the indigent whites will be excluded from most of the handicraft and mechanical employments. It will be the indigent white men who will be injured more than the large slaveholder."

Mr. BAYLY here presents a series of results, inevitable, no doubt, but stops short without pursuing the chain beyond the first few links. One step further would have shown him what Mr. CALHOUN has seen very clearly. The "indigent white men," thrown out of employment, would emigrate as slave labor became abundant; they would go to States and territories where they would find no organized system of slave labor to compete with and overpower their own. The labor of negroes could not hold its own against white labor, if the former were not identified with a predominant interest blended with the institutions of the State. The South, then, would lose its white population, excepting the slaveholding portion. These not being able to take their slaves with them to any new territory would not be disposed to emigrate very generally—although, doubtless, some and, by and by, many, would dispose of their slaves for that purpose. Mr. CALHOUN foresees these consequences; we quote from his speech in the Senate on the 20th of February:

"We understand what we are about. We know what is coming, and knowing that, we move here with no other purpose on God's earth but to protect our portion of the Union from the greatest calamity—not insurrection, but something worse. I know the end of all this. If the process go on—it is to expel, in time, the white population from the Southern States, and place others there who are now under our control. I see the consequences, sir, lying beyond, and which the senator from Rhode Island cannot see, because he has not viewed the subject in the proper light or from the proper point. I moved these resolutions from

no party view—from no design to embarrass any side, but simply that the Southern States, whom I represent in part, shall know what is the sense of this body upon their constitutional rights. If we have none, tell us so. If we are to be sentenced to remain forever fourteen States, whilst the others are to spread out and fill the continent, tell us so, and then we will do the best we can. We love and revere the Union. It is the interest of the whole world that this Union should be preserved. But the balance of power in these United States is in the slaveholding States. They are the conservative power. Capital and labor are there united.”

It is scarcely requisite, I think, to dwell long here. Mr. CALHOUN’S words are full of meaning, which needs no interpreter. The Wilmot Proviso, enforced with its inexorable conditions, bears upon its face the death warrant of the South.

CHAPTER VII.

I. A third compromise is clearly called for. The Wilmot Proviso is not a compromise; for it gives every thing to the North. The line of thirty-six and a half degrees would be no compromise; because that would give the bulk of the acquired territory to the South. In the absence of a better, I venture to propose the following, viz.

That in any State which may be formed out of any territory now possessed, or hereafter to be acquired, by the United States, on this side of the Rocky Mountains, Slavery, or involuntary servitude, except for crime, shall not be lawful for a period of more than fifty years from the date of the admission of such State into the Union; and it is further provided, that in any State that may be formed out of any territory now possessed, or hereafter to be acquired, by the United States, between the Rocky Mountains and the Pacific Ocean, Slavery, or involuntary servitude, except for crime, shall be in no wise lawful at any time.

II. There is another proposition which may be named as an alternative—to this effect: That inasmuch as the territory to be acquired is now free from Slavery, the Government of the United States cannot permit the entrance of that institution upon any portion of said territory: Nevertheless, whenever any State, formed out of said territory, shall be admitted into the Union, it shall be lawful for said State to permit or exclude Slavery at its option.

III. To those who deny that the General Government has the power to fix conditions, upon the admission of a new State into the Union, the last named proposition, which confines the action of the Government to territory before its formation into a State, may be preferable. But the ordinance of 1787, and the Missouri compromise, both show that conditions relative to Slavery may be imposed upon the territory of the Government, to operate both before and after its admission into the Union. The Constitution merely says, that “New States may be admitted by the Congress into this Union”—a discretionary power, modified only by the proviso that no new State shall be formed within the jurisdiction of any other State, nor any State be formed by the junction of two or more States or parts of States, without the consent of the Legislatures of the States concerned, as well as of Congress.

But the last named proposition is one which it cannot be supposed the South would be satisfied with. It would be virtually the naked proviso; or it would give rise to agitations and struggles in every newly admitted State in the South and South-west.

I venture, however, to believe that a compromise on the basis first named, with some additional provisions to be suggested by and by, would meet the real exigencies of the approaching crisis. Let us see how it would operate.

CHAPTER VIII.

I. The tendency of the negro race towards the South-west is so well known that the fact may be taken for granted, without the necessity of an analysis of the causes which produce it. As a general thing, it may be remarked, that in all climates and regions where the soil requires renovation, and where intelligence and skill are necessary for its successful cultivation, or where the mechanical and manufacturing arts find a foothold, the labor of slaves cannot compete with that of freemen. One reason is, that a servile instrument is of necessity a clumsy instrument; if it were dexterous and discriminating and observant, with a power of self-direction, it would cease to be servile. Thus, where Slavery forms the working hand of the community, the duties of industry will be performed in a slovenly manner; and no branches of industry can be pursued but those of the simplest and rudest kind. It is in the cultivation of the ground alone that Slavery can be employed, and not profitably in that, unless where the soil is abundantly prolific and its products such as command high prices. The crop must be so valuable and so abundant as to compensate for the imperfect and wasteful cultivation.

Slavery once existed in New England, New York, New Jersey and Pennsylvania; but it could not abide in those States, where a scientific agriculture goes hand in hand with the mechanical and manufacturing arts. It holds on to Maryland, Virginia, Kentucky and Missouri, only by the tenure of the tobacco culture, which, after all, thrives better with the free labor of Ohio. It exhausts every soil it deals with.

And the general reason is, that where Slavery exists the labor of the community is separated from the intelligence of the community and its respectability. It is degrading to labor, because it is servile. Industry, then, as an art, coupled with the active inventive mind, and with persevering discriminating labor, is unknown in a slaveholding community. The worn out lands of Maryland and Virginia bear witness to these things. And hence the tendency which takes the slave population of Maryland and Virginia from a soil which will no longer support them and their masters, to the fresh lands of Alabama, Mississippi, Louisiana and Texas. Yet it is not from Maryland and Virginia alone that this migrating process goes on. It goes on from all the more Northern slaveholding States, and also from the Carolinas and Georgia. And as fresh lands are opened for the cultivation of cotton, sugar and rice, still farther South, the influx of slaves may be expected, in the order of time and events, to fill the valley of the Rio Grande; while their number must be diminished, as the soil deteriorates, in the States bordering on the upper shore of the Gulf.

II. This subject having been more fully discussed in a previous publication, I shall not enter farther into it here. It is enough to take the fact, which is undoubted, that the tendency of the slave population is towards the South and South-west. And in this connection I quote Mr. RIVES, of Virginia, who made the following observations in a speech of his in the Senate of the United States, some three or four years ago, when the question of the Texas treaty was before the Senate:

“Let me not be misunderstood, Mr. President, in what I have said on this subject, under the deepest convictions of what is due to the dignity as well as to the peace and safety of our common country. I am no advocate of slavery. I never have been. I deeply lament its existence in any portion of our country, as I have freely and unreservedly

declared in this hall. I believe and fondly hope that its tendency is to ultimate extinction. But any attempt to force or precipitate that consummation by foreign influence or domestic faction, can have none other but the most calamitous consequences to both of the races concerned, and especially to that on whose behalf all this pragmatism and dangerous interference has been employed. The history of African slavery in America proves that its tendency is to recede farther and farther to the South and Southwest, until, if left to the operation of those natural laws which govern the progress of society every where, with such auxiliary measures as the States immediately concerned best know how and when to apply, I firmly believe it will finally disappear from our borders, and the whole African race in America be transferred to those tropical regions most congenial to their constitution, and where they can mingle, in social and civil equality, with races which, presenting fewer and less marked traits of original difference, are known to feel no invincible repugnance to the association. Here no such association can ever take place; and any attempt to force it can have no other effect than to bring on that fatal catastrophe to the inferior and dependent race which has been so clearly pointed out by the most enlightened and profound foreign observer who has ever written on the social and political institutions of America.* The object of a true and rational humanity, then, should be to place no artificial impediment in the way of this natural flow of the African population in America to the South and the Southwest, but to leave Texas, whether as a foreign and independent State, or as a member of the American Union, perfectly *free* to act in this matter according to her rights and her own enlightened and responsible conscience."

III. Two facts are here set forth—important facts, which yet require a third. The tendency of the slave population towards the South and South-west, and the facility with which different races intermingle in Mexico and Central America, where the social and political system seems well nigh resolved into its original constituents, present two postulates essential to the solving of the problem of the final destination of the negro race in this country. But another

* De Tocqueville.

condition is wanted. At present the Anglo Saxon race advances as fast towards the South-west as the negro; in fact the negro does not go in that direction until the white man carries him. If the process of annexation, then, is to go on, the limits of the Union will keep in advance of the black population, whose position would only be shifted; they would still be in the United States. *A fixed boundary is the third fact required as an indispensable condition.* That given, the problem is solved.

IV. To my own mind, earnestly engaged in reflections on this subject, obscurities and difficulties were continually present. It seemed probable enough that the same impulse of progress which carried our people over the Sabine, which took us to the Rio Grande, and which appeared to gain such additional strength by the war with Mexico and the views of conquest laid open by the war, might hurry us on to indefinite lengths—so far, at all events, as to confuse utterly all ideas of a fixed boundary over which the colored population might pass while the Anglo Saxon would not. But a more attentive consideration of the matter since the outbreak of the war, with the facts it has developed, in connection especially with geographical facts and affinities, has induced me to believe that such a boundary exists: *The Sierra Madre.* Yes; in that bold and stupendous wall of battlements, extending from the Rocky Mountains to the Gulf, may we not behold the barrier which is to stay our progress in the South and to stand as the bulwark of Mexico-Spanish nationality?

V. Let one general consideration be regarded: *The Mississippi valley*, with its dependencies, extends to the Sierra Madre. Such rivers as the Sabine, the Nueces, even the Rio Grande, with their subsidiary vallies, form no interruption to the vast alluvial formation of which the Mississippi is the central and characteristic feature. Radiating from the Gulf are the lines of many rivers on each side of the Missis-

sippi, none of which break the continuity of that imperial domain possessed by the great Father of Waters. The unity of that geographical system demands the majestic outline of the Sierra Madre, with its castellated summits, reaching to the clouds.

The Rio Grande divides its valley in half. If we should make that river the boundary it would be by an arbitrary arrangement, separating into two parts what is essentially one. For the river is bound to both its shores by equal affinities, and the power that holds the river should hold both sides of it. Military men, I presume, will say that in order to defend the line of the Rio Grande, supposing our assumption of that line to be made the basis of the withdrawal of our troops from the interior of Southern Mexico, it would be highly important to hold Tampico, Victoria, Monterey, Saltillo and Parras—points which command the passes of the Sierra Madre and open the way to the valley of the Rio Grande.

The invasion of Mexico and all offensive operations against her being ended by our assumption of the line of the Rio Grande, occupying by strong garrisons the posts above mentioned, with Matamoras and Camargo, and declaring that whenever the Northern departments between the Sierra Madre and the river may signify a wish to be annexed as territories to the United States, they shall have the consent of the Mexican Government thereunto—with this adjustment, for which equivalents should be proffered to Mexico and held ready for her acceptance, might we not then hope that our eyes, now seeking in vain for a definite limit to our progress in the South-west and pained by gazing upon vacancy, would be gladdened at length by contemplating a fixed object upon which to rest—an extended front of promontory, massive and sublime, piled to the skies, as though built by Titans, to mark the domain of a giant Republic!

VI. It might be regarded as pretty nearly certain, that the

Mexican departments lying along the Rio Grande, harrassed in some quarters by the Indians, not thickly populated, neglected by the Central Government of the nation, of which they have usually been appendages rather than parts, would in due course of time become so far Americanized as to be prepared for annexation. The presence of our troops stationed at various points in garrisons, and the immigration of our people into the beautiful country from El Paso to Monterey and the Gulf, with the prospect of a future incorporation into the Union, would be very likely to bring that event to pass.

Why seek to go further? Beyond the Sierra Madre lies the main body of the Mexican nation, not very compact, indeed, in its nationality, but presenting stubborn unyielding characteristics which would render extermination the necessary precursor of adverse occupancy.

VII. Besides, do we not find that with all the martial spirit of our people, when aroused, the desire for conquest has no strong hold on them? The volunteers who went to Mexico do not re-enlist when their term of service expires. Attached to their generals, pretty well enured to hardships, and certainly not destitute of enterprise and hardihood of character, they come home, every man of them. The charms and ties of domestic life gather around their hearts; they leave wars of invasion to those who are willing to make it a business to fight. Is not this fact illustrative of another: that while we can become, if occasion requires it, a nation of soldiers, we are yet, characteristically, a Republic of citizens, as willing to respect the rights of others as prompt to defend our own? It is not for us to oppress the weak. Who does not wish that this Mexican war were ended? Who is not disposed to render to Mexico an ample equivalent for any territory which a treaty of peace may put in our possession?

If our advancing civilization and increasing power as a

nation shall be only commensurate with the prevalence of the sense of right and justice in the national mind, who can doubt that when we shall have occupied the region, which, by its unity of configuration, seems to have been allotted us by nature, we shall be ready to respect the indications which nature also has given of the termination of our territorial progress? Possessed of dominions extensive enough to satisfy the largest ambition, a nobler glory than that of conquest will await us—the glory of standing at the head of the family of American Republics, the oldest born, and their natural protector, guardian and friend.

At any rate let us indulge the belief that at the base of the Sierra Madre the march of the Anglo Saxon race towards the South will pause, its appropriate limits being reached.

VIII. We have now to consider three facts: first, the tendency of our slave population towards the South and Southwest; secondly, the facility with which races intermingle in Mexico and Central America; thirdly, the recognition of a permanent barrier beyond which the Anglo Saxon race will not advance towards the South. A fourth fact remains, viz. the proposed compromise, by which the hold of Slavery upon the negro population will cease on the frontier, after a given period, so that they may be passed over and transfused into the general medley of the Mexico-Indian population beyond the Sierra Madre.

CHAPTER IX.

I. With the conditions granted, as just specified, the way seems clear for the final removal of Slavery from the United States, with the indispensable accompaniment—the removal of the African population. To the natural unobstructed

working of organic laws of social and industrial economy we are to look for this result ; and it may be here added that the operation of those laws may be facilitated, not by attempting to hasten their action, or by interfering with them in any way—but simply by removing obstructions that they may act with freedom.

It may be proper to address a few considerations on this point to those who are zealously urgent for the emancipation of the negroes in the United States, as a thing just and right in itself, and which ought to be done without regard to anything else. This zeal is mingled with a strong sympathy for the servile race, who are supposed to be suffering great wrong, as human beings, even where their condition is free from actual hardship.

II. As a first remark it may be observed that if Slavery is in itself an evil, those who cherish the institution are likely to be the first and chief sufferers from it; also, that their situation enables them most clearly to perceive the evil, and to understand best how it should be dealt with ; and, further, the suggestion arises whether it would not be better to leave them to act in the premises, at such time and in such a manner as their own wisdom and sense of duty may dictate, rather than attempt to coerce action by compulsive influences and intimidation from external sources. I believe that the history of the anti-slavery agitation for the last fifteen years will illustrate and confirm the justice of these observations.

III. Another remark is this: that as to the injury which the negro race in this country has suffered from servitude here, there is, I apprehend, an entirely mistaken view prevalent among many well meaning persons whose own good judgment, rightly directed and fully informed, would be its own corrective. The negroes must be regarded as a race. And so regarding them, let the observer compare the race as it now exists in the United States with the original race in

Africa. Let him remember that as the natives now in Africa are, so were the first negroes brought to the United States; yet at this moment the colonist at Cape Palmas, transplanted from Maryland, seems, in every thing except in color, of a different race from the natives that surround him in the land of his progenitors. So much is he their superior.

What has caused this difference? There is but one answer. Through the ordeal of servitude in the United States the negro has passed into the threshold of civilization, into the portals of Christianity. Every moment of his existence among an enlightened people has been one of progress. Like a negative body brought into connection with one fully charged, he has been continually a recipient; imparting nothing, he has acquired from every surrounding source.

Servitude, then, in this country, in the bosom of civilization, has been to the negro the school of discipline and of progress. In fact it would seem that in the order of Providence, overruling human agencies, inasmuch as civilization could not well go to Africa, the African was brought to it. His nature is admirably adapted to catch the hue and quality of any notable characteristic among the superior people about him. He is imitative in a high degree; he is quick of apprehension; docile; easy of control, without a sense of degradation connected with his service; for his ancestors in Africa before him were slaves from time immemorial.

IV. May it not be here perceived that with Slavery so conditioned as that the influences of civilization and Christianity can reach and act upon and develop the personality of the slave, the institution must in due time accomplish its own transformation? But in alliance with these influences, directly operating, there are other agencies at work, affecting the economy of industry and production, which grow to be so powerful that the final abolition of Slavery becomes a matter of necessity. And here let it be observed, that when-

ever emancipation is decreed in any State where Slavery has had a foothold, the interests of the white race will have compelled it; and it will always take place, more or less, at the peril of the negro.

V. To make this clear it must be remembered that slave labor at the South is identified with the slaveholding interest—the predominant interest. The laboring white men in a slaveholding community cannot compete with this organization; they are obliged to emigrate, or remaining, to submit to humiliation. But in process of time, when slave culture has exhausted the soil, and the value of slaves is lessened, and their numbers diminished, the necessity of a more efficient industry and of the application of intelligence to labor, becomes apparent. Free labor advances. It could easily displace the servile labor competing with it, if it were not that the latter is blended with the slaveholding interest, which, socially and politically, is still powerful. Free labor, therefore, beholds its real antagonist in the slaveholding interest. That once dissolved by emancipation, the mass of negro laborers would stand unshielded, defenceless. All the advantages in the industrial contest would now be on the side of free labor. More efficient in itself it could prevail with equal odds; but, besides superior efficiency, every white laborer, actually or prospectively a voter, would bring with him into the competition the whole force of his connection with the social and political system.

And against whom would this competition be directed? Against a mass of poor creatures, unfriended and forlorn. Deprived of the guardianship and control of masters; the bonds of domestic relationship which united them with the community, rent asunder; that identity of interest gone, which secured them a definite and harmonious though humble sphere in the social organism—they would be in the community, but not of it; the very power which

protected would be turned against them; isolated; without sympathy or support; they would have to give way before the vigorous approaches of free labor with its untiring energy and its unsparing competition. Thus the negro population would disappear. Where that population abounded in considerable numbers the danger would be, that the competition and collision with free white labor might produce disturbances and violence; and at the best, the necessity of stringent laws and police restrictions would render the condition of the negroes one of incessant annoyance.

It is thus, however, that emancipation advances. The interests of free labor come to require it; and when the time arrives for that, it may be taken for granted that Slavery has lived out its day. In this way legislation may interpose to remove obstructions which may clog the action of social and industrial laws; but the work of purgation must be the gradual result of the operation of those laws.

VI. If these things are made clear, we may now perceive that if the slave population tends towards the South and South-west, along with the cotton and sugar culture, the progress of emancipation must also tend gradually in the same direction. Slavery, as it advances, leaves behind it an exhausted soil which free labor must renovate. The Northern line of slaveholding States are preparing for emancipation: Maryland, Virginia, Kentucky, and Missouri. This is no mere opinion. The fact is self-evident.

MISSOURI, less than thirty years a State, already beholds Slavery in its decrepitude.

KENTUCKY has taken the preliminary step for the calling of a State convention to amend the Constitution in reference to this institution, and in view of its future abolition.

As far back as 1832 the ancient State of VIRGINIA was upon the threshold of prospective emancipation. The subject was discussed with great freedom and with great ability

in her legislature. A reaction took place afterwards in consequence of agitations elsewhere. But Western Virginia is and always has been, pretty well prepared for the movement; and at this moment, portions of Eastern Virginia are receiving immigrants from New York and New England to restore lands which Slavery had rendered barren.

And as for MARYLAND—what shall we say of her? I take it upon myself to express this conviction: *that whenever MARYLAND shall deem it proper to fix a period for the termination of Slavery within her limits, she will have it in charge, not to destroy a living institution, but to bury a dead one.*

CHAPTER X.

I. Let us now return to the Proviso and the Compromise.

We have seen that emancipation in each State will take care of itself and will come fast enough. It is also evident that the mass of the slave population is moving on towards the valley of the Rio Grande.

The Proviso, limiting the slaveholding States to the territory they now occupy and placing a barrier to stop the egress of the slave population southward, would bring on that “something worse” than insurrection which Mr. CALHOUN speaks of. The Proviso, then, in its unmitigated form, is beyond acceptance.

But the Compromise—let us look at that.

II. The Compromise, leaving the slaveholding States each to its own independence and discretion, in relation to its domestic affairs, provides that the new territory on the frontier towards Mexico may admit Slavery, and while it fixes its duration at fifty years, the limitation takes effect upon portions at a time, and dates from the admission of each

portion into the Union as a State. But in order to make the medium of transit certain and unobstructed, for the black population, over the frontier, another provision is required—to this effect: *That while in any State, to be formed out of the new territory, all persons born therein, after a period of fifty years, shall be born free; nevertheless, any one bringing thither slaves from another State may retain said slaves; and the children of the same shall be free at the age of twenty-five or thirty years.*

The necessity of this provision is obvious. Because while any State now holding slaves should choose to continue to do so, the means of transmitting her slave population farther South, in accordance with prevailing tendencies, ought to be secured and kept always at her disposal. This would involve a modified form of Slavery in the new States after the specified period of its cessation; but it would be constantly *in transitu*; it could retain no foothold; it would disappear with each generation. Free labor on the line of States from El Paso to Tampico would predominate; and the negroes, as fast as emancipated, would be driven by the competition of free labor across the Sierra Madre. The country beyond would, moreover, have many attractions for them. And as the colored race by the time it reached the Southern frontier would be well versed in the modes of Southern agriculture, and perhaps dashed with no slight mixture of Caucasian blood, the infusion of the new element into the Mexican population would, in all probability, be of great service to the latter. A mind given to theories might see a great deal in this. And more still: it might imagine that it beheld in Central America and in the West Indian archipelago, the materials of a new nationality which should combine with the language and genius of Spain, the ingredients of the Indian, the African, and the Castilian blood, to restore once more to the race which discovered and first

occupied the new world, its fitting representative in the civilization of the Western Hemisphere.

III. It is not, I think, a delusion which possesses my mind when it contemplates, as a probable thing, the final recession of Slavery and the negro population in the manner above indicated. The free blacks of the upper Southern States, as emancipation advances, must look to the African colonies as their place of refuge and their appropriate home.

CHAPTER XI.

I. The Compromise will suit the extremes of neither side. But I am not without the hope that it will find favor with considerate men at the North and at the South.

It cannot be supposed that the non-slaveholding States, in their dislike towards Slavery, have any wish to subject the South to that appalling consummation referred to by Mr. CALHOUN—"not insurrection, but something worse"—the supplanting of the white race and the occupancy of the country by a black population. Unwilling to aid in the diffusion of Slavery, with a view to its perpetuity, will they not be ready to join in extending it Southward, when by such extension it may be projected out of the Union?

II. To the slaveholding States the Compromise commends itself by considerations of peculiar force. Will not the South accept it? True, it involves a prospective loss of political influence as connected with Slavery. The progress of the free States, however, as compared with the slaveholding portion of the Union, has pretty well settled that matter—so decisively, indeed, that no question really remains about it. Yet why should Slavery be identified with political influ-

ences and made the basis of political organizations? The domestic affairs of no State being interfered with by the General Government, what is there in this thing of Slavery to prevent the agreement of good citizens, North and South, in respect to principles and measures of policy pertaining to the national welfare and administration? Let the words of the Father of his country be regarded, who was not in the habit of speaking lightly. "It occurs as a matter of serious concern," says the Farewell Address, "that any ground should have been furnished for characterizing parties by geographical discriminations—*Northern* and *Southern*; *Atlantic* and *Western*—whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence in particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heartburnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection."

Admirable words, worthy of the man and of the occasion! Never was there a time when the people of the Union needed, more than now, to take these warnings to heart, to make these precepts practical. "*Northern*" and "*Southern*" are at this moment words of designation, to mark two distinctive parties arrayed against each other. Mr. CALHOUN has issued a call to the whole South to concentrate itself to make united resistance against the movement announced by the Wilmot Proviso. To these notes of rallying and of preparation the North responds in its own way. The Legislatures of two Northern States have met since the adjournment of Congress. Gov. DANA says to the General Assembly of Maine:

"The territory which we may acquire as indemnity for claims upon Mexico is free—shall it be made slave territory? The sentiment of the

free States is profound, sincere, and almost universal, that the influence of Slavery upon productive energy, is like the blight of mildew—that it is a moral and social evil; that it does violence to the rights of man, as a thinking, reasoning, and responsible being—that its existence in this territory will shut out free labor, because the free man will not submit himself to the degradation which attaches to labor wherever Slavery exists. Influenced by such considerations, the free States will oppose the introduction of Slavery into the territory which may be acquired.”

To the same purport Gov. WILLIAMS of New Hampshire speaks:

“Slavery is indeed opposed to our free institutions, and injurious to the highest interests of the nation; and our duty to our republican institutions, and to the honor and glory of the country, requires us to use all honorable and lawful means to prevent its further extension. The members of our last Congress from the free States of our Confederacy have well declared, by their votes, for what is termed the Wilmot Proviso, their fixed and unalterable purpose to oppose the further extension of Slavery, and the admission of any more slave territory to the Union. This vote has given form and substance to the united desires of the people of these States—has made a deep lodgment in their hearts, and justly received, through their primary assemblies, their cordial response and approval. The proposition contained in this Proviso, embodying as it does the determined will and true principles of the American people, affords a pledge that these principles will be faithfully carried out in our national legislation, which must give joy to every friend of the Union and rational freedom.”

III. Let me ask again, will not the South accept the Compromise? Will she not accept it rather than the alternative of the Proviso, with its stifling barriers threatening to wall in her domestic institution, until its growth, like the gnawing of a cancer, shooting inwards, shall eat out the life of the body politic? Is she prepared so to identify her being with this cherished system as to consider every modification of it an impairment of her own vital principle; so determined to make it an essential part of her existence that in order to

live with it she is ready to perish with it? Mr. CALHOUN'S foresight is not without misgivings that the fable of *ACTÆON* may find a new illustration in the South—not without apprehensions that the tamed pet which she fondles, may, when she is caged up with it, become an infuriated beast to rend her where she stands.

To make the institution of Slavery paramount to all principles of coalescence and national unity would be to exalt Slavery most unduly, and to ascribe to it a permanence which in its own nature it does not possess and which no artificial appliances can give to it.

IV. *The Wilmot Proviso; The Compromise; Disunion.*
These are the alternatives.

The first would ensure to the South a lingering death; the last, a more speedy one. Formerly there were frequent allusions, sometimes in a very flippant manner, to *Disunion*, as to a thing which might be resorted to, upon provocation—allusions in short intimating that a State conferred a special favor upon the Union by remaining in it, and that if things did not go according to the pleasure of the said State the favor would be peremptorily withdrawn. Never was levity in worse taste. But its day has gone, and the truth is now becoming every year more and more apparent that this Union cannot be separated.

Look at the configuration of the country of which the Mississippi Valley forms the great body. So emphatically and truly is it the body that all other portions, lying adjunct, are mere appurtenances to it. The Alleghany slope, extending to the one ocean, and the Oregon strip bordering upon the other—these are the fins of the Leviathan. With what eager assiduity, with what expenditures of labor and of money, do we on the Atlantic side strive to draw nearer and nearer to the Mississippi Valley, to cleave to it as to the centre of life, multiplying and perfecting the channels of inter-

course, that the circulation of a common vitality may traverse freely and actively throughout! The States to be formed beyond the Rocky Mountains will be drawn by similar affinities. Even now the settlers on the Pacific, in the far distant Oregon, feeling like exiles, are awaiting with feverish impatience the time when they will be "living under and enjoying the protection of the stripes and stars of our loved country."

Vast in extent, sublime in its oneness, the Mississippi Valley, spread out from the Alleghanies to the Rocky Mountains, resting upon the Gulf of Mexico and the Sierra Madre, and crowned by a coronet of lakes, like inland seas, on the North, holding the Atlantic tributary on the one hand and the Pacific on the other, proclaims itself to the world an Empire in its own right and, to make good the declaration, pledges thereunto the strength of its own unity.

The Mississippi river which drains a more magnificent region than any other river in the two hemispheres, is the artery of one system. No two distinct nations could dwell together in the great valley; no one people could live on the upper waters of the river and permit another people to possess its mouth. Where then is the line to be drawn to separate this Union? Nature has indicated none. Nature declares that there can be none.

No; it is impossible. If Slavery, the cause of an attempted separation, should be taken to mark the line of it; if Maryland, Virginia, Kentucky and Missouri were made to form the frontier of the South, then, truly, the domestic institution of the South would have a crumbling barrier. Why it would be no strange thing if those four States should be found uniting in a centennial celebration of independence, by a decree, *that every soul born on their soil, on and after the Fourth of July, 1876, should be born free!*

For better, for worse; nay, not for worse, but for better

and for best, we are bound together as a people in one identity of political being, never to be separated but by the dissolution of the elements of life itself. If we exist not in unity as a nation, it will be when it shall matter little to the world whether we exist at all.

V. Fatuity or desperation on the part of some might prompt to an attempt at a separation of the Union. But what then? Such an alternative of escape from the restrictions of the Proviso might end badly enough. The territory which would form the subject of dissension—what would become of that? The probability is that the free States would hold it—every foot of it. Because, all compact being at an end, the strongest would possess the prize, in pursuit of which the appeal “*to extend the area of freedom,*” would have a specific meaning of peculiar significance, likely to arouse an enthusiasm more potent by far than that which stirred up a crusade against Mexico, and pointed its votaries to the “Halls of the Montezumas.”

VI. The facilities which the Compromise affords for the gradual and final transit of Slavery and the servile population beyond the limits of the Union, take away one of the greatest difficulties that have beset this subject. There are thousands of reflecting men, among slaveholders, almost in despair at the apparently hopeless prospect of the dilemma of perpetual Slavery on the one hand, and the fatal presence of a heterogeneous population on the other, which, if made free, and therefore discordant, they perceive no way to get rid of. “The cession of that kind of *property,*” says Mr. JEFFERSON, “for so it is misnamed, is a bagatelle which would not cost me a second thought, if, in that way, a general emancipation and *expatriation* could be effected.” But as it is, he adds, we have the wolf by the ears and can neither hold him or safely let him go. The tendencies, now so apparent, which are urging on the slave population towards the valley of the

Rio Grande and the interior of Mexico, were not so visible in Mr. JEFFERSON's day ; if they had been, we may suppose that he would have beheld with delight the solution of the problem which troubled him so much.

VII. We now approach a conclusion. If the views which have been set forth concerning the nature of Slavery, as an institution, be true ; if it combines a living spirit of Personality within the inert form of Property ; if, thus compounded, the institution is to continue subject to the influences of Christianized civilization upon it and within it ; then it is inevitable that the element which alone of the two has vitality and the faculty of progress, must go on to its development—with the co-operation of surrounding agencies if it can be obtained, but at any rate it must go on. The opposition of the human will, in any quarter, cannot defeat such a result any more than it can arrest the laws of nature in their workings. It may cause conflicts and convulsions which might otherwise be avoided.

But it is, in my humble opinion, a great mistake to suppose that the people of the slaveholding States, generally, regard Slavery as an institution to be cherished for its own sake—as a good thing in itself, considered as a part of the permanent structure of society. I do not believe it ; but rather the precise reverse. There is a tendency to ultraism at the South as well as at the North, and in both instances the extremes include, comparatively, a small number. Let us avoid these extremes by taking into view the whole subject—not half of it merely. That man should be the property of man, and to stop there, as though that postulate included the all and the every thing of the relation between master and servant, is, upon the face of it, a monstrous assumption. Founded upon the constituent degradation of a portion of mankind, it would stamp the seal of reprobation upon the whole race—branding alike the tyranny of one portion and

the servility of the other. It would imply the final elimination of every vestige of the Divine likeness from the features of the slave, and its utter distortion in the visage of the master—altogether a terrific perversion most hideous to contemplate.

Behold how the scourge of Slavery, imbued with such a spirit, has left its marks on the bosom of Africa herself, where the negro for innumerable generations has been the slave of the negro. Or if the prospect of arid wastes, of a pestiferous climate, of rank forests and swamps possessed by beasts, and reptiles, and tangled with a vegetation exhaling poison—if such a prospect is revolting from its dreary stagnation and universal stench, let us look to a land where the impress of Slavery stands distinguished by contrasts. In the choicest region of Europe where nature was most lavish of her gifts and where civilization had made her home; in Italy, while the mastery of the world was hers, for which the prowess of man put forth its most stalwart and masculine energies, the infection of this blight reached the inmost springs of imperial life; and to this day, the spirit of Roman Slavery, on the spot where its carcass fell, still lives in the tainted air, and breathes forth contagion and death from the malaria of the Pontine marshes.

VIII. To that other extreme, which takes the form of sentimental philanthropy in behalf of the slave and of vindictive denunciation against the master, it may be said that its own violence demonstrates its want of charity and of truth. We hear slaveholders condemned, with all the varieties of reproach, for being slaveholders, when they are so by the necessities of their position; and who, as conscientious men, are doing their duty, as they best can, in their position. I tell these agitators, who venture upon a wholesale proscription of men at least as good as themselves, that they are unreasonable, ungenerous, unjust. Let them have the candor

to believe that there are men at the South as capable as their calumniators of perceiving what is right and proper to be done, and of doing it, to the best of their ability, as circumstances shall permit. Whatever may be the power of a master over the slave, a true gentleman never abuses it; and it has never yet been doubted that there are gentlemen at the South.

The truth is that the negroes in the United States have been and are the chief gainers by the existence of servitude here. Their manifest improvement shows it. The man, *Douglas*, who rails against the masters of America and makes it a vocation to vituperate; who details to English sympathisers and domestic fanatics the story of negro oppression, to the full measure of a satiety of horrors, has derived, from the very Slavery which he condemns, the language in which his invectives are clothed and the power of thought, which, in its perversion, gives them force. He owes it to Slavery in the United States that he was not born among baboons in Africa, where his progenitors chattered a half-monkeyish jargon, less than two centuries ago, and who, from being slaves to one another, found the highest improvement of which their state was capable in becoming the slaves of white men.

The truth will hold its own. It is above us. We may become its recipients, and subordinate ourselves to its control, and be the humble instruments of its application, and find thereby our highest elevation and usefulness. But let no man, in his arrogance, suppose that he can set himself with impunity against it. Let us hope that the real nature of Slavery will be recognized both at the North and the South, and that those who have it in charge will accommodate themselves to the promotion of the best uses of the institution, and to its removal when those uses are accomplished. But we have also to remember that whether they so

accommodate themselves or not, the operation of the elementary laws of the social and industrial economy, in their application to Slavery in the midst of civilized and Christian communities, will proceed at any rate, bringing about their proper results in due time.

CHAPTER XII.

This chapter shall be devoted to a recapitulation. The substance of what I have endeavored to set forth in the preceding pages may be thus summed up :

I. That Slavery, as an institution, combining the two elements of *Personality* and *Property*, is necessarily a transition-state, and properly constitutes a condition of tutelage.

It is a transition-state because the indestructible element embodied in it must, in due time, prevail over the perishable one ; and it properly constitutes a condition of tutelage, because in its true character it implies nurture and protection in return for service and obedience. Slavery, involving the degradation of equals, or the subjection of persons really capable of freedom and self-government, as a people, would be an outrage of mere brute force. It is adapted to none except those whose condition, as a class, may be improved by it.

II. Slavery is a transition-state by reason of the laws of productive economy. This is demonstrated by the impoverishment of the soil under slave culture, which makes it necessary for the planter to go South or South-west to find a fresh soil upon which to subsist himself and his slaves. If he will not do this ; if he will remain ; then he must, after a time, get rid of his slaves as he would throw off a burden

no longer to be supported; otherwise, having exhausted all elements of sustenance from the ground, both master and slave must perish together on a desert of their own making.

III. Both of the considerations just named, to show that Slavery is a transition-state, require, to give them force, the contact of civilization with its indomitable, incessant, progressive element—*free labor*.

It is believed that with such influences acting upon it and surrounding it, the institution of Slavery, by the nature of its own organization, will advance gradually towards the valley of the Rio Grande; that emancipation may follow from Mason and Dixon's line as fast as the interests of free labor in each State shall fairly require it; that the existence of Slavery, except in a qualified way, in the States to be formed upon the Rio Grande, being limited to a certain period, the competition of free labor in those States would gradually urge the mass of the colored population over the range of the Sierra Madre—supposing that line of mountains to be our permanent boundary in that quarter.

IV. The constitutional question, resting upon the assumption that the territories belonging to the United States are the property of the States, as joint owners, and not of the Government, involves other assumptions of extreme state sovereignty—thus: That ours is not a National Government; that we are not one People, but a confederation or an alliance of distinct Peoples; that our union is but a league, and the General Government a mere agent of the States; nay, that the States, in fact, are the constituents of the General Government, and stand towards it in the same relation as individual citizens towards a State.

To these assumptions a simple statement may answer better than an argument. It is known that while our Government is *Federal* in one respect, it is *National* in all others, and that the Federal principle being recognized in respect to

the separate organization of each State, the main body of the constitution is devoted to the formation of the Executive, the Legislative and the Judicial departments of a NATIONAL GOVERNMENT. It is further known that in the eyes of foreign nations and in our dealings with them, our nationality makes us one People; equally are we one people at home, in respect to the action of the General Government, which recognizes no one as a citizen of this, that or the other State, but as a citizen of that nationality known as "THE UNITED STATES." Moreover, every one knows that the Government is not a mere agent of the States; but that it acts by its own powers, never looking to the States for the means of enforcing its authority, or as requiring their assent to its exercise. Nor can the States be regarded as the constituents of the General Government; for, in that case, the laws of the Government, not extending farther than its own constituents, would reach only to the States—as was the case under the old confederation. But it is not so now. The laws of Congress operate upon individual citizens, and that not through the medium of the State functionaries and tribunals, but by the direct agency of the Government's own functionaries and tribunals.

V. The period of fifty years to limit the duration of Slavery, as an institution, in any new State, to be formed in the South, has the august sanction of the Jewish law, which might seem by that limitation to have combatted, especially, the idea of mere property in the slave. The operation of the Compromise would thus be gradual. The prescribed period of limitation would begin from the admission of the new State into the Union; and, the whole territory being in the meantime open to emigration from all quarters, the planters of the South would have an unobstructed egress with their slaves. Thus the great process of deliverance from Slavery may be spread over a considerable time; yet

although proceeding so slowly as to give no disturbance by its motion, with a prospective issue so remote that other generations than this will witness the grand consummation, the mind, nevertheless, which views results in their principles, may give concentration to the spectacle, may make it present, may behold it; yes, may behold **SLAVERY**, rolling off, on the tide of successive **JUBILEES**, wafted by acclamations and the prayers of good men, and bearing with its dissolving elements a touch of Anglo Saxon spirit and civilization, which, in future combinations, may arouse old Africa from her stupor and infuse new life and vigor into the declining body of Spanish-American nationality!

To each generation its duty. Let us be content to do ours and avoid the zeal which might urge us to attempt more. The next age will be competent enough, under Providence, to take care of itself. At least we are warranted in believing so. In the light of truth and the rectitude of good purposes let us go forward boldly to meet this question of Slavery—this gorgon, which petrifies so many. May we not be assured that so long as we are true to ourselves, neither that, nor any other thing, can arrest this nation on its stately march, or defeat it of its mighty future, resplendent already with the gorgeous halo of more than imperial grandeur? Let us do our part, then, in this business, having once ascertained it, without doubting, without fearing. Nay, instead of despairing of the Republic, it becomes us rather to estimate the difficulties which may be allotted to our epoch, while the guardianship of our beloved country is in our hands, as belonging to the throes of that successive travail which is to consummate a glorious existence—not as the symptoms of a struggle announcing the approach of dissolution.

The reader, I trust, will bear witness that I have endeavored, in this disquisition, to consider principles, facts and

tendencies, according to their real nature, without the exhibition of preferences one way or another. It would be useless to say how we could wish things to be, when we must accommodate ourselves to them as they are and must be. In so far as I have succeeded in expressing views in harmony with the inexorable realities we have to deal with, on this subject, and suggestive of the proper course of action in the premises, so far only do I commend them for acceptance.



