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SOUTHERN RIGHTS  
AND  
NORTHERN DUTIES

IN THE PRESENT CRISIS.

A LETTER TO  
HON. WILLIAM PENNINGTON.

BY *W.*  
REV. SAMUEL J. BAIRD, D. D.

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## SOUTHERN RIGHTS AND OUR DUTIES.

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TO THE HON. WILLIAM PENNINGTON, OF NEW JERSEY,

*Speaker of the House of Representatives of the United States:*

*Dear Sir:*—The memorable signal—“*England expects every man to do his duty*”—rallied the seamen of Britain to the triumph of Trafalgar. No one can question that such a signal now floats from our ship of State—that the appeal addresses itself to every man who loves his country, to come to her aid at a time like this, when all her bright promises are threatened with eclipse in a night of ruin and blood. As an American citizen, I have a stake as deep in our country’s welfare as any of those who assume to rule the madness of the hour. As a member of the community, I must share in the moral responsibility of the measures of our government. As a minister of the gospel, the great interests of Christ’s cause which are imperilled, impel me to interpose. And when I consider all that is involved in the present issues, to ourselves, to our posterity, and to the human race, I cannot refrain from giving utterance to an earnest appeal in behalf of righteousness, conciliation and peace. I am aware of the tone in which it is customary to speak of ministers “meddling” with politics. I am aware how recently their right to be heard as petitioners even, has been assailed on the floor of Congress. But it yet remains to be shown how the highest consecration to the service of the King of Nations should tend to the forfeiture of the rights of American freemen which are not denied to the veriest blasphemer. And when I look back upon the history of our country—when I consider that, in the Revolutionary struggle, the ministers of the Church which I serve, gave themselves as one man to her cause—that not only in the closet and the pulpit did they commend her to the God of battles, but in council and camp spent their energies, and gave their blood to vindicate her liberties—when I

read the name of our WITHERSPOON, signed to that memorable decree which announced to the nations of the old world the advent of the first-born of the new, I feel fully justified, by examples so illustrious, in the attempt to aid in guarding from destruction the inheritance which they acquired and transmitted to our charge. And when it is considered that the pulpit itself has been extensively prostituted as a platform of fanaticism, and an engine of sedition; that our present distractions are largely traceable to this very source; and that the issues which now divide us, purport to appeal to conscience, and found themselves in the supreme obligations of God's law, it becomes the imperative duty of the ministers of Christ to vindicate the truth thus perverted, and contribute their aid to neutralize these powers of evil, and rescue the country from the ruin thus caused.

I address myself to you, induced by the unfeigned respect which a brief acquaintance has taught me to cherish, and by the hope that your honoured name may assist to give currency to considerations to which I would respectfully ask your attention and that of the American people. I write in the interest of none of the parties whose conflicts have brought us to the verge of anarchy and civil war. With neither of them have I connection or sympathy. If I examine more particularly the attitude of the Republican party, it is because the power is in their hands at this momentous crisis.

Within a few weeks six Southern States have been swept into the vortex of revolution, whilst the rest are borne in the same direction by an impulse which is none the less powerful because more calm and deliberate. What is the meaning of this most amazing and calamitous spectacle? I do not ask the motives of scheming politicians and demagogues. My plea is on behalf of the people, with whom morbid cravings after change and the seductions of ambition have no power. It may be assumed that they are deceived and misled; but it cannot be doubted that they are sincere and in earnest. When a free, enlightened, and Christian people—and such are our Southern brethren—are induced to peril all, to rend the ties which have hitherto held them, or even to hesitate upon venturing the fearful experiment of revolution, the causes must be such as stand justified to conscience, and appeal to the highest principles of our nature. Either they are victims of a gigantic fraud, or they labour under grievances of the most serious nature. Upon either alternative, their position is entitled to profound respect, generous forbearance, and anxious study to discover and expose the fraud if they have been deceived, or to rectify the wrong if they are the subjects of real grievance; by any honourable means to allay their anxieties and restore the Union.

I do not overlook the unquestionable fact, that for thirty years

a school of politicians in "the Cotton States" have been labouring, with untiring zeal to rend the Union asunder, and have seized the present opportunity, which their Machiavellian arts have powerfully contributed to create, to hurry an unsuspecting people into the fathomless abyss of revolution. It is not from sympathy with the schemers of disunion that I write; but with profound respect and sympathy for the true-hearted people of the whole South; and with especial regard for those who, whilst struggling to stem the gathering tide of secession which threatens to sweep them away, claim at our hands the redress of wrongs which they charge upon us, and the guarantee of rights which they feel to be assailed.

It is not my purpose to attempt the invidious task of estimating the moral responsibility, whether absolute or relative, of the various parties and sections, for our present condition; but to direct attention to the single question of our present duty—How far the South is justified in the complaints which she urges, and the demands which she makes;—What is now due to her, on the score of justice, at our hands? Permit me, therefore, to recall some facts of past history, the bearings of which will be obvious.

#### GRIEVANCES OF THE SOUTH.

You are familiar with the principles and policy of the American Anti-Slavery Society. Formed on the 1st of January, 1832, under the auspices of William Lloyd Garrison and kindred spirits, its vital principle has been, hate to the South—its policy, agitation respecting slavery; its labours have been untiring; and the effects have been gradually to estrange the two sections from each other—to stimulate the negroes to insubordination and treachery—to sow the seeds of distrust between master and slave, and thus plant thorns in the pillow of the one, and add to the burden of the other's yoke. Early denouncing the Constitution and laws of our country as a covenant with hell, and the Church as the great bulwark of slavery, the Corypheus of the movement still lives to exult over a dissolving Union as his finished work, and proclaim the jubilee of anarchy and desolation about to dawn. This Society was but three years old when, in 1835, it acquired an illustrious ally in the business of slavery agitation in the person of Mr. Calhoun, who then, as he afterward avowed, began to act upon the policy which ruled his subsequent life. "We ought," said he, in 1847, "to court the issue with the North on the slavery question. I would even go one step further, and add that it is our duty, due to ourselves, to the Union, and to our political institutions, to force the issue on the North. . . . Had the South, or even my own State, backed me, I would have forced the issue

on the North in 1835, when the spirit of abolitionism first developed itself to any considerable extent.”\*

In 1835, when this first attempt was made to force the slavery issue on the North, the Anti-Slavery party was an insignificant faction; the whole country, North and South, was in perfect peace on the subject, and the laws faithfully executed, unimpeded by the mob, and uninterrupted by “personal liberty laws.” The agitation, therefore, initiated by Mr. Calhoun at that time, could not be, nor did it purport to be, for the redress of existing grievances. Its significance is to be found in the conviction that the South could not be induced to withdraw from the Union, unless impelled thereto by offensive measures on the part of the North. Hence the policy of forcing the issue, so as to drive the North into a false position—a policy which at length has proved but too successful. Need I detail how consistently it has been pursued for a quarter of a century?—how, with mutual hostility, and yet in perfect concert, abolitionists and Southern disunionists have kept the slavery issue perpetually before the public mind? Need I point to the fact that at every opportunity of excitement, in 1844, 1847, and 1850, the people of the South have been urged to secede, and that all the influence, and all the arts of their most admired and popular statesmen have utterly failed, until now, to overcome the national patriotism of the people?

Of the eloquence, the skill, the zeal, and the popular power of the leaders, who have been urging them to revolution, you are aware. Are not, then, that people entitled to high honour for well-tryed loyalty; and, to a most respectful consideration of the causes which have at length overcome their love to the Union? Need I trace the steady growth of anti-slavery demonstrations in Congress, and throughout the North? I will not weary you with the hack-nied theme. Nor do I allude to it to libel the Northern people, as though they were generally infected with the virus of abolitionism; but to ask your attention to the light in which the facts must appear to the Southern mind, seen at a distance, and without means of correcting the conclusions, by reference to the calm conservatism which pervades the population, but too often fails of practical expression. They are mentioned, further, to indicate the relation which, in Southern estimation, they must bear to more recent occurrences. For thirty years the South has witnessed a growing excitement of the Northern mind on the subject of slavery. They have seen unwearied exertions employed in alienating the North, in exciting insubordination among the slaves, and seducing them to revolt or flight. They have seen the fugitive protected from reco-

\* Letter to a member of the Alabama Legislature; in Benton's Thirty Years' View. Vol. ii., page 698.

very, at first by the violence of the mob, and then under forms of law, although in disregard of the most solemn obligations, and of the express provisions of the Constitution. These laws are only the more offensive, if, as is asserted, but few or no cases have arisen under them. They would, in that case, appear to be but gratuitous and impotent expressions of contempt for the Constitution, and hostility to the South. For twenty-five years that people have been taught by their own public men, apparently confirmed by a long series of facts like these, that the North has cherished a fixed design to overturn the institutions of the South. They have seen the country flooded with novels of the "Uncle Tom's Cabin" school, and other abolition documents, replete with malignant falsehoods and defamation against them; the halls of Congress agitated with a continual succession of virulent harangues, from such men as Slade and Giddings, Lovejoy and Sumner; and the sacred right of petition prostituted into an instrument of agitation in respect to matters over which Congress had no control, and profaned by being made the vehicle of demands for a dissolution of the Union, urged by persons too holy to stand united with the South. They have beheld the abolition vote for the Presidency, maintain a portentous growth from the 7,000 cast for James G. Birney, in 1840, to the 152,296 which John P. Hale received in 1852; and then suddenly disappear, in the presence of the Republican party, into which, it has been absorbed and merged.

Under the circumstances created by the repeal of the Missouri Compromise, the Republican party sprang into existence, born of the indignation caused by that repeal, and the consequent re-opening of the slavery question; and nourished to its present strength by the proceedings in Kansas. As to the character and principles of those who voted with that party, in the recent Presidential election, permit me to adduce the testimony of one of their own number, the honoured Professor at Princeton, whose recent article on "The State of the Country," has just issued from the press. "The repeal of the Missouri Compromise, the effort to force the Lecompton Constitution upon the people of Kansas, the refusal of Southern politicians to unite in the nomination of a Northern Democrat for the Presidency, are the causal antecedents of the present state of things. It matters not whether the Missouri Compromise Act was constitutionally obligatory as a law, it was binding as a compact. . . . If the Compromise was acted upon, Kansas must be a free State. To secure her admission as a slave State was regarded as a matter of great importance, not only to the South generally, but especially to Missouri. Therefore that Compromise was abolished. Then, whether Kansas should be a free or slave State depended on the character of the settlers. This led to a rush from both sections of the country to pre-occupy

the ground. This gave rise to fierce collisions. The settlers from the North proved the more numerous. To overcome this fact, and to give the minority the ascendancy, fraud and force were resorted to. Election returns were falsified; legislatures and conventions were packed with men illegally elected; attempts were made to force the pro-slavery Constitution thus framed upon the people, without their consent. . . . It was the conviction of the truth of these facts which called into existence the Republican party. The party is not an anti-slavery, much less an abolition party. It may suit politicians, on either side, so to represent it; but the mass of the people care little for politicians, or for what they say. They make little account of platforms, which are not read by one in a thousand. The people act from their own views. The facts above mentioned offended the conscience of the people of the North, and the condemnation of those acts was the whole significancy of their vote, first for Fremont, and then for Lincoln."

That this is a correct representation of the private sentiments and motives of multitudes of the party, is, undoubtedly, true. And had it so appeared in its organized constitution, and its attitude as officially defined, the South would therein have had no reasonable ground of complaint, and the excitement which now prevails would never have arisen. But the sentiments of the people are one thing, and the designs and policy of party leaders, another. And how different from this representation is the official attitude of the party, a few facts will sufficiently illustrate. The platform, as remarked by the writer just quoted, may have been read by few of the party, and but little regarded by them. But it constituted one of the most available sources of information to others, if not of the sentiments of the voters—yet, of what is practically more important, the principles and policy of the managers. In the eighth article we find this declaration: "That the normal condition of all the territory of the United States is that of freedom; that as our republican fathers, when they had abolished slavery in all our national territory, ordained that no person should be deprived of life, liberty, or property, without due process of law, it becomes our duty by legislation, whenever such legislation is necessary, to maintain this provision of the Constitution against all attempts to violate it; and we deny the authority of Congress, of the Territorial Legislature, or of any individuals, to give legal existence to slavery in any territory of the United States." I do not pretend to understand precisely what is meant by the statement that the normal condition of the *territories* is freedom—a condition which is only predicable of men. The normal condition of the territories is, to be without law; and so far is it from being absurd to suppose those who go into them to carry with them the laws of property of their former domicile, no other rule ever existed, or was possible,



the world over. The extent and nature of the possessor's title to his horse, his coat, or his purse, is determined in all cases by the law whence he came; *until he comes under the jurisdiction of other law, of equal authority, by the positive terms of which the original title is modified or divested.* It cannot be pretended that the Constitution effects this in respect to the slave, any more than to any other property taken into the territory. So that, upon the universal principles of proprietary right, the title is unaffected until it comes in contact with positive law competent to that purpose. Nor does this imply that the Constitution carries slavery into the Territories. The master carries his slaves into them, and the Constitution guarantees him a government, with which it leaves the whole subject, as with other possessions, whether to modify or dissolve the relation by statute, or to leave it unimpaired.

I do not pause to insist on the strange misapprehension of the constitutional guarantee cited in the platform; as though the prohibition to "deprive" a person of liberty, any more demands the enfranchisement of the slave, than does the same provision respecting property require the endowment of the pauper. But the last clause of the article is entitled to distinguished notice, as eminent congressmen declare, that, because of it, no compromise of the territorial question is possible, though convulsion and disunion be the alternative. It has, they assert, been enacted by the votes which called Mr. Lincoln to the Presidential chair.

I have been at some little pains to bring this pretence to a practical test. The result is, to find but few of the party in our community who were aware of the existence of this article, and not one who can endorse it. And yet, thus is the party held responsible for a declaration which condemns, as unconstitutional and void, that very Missouri Compromise, the abrogation of which gave existence to the party—which repudiates an interpretation of the Constitution that was sanctioned by the unanimous suffrages of the Republican framers of that document, expressed by laws of the States and acts of Congress, by compacts and treaties, and by the unvarying decisions of all the courts; and which was accepted universally during the first sixty years of our national existence. Nay, further, this declaration pronounces unconstitutional the laws by which slavery acquired existence in eight of the Southern States—all those which have passed through a territorial condition; and only needs to be pressed to its logical conclusion, to demand the abrogation of the system in those States. All this is done in order to effect a constitutional exclusion of the South from the Territories—an attempt without precedent in our history.

Whilst these things, and the exasperation of the Kansas conflict were bearing on the public mind,—suddenly as the explosion of an earthquake, the whole land was startled by an attempt to realize

the horrors of a servile insurrection, by a ruffian band, deliberately organized and drilled for the work, and precipitated upon the unsuspecting people of Virginia, under cover of midnight. The Southern people could have no adequate sense of the profound abhorrence of the deed which thrilled the great mass of the Northern people; but some things they could not fail to observe. They could not but see, that whilst certain of the Northern press and people hastened to exalt John Brown to a place in the same constellation with a Tell and a Washington, or even to a higher heaven, many, whilst feebly deprecating his crimes, were ready to accept his brute courage and moral insensibility as almost sufficient to offset the enormity of his deed. They could not but attach profound importance to the fact, that a paper, of relations so significant, and circulation so extensive as the *New York Tribune*, formally postponed the writing of Brown's obituary to the day when all men shall be free! They could not but listen with amazement and indignation to the terms in which, by some on the floor of Congress, the atrocity of the deed was palliated, and the alarm which it caused held up to ridicule and scorn.

The affair at Harper's Ferry was quickly followed by the seditious scenes which opened the sessions of the thirty-sixth Congress, and by the Presidential campaign of the last summer. The mails were laden with campaign documents, sent forth as expositions of the platforms and policies of the several parties. Among those of the Republican party—passing by the effusions of Hale, Van Wyck, Lovejoy, and others—the speech of Mr. Sumner on “The Barbarism of Slavery,” is an illustration of the materials, upon an examination of which the public were invited to judge the party, and elect its candidate—a speech breathing a spirit of the intensest hostility to the South, and exterminating war against her institutions. I am aware of the distinction drawn by the Central Committee—that they did not gratuitously distribute such papers, but only published them for sale. The fact remains, that this and similar speeches were issued by the Committee, with its official signature, as documents by which abolitionists and the South might judge of the party. Is it surprising that the latter should look upon such facts as proof of open affiliation with the abolition party? Or are they to take the other alternative? The madman scatters firebrands, arrows, and death, and saith, “Am not I in sport!”

My object, Sir, in citing these facts, is not to raise any question as to the proper moral estimate to be set upon them; much less to impeach the Republicans as morally criminal above others—but solely to suggest the serious light in which they must appear when considered from a Southern point of view. Allow everything which I have cited to be perfectly right and justifiable; yet, at any rate, it precludes all pretence of surprise at the apprehensions which the

Southern people realize. It is impossible, in the presence of these facts, that any man should sincerely deny that there is serious cause of alarm to the South.

#### CHARGES AGAINST THE SOUTH.

Doubtless it would be easy to array a formidable account on the other side of the question—to show that the North has been calumniated with a bitterness equal to that of Garrison or Sumner, and her rights assailed in various ways. But, here, permit me to cite the just and patriotic language of our honoured Governor Olden, in his recent message:—"We remember that they are burdened with the anxieties and responsibilities of an institution, for the introduction of which they are not accountable, but which was entailed upon them, and for the abolition of which the wisdom of man has failed to suggest a humane and feasible plan, and which God in his own good time and way will bring about: and also that they have been irritated by a continued system of interference with their affairs for the management of which they only are responsible. That they have done and said much that was unwise and uncalled for, and that serious counter charges could be readily made, is certain, but they have enough of perplexity connected with their peculiar institution to induce those not so burdened to refrain from aggravating their troubles." It is to be borne in mind that a violent speech, by a Southern orator, however irritating, can do us no other injury than a momentary annoyance of feeling; and that even such wrongs as those against Kansas, allowing all that is urged on that score, must, in the very nature of the case, soon bring their own redress. But, on the other hand, every fanatical speech and aggressive act against the institutions of the South, is a deadly assault upon the property, the peace, and the lives of the whole Southern people. The violence which exhausts itself in personal insult, we may afford to treat with indifference. But agitation respecting slavery is a different matter. Its direct and inevitable tendency is to induce turbulence and revolt among the slaves, to banish the sleep of conscious security from the homes of the South, and convert that fair region into a slumbering volcano, which may at a moment's warning pour forth a tide of desolation and death. Further, a powerful majority may well treat with disregard insults and aggressions, which, if wielded by them against a minority, would be the very scourge of tyranny.

So long, therefore, as the ravings of abolitionists find audience, and the underground railroad is regarded with toleration, among the Northern people—so long as the statute-books retain, unrepealed, laws which, in ostentatious hostility, at once trample upon the rights

of the South and the provisions of the Constitution—so long as inveterate enemies of the South are cherished by the leaders of the dominant party, and their malignant effusions distributed through its agencies—so long, in one word, as the representatives of a great party, professing to reflect the sentiments and act in the name of the North, form intrenchments around the Southern States, with the avowed purpose of arresting their further expansion—it is in vain to deny that the South has the most grave and momentous cause of apprehension. Hostile intentions may be disavowed. So may the Carolinians, whilst they beleaguer fort Sumpter on every side, and exclude all reinforcements, deny hostility, because they have not opened their batteries upon it; or, even though an irregular cannonade were maintained, unforbidden, under cover of the Palmetto flag and in presence of the governor—because done without concert, or official orders. Such a siege may be justifiable. It may be our duty to treat the institutions of the South as a crime, and themselves as enemies, to be surrounded and kept in subjection. Upon that question I now say nothing. But, manifestly, the alternative is, that all this is wrong, and an aggression which the South ought not to suffer; or that, if right, in absolving us from the obligations to the South which have been heretofore recognized, it releases the latter from allegiance to the Union. The only tolerable terms of its continuance are, freedom and equality;—terms which are utterly incompatible with a repressive attitude assumed by the stronger toward the weaker section.

#### PRIMITIVE REPUBLICANISM.

It is asserted that the restrictive policy respecting slavery is justified by the principles of the Republican fathers, and the course adopted by them in the earlier administration of the government, and formation of the Constitution. No more becoming example could be chosen—none which would more promptly and happily extricate the country from its present perils. The sectional embarrassments which we now feel, were realized by them in all their significance. Their zeal in the cause of liberty was to the full, as intelligent, self-sacrificing, and devoted, as is that of any agitator of the present day; and the results of their policy are realized by us in the past prosperity and glory of our country. Permit me, therefore, to trace some of the most instructive acts in their history, as bearing upon the present emergency.

The manner in which the North and South at first regarded each other is curiously illustrated in the appointment of Washington, commander in chief of the armies of America. It was done in deference to the Southern members of Congress, who hinted their

apprehension lest the Northern army, then besieging Boston, with a Northern general, would be dangerous to the liberties of the South!\* The same thing was illustrated in the willingness which the South apprehended on the part of the North, to surrender the Mississippi to Spain, so as "to depress the Western country, and prevent the Southern interest from preponderating."† It would be easy to accumulate proof of this mutual watchfulness and distrust. The Constitution itself presents abundant evidence of this fact; which, whilst on the one hand, it forbids the supposition that that document was constructed with the design of fostering the peculiar institution of the South, on the other, equally precludes the idea that it was designed to operate against it, or lead to its overthrow.

#### ORDINANCE OF 1787.

The ordinance of 1787 is appealed to, as being the adoption of a restrictive policy, identical with the free-soilism of the present day. The facts do not warrant this interpretation. That ordinance was passed whilst the Constitutional Convention was in actual session. When, in 1784, Virginia surrendered her claim to the North-west Territory, a proposition was made in Congress to prohibit slavery therein, after the year 1800. New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, and the one delegate present from New Jersey,‡ voted for the proposition; Maryland, Virginia, and South Carolina, against it; and North Carolina was divided. Nine States being requisite to pass the prohibition, it failed. Mr. Jefferson was the author of the proposition; but was overruled by the other members of the Virginia delegation—a fact not to be overlooked in weighing the value of quotations from his private sentiments on slavery, as interpretative of the ordinance as passed in 1787. The next year the same paper was brought forward, with a motion to commit it. The vote stood:—*Ayes*, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, and Maryland. *Noes*, Virginia, North Carolina, South Carolina, and the only delegate from Georgia. The subject was dropped. Whilst the Constitutional Convention was in actual session, the duty of devising a plan of government for the territory was referred, in Congress, to a Committee, who incorporated in their report, as part of the plan, the already twice rejected anti-slavery article, with an additional clause providing for the recovery of fugitives. The report of the Committee was the subject, otherwise, of discussion and

\* Irving's Life of Washington, vol. i. p. 410.

† Mr. Mason, in Virginia Debates, Richmond, 1805, p. 242.

‡ At least two delegates were requisite to cast the vote of a State.

amendment. But the restrictive clause passed without exception or question from any quarter. The ordinance was approved by the unanimous vote of the Southern States, Mr. Yates of New York being the only negative. "There shall be neither slavery nor involuntary servitude," says the ordinance, "in said territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted; *Provided always*, that any person escaping into the same, from whom labour or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labour or service, as aforesaid."

In ascertaining the intent of this article, as bearing upon the general policy of the government, it is customary to accumulate scraps of anti-slavery language from the pens of eminent Virginians. However valuable in other respects, such quotations are of no more pertinence to the question in hand, than would be the arguments which, on the other side, might be quoted from distinguished Carolinians, who, in the Constitutional Convention, urged the demand for the re-opening of the slave trade. That the article was a compromise is demonstrable. Its very terms are conditional, conceding the territory to the North, and the fugitive slave proviso to the South. The former had been repeatedly rejected, as we have seen, by the united strength of the South; but now, when joined with the fugitive slave provision, it is at once and unanimously accepted by them. Further, a number of the members of Congress were also delegates to the Constitutional Convention; and although the latter body sat in Philadelphia and the former in New York, there were two members of the Convention, and they from the South, Messrs. Blount of North Carolina, and Few of Georgia, present in Congress, and voting for the ordinance. These facts, in connection with the resemblance of the language of the ordinance and of the Constitution, on the rendition of fugitives, lead us to the conclusion that the latter was copied from the former, and that the whole was one concerted measure.

But further:—At the time when the ordinance was adopted, the Southern States were in the act of surrendering to Congress their respective claims to a vast domain, which now constitutes the great States of Kentucky, Tennessee, Alabama, and Mississippi. South Carolina had already passed the act of surrender, and so fully was it a settled understanding in respect to the rest, that it was recognized as such in the whole proceedings respecting the Constitution. Thus, objecting to the powers granted therein to Congress, in respect to the control of the Federal District, Mr. Grayson exclaimed, in the Convention of Virginia:—"But how much is already given them! Look at the great country to the Northwest of the Ohio, extending to and commanding the lakes. Look at the other end of

the Ohio, towards South Carolina and the Mississippi. See what these, in process of time, may amount to. Congress may grant exclusive privileges to any particular part of which they have possession. . . . . The grants of Virginia, South Carolina, and other States will be subservient to Congress in this respect."\* In all this region provision was made for the admission of slavery, in as distinct and unambiguous terms as for its exclusion in the North-west. In the deed of cession from South Carolina, which was adopted before the ordinance of '87, the slavery question is not named; but in that afterward executed by North Carolina, it is required that the territory ceded by her shall be governed "in a manner similar to that which they [Congress] support in the territory west of the Ohio. . . . . *Provided always*, that no regulations, made or to be made by Congress, shall tend to emancipate slaves." The cession was accepted by Congress, April 2, 1790; and on the 26th of May, a law was passed "That the territory of the United States south of the Ohio river, for the purposes of temporary government shall be one district; the inhabitants of which shall enjoy all the privileges, benefits and advantages set forth in the ordinance of the late Congress, for the government of the territory of the United States, North-west of the Ohio river. And the government of the said territory South of the Ohio shall be similar to that which is now exercised in the territory North-west of the Ohio; except so far as is otherwise provided in the conditions expressed in an act of Congress, of the present session, entitled, 'An act to accept a cession of the claims of the State of North Carolina to a certain district of Western territory.'"

In 1798, the South Carolina territory was erected into a separate district, under the name of Mississippi; and it was enacted that "from and after the establishment of the aforesaid government, it shall not be lawful for any person to import or bring into the said Mississippi territory, from any part or place without the United States, or to cause or procure to be so imported or brought, or knowingly to aid or assist in so importing or bringing any slave or slaves," under penalty of \$300 per slave, and their emancipation.

Such are the relations in which the ordinance of '87 is to be viewed.—Immediately preceded by two several attempts to introduce the anti-slavery provision, which were defeated by the combined opposition of the entire South; then suddenly passed with perfect unanimity, when accompanied with the fugitive slave law; and immediately followed by measures securing the admission of slavery into the South-western territory, whilst discouraging the African trade—measures adopted with the nearly unanimous assent of the North. Is it said, that the admission of slaves into the

\* Virginia Debates, p. 308.

Southern territory was a condition of its surrender to Congress? That is only to say that the States, in adopting the prohibition respecting the North-west, did not design it to operate elsewhere. Further, Congress did not admit the title of the several States in that territory, but claimed it as the property of the United States; and only accepted from them a surrender of their respective claims. And whilst the North obtained the restrictive ordinance as to the North-west by persistent urgency, there is no evidence of any serious attempt of the kind in respect to the South-west; but the right of the South to extend itself in that direction was cordially recognized.

In fact, this whole transaction anticipated the idea of the Missouri Compromise. The right of particular States to exclusive control over the unoccupied territory, which had been wrested from Great Britain by the joint energies of all, was earnestly and justly questioned. The subject threatened the existence of the Confederation; and, until it was settled, a more intimate union was impossible. The arrangement actually adopted was a happy solution of the difficulty. In satisfaction of any just claim which the Southern States might suppose themselves to have on the territory, they acquired the fugitive slave law; and the great West was divided between the two sections of the Union, giving four States to the South, and "not less than three nor more than five" to the North.

Another fact to be included in the present view, is, that at the moment when Carolina and Georgia, in concert with the other States were, in Congress, dedicating the North-west to freedom, they were, in the Constitutional Convention, urging as an essential condition of the union, the re-opening of the slave trade; and that, for the avowed purpose of obtaining labourers for their lands in the Western territory. Virginia and the Middle States opposed the demand, but it was surrendered by New England. General Pinkney stated in the South Carolina ratifying convention, that some of the Eastern, the carrying States, were willing to acquiesce in the continuance of the traffic for a limited time. "But the Middle States and Virginia made us no such proposition. They were for an immediate and total prohibition."\* It became at last the subject of a compromise between New England and the South. Mr. George Mason stated in the Virginia Convention, that "eight States out of twelve for more than three months, voted for requiring two-thirds of the members present in each house to pass commercial and navigation laws. . . . Till a compromise took place between the Northern and Southern States; the Northern States agreeing to the temporary importation of slaves, and the Southern States conceding in return, that navigation and commercial laws should be on

\* Elliott's Debates, Vol. iii. p. 357.



the footing on which they now stand."\* Thus the re-opening of the slave trade was the result of a compromise between the two extremes—New England and the farther South—in consideration of the commercial interests being entrusted to the Northern majority. It is a significant fact that these two extremes have kept the Union in perpetual agitation by their mutual unfaithfulness to this very covenant, thus sealed in the horrors of "the middle passage."

Evidence might here be adduced to show the re-opening of the slave trade to have been a material cause of the anti-slavery clause of the ordinance of '87—the opposers of that trade using this means to restrict it, and its advocates accepting the restriction, as applying to territory in which they had no immediate interest. It is very questionable whether the Republican fathers had any zeal for free soil, in the modern sense of the phrase.

#### THE CONSTITUTION.

I will not dwell upon that article of the Constitution which provides that three-fifths of the slaves shall be added to the whole number of free persons, in apportioning the representation in Congress. How distinctly designed for the protection of the South against unfavourable legislation, and how signally illustrative of the pacific and conciliatory policy of our fathers, is manifest.

With these facts before us, we are prepared to answer, whether the Constitution is an anti-slavery document. That the universal prevalence of freedom was the ardent wish of many of the framers, is true. But, of a document which was coincident and in concert with the distribution of territory, of which the ordinance of 1787 was an element—a document which guaranties the title of the master to the fugitive slave wherever found within the Union—which gives him the advantage of extra representation in Congress, and expressly provides for the continuance of the slave trade, and that for the purpose of supplying labourers for the new territories in the South-west—a document, in short, which was adopted by States, twelve out of thirteen of which held slaves†—it is impossible that impartial candour should imagine the authors to have designed to confer upon the General Government any right to stigmatize the system, or to make any discrimination against it. In fact, nothing is more certain than that the attempt to confer such authority would, if persisted in, have dissolved a convention in which the re-opening of the slave trade—claimed as a *sine qua non*—was a pledge of the design to perpetuate the institution. That prior to

\* Virginia Debates, p. 431.

† In Massachusetts slavery had been abolished in 1776; the Courts accepting the Declaration of Independence as a decree of emancipation.

the adoption of the Constitution it was the recognized right of the master to carry his slaves into the Territories and hold them there, unless restrained by express and positive statute, is unquestionable, in the presence of the facts here recited. So far is it from being true, as commonly assumed, that slavery was originated and now exists in the States by virtue of special local statute, such statute is probably nowhere to be found in the laws of any people except Israel. Certainly there never was a law passed in any State of the Union, whether prior to or since the Revolution, establishing slavery. In every instance slaves were brought in as other property, and so held until divested by positive law. Originally, the title of the master was recognized, and the institution existed everywhere throughout the land. And it now exists wherever it has not been excluded by express enactment. No attempt was ever made in our earlier history to pass such a statute in respect to the Territories, except upon terms of mutual adjustment between the North and South, acceptable to both. That the rights of the South in this respect remain unimpaired, follows inevitably from all the facts.

#### THE MISSOURI COMPROMISE.

The Missouri Compromise is the only other example of the primitive Republican policy to which I shall ask your attention. Prior to the application of that State, repeated additions had been made to the galaxy of the Union, without a question as to slavery. Under Mr. Jefferson, the first Republican President, the territory of Louisiana had been acquired, and the existence therein of slavery recognized and confirmed by act of Congress. The last war with Britain had passed into history. The battle of New Orleans had been fought, and the East had beheld with astonishment the young giant of the West meet and hurl back in discomfiture the veterans of England. The Federal party, which was predominant in New England, was opposed to the war, which was carried forward in triumph by the Republicans or Democrats of the South and West. The admission of Missouri, giving increased strength to the already overwhelming power of the Democracy, was naturally distasteful to the Federalists; and the agitation of the slavery question presented a prospect of return to power, which they eagerly seized, assuming the free soil position, then first promulgated. "It was a Federal movement," says Benton, "accruing to the benefit of that party, and at first overwhelming, sweeping all the Northern Democracy into its current, and giving the supremacy to their adversaries. When this effect was perceived, the Northern Democracy became alarmed, and only wanted a turn or abatement in the popular feeling at home, to take the first opportunity to get rid of the question

by admitting the State, and re-establishing party lines upon the basis of political principles."\* The result was the Missouri Compromise, which was represented by Mr. Calhoun as a Northern aggression, and by Mr. Benton as a Southern measure; but which was, in fact, not so much a sectional as a party expedient, adopted by the Republican party in order to defeat the free-soil manœuvre of the Federalists. These having failed in this, their last move, at once disappeared from the political arena.

"This momentous question," said Mr. Jefferson, "like a fire-bell in the night, awakened and filled me with terror. I considered it at once as the knell of the Union. It is hushed indeed for the moment; but this is a reprieve only, not a final sentence. . . . Of one thing I am certain, that as the passage of slaves from one State to another would not make a slave of a single human being who would not be so without it, so, their diffusion over a greater surface would make them individually happier, and proportionally facilitate their emancipation, by dividing the burthen on a greater number of coadjutors."† Such was the opinion of the father of primitive Republicanism, as to the bearing of restriction on the welfare of the slave.

It thus appears that the free-soil policy, so far from being an inheritance from the Republican fathers, is in contravention of their entire course of action; and, in fact, a baneful offspring of the expiring throes of Federalism; and at its birth, denounced by Mr. Jefferson, in prophetic words, as the knell of the Union. It has also been seen that the uncompromising policy which is advocated by many, at the present time, is equally contrary to the whole genius and practice of the earliest and best days of our history, the golden age of primitive Republicanism.

#### LIBERTY AND DESPOTISM.

Senator Seward, in his recent speech, drops a remark, which, in this connection, is of profound significance. "The opinions of parties and sections," says the Senator, respecting the territorial question, "have become dogmatical, and it is this circumstance that has produced the existing alienation." No statement could better discriminate free government from despotism, than that the former is carried on by mutual concession and compromise; the other is dogmatical—uncompromising. Where conflicting interests arise, there is no resource but in one of these alternatives. And when, in such a case, the more powerful party openly repudiates compromise, the alternative presented to the other is, submission to

\* Benton's Thirty Years, Vol. i., p. 10.

† Letter to John Holmes, April 22, 1820.

a proclaimed tyranny, or resistance, at whatever expense. Nor does this position contravene the doctrine that the majority shall govern—an unfortunate form of expression, which seems sometimes to be so understood as that the majority is master and the minority the slave; but which is legitimately applicable no otherwise than to the ascertaining of the prevailing sentiment pervading the community, in accordance with which its own affairs are to be conducted. Any other principle would justify the most unlimited tyranny of a stronger over a weaker nation, or of one part of a nation over the remainder; as England over Scotland or Ireland. Precisely this was the issue joined in the Revolutionary war. The watchword, "*No taxes without representation*," did not imply that the Colonies would have been content to submit to the impositions of the British Parliament, upon condition of having a proportional representation there. What they resisted, was the attempt of others to decide *ex parte* upon their interests, irrespective of their councils and wishes,—in a dogmatical manner. And the highest demonstration they gave of fitness for freedom was, the ready exercise of mutual concession to each other; the spirit of compromise which characterized all their legislation, whether in forming or administering the Constitution. When, therefore, the sections of the country are justly chargeable with being dogmatic on a question respecting the rights and interests of a weaker section, it implies the exercise of power by the stronger in a manner which is despotism in the strictest sense, and may well cause uneasiness, and elicit resistance from the weaker. And if it should ever occur that the North assumes to decide *ex parte* on any question touching slavery, outside the boundaries of the Northern States, and to enforce such decision uncompromisingly on the South, the latter is bound, not only in faithfulness to itself, but to the cause of free government everywhere, to resist the usurpation at every hazard and whatever cost. No tyranny is so detestable as that which is wielded by large bodies of men. Better far, a first consul or an autocrat, than an arbitrary Congress or Convention.

It is sometimes weakly argued, that the prohibition of slaves in the Territories implies no invidious discrimination, since the exclusion operates against Northern immigrants as well as Southern. By parity of reasoning, a law which should raise all the requisite revenue of the general government, by a tax on manufactures, would be justified as impartial, on the same ground. But the argument, shallow as it is, fails to apprehend the fundamental issue, which is not, whether slavery shall or shall not be allowed in the Territories, but whether the one section shall assume to itself the control of the subject, and dictate the law to the other. Had the Southern people announced an irrevocable resolve that another free State shall never enter the Union, and had they upon that platform

elected a pro-slavery President, what indignation would have fired the North! They would have felt that the question was no longer one of negro slavery, but of Northern freedom; and the emergency would have been met with a decision and firmness proportionate. Precisely this is the issue now forced upon the South. It is proclaimed, as a decree of the North, that slavery is henceforth to be excluded from the Territories. But the assertion that Mr. Lincoln's election carries with it any such result, is unjust to those who elected him, absurd in itself, and in gross violation of the Constitution. It is unjust to the electors, because they voted for Abraham Lincoln, and not for the dogmas of a platform, which many of them never saw, and yet more never read;—absurd, because the Lincoln vote was a small minority of the people; so that if the election tells anything on the subject, the platform is condemned by a vast popular majority; and, in derogation of the Constitution, since it is an attempt to supercede the deliberations of the legislature which the Constitution appoints, and to substitute the tricks and chicanery of party caucuses, the dogmas of unread platforms, and legislation by popular votes, which do not even purport to be given upon the questions to be decided by them. Is it possible for the perverse ingenuity of man to devise a scheme more arbitrary, corrupt, and dangerous? And appropriate are the fruits—a distracted people and dissolving Union.

Another aspect of this whole subject should be especially noticed, presenting as it does, on both hands, a case of usurpation and violence to the rights and welfare of the whole American people, almost unparalleled in history. In consequence of the excitement caused by the Kansas controversies, the distraction resulting from the disorganization of the Democratic party, the protective policy espoused in the Republican platform, and other causes, Mr. Lincoln was chosen to the Presidency by a majority of electors, representing a small minority of the popular vote—he having received but 1,857,610, out of 4,662,160\* votes polled in the Presidential election. At the same time, the party representation in Congress, already a minority, was materially reduced, so as to place the incoming administration at the mercy of a hostile majority. And yet, in the presence of circumstances such as these, and the notorious fact, how few read or care for party platforms, it is on the one hand assumed that the election of Mr. Lincoln was an endorsement by the American people, of the free-soil policy of the platform; and upon such a pretence, the announcement is made by party leaders, of a determination to enforce upon the country, at every hazard, that policy, thus condemned by a majority of more than a million; even though every voter of the Lincoln ticket be counted for the platform. On the opposite extreme, this pretence is admitted; and

\* This is exclusive of the vote of South Carolina; say 80,000.

it is further assumed, that the only resource of the South against a policy thus falsely fathered upon the country, and maintained in Congress by a dwindling minority, is in secession. Upon such pretences have the rights and happiness of the American people, North and South, and the cause of free government everywhere, been recklessly sacrificed; and, to justify persistence in the determination to enforce a policy thus condemned, to the utter destruction of all we hold dear, the conscientious duty of fulfilling the intention of the people is pleaded!

Yet further, by these means, we ourselves are subjected to a government which is as far from being that ordained by the Constitution and elected by the people, as if it had been imposed by the sword. The Constitution provides for the administration of the government in accordance with the will of a majority of the whole country, through their representatives in Congress; and, in this, furnishes a remedy for the possible incumbency of a minority executive. But by the concurrent operation of secession activity, on the one hand, and Congressional inactivity on the other, the reins are rapidly passing into the hands of an extreme wing of a minority—a wing represented by the Sumners and Lovejoys, to whom we owe the treacherous passivity of the present session—to the success of whose policy the ruin of our country is essential. Nor does it relieve the case, that the States which still remain are governed by a majority of their own representatives. The men who are becoming masters of our destinies were not selected for a day like this; nor as administrators of a fragmentary government. Even Massachusetts would never have chosen them, except to counterpoise the the Toombses, the Iversons, and Rhett, whose withdrawal has destroyed the balance. In a word, if the Union still exists, the attempt to seize the opportunity of the hour, to force the policy of a minority, involving results such as are now before us, is an extraordinary usurpation and wickedness. And if the Union is dissolved, the body now sitting in the Capitol is not the Congress of the United States, and has no right to do anything except to adopt temporary measures to prevent anarchy, and immediately call a Convention to reorganize the government.

These considerations will acquire profound importance, should Congress persist in refusing terms of conciliation or the call of a Convention, and adopt measures, tending, under whatever guise, to bring on a hostile collision with the South, and involve us in the crime and horrors of a civil war.

#### EFFECT OF FREE-SOILISM ON THE SLAVE.

The distraction now realized by our country, has attained its portentous character in consequence of two assumptions which are

both demonstrably false. It is assumed that the effect of the erection of new slave States is to increase the amount of slavery in the country;—and that in the legislation of the General Government, it is competent to regard and treat slavery as a crime. On the former subject, we have seen the opinion of Mr. Jefferson. Permit me, under the shield of so honoured a name, to state the grounds upon which I have long held the opinion, that the restrictive, or free-soil policy, so far from tending to the advantage of the negro, and the extirpation of slavery, has directly the opposite effect—that its influence is to retard his elevation, and render early emancipation impossible.

It is true, as an ordinary rule, that dispersion tends to stimulate the increase of population; and that, for a manifest reason. Simplifying the wants of the people, and increasing the facilities for family subsistence, it at once removes the obstacle to marriage arising out of the expense of maintenance, and, at the same time, increases the motive to form the family society, in proportion as it otherwise diminishes social privileges, through sparseness of population. But it is evident that this principle does not apply, in any appreciable degree, to the slave population. The responsibility of providing for the support of the family rests not on the parents but on the master. The restraint hence arising, is therefore reduced to zero; whilst, on the contrary, the more dense the negro population the greater the facilities for marriage and consequent increase.

Whilst, thus, the dispersion of the slaves over a wider area does not induce an accelerated ratio of increase, the effect is greatly to their advantage in many ways. The first result is a more intimate intermixture with the white population, thus placing them under the most powerful educative influences for their elevation. The apprehensions and alarms which result to the whites from the accumulation of many slaves in one region are dissipated, and the consequent severity ceases. Their phalanx is opened to the entrance of free labour, the competition of which is fatal to slavery. The intermingling of the races generates sympathies, tending in the same direction. In one word, the immediate effect of the wider dispersion of a given number of slaves is, to elevate and fit them for freedom, and to secure for them that boon, in the surest and safest manner. On the other hand, the effect of restriction is continually to increase the ratio of the black against the white population—thus, to segregate the slaves, and cut them off from the elevating influences of white civilization—to render them more the objects of apprehension, and of consequent severity;—in a word, to seal their degradation and perpetuate their bondage.

As a question of State policy, it may be wise for the Northern States to prohibit the introduction of slaves from the South. But as a question of National policy, a question of humanity to the negro

and emancipation to the slave—as a question of national strength, political and military, no proposition is more demonstrable than that the utmost possible dispersion of the slaves is the policy dictated by sound reason, and approved by enlightened humanity. It may be objected that the “curse of slavery” ought not to be inflicted on the Territories. Waiving all cavil as to the phrase, it would seem that true patriotism must have at least as great concern for the welfare of the people of the South as for the trackless wilds of the West; and as in a time of scarcity, true benevolence demands that all be stinted rather than that some indulge whilst others starve—so here it would demand that the whole burden be not concentrated upon a narrow district, in order to give “the largest liberty” elsewhere. Nor does the removal of slaves to the Territories modify or increase in the least the advantage which the South has, under the Constitution, in respect to representation in Congress. One thousand slaves will count as six hundred constituents, no more and no less, whether all living in one State, or distributed to several.

#### SLAVERY NOT CONSTITUTIONALLY A CRIME.

But it is urged that slavery is a crime, and to be so treated. If this is to be the rule of legislation for the general government, the sooner a Convention is called to dissolve the Union and divide the assets, the better. But in the mean time, the discovery of this new principle in political morals does not confer a right upon the North to seize and appropriate all. It has already appeared that our fathers, in forming the Union upon the basis of the Constitution, could not have intended to empower the general government to discriminate against slavery, and did not, in fact, confer any such power. Further, it was expressly provided that “the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”\* To no case can such a restriction of powers apply more emphatically than to a matter affecting unequally and invidiously the institutions of different sections of the country. In no other case can it be more evidently necessary that the right be manifest and unquestionable, in order to justify its exercise.

The attempt, therefore, thus invidiously to use the powers conferred by the Constitution, in a manner which the framers of it neither proposed nor would have tolerated, in which the South never would have dreamed of acquiescence, and which is at variance with the whole course of action pursued for more than eighty years, instead of being demanded by an enlightened conscience, would be

\* Amendments to the Constitution, Art. X.



in manifest violation of its plainest dictates—a palpable usurpation, which, if successful, would be a revolution of the most momentous character. And a seizure of the territories by the Northern States, and exclusive appropriation of them to the furtherance of their own purposes, in disregard of the rights of the South, would be an act justifiable only upon

“the royal plan,  
That he may get who has the power,  
And he may keep who can.”

Had the ordinance of '87 been as sweeping in its provisions as some have supposed—had it dedicated all the then existing national domain to free labour, the fact would have served no further, as a precedent, than to prove the competence of the South freely to surrender her claims; and could not convey any right to the North to usurp such a control, despite the resistance and protest of the South. The position, therefore, is every way impregnable, that we have no just right, under the Constitution, and in administering the powers there conferred, to make any moral discrimination between the institutions of the different sections of the country—to regard and treat those of one section as unrighteous, and those of the other as right. And even should we choose the alternative of abrogating the Constitution and dissolving the Union, the measure would accomplish nothing to the purpose in view. For the South, in that event, would be unquestionably entitled, upon a just division, to a proportionate share of the Territories, in which to plant and cherish without hindrance her peculiar institution.

It may be, Sir, that this communication has become wearisome. I have said but little as to the wrongs committed by the South, whether formerly, or in the present disunion movement. Our first business is at home; and especially are we in no condition to form a true estimate of the position of the South, until we have come to a just appreciation of her rights, and of our resulting duties toward her. The derelictions and duties of the South have been faithfully set forth in the expostulations of citizens of her own, whose names are her crown. My single object has been, to bear a testimony to the claims of justice against us on her behalf—to expose the assumption that it is our peculiar prerogative, as guardians of the Territories, to protect them from the crime and curse of our Southern brethren. To this purpose, it has been shown that the South has cause of grievance of the most serious character, which demands prompt and cheerful redress at our hands; and rights in the Territories, which, neither in honour nor honesty may we disregard. It has appeared that neither in the ordinance of 1787, nor in the Constitution, did the fathers of the Republic inaugurate a free-soil policy, or surren-

der, either in theory or practice, their original right to carry their slaves into the Territories—that an attempt to introduce an invidious or repressive policy toward slavery would inevitably have dissolved the Confederacy, and for ever prevented the Union—that in fact, their whole course of action manifested a jealousy as watchful over the rights of the South as over those of the North, in the Territories as well as in the States—and that those rights were mutually provided for by the division of the Territories between the two sections—that lying east of the Mississippi, by the ordinance of 1787, and the connected measures; and that to the West by the Missouri Compromise. It has been shown that their habit of mutual concessions and conciliation was and is the only alternative to a despotism which is none the less to be dreaded and opposed because wielded by a multitude. It has been proved that the restrictive policy, so far from being the dictate of humanity to the slave, and enlightened zeal for his enfranchisement, is the reverse;—that its advocates are responsible for his exclusion thereby from higher privileges and ultimate emancipation;—and in fine, that neither the fathers in framing, nor the people in adopting the Constitution, authorized the general government to stigmatize the institutions of any of the States as morally wrong, and therefore to be repressed—that hence the attempt to make such a discrimination is a usurpation which, if successful, amounts to a revolution—and that even did conscience demand a dissolution of the union with the South, it would thereby effect no restriction, as an *honest* conscience must, in that case, recognize the right of the South to a just share in the common territory.

If I have been successful in establishing these positions, which seem to be incontrovertible, it follows that our first and imperative duty, in faithfulness to our covenants and to the claims of honour and justice, is to accord to the South any necessary protection against the piratical policy of abolitionism, and a distinct recognition of her rights in the Territories of the United States. In this respect there is but one alternative—that the North surrender all claim to the exclusive admission of free labour into any part of the Territories; or, that if such claim be made, it be fully compensated by a corresponding surrender of a part to the institutions of the South.

The true issue, therefore, before Congress and the country is not as to yielding any rights of ours, either to the dictation of the Gulf States or the conservatism of the Border; nor, as to aiding to establish or extend slavery; but, whether we will rebuke and arrest the attempts of partizan leaders and factions to deprive the people of the South of rights long since vested, actively enjoyed from the beginning of our history, and never surrendered;—rights which, until now, were always respected; and which the just and patriotic

people of the North have no disposition to assail;—it is not from the people that our troubles come. The question is, whether a stop shall be put to the aggressive policy of those who would interpose the whole power of the General Government to arrest the expansion of the South and “surround her with a wall of fire.” Until this question is rightly settled, all that may be said about “concessions to the South,” “surrender of our rights,” and “compromise of principles,” is impertinent. Faithfulness to covenants is a fundamental principle of Divine morality; and covenant breakers are enumerated in the word of God, among the greatest criminals. Principles which interfere with faithfulness to the compacts upon which the Constitution itself is based, are entitled to no respect; and that public servant who allows such principles to operate, to the forfeiture of plighted faith, and the destruction of the country, will yet be held to strict account by a betrayed people.

#### ENFORCING THE LAWS.

This whole subject has been greatly embarrassed by the extreme attitude and violent measures of the Gulf States. Many honest men and true patriots are induced to doubt whether our first duty, in the present emergency, is not, to vindicate the insulted sovereignty of the Government, and enforce its authority against defiant transgressors; and persons of another class, who have been accustomed heretofore to denounce the Constitution and laws, and systematically set them at naught by appeal to “the higher law,”—now, with new-born zeal, clamor for their enforcement, and the punishment of the seceding States. By enforcing the laws, is meant, the array of the North for the subjugation of the South; and by punishment, is to be understood the carnage of battle and the rapine of conquest. And it is a significant fact, that they who have been most ready to weep over the imaginary woes of the negro, and to denounce in unmeasured terms the policy which holds him in involuntary bondage, are the very ones who now with eagerness urge the adoption of measures, the design of which is the involuntary bondage of the States of the South, and the means to which are the untold calamities of civil war, polluting our soil with the blood of brethren, filling the land with wailing and woe, and pervading it with the spirit of discord and undying hate.

It is, indeed, impossible to form an adequate estimate of the evil involved in allowing the sovereignty of our government to remain unvindicated against the lawlessness and violence of revolution. But the true question is, How shall it be vindicated? Two ways present themselves. The one is the argument of kings—appeal to the sword. The other is that which our Constitution inaugurates.

It is based upon the assumption of virtue in the people, and integrity in the administration of the government. Wanting these, it must be a failure. For the crimes of individuals, who will not otherwise be restrained, it provides the punishments of law—the efficacy of which is intimately dependent upon a pure moral sentiment pervading the community, frowning upon the criminal, and sustaining the authority of the law. So long as a virtuous moral sentiment prevails, and the powers of the government are administered with integrity, the possibility of anything more than individual and local lawlessness is precluded; and for this, however formidable, our system fully provides. But our present situation is the natural and inevitable consequence and visitation of God's displeasure, for the factious partizanship, the seditious measures, and the profligacy and corruption, in our whole political administration, which have become so notorious, unblushing, and shameful, since the "spoils of office" have been made the argument of zeal, and reward of success, to contending factions. It is this which has nourished the spirit of revolution—which has destroyed the moral power of the government, chilled the patriotism of the people, and tied the hands of the authorities, until discontent has developed widespread conspiracy, and conspiracy has ripened into open revolt. Had the government been so administered as to command the respect and confidence of the people, and the support of the moral sentiment of the country, such a conspiracy could not have been formed. Had its authority been asserted, and its powers exercised, with promptitude and faithfulness, at a time when, as yet, individuals only were implicated, the laws might have been enforced, and the plot of disunion thus nipped in the bud.

But the time for appeal to force is past. Our situation too surely indicates disease in the body politic, too deep-seated and pervasive to be corrected by any local and superficial means. They would only render a remedy hopeless. Suppose force to have succeeded, and the South to be prostrate and vanquished:—Is it proposed to drive her people, at the point of the bayonet, to the ballot-box, to elect representatives to Congress; there, in manacles, to pledge fraternity and administer the government of freedom? Or, will not the next stage, of necessity, be a standing army and despotic executive, to keep the conquered States in subjugation? Thus, whilst forging fetters for others, we but prepare the means of our own enslaving. Freedom and force are incompatible. Our Union and liberties can only exist upon condition of general virtue, and fidelity to each other, and consequent mutual confidence and love. The question, therefore, which is now so often asked—whether we have a government—is to be answered by another: Have we a virtuous public sentiment controlling the popular mind, and integrity in the public administration? Without these, we must surrender our Con-

stitution and liberties, and submit to the restraints of a more stringent system. With them, we do not need those appliances of despotism—standing armies, for the conquest and government of subject States. The moment, therefore, when appeal is taken from the tribunal of public virtue to the sword, for the settlement of the present question, proclaims our experiment a failure, and our liberties no more.

Still, but one alternative is before us. Either by mutual justice, kindness, and forbearance, must the wounds of the Union be healed, or we must inevitably reap the fruits of our madness, sooner or later, in the inconceivable calamities of civil war; ending in the demoralization and anarchy of Mexico, or in such peace as hostile States may enjoy, chained to the pillars of a throne, and restrained by the legions of a military chief. We cannot separate without collision; and civil war is death to liberty.

What is wanted in order to the preservation of our Union, and the vindication of its sovereignty is, a return to the path of virtue in the whole public administration, without which, in any event, our liberties are doomed. This implies that our Country shall take the place which party now fills; and that the integrity of the Constitution and the welfare of the whole Union shall come instead of personal aggrandizement and the schemes of faction. It implies a recognition and guarantee to our brethren, of those rights, the invasion of which has deprived the government of moral countenance and efficient support at the South, and left her a prey to the plots of revolution. By such a course, she will be re-established in the public confidence and respect; the border States will be confirmed in unwavering allegiance; and even the seceding States will yet be reclaimed. By the sword it can never be. But by a course of just, wise, and affectionate forbearance, time and opportunity will be given to the Union-loving sentiments, which are now overawed and suppressed, to rally and concentrate themselves; and soon they will accumulate an overwhelming tide of public sentiment, which will sweep away all obstructions, and bear those States back into our bosom, to be reunited by an indissoluble tie. Such are the means by which our sovereignty may be maintained, and our Constitution vindicated and exalted in the eyes of the nations. Such are the triumphs to which it is adapted, to which we may innocently aspire,—triumphs not sealed in blood, nor celebrated at the scaffold,—conquests not remembered by the tears of widowhood and the wretchedness of orphanage; but sealed in bonds of peace and gladness through all our borders, and securing to our country new life, prosperity, and power. Nor, thus, will crime escape unpunished, but the guilty authors of our present divisions, North and South, overwhelmed with the burden of a nation's indignant scorn, will be consigned to a record of infamy, on history's page, from which oblivion were too happy escape.

The peaceful policy thus indicated, not only best accords with the structure of our Government, and genius of our institutions, and can alone rescue us from present perils; but is that which is pointed out by the benign teachings of Christianity, and is approved and demanded by the common sentiments of the great body of the American people. Of this the evidences are abundant and incontestable. In thus saying, I do not overlook the active exertions which are making by combinations, secret and open, to control the action of Congress, by the manufacture and expression of a public sentiment, which is directly at variance with the real will of the people. Of such combinations, a just estimate is given in the Farewell Address of Washington:—"They serve to organize faction, to give it an artificial and extraordinary force, to *put in the place of the delegated will of the nation, the will of a party—often a small but artful and enterprising minority of the community*; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction, rather than *the organ of consistent and wholesome plans, digested by common counsels, and modified by mutual interests.*"

In this discussion, I have said nothing as to the moral character of slavery. It would be easy to show the whole spirit of the crusade against the South, on the subject, to be as entirely alien to the spirit and teachings of the word of God, as it is to the harmony and peace of the country. But the matters now at issue are altogether foreign to any such question. The demands made by the South,—the questions examined in this letter,—base themselves upon the obligations assumed by the States toward each other, in entering the Union. If the South have rights in the Territories, those rights are entirely independent of the question whether slavery is right or wrong. If she have no such rights, her failure of title will be none the more clear, if slavery be proved to be the climax of wickedness. To the real issues before the country, any discussion of the moral character of the institution is impertinent and vexatious,—irritating to the South, distracting the attention of the North, and misleading the people as to the real points involved.

#### "MASTERLY INACTIVITY."

It should not be forgotten, in a crisis like this, that treason may assume other forms than those of Disunion Conventions, and their attendant machinery. It may adopt a guise as wicked, and more dangerous, whilst seated in the Senate or House, opposing a front of cold hostility to every measure of harmony and peace; rejecting all

overtures made by the patriotism of others, and maintaining the effectual position of a "masterly inactivity" for itself. No one acquainted with the history of abolitionism needs to be assured that the purpose of disunion has there been cherished with as ardent a zeal as that of the League of United Southerners. And the unquestionable affiliation with the most malignant forms of that fanaticism, of some in Congress whose influence is powerfully exerted in uncompromising hostility to every measure of adjustment, sheds a light upon their conduct not to be mistaken, even though it had been unaccompanied with the exulting shouts of Garrison and his compeers over the longed-for vision of a prostrate Constitution and shattered Union.

No one capable of forming an intelligent judgment on the subject, can look over the progress of events at the South, and the results thus far, and doubt, that had Congress, at the opening of the present session, promptly shown a spirit of magnanimous patriotism, such as was so eminently becoming from the stronger to the weaker, and which the circumstances so clearly demanded, the tide of secession would have been stayed on the borders of South Carolina; and that State would soon have returned to her place in our midst. But whilst the people have been amused with the continual assurance that the excitement would soon blow over, and the alarm prove futile; whilst party leaders have maintained the attitude of dignified passivity, star after star has fallen, and the Union of our fathers is no more. Is it not time that those who truly love the memories of that Union, should repudiate a policy which has already wrought such calamitous results, and which will aggravate the ruin, the longer it is maintained? Is it not time for the Christian people of America to awake to consider the disastrous effects to the cause of religion already realized, and the still more calamitous results to all their enterprises for the welfare of the human race, which must follow, from a persistence in the course now pursued?

Mr. Seward announces his despair of a harmonious adjustment, because "it is essential to its success, in any case, that there be found a preponderating mass of citizens, so far neutral, on the issue which separates parties, that they can intervene, strike down clashing weapons, and compel an accommodation." And is it so? Shall this imperial Republic—this home of liberty—this refuge and hiding-place of the Church of God—this day-star of the nations—shall it go down in darkness, and perish in the very morning of its strength and glory? and that, because patriotism is dead, and faction rules the ascendant, with none to stay her hand? But, no! Partizans may record in such statements the testimony of their own shame. Politicians and placemen, robed in brief authority, may stake the peace and happiness of our millions, the honour of our flag, the hopes of freedom for the world, and the interests of the

Church of Christ, upon the issues of chance, in pursuit of their own base ends. But our country is not at the mercy of these puppets of an hour. Abroad through our land, in unambitious retirement, are the myriad Cincinnati, the undespairing dictators of our destiny, to whom Columbia has given commission to see that the Republic suffer no detriment. Their voices begin already to be heard;—and their indignant power will yet be felt, to the ignominy alike of the plotters of disunion and the opposers of adjustment; to the condemnation of the factions and policies which have distracted and rent us asunder, and to the undying honour of those who amid the triumphs of treason and the supineness of imbecility or indifference, have deserved well of their country. By the blessing of God our flag shall still float in gladness on every breeze, its purity unstained by fraternal blood, and its lustre undimmed by the loss of one star; and our country, arrayed in the triumphs of peace, fulfil that high destiny of growing power and greatness, beneficence and happiness, the foreshadowings of which, in grandeur, so far surpass all that the past has witnessed of the achievements of man.

Respectfully yours,

SAMUEL J. BAIRD.

WOODBURY, N. J., *February 6, 1861.*

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