A LECTURE

DELIVERED

IN THE TREMONT TEMPLE,

BOSTON, MASSACHUSETTS,

ON

THE 26th JANUARY, 1856,

BY

ROBERT TOOMBS.

Slavery in the United States—its relation to the Federal Constitution, and its influence on the well-being of the Slave and Society.

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R. TOOMBS.

SLAVERY—ITS CONSTITUTIONAL STATUS—ITS INFLUENCE ON THE AFRICAN RACE AND SOCIETY.

I propose to submit to you this evening some considerations and reflections upon two points.

1*st.* The constitutional powers and duties of the Federal Government in relation to Domestic Slavery.

2*d.* The influence of Slavery as it exists in the United States upon the Slave and Society.

Under the first head I shall endeavor to show that Congress has no power to limit, restrain, or in any manner to impair slavery; but, on the contrary, it is bound to protect and maintain it in the States where it exists, and wherever its flag floats, and its jurisdiction is paramount.

On the second point, I maintain that so long as the African and Caucassian races co-exist in the same society, that the subordination of the African is its normal, necessary and proper condition, and that such subordination is the condition best calculated to promote the highest interest and the greatest happiness of both races, and consequently of the whole society: and that the abolition of slavery, under these conditions, is not a remedy for any of the evils of the system. I admit that the truth of these propositions, stated under the second point, is essentially necessary to the existence and permanence of the system. They rest on the truth that the white is the superior race, and the black the inferior, and that subordination, with or without law, will be the status of the African in this mixed society, and, therefore, it is the interest of both, and especially of the black race, and of the whole society, that this status should be fixed, controlled, and protected by law. The perfect equality of the superior race, and the legal subordination of the inferior, are the foundations on which we have erected our republican systems. Their soundness must be tested by their conformity to the sovereignty of right, the universal law which ought to govern all people in all centuries. This sovereignty of right is *justice*, commonly called natural justice, not the vague uncertain imaginings of men, but natural justice as interpreted by the written oracles, and read by the light of the revelations of nature's God. In this sense I recognize a "higher law," and the duty of all men, by legal and proper means, to bring every society in conformity with it.

I proceed to the consideration of the first point.

The old thirteen States, before the revolution, were dependent colonies of Great Britain—each was a separate and distinct political community, with different laws, and each became an independent and sovereign State by the declaration of Independence. At the time of this declaration slavery was a *fact*, and a fact recognized by law in each of them, and the slave trade was lawful commerce by the laws of nations and the practice of mankind. This declaration was drafted by a slaveholder, adopted by the representatives of slaveholders, and did not emancipate a single African slave; but, on the contrary, one of the charges which it submitted to the civilized world against King George was, that he had attempted to excite "domestic insurrection among us." At the time of this declaration we had no common government; the articles of confederation were submitted to the representatives of the States eight days afterwards, and were not adopted by all of the States until 1781. These loose and imperfect articles of union sufficed to bring us successfully through the revolution. Common danger was a stronger bond of union than these articles of confederation, after that ceased, they were inadequate to the purposes of peace. They did not emancipate a single slave.

The Constitution was framed by delegates elected by the State legislatures. It was an emanation from the sovereign States as independent, separate, communities. It was ratified by conventions of these separate States, each acting for itself. The members of these conventions represented the sovereignty of each State, but they were not elected by the whole people of either of the States. Minors, women, slaves, Indians, Africans, bond and free, were excluded from participating in this act of sovereignty. Neither were all the white male inhabitants, over twenty-one years old, allowed to participate in it. Some were excluded because they had no land, others for the want of good characters, others again because they were non-freemen, and a large number were excluded for a great variety of still more unimportant reasons. None exercised this high privilege except those upon whom each State, for itself, had adjudged it wise, safe, and prudent to confer it.

By this Constitution these States granted to the Federal Government certain well defined and clearly specified powers in order to "*to make a more perfect Union, establish justice, insure domestic tranquility, provide for the common defence and general welfare, and to secure the blessings of liberty to (themselves and their) posterity.*" And with great wisdom and forecast this Constitution lays down a plain, certain, and sufficient rule for its own interpretation, by declaring that "*the powers not herein 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.*" The Federal Government is therefore a limited Government. It is limited expressly to the exercise of the enumerated powers, and of such others only "*which shall be necessary and proper to carry into execution*" these enumerated powers. The declaration of the purposes for which these powers were granted can neither increase or diminish them. If any one or all of them were to fail by reason of the insufficiency of the granted powers to secure them, that would be a good reason for a new grant, but could never enlarge the granted powers. That declaration was itself a limitation instead of an enlargement of the granted powers. If a power expressly granted be used for any other purpose than those declared, such use would be a violation of the grant and a fraud on the Constitution, and therefore it follows, that if anti-slavery action by Congress is not warranted by any express power, nor within any of the declared purposes for which any such power was granted, the exercise of even a granted power to effect that action, under any pretence whatever, would fall under the just condemnation of the Constitution.

The history of the times, and the debates in the convention which framed the Constitution, show that this whole subject was much considered by them, and "perplexed them in the extreme;" and these provisions of the Constitution which related to it, were earnestly considered by the State conventions, which adopted it. Incipient legislation, providing for emancipation, had already been adopted by

some of the States. Massachusetts had declared that slavery was extinguished in her limits by her bill of rights; the African slave-trade had been legislated against in many of the States, including Virginia and Maryland, and North Carolina. The public mind was unquestionably tending towards emancipation. This feeling displayed itself in the South as well as in the North. Some of the delegates from the present slaveholding States thought that the power to abolish, not only the African slave-trade, but slavery in the States, ought to be given to the Federal Government; and that the Constitution did not take this shape, was made one of the most prominent objections to it by Luther Martin, a distinguished member of the convention from Maryland, and Mr. Mason of Virginia, was not far behind him in his emancipation principles; Mr. Madison sympathised to a great extent, to a much greater extent than some of the representatives from Massachusetts, in this anti-slavery feeling; hence we find that anti-slavery feelings were extensively indulged in by many members of the convention, both from slaveholding and non-slaveholding States. This fact has led to many and grave errors; artful and unscrupulous men have used it much to deceive the northern public. Mere opinions of individual men have been relied upon as authoritative expositions of the Constitution. Our reply to them is simple, direct: they were not the opinions of the collective body of the people, who made, and who had the right to make this government; and, therefore, they found no place in the organic law, and by that alone are we bound; and, therefore, it concerns us rather to know what was the collective will of the whole, as affirmed by the sovereign States, than what were the opinions of individual men in the convention. We wish to know what was done by the whole, not what some of the members thought was best to be done. The result of the struggle was, that not a single clause was inserted in the Constitution giving power to the Federal Government any where, either to abolish, limit, restrain, or in any other manner to impair the system of slavery in the United States: but on the contrary every clause which was inserted in the Constitution on this subject, does in fact, and was intended either to *increase* it, to *strengthen* it, or to *protect* it. To support these positions, I appeal to the Constitution itself, to the contemporaneous and all subsequent authoritative interpretations of it. The Constitution provides for the *increase* of slavery by prohibiting the suppression of the slave-trade for twenty years after its adoption. It declares in the 1st clause of the 9th section of the first article, that "*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* 1808, *but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.*" After that time it was left to the discretion of Congress to prohibit, or not to prohibit, the African slave-trade. The extension of this trafic in Africans from 1800 to 1808, was voted for by the whole of the New England States, including Massachusetts, and opposed by Virginia and Delaware; and the clause was inserted in the Constitution by votes of the New England States. It fostered an active and profitable trade for New England capital and enterprise for twenty years, by which a large addition was made to the original stock of Africans in the United States, and thereby it *increased* slavery. This clause of the Constitution was specially favored, it was one of those clauses which was protected against amendment by article fifth.

Slavery is *strengthened* by the 3d clause, 2d section of 1st article, which fixes the basis of representation *according to numbers* by providing that the "*numbers 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 taken, three-fifths of all other persons.*" This provision *strengthens* slavery by given the existing slaveholding States many more representatives in Congress than they would have if slaves were considered only as property; it was much debated, but finally adopted, with the full understanding of its import, by a great majority.

The Constitution protects it, impliedly, by withholding all power to injure it,

or limit its duration, but it protects it expressly *by the 3d clause of 2d section of the 4th article, by the 4th section of the 4th article, and by the 15th clause of the 1st article.* The 3d clause of the 2d section, 4th article, provides that "no persons held to service or labor in one State by 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." The 4th section of the 4th article provides that Congress shall protect each State "on application of the legislature (or of the executive when the legislature cannot be convened) against domestic violence." The 15th clause of the 8th section of the 1st article, makes it the duty of Congress "to provide for calling forth the militia to execute the laws of the Union, *suppress insurrections*, and repel invasions." The first of these three clauses last referred to protects slavery by following the escaping slave into non-slaveholding States and returning him to bondage, the other clauses place the whole military power of the Republic in the hands of the Federal Government to repress "domestic violence" and "insurections." Under this Constitution, if he flies to other lands, the supreme law follows, captures, and returns him; if he resists the law by which he is held in bondage, the same Constitution brings its military power to his subjugation. There is no limit to this protection, it must exist as long as any of the States tolerate domestic slavery and the Constitution unaltered, endures. None of these clauses admit of misconception or doubtful construction. They were not incorporated into the charter of our liberties by surprise or inattention, they were each and all of them introduced into that body, debated, referred to committees, reported upon, and adopted. Our construction of them is supported by one unbroken and harmonious current of decisions and adjudications by the Executive, Legislature, and Judicial Departments of the Government, State and Federal, from President Washington to President Pierce. Twenty representatives in the Congress of the United States hold their seats to-day, by the virtue of one of these clauses. The African slave trade was carried on its whole appointed period under another of them. Thousands of slaves have been delivered up under another, and it is a just cause of congratulation to the whole country that no occasion has occurred to call into action the remaining clauses which have been quoted.

These constitutional provisions were generally acquiesced in even by those who did not approve them, until a new and less obvious question sprung out of the acquisition of territory. When the Constitution was adopted the question of slavery had been settled in the northwest territory by the articles of session of that territory by the State of Virginia, and at that time the United States had not an acre of land over which it claimed unfettered jurisdiction except a disputed claim on our southwestern boundary, which will hereafter be considered in its appropriate connection. The acquisition of Louisiana imposed upon Congress the necessity of its government. This duty was assumed and performed for the general benefit of the whole country without challenge or question for nearly seventeen years. Equity and good faith shielded it from criticism. But in 1819, thirty years after the Constitution was adopted, upon application of Missouri for admission into the Union, the extraordinary pretension was, for the first time, asserted by a majority of the non-slaveholding States, that Congress not only had the power to prohibit the extension of slavery into new territories of the Republic, but that it had power to compel new States seeking admission into the Union to prohibit it in their own constitutions and mould their domestic policy in all respects to suit the opinions, whims, or caprices of the Federal Government. This novel and extraordinary pretension subjected the whole power of Congress over the territories to the severest criticism. Abundant authority was found in the Constitution to manage this common domain merely as property; the 2d clause, 3d section of the 4th article, declares "*that 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." But this clause was rightfully adjudicated by the supreme judicial authority not to confer on Congress general jurisdiction over territories, but by its terms to restrain that jurisdiction to their management as property, and even without that adjudication, it would not be difficult to prove the utter disregard of all sound principles of construction of this attempt to expand this simple duty "to dispose of and make all needful rules and regulations concerning the territory and other property of the United States" into this gigantic assumption of unlimited power in all cases whatsoever over the territories. When the Constitution seeks to confer this power, it uses appropriate language; when it wished to confer this power over the District of Columbia and the places to be acquired for forts, magazines, and arsenals, it gives Congress power "to exercise exclusive legislation in all cases whatsoever over them." This is explicit, it is apt language to express a particular purpose, and no ingenuity can construe the clause concerning the territories into the same meaning.

This construction was so clear that Congress was then driven to look for power to govern its acquisitions in the necessity and propriety of it as a means of executing the express power to make treaties. The right to acquire territory under the treaty-making power, was itself an implication, and an implication whose rightfulness was denied by Mr. Jefferson, who exercised it; the right to govern being claimed as an incident of the right to acquire, was then but an implication of an implication, and the power to exclude slavery therefrom was still another remove from the fountain of all power—express grant. But whether this power to prohibit slavery in the common territories be claimed from the one source or the other, it cannot be sustained upon any sound rule of constitutional construction. The power is not expressly granted. Then unless it can be shown to be both "necessary and proper" in order to the just execution of a granted power, the constitutional argument against it is complete. This remains to be shown by the advocates of this power. Admit the power in Congress to govern the territories until they shall be admitted as States into the Union—derive it either from the clause of the Constitution last referred to, or from the treaty making power, this power to prohibit slavery is not an incident to it in either case, because it is neither "necessary nor proper" to its execution,—that it is not necessary to execute the treaty-making power, is shown from the fact that the treaty power not only was never used for this purpose, but can be wisely and well executed without it, and has been repeatedly used to increase and protect slavery. The acquisitions of Louisiana and Florida are examples of its use without the exercise of this pretended "necessary and proper" incident. Numerous treaties and conventions, with both savage and civilized nations, from the foundation of the Government, demanding and receiving indemnities for injuries, to this species of property are conclusive against this novel pretension. That it is not necessary to the execution of the power "to make needful rules and regulations respecting the territory and other property of the United States," is proven from the fact that seven territories have been governed by Congress, and trained into sovereign States, without its exercise. It is not proper, because it seeks to use an implied power for other and different purposes from any specified, expressed or intended by the grantors. The purpose is avowed to be, to limit, restrain, weaken, and finally crush out slavery, whereas the grant expressly provides for strengthening and protecting it. It is not proper, because it violates the fundamental condition of the Union—the equality of the States. The States of the Union are all political equals—each State has the same rights as every other State—no more, no less. The exercise of this prohibition violates this equality and violates justice. By the laws of nations, acquisitions, either by purchase or conquest, even in despotic governments, enure to the benefit of all of the subjects of the State; the reason given for this principle, by the most approved publicists, is, that they are the fruits of the common blood and treasure. This prohibition destroys this equality, excludes a part of the joint owners from an equal participation and enjoyment of the common do-

main, and against justice and right, appropriates it to the greater number. Therefore, so far from being a necessary and proper means of executing granted powers, it is an arbitrary and despotic usurpation, against the letter, the spirit, and the declared purposes of the Constitution; for its exercise neither "promotes a more perfect union, nor establishes justice, nor insures domestic tranquility, nor provides for the common defence, nor promotes the general welfare, nor secures the blessings of liberty to ourselves or our posterity," but on the contrary, puts in jeopardy all these inestimable blessings. It loosens the bonds of union, seeks to establish injustice, disturbs domestic tranquility, weakens the common defence, and endangers the general welfare by sowing hatreds and discords among our people, and puts in eminent peril the liberties of the white race, by whom and for whom the Constitution was made, in a vain effort, to bring them down to an equality with the African or to raise the African to an equality with them. Providence has ordered it otherwise, and vain will be the efforts of man to resist this decree. This effort is as wicked as it is foolish and unauthorized. It does not benefit, but injures the black race; penning them up in the old States will necessarily make them more wretched and miserable, but will not strike a fetter from their limbs. It is a simple wrong to the white race, but it is the refinement of cruelty to the blacks. Expansion is as necessary to the increased comforts of the slave as to the prosperity of the master.

The constitutional construction of this point by the South works no wrong to any portion of the Republic, to no sound rules of construction, and promotes the declared purposes of the Constitution. We simply propose that the common territories be left open to the common enjoyment of all the people of the United States, that they shall be protected in their persons and property by the Federal Government until its authority is superseded by a State constitution, and then we propose that the character of the domestic institutions of the new State be determined by the freemen thereof. This is justice—this is constitutional equality.

But those who claim the power in behalf of Congress to exclude slavery from the common territories, rely rather on precedent and authority than upon principle to support the pretension. In utter disregard of the facts, they boldly proclaim that Congress has from the beginning of the Government, uniformly asserted, and repeatedly exercised this power. This assertion I will proceed to show is not supported by a single precedent up to 1820. Before that time the general duty to protect this great interest equally with every other, both in the territories and elsewhere, was universally admitted and fairly performed by every Department of the Government. The act of 1793 was passed to secure the delivery up of fugitives from labor, escaping to the non-slaveholding States; our navigation laws authorized their transportation on the high seas, the Government demanded and frequently received compensation for owners of slaves, for injuries sustained in these lawful voyages by the interference of Foreign governments. It not only protected this property on the high seas, but followed it to foreign lands where it had been driven by the dangers of the sea, and protected it when cast even within the jurisdiction of hostile laws. It was protected against the invasions of Indians by your military power and public treaties. In your statute book are to be found numerous treaties from the beginning of the Government to this time, compelling the Indian tribes to pay for slave property captured or destroyed by them in peace or war, and your laws regulating intercourse with the Indian tribes on our borders made permanent provision for its protection. The treaty of Ghent provides for compensation by the British Government for the loss of slaves, precisely upon the same footing as for all other property, and a New England man, (Mr. John Q. Adams,) ably, faithfully, and successfully, maintained the slaveholders' rights under it at the Court of St. James. Until the year 1820, our territorial legislation was marked by the same general spirit of fairness and equity. Up to that period, no act was passed by Congress asserting the primary constitutional power to prevent any citizen of the United States, owning

slaves, from removing with them into our territories, and there receiving legal protection for his property; and until that time such persons did so remove into all the territories owned or acquired by the United States, (except the northwest territory,) and were there adequately protected. This fact alone is a complete refutation of the claim of early precedents. The action of Congress in reference to the ordinance of 1787, does not contravene my position. That ordinance was adopted on the 13th day of July, 1787, before the adoption of the Constitution. It purported on its face to be a perpetual compact between the State of Virginia, the people of that territory, and the then Government of the United States. It was unalterable except by the consent of all the parties; when Congress met for the first time under the new Government on the 4th day of March, 1789, it found the Government established by virtue of this ordinance in actual operation; and on the 7th of August, 1789, it passed an act making the officers of Governor and Secretary of the territory conform to the Federal Constitution. It did nothing more—it made no reference to, it took no action upon the 6th and last section of the ordinance, which prohibited slavery. The division of that territory was provided for in the ordinance; at each division, the whole of the ordinance was assigned to each of its parts. This is the whole sum and substance of the free-soil claim, to legislate precedents. Congress did not assert or exercise the right to alter a compact entered into with the former government, (the old confederation,) but gave its assent to the government already established and provided for in the compact. If the original compact was void for want of power in the old government to make it, as Mr. Madison supposed, Congress may not have been bound to accept it, it certainly had no power to alter it. From these facts, it is clear, that this legislation for the northwest territory, does not conflict with the principle I assert, and does not furnish a precedent for hostile legislation by Congress against slavery in the territories. That such was neither the principle nor the policy upon which this act of Congress in 1789, was based, is further shown by the subsequent action of the same Congress upon the same subject. On the 2d of April, 1790, Congress by a formal act, accepted the session by North Carolina of her western lands, (now the State of Tennessee,) with this clause in the deed of session—"that no regulations made, or to be made by Congress, shall tend to emancipate slaves" in the ceded territory, and on the 26th May, 1790, passed a territorial bill for the government of all the territory claimed by the United States south of the Ohio river. The description of this territory included all the lands ceded by North Carolina, and it included a great deal more. Its boundaries were left indefinite because there were conflicting claims to all the rest of the territory. But this act put the whole country south of the Ohio, claimed by the Federal Government, under this pro-slavery clause of the North Carolina deed. The whole action of the first Congress in relation to slavery in the territories was simply this: it acquiesced in a government for the northwest territory, based upon a pre-existing anti-slavery ordinance, established a government for the country ceded by North Carolina in conformity with the pro-slavery clause in her deed of cession, and extended this pro-slavery clause to all the rest of the territory claimed by the United States. This legislation vindicates the first Congress from all imputation of having established the precedent claimed by the advocates of legislative exclusion. On the 7th of April, 1798, (during the administration of President John Adams,) the next territorial act was passed: it was the first act of territorial legislation resting solely upon primary, original, unfettered constitutional power over the subject. It established a government over the territory included within the boundaries of a line drawn due East from the mouth of the Yazoo river to the Chatahoochee river, thence down that river to the thirty-first degree of north latitude, thence west on that line to the Mississippi, then up that river to the beginning. This territory was within the boundary of the United States, as defined by the treaty of Paris, and was held not to be within the boundary of any of the States. The controversy arose out of this state of facts. The charter of Georgia

limited her boundary in the South by the Altamaha river. In 1763, (after the surrender of her charter,) her limits were extended on the South by the Crown of Great Britain, to the St. Mary's river, and thence on the thirty-first parallel of latitude to the Mississippi river. In 1764, it was claimed, that on the recommendation of the Board of Trade, the boundary was again altered, and that portion of territory lying within the boundaries I have described, was annexed to West Florida, and that thus it stood at the revolution and the treaty of peace. Therefore the United States claimed it as common property, and in 1798, passed the act now under review for its government. In that act, Congress neither claimed or exercised any power to probibit slavery. The question came directly before it—the ordinance of 1787, in terms, excluding the anti-slavery clause, was applied to this territory: this is a precedent directly in point, and is directly against the exercise of the power now claimed. In 1802, Georgia ceded her western lands, protecting slavery in her grant, and the Federal Government observed the stipulation. In 1803, we acquired Louisiana from France by purchase. There is no special refereuce to slavery in the treaty; it was protected only under the general name of property. This acquisition, was, soon after the treaty, divided into two territories, the Orleans and Louisiana territories, over both of which governments were established. Slavery was protected by law in the whole territory when we acquired it. Congress prohibited the foreign and domestic slave-trade in these territories, but gave the express protection of its laws to slave-owners emigrating thither with their slaves. Upon the admission of Louisiana into the Union, a new government was established over the rest of the country, under the name of the Missouri Territory. This act attempted no exclusion, slaveholders emigrated to the country with their slaves and were protected by their government. In 1819, Florida was acquired by purchase; its laws recognized and protected slavery at the time of the acquisition. The United States extended the same recognition and protection to it. In all this legislation, embracing every act upon the subject up to 1820, we find no warrant, authority or precedent, for the prohibition of slavery by Congress in the territories.

When Missouri applied for admission into the Union, an attempt was then made, for the first time, to impose restrictions upon a sovereign State, and admit her into the Union upon an *unequal* footing with her sister States, and to compel her to mould her constitution, not according to the will of her own people, but according to the fancy of a majority in Congress. The attempt was sternly resisted, and resulted in an act providing for her admission, but containing a clause prohibiting slavery forever in all the territory acquired from France, outside of Missouri, and north of 36° 30′ north latitude. The principle of this law was a division of the common territory. The authority to prohibit even to this extent was denied by Mr. Madison, Mr. Jefferson, and other leading men of that day. It was carried by most of the southern representatives combined with a small number of northern votes. It was a departure from principle, but it savored of justice. Subsequently, upon the settlement of our claim to Oregon, it lying north of that line, the prohibition was applied. Upon the acquisition of Texas, the same line of division was adopted. But when we acquired California and New Mexico, the South still willing to abide by the principle of division, again attempted to divide by the same line. It was almost unanimously resisted by the northern States; their representatives, by a great majority, insisted upon absolute prohibition and the total exclusion of the people of the southern States from the whole of the common territories unless they divested themselves of their slave property. The result of a long and unhappy conflict was the legislation of 1850, by it a large body of the representatives of the non-slaveholding States, sustained by the approbation of their constituents, acting upon sound principles of constitutional construction, duty and patriotism, aided in voting down this new and dangerous usurpation, declared for the equality of the States, and protected the people of the territories from this unwarrantable interference with their rights. Here we wisely abandoned "the shifting grounds of compromise" and put the

rights of the people again "upon the rock of the Constitution." The law of 1854, (commonly known as the Kansas-Nebraska act,) was made to conform to this policy, and but carried out the principles established in 1850. It righted an ancient wrong, and will restore harmony because it restores justice to the country. This legislation I have endeavored to show is just, fair, and equal; that it is sustained by principle, by authority, and by the practice of our fathers; I trust, I believe, that when the transient passions of the day shall have subsided, and reason shall have resumed her dominion, it will be approved, even applauded, by the collective body of the people, in every portion of our widely extended Republic.

In inviting your calm consideration of the second point in my lecture, I am fully persuaded that even if I should succeed in convincing your reason and judgment of its truth, I shall have no aid from your sympathies in this work; yet, if the principles upon which our social system is founded are sound, the system itself is humane and just as well as necessary. Its permanence is based upon the idea of the superiority by nature of the white race over the African; that this superiority is not transient and artificial, but permanent and natural; that the same power which made his skin unchangeably black, made him inferior, intellectually, to the white race, and incapable of an equal struggle with him in the career of progress and civilization; that it is necessary for his preservation in this struggle, and for his own interest as well as that of the society of which he is a member, that he should be a servant and not a freeman in the commonwealth.

I have already stated that African slavery existed in all of the colonies at the commencement of the American revolution. The paramount authority of the Crown, with or without the consent of the colonies, had introduced it, and it was inextricably interwoven with the frame-work of society, especially in the southern States. The question was not presented for our decision whether it was just or beneficial to the African, to tear him away by force or fraud from bondage in his own country and place him in a like condition in ours. England and the Christian world had long before settled that question for us. At the final overthrow of British authority in these States our ancestors found seven hundred thousand Africans among them, already in bondage, and concentrated from our climate and productions chiefly in the present slaveholding States. It became their duty to establish governments for themselves, and these people, and they brought wisdom, experience, learning, and patriotism to the great work. They sought that system of government which would secure the greatest and most enduring happiness to the whole society. They incorporated no utopian theories into their system. They did not so much concern themselves about what rights man might possibly have in a state of nature, as what rights he ought to have in a state of society; they dealt with political rights as things of compact, not of birthright, in the concrete and not in the abstract. They held and maintained and incorporated into their system as fundimental truths, that it was the right and duty of the State to define and fix, as well as to protect and defend the individual rights of each member of the social compact, and to treat all individual rights as subordinate to the great interests of the whole society. Therefore, they denied "natural equality," repudiated mere governments of men necessarily resulting therefrom, and established governments of laws,—thirteen free, sovereign, and independant Republics. A very slight examination of our state constitutions will show how little they regarded vague notions of abstract liberty, or natural equality in fixing the rights of the white race as well as the black. The elective franchise, the cardinal feature of our system, I have already shown was granted, withheld, or limited, according to their ideas of public policy and the interest of the State. Numerous restraints upon the supposed abstract right of a mere numerical majority to govern society in all cases, are to be found planted in all of our constitutions, State and Federal, thus affirming this subordination of individual rights to the interest and safety of the State.

The slave-holding States, acting upon these principles, finding the African race among them in slavery, unfit to be trusted with political power, incapable as freemen of securing their own happiness, or promoting the public prosperity, recognized their condition as slaves, and subjected it to legal control. There are abundant means of obtaining evidence of the effects of this policy on the slave and society, accessible to all who seek the truth. We say its wisdom is vindicated by its results, and that under it, the African in the slave-holding States is found in a better position than he has ever attained in any other age or country, whether in bondage or freedom. In support of this point, I propose to trace him rapidly from his earliest history to the present time. The monuments of the ancient Egyptians carry him back to the morning of time—older than the pyramids—they furnish the evidence, both of his national identity and his social degredation before history began. We first behold him a slave in foreign lands, we then find the great body of his race slaves in their native land, and after thirty centuries, illuminated by both ancient and modern civilization, have passed over him, we still find him a slave of savage masters, as incapable as himself of even attempting a single step in civilization—we find him there still, without government or laws or protection, without letters or arts or industry, without religion, or even the aspirations which would raise him to the rank of an idolater, and in his lowest type, his almost only mark of humanity is, that he walks erect in the image of the Creator. Annihilate his race to day and you will find no trace of his existence within half a score of years, and he would not leave behind him a single discovery, invention, or thought worthy of remembrance by the human family.

In the Eastern Hemisphere he has been found in all ages, scattered among the nations of every degree of civilization, yet inferior to them all, always in a servile condition. Very soon after the discovery and settlement of America, the policy of the Christian World bought large numbers of these people of their savage masters and countrymen and imported them into the Western World. Here we are enabled to view them under different and far more favorable conditions. In Hayti, by the encouragement of the French government, after a long probation of slavery, they became free, and led on by the conduct and valor of the mixed races, and by the aid of overwhelming numbers, they massacreed the small number of whites who inhabited the island, and succeeded to the undisputed sway of the fairest and best of all the West India Islands under the highest state of cultivation. Their condition in Hayti left nothing to be desired, for the most favorable experiment of the race in self-government and civilization. This experiment has now been tested for sixty years, and its results are before the World. Fanataeism may paliate but cannot conceal the utter prostration of the race. A war of races began the very moment the fear of foreign subjugation ceased, and resulted in the extermination of the greater number of the mulattoes, who had rescued the African from the dominion of the white race. Revolutions, tumults and disorders, have been the ordinary pastime of the emancipated blacks; industry has almost ceased, and their stock of civilization acquired in slavery has been already nearly exhausted, and they are now scarcely distinguished from the tribes from which they were torn in their native land.

More recently the same experiment has been tried in Jamaica, under the auspices of England. This was one of the most beautiful, productive, and prosperous of the British colonial possessions. In 1838, England, following the false theories of her own abolitionists, proclaimed total emancipation of the black race in Jamaica. Her arms and her power have watched over and protected them; not only the interest, but the absolute necessities of the white proprietors of the land compelled them to offer every inducement and stimulant to industry; yet the experiment stands before the world a confessed failure. Ruin has overwhelmed the proprietors; and the negro, true to the instincts of his nature, buries himself in filth, and sloth, and crime. Here we can compare the African with himself in both conditions, in freedom and in bondage; and we can compare him with his

race in the same climate, and following the same pursuits. Compare him with himself under the two different conditions in Hayti and Jamaica, or with his race in bondage in Cuba, and every comparison demonstrates the folly of his emancipation. In the United States, too, we have peculiar opportunies of studying the African race under different conditions. Here we find him in slavery; here we find him also a free man in both the slaveholding and non-slaveholding States. The best specimen of the free black is to be found in the southern States, in the closest contact with slavery, and subject to many of its restraints. Upon the theory of the anti-slavery men, the most favorable condition in which you can view the African ought to be in the non-slaveholding States of this Union. There we ought to expect to find him displaying all the capabilities of his race for improvement and progress—in a temperate climate, with the road of progress open before him, among an active, industrious, ingenious, and educated people, surrounded by sympathising friends, and mild, just, and equal institutions, if he fails here, surely it can be chargeable to nothing but himself. He has had seventy years in which to cleanse himself and his race from the leprosy of slavery, yet what is his condition here to day? He is free: he is lord of himself; but he finds it is truly a "heritage of woe." After this seventy years of education and probation, among themselves, his inferiority stands as fully a confessed fact in the non-slaveholding as in the slaveholding States. By them he is adjudged unfit to enjoy the rights and perform the duties of citizenship—denied social equality by an irreversible law of nature and political rights, by municipal law, incapable of maintaining the unequal struggle with the superior race; the melancholy history of his career of freedom is here most usually found in the records of criminal courts, jails, poor-houses, and penitentiaries. These facts have had themselves recognized in the most decisive manner throughout the northern States. No town, or city, or State, encourages their immigration; many of them discourages it by legislation; some of the non-slaveholding States have prohibited their entry into their borders under any circumstances whatever. Thus, it seems, this great fact of "inferiority" of the race is equally admitted everywhere in our country. The northern States admit it, and to rid themselves of the burden, inflict the most cruel injuries upon an unhappy race; they expel them from their borders and drive them out of their boundaries, as wanderers and outcasts. The result of this policy is everywhere apparent; the statistics of population supply the evidence of their condition. In the non-slaveholding States their annual increase, during the ten years preceding the last census, was but a little over one per cent. per annum even with the additions of the emancipated slaves and fugitives from labor from the South, clearly proving that in this, their most favored condition, when left to themselves, they are scarcely capable of maintaining their existence, and with the prospect of a denser population and a greater competition for employment consequent thereon, they are in danger of extinction.

The southern States, acting upon the same admitted facts, treat them differently. They keep them in the subordinate condition in which they found them, protect them against themselves, and compel them to contribute to their own and the public interests and welfare; and under this system, we appeal to facts, open to all men, to prove that the African race has attained a higher degree of comfort and happiness than his race has ever before attained in any other age or country. Our political system gives the slave great and valuable rights. His life is equally protected with that of his master: his person is secure from assault against all others except his master, and his master's power in this respect is placed under salutary legal restraints. He is entitled by law, to a home, to ample food and clothing, and exempted from "excessive" labor; and when no longer capable of labor, in old age and disease, he is a legal charge upon his master. His family, old and young, whether capable of labor or not, from the cradle to the grave, have the same legal rights; and in these legal provisions, they enjoy as large a proportion of the products of their labor as any class of unskilled hired laborers in the

world. We know that these rights are, in the main, faithfully secured to them; but I rely not on our knowledge, but submit our institutions to the same tests by which we try those of all other countries. These are supplied by our public statistics. They show that our slaves are larger consumers of animal food than any population in Europe, and larger than any other laboring population in the United States; and that their natural increase is equal to that of any other people; these are true and undisputable tests that their physical comforts are amply secured.

In 1790 there were less than seven hundred thousand slaves in the United States: in 1850 the number exceeded three and one quarter millions. The same authority shows that their increase for the ten years preceding the last census, to have been above twenty-eight per cent., or nearly three per cent. per annum, an increase equal, allowing for the element of foreign immigration, to the white race, and nearly three times that of the free blacks of the North. But these legal rights of the slave embrace but a small portion of the privileges actually enjoyed by him. He has by universal custom, the control of much of his own time, which is applied, at his own choice and convenience, to the mechanic arts, to agriculture, or to some other profitable pursuit, which not only gives him the power of purchase over many additional necessaries of life, but over many of its luxuries, and in numerous cases, enables him to purchase his freedom when he desires it. Besides, the nature of the relation of master and slave begets kindnesses, imposes duties, (and secures their performance,) which exists in no other relation of capital and labor. Interest and humanity co-operate in harmony for the well-being of slave labor. Thus the monster objection to our institution of slavery, that it deprives labor of its wages, cannot stand the test of a truthful investigation. A slight examination of the true theory of wages, will further expose its fallacy. Under a system of free labor, wages are usually paid in money, the representative of products—under ours, in products themselves. One of your most distinguished statesmen and patriots, President John Adams, said that the difference to the State was "imaginary." "What matters it (said he) whether a landlord employing ten laborers on his farm, gives them annually as much money as will buy them the necessaries of life, or gives them those necessaries at short hand." All experience has shown that if that be the measure of the wages of labor, it is safer for the laborer to take his wages in products than in their fluctuating pecuniary value. Thereore, if we pay in the necessaries and comforts of life more than any given amount of pecuniary wages will buy, then our laborer is paid higher than the laborer who receives that amount of wages. The most authentic agricultural statistics of England show that the wages of agricultural and unskilled labor in that Kingdom, not only fails to furnish the laborer with the comforts of our slave, but even with the necessaries of life, and no slaveholder could escape a conviction for cruelty to his slaves who gave his slave no more of the necessaries of life for his labor than the wages paid to their agricultural laborers by the noblemen and gentlemen of England would buy. Under their system man has become less valuable and less cared for than domestic animals, and noble Dukes will depopulate whole districts of men to supply their places with sheep, and then with intrepid audacity, lecture and denounce American slaveholders.

The great conflict between labor and capital, under free competition, has ever been how the earnings of labor shall be divided between them. In new and sparsely settled countries, where land is cheap, and food is easily produced, and education and intelligence approximate equality, labor can successfully struggle in this warfare with capital. But this is an exceptional and temporary condition of society. In the Old World this state of things has long since passed away, and the conflict with the lower grades of labor has long since ceased. There the compensation of unskilled labor which first succumbs to capital, is reduced to a point, scarcely adequate to the continuance of the race. The rate of increase is scarcely one per cent. per annum, and even at that rate, population, until re-

cently, was considered a curse; in short, capital has become the master of labor with all the benefits, without the natural burdens of the relation.

In this division of the earnings of labor between it and capital, the southern slave has a marked advantage over the English laborer, and is often equal to the free laborer of the North. Here again we are furnished with authentic data from which to reason. The census of 1850 shows that, on Cotton estates of the South, which is the chief branch of our agricultural industry, one-half of the arable lands are annually put under food crops. This half is usually wholly consumed on the farm by the laborers and necessary animals; out of the other half must be paid all the necessary expenses of production, often including additional supplies of food beyond the produce of the land, which usually equals one-third of the residue, leaving but one-third for net rent. The average rent of land in the older non-slaveholding States is equal to one-third of the gross product, and it not unfrequently amounts to one-half of it, (in England it is sometimes even greater,) the tenant, from his portion, paying all expenses of production and the expenses of himself and family. From this statement it is apparent that the farm laborers of the South receive always as much, and frequently a greater portion of the produce of the land, than the laborer in the New or Old England. Besides, here the portion due the slave is a charge upon the whole product of capital and the capital itself; it is neither dependent upon seasons nor subject to accidents, and survives his own capacity for labor, and even the ruin of his master.

But it is objected that religious instruction is denied the slave—while it is true that religious instruction and privleges are not enjoined by law in all of the States, the number of slaves who are in connection with the different churches abundantly proves the universality of their enjoyment of those privileges. And a much larger number of the race in slavery enjoy the consolations of religion than the efforts of the combined Christian world have been able to convert to christianity out of all the millions of their countrymen who remained in their native land.

The immoralities of the slaves, and of those connected with slavery, are constant themes of abolition denunciation. They are lamentably great; but it remains to be shown that they are greater than with the laboring poor of England, or any other country. And it is shown that our slaves are without the additional stimulant of want to drive them to crime, we have at least removed from them the temptation and excuse of hunger. Poor human nature is here at least spared the wretched fate of the utter prostration of its moral nature at the feet of its physical wants. Lord Ashley's report to the British Parliament, shows that in the capital of that empire, perhaps within hearing of Stafford House and Exeter Hall, hunger alone daily drives its thousands of men and women into the abyss of crime.

It is also objected that our slaves are debarred the benefits of education. This objection is also well taken, and is not without force. And for this evil the slaves are greatly indebted to the abolitionists—formerly in none of the slaveholding States was it forbidden to teach slaves to read and write, but the character of the literature sought to be furnished them by the abolitionists caused these States to take counsel rather of their passions than their reason, and to lay the axe at the root of the evil; better counsels will in time prevail, and this will be remedied. It is true that the slave, from his protected position, has less need of education than the free laborer who has to struggle for himself in the warfare of society; yet, it is both useful to him, his master, and society.

The want of legal protection to the marriage relation is also a fruitful source of agitation among the opponents of slavery. The complaint is not without foundation; this is an evil not yet removed by law, but marriage is not inconsistent with the institution of slavery as it exists among us, and the objection, therefore, lies rather to an incident than the essence of the system. But, in the truth and fact marriage does exist to a very great extent among slaves, and is encouraged and protected by their owners; and it will be found, upon careful investigation, that

fewer children are born out of wedlock among slaves than in the capitals of two of the most civilized countries of Europe—Austria and France: in the former, one-half of the children are thus born—in the latter, more than one-fourth. But even in this we have deprived the slave of no pre-existing right. We found the race without any knowledge of or regard for the institution of marriage, and we are reproached with not having as yet secured to it that, with all other blessings of civilization. To protect that and other domestic ties by laws forbidding, under proper regulations, the separation of families, would be wise, proper, and humane, and some of the slaveholding States have already adopted partial legislation for the removal of these evils. But the objection is far more formidable in theory than in practice. The accidents and necessities of life, the desire to better one's condition, produce infinitely a greater amount of separation in families of the white than ever happens to the colored race. This is true, even in the United States, where the general condition of the people is prosperous. But it is still more marked in Europe. The injustice and despotism of England towards Ireland has produced more separation of Irish families, and sundered more domestic ties within the last ten years than African slavery has effected since its introduction into the United States. The twenty millions of freemen in the United States are witnesses of the dispersive injustice of the old world. The general happiness, cheerfulness, and contentment of slaves, attest both the mildness and humanity of the system and their natural adaptation to their condition. They require no standing armies to enforce their obedience; while the evidence of discontent and the appliances of force to repress it, are every where visible among the toiling millions of the earth; even in the northern States of this Union, strikes and mobs, unions and combinations against employers, attest at once the misery and discontent of labor among them. England keeps one hundred thousand soldiers in time of peace, a large navy, and an innumerable police, to secure obedience to her social institutions; and physical force is the sole guarantee of her social order, the only cement of her gigantic empire.

I have briefly traced the condition of the African race through all ages and all countries, and described it fairly and truly under American slavery, and I submit that the proposition is fully proven, that his position in slavery among us is superior to any which he has ever attained in any age or country. The picture is not without shade as well as light; evils and imperfections cling to man and all of his works, and this is not exempt from them. The condition of the slave offers great opportunities for abuse, and these opportunities are frequently used to violate humanity and justice. But the laws restrain these abuses, and punish these crimes in this as well as other relations of life, and they who assume it as a fundamental principle in the constitution of man, that abuse is the unvarying concomitant of power and crime of opportunity, subvert the foundations of all private morals and of every social system. No where do these assumptions find a nobler refutation than in the general treatment of the African race by southern slave-holders: and we may with hope and confidence, safely leave to them the removal of existing abuses, and the adoption of such further ameliorations as may be demanded by justice and humanity. The condition of the African, (whatever may be his interests,) may not be permanent among us; he may find his exodus in the unvarying laws of population. Under the conditions of labor in England and the Continent of Europe, domestic slavery is impossible there, and could not exist here, or any where else. The moment wages descend to a point, barely sufficient to support the laborer and his family, capital can not afford to own labor and it must cease. Slavery ceased in England in obedience to this law and not from any regard to liberty or humanity. The increase of population in this country may produce the same results, and American slavery, like that of England, may find its euthanasia in the general prostration of all labor.

The next aspect in which I propose to examine this question is, its effects upon the material interests of the slave-holding States. Thirty years ago slavery was

assailed, mainly on the ground that it was a dear, wasteful, unprofitable labor, and we were urged to emancipate the blacks, in order to make them more useful and productive members of society. The result of the experiment in the West India Islands, to which I have before referred, not only disproved, but utterly annihilated this theory. The theory was true as to the white race, and was not true as to the black, and this single fact made thoughtful men pause and ponder, before advancing further with this folly of abolition. An inquiry into the wealth and productions of the slave-holding States of this Union demonstrates that slave labor can be economically and profitably employed, at least in agriculture, and leaves the question in great doubt, whether it cannot be thus employed in the South more advantageously than any other description of labor. The same truth will be made manifest by a comparison of the production of Cuba and Brazil, not only with Hayti and Jamaica, but with the free races, in similar latitudes, engaged in the same or similar productions in any part of the world. The slave-holding States, with one half of the white population and between three and four millions of slaves, furnish above three-fifths of the annual exports of the Republic, containing twenty-three millions of people, and their entire products including every branch of industry greatly exceed *per capita* those of the more populous northern States. The difference in realized wealth in proportion to population is not less remarkable and equally favorable to the slave-holding States. But this is not a fair comparison, on the contrary it is exceedingly unfair to the slave-holding States. The question of material advantage would be settled on the side of slavery, whenever it was shown that our mixed society was more productive and prosperous than any other mixed society with the inferior race free instead of slave. The question is not whether we could not be more prosperous and happy with these three and a half millions of slaves in Africa and their places filled with an equal number of hardy intelligent enterprising citizens of the superior race, but it is simply whether while we have them among us we would be most prosperous with them in freedom or bondage; with this bare statement of the true issue, I can safely leave the question to the facts already heretofore referred to, and to these disclosed in the late census. But the truth itself needs some explanation, as it seems to be a great mystery to the opponents of slavery, how the system is capable at the same time of increasing the comforts and happiness of the slave, the profits of the master, and do no violence to humanity. Its solution rests upon very obvious principles. In this relation, the labor of the country is united with and protected by its capital, directed by the educated and intelligent, secured against its own weakness, waste, and folly, associated in such form as to give the greatest efficiency in production, and the least cost of maintainance. Each individual free black laborer is the victim not only of his own folly and extravagance, but of his ignorance, misfortunes, and necessities. His isolation enlarges his expenses, without increasing his comforts; his want of capital increases the price of every thing he buys, disables him from supplying his wants at favorable times, or on advantageous terms, and throws him in the hands of retailers and extortioners. But labor united with capital, directed by skill, forecast and intelligence, while it is capable of its highest production, is freed from all these evils, leaves a margin both for increased comforts to the laborer and additional profits to capital. This is the explanation of the seeming paradox.

The opponents of slavery, passing by the question of material interests, insist that its effects on the society where it exists is to demoralize and enervate it, and render it incapable of advancement and a high civilization; and upon the citizen to debase him morally and intellectually. Such is not the lesson taught by history, either sacred or profane, nor the experience of the past or present.

To the Hebrew race were committed the oracles of the most High, slaveholding priests administered at his altar, and slaveholding prophets and patriarchs received his revelations and taught them to their own and transmitted them to all future generations of men. The highest forms of ancient civilization, and the no-

blest development of the individual man, are to be found in the ancient slaveholding commonwealths of Greece and Rome. In eloquence, in rhetoric, in poetry and painting, in architecture and sculpture, you must still go and search amid the wreck and ruins of their genius for the "pride of every model and the perfection of every master," and the language and literature of both, stamped with immortality, passes on to mingle itself with the thought and the speech of all lands and all centuries. Time will not allow me to multiply illustrations. That domestic slavery neither enfeebles or deteriorates our race; that it is not inconsistent with the highest advancement of man and society, is the lesson taught by all ancient and confirmed by all modern history. Its effects in strengthening the attachment of the dominant race to liberty, was eloquently expressed by Mr. Burke, the most accomplished and philosophical statesman England ever produced. In his speech on conciliation with America, he uses the following strong language: "Where this is the case those who are free are by far the most proud and jealous of their freedom. I cannot alter the nature of man. The fact is so, and these people of the southern colonies are much more strongly, and with a higher and more stubborn spirit attached to liberty than those to the northward. Such were all the ancient commonwealths, such were our Gothic ancestors, and such in our day were the Poles, such will be all masters of slaves who are not slaves themselves. In such a people the haughtiness of domination combines itself with the spirit of freedom, fortifies it and renders it invincible."

No stronger evidence of what progress society may make with domestic slavery can be desired, than that which the present condition of the slaveholding States present. For near twenty years, foreign and domestic enemies of their institutions, have labored by pen and speech, to excite discontent among the white race, and insurrections among the black; these efforts have shaken the National Government to its foundations, and bursted the bonds of christian unity among the churches of the land, yet the objects of their attacks—these States—have scarcely felt the shock. In surveying the whole civilized world the eye rests not on a single spot where all classes of society are so well content with their social system, or have greater reason to be so, than in the slaveholding States of this Union. Stability, progress, order, peace, content, prosperity, reign throughout our borders. Not a single soldier is to be found in our widely-extended domain to overawe or protect society. The desire for organic change nowhere manifests itself. Within less than seventy years, out of five feeble colonies, with less than one and a half millions of inhabitants, have emerged fourteen Republican States, containing nearly ten millions of inhabitants, rich, powerful, educated, moral, refined, prosperous and happy; each with Republican governments adequate to the protection of public liberty and private rights, which are cheerfully obeyed, supported and upheld by all classes of society. With a noble system of internal improvements penetrating almost every neighborhood, stimulating and rewarding the industry of our people; with moral and intellectual surpassing physical improvements; with churches, schoolhouses and colleges daily multiplying throughout the land, bringing education and religious instruction to the homes of all the people, they may safely challenge the admiration of the civilized world. None of this great improvement and progress have been even aided by the Federal Government; we have neither sought from it, protection for our private pursuits, nor appropriations for our public improvements. They have been effected by the unaided individual efforts of an enlightened, moral, energetic and religious people. Such is our social system, and such our condition under it. Its political wisdom is vindicated in its effects on society; its morality by the practices of the patriarchs and the teachings of the apostles; we submit it to the judgment of mankind, with the firm conviction that the adoption of no other system under our circumstances would have exhibited the individual man, bond or free, in a higher development or society in a happier civilization.

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