

SPEECH

OF

WILLIAM H. SEWARD,

ON

EMANCIPATION

IN THE

DISTRICT OF COLUMBIA.

Delivered in the Senate of the United States, September 11, 1850.

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SPEECH.

Mr. CLAY's bill for the abolition of the *slave trade* in the District of Columbia being under consideration in Committee of the Whole, Mr. PEARCE, of Maryland, moved amendments which provided that the offence of enticing a slave to escape, or the offence of assisting or favoring such an escape, or of harboring a slave with a view to assist his escape from slavery, should be a felony, punishable with not less than two nor more than ten years' imprisonment in the Penitentiary; and further conferring upon corporations in the District of Columbia authority to impose conditions upon the residence of free colored persons within the District.

These amendments were adopted by a vote of yeas 26, nays 15; whereupon Mr. SEWARD submitted a proposition to strike out the whole bill and insert the following

AMENDMENT AS A SUBSTITUTE:

SEC. 1. Slavery shall forever cease within the District of Columbia, and all persons held in bondage therein shall be free. The Secretary of the Interior shall audit and pay, to all persons holding slaves within the District at the time this act takes effect, such damages as they shall suffer by the passage thereof; and the sum of two hundred thousand dollars is hereby appropriated to carry this act into execution, out of any money in the treasury not otherwise appropriated.

SEC. 2. An election shall be held in the District of Columbia to ascertain whether this bill is approved by the people thereof. Those who approve the act shall express their approbation by a ballot containing the words "For emancipation in the District." Those who are opposed shall vote by ballot containing the words, "Against emancipation in the District." All persons entitled to vote for any municipal officer in the District, and all citizens of the United States residing within the District permanently, shall be deemed qualified to vote at such election. Such election shall be held within six months from the passage of this act, and on public notice of not less than three months, to be given by the Marshal of the District. If a majority of the votes given at such election shall be in favor of this act, it shall go into effect immediately. If a majority of the votes shall be against the same, this act shall be void and of no effect.

The question being on the amendment,

Mr. SEWARD rose and said:

Mr. PRESIDENT, in submitting so grave a proposition as this, I am aware that it would have been no unreasonable demand on the patience of the Senate or that of the country, to have asked for time enough to explain the policy of the measure, and to defend the form in which it was submitted. But there remain only fifteen secular days of this session of Congress, and in my judgment the time has come for debate to cease, and for action to go on. For this reason I forbore from debate on offering the amendment; and I forbore, also, because at an earlier stage of the session I had discussed at large all the principles involved in the measure. I had another reason for that forbearance.

Speaking for myself alone, and imputing no prejudice and no injustice to others, I may be allowed to remark that the abolition of slavery anywhere seems to me a just and wise policy, provided it can be effected without producing injury outweighing its benefits. Opposition to emancipation in the District of Columbia, therefore, seemed to me to be a bad cause, and it is the nature of a bad cause to betray itself. I did not mistake, then, in supposing that the opposition which my proposition would encounter would prove its best vindication.

Influenced by these considerations, I shall not now address myself to the broad merits of the question, but shall be content with simply adverting to the points which have been made during the present debate. The first point was made by the honorable Senator from Georgia, [Mr. DAWSON,] with the concurrence of some other Senators, and consisted in the improper or bad motives which they saw fit to impute to the author of the measure. Sir, the great instructor in the art of reasoning (Lord Bacon) teaches that it is better always to answer to the "matter" of an adversary than to his "person." The imputation of motives does not come within that rule, and therefore it falls at my feet. The measure I have submitted is either right or wrong. If right, no unworthiness of motive of mine can detract from its merits; if wrong, no purity of motive can redeem it.

The second point is that which has been so fully answered by the honorable and distinguished Senator from Kentucky, [Mr. CLAY,] viz: that Congress has no power to abolish slavery in the District of Columbia. I find that power in the Constitution, and it is defined by these words: "To exercise exclusive legislation in all cases whatsoever over such district, not exceeding ten miles square, as may, by cession of particular States, and the acceptance of Congress, become the seat of Government of the United States."

The District of Columbia is that district not exceeding ten miles square. It has become the seat of the Government of the United States by cession of the State of Maryland, accepted by Congress. It is of the very nature of the power that it is "exclusive," and applies "to all cases whatsoever," whenever the district becomes, in the manner defined, the seat of the Government of the United States. This, I think, is a conclusive answer to the argument of the honorable Senator from Kentucky, that it is limited by an implied understanding that it should not be exercised to abolish slavery. Neither could the State of Maryland make nor could the United States yield such a reservation.

An *exclusive* power is that power which is possessed and may be exercised independently of all other sovereignties on earth. Congress, then, having "exclusive power," has absolute sovereignty, unless cases be excepted in which it shall not be exercised. But such exceptions are excluded by the broad expression, "in all cases whatsoever."

Those who framed the Constitution were fully aware of the extent of the power which it conferred. Mr. Madison thus describes it in the 43d number of the *Federalist*:

"The indispensable necessity of complete authority at the seat of Government carries its own evidence with it. It is a power exercised by every Legislature of the Union—I might say of the world—by virtue of its general supremacy."

Yes, sir, it is a *complete*, not an *imperfect* power. It is a power over the District, equal to any authority which can be exercised by *any Legislature of any "State in this Union,"* or by any Legislature of any State or nation *"in the world."* It is a power described in the philosophy of Government as "*summum imperium, summo modo*"—a power, within the region of its exercise, complete, absolute, universal. Now, every Legislature in this Union, every sovereign authority in the world, has the power to abolish slavery. More than half the States in this Union have abolished or prohibited it. France, England, and Mexico, have abolished and prohibited it. Congress can do, in the District of Columbia, what they have done within their respective dominions.

I dwell upon this point only a moment longer. Slavery within the District of Columbia exists only by the action of Congress. Instead of pursuing the argument further, to prove that Congress has the power to make a *free* man, I demand proof that Congress possesses the power to make a *slave*, or hold a man in bondage.

All the other points which have been raised, apply, not to the merits of the proposition for emancipation, but only to the form and manner of carrying it into effect. Such were the objections raised by my honorable and esteemed friend from Connecticut, [Mr. BALDWIN,] and my no less honorable and esteemed friend from Massachusetts, [Mr. WINTHROP.] It will be seen at once, that these objections concede that the principle of the measure is right. Nevertheless, without holding those gentlemen to this concession, but leaving them to judge and act for themselves, I shall be content to reply to them, so far only as to vindicate the plan of emancipation embodied in the amendment. What, then, is the form, and what the manner proposed? The amendment declares that slavery shall forever cease in the District of Columbia, and that all persons held in bondage therein when the act shall go into effect shall be free. It directs the Secretary of the Interior to pay the damages which any person holding slaves within the District shall incur by reason of its passage, and it appropriates two hundred thousand dollars as a fund for that purpose. The amendment further provides for an election, in which the qualified and competent citizens of the District shall express their approbation or disapprobation of the act. If they disapprove, it shall be void and of no effect.

I submit, sir, in the first place, that the plan is *adequate*. It will secure the abolition of slavery within the District, if it obtain the consent of those who are most particularly concerned in the question. I have not learned from either of my honorable friends that he is in favor of emancipating the slaves without the consent of the people in the District, and we have all heard other honorable Senators insist upon that consent as indispensable. I do not insist upon it for myself. I have only surrendered so much to their objections; but if a majority of the Senate should waive the objection, it would give me pleasure to modify the plan accordingly.

Secondly, the plan is an *equal* one. While it restores to the slave the inestimable right of freedom, it awards to him who, by authority of Congress, has hitherto held the slave in bondage, a just remuneration and indemnity for his loss. It is, then, adequate and equal.

Thirdly, the plan is not violent nor capricious, but is *deliberate* and *prudent*; for it makes this solemn transaction to depend upon a canvass to be continued not less than three months, nor longer than six months, among the people of the District.

Fourthly, the plan is *broad* enough. I am informed by what I believe credible evidence that the number of slaves within the District, as ascertained by the census, male and female, old and young, great and small, is about six hundred, and that their value is estimated by those who regard them as subjects of traffic, as I certainly do not, at three hundred dollars for each person, and in the aggregate one hundred and eighty thousand dollars. The amendment appropriates two hundred thousand dollars. If the sum is too great, nothing will be lost. If it is too small, the deficiency can be now or afterwards supplied.

But my honorable friend from Massachusetts [Mr. WINTHROP] objects that the amendment contains no provision for the support of the slaves, or of any of them, after their emancipation. Sir, if I could admit that this objection had weight, it would be a sufficient answer that, in the judgment of other Senators, such a provision would only tend to defeat the object in view.

If honorable Senators think I err in this, let them submit such a provision, and if it do not embarrass the bill, it shall receive my vote.

But I think the objection itself is not well grounded. The slave is held in bondage, not for his own support and for his own benefit, but for the support and benefit of his master. It is the slave, then, that supports or contributes to the support of the master, and not the master that supports the slave. It is not in humanity that it should be otherwise. Relieve the slave, then, from the support of his master, and his whole energies will be directed to making provision for himself and his own family. The instincts of the common nature which he shares with us will do the rest. But you may reply that these persons are degraded, so as to be unable to take care of themselves. On the contrary, it is in this District that the institution assumes its most cheerful or least repulsive aspect. Here, in the centre of the Union, in the capital of this free empire, the African race has been held in bondage from generation to generation, through a period of near two hundred years. We all trust, we all believe, that the ultimate result of the transfer of this foreign population to our own shores is to be the bringing of them to a condition to support themselves, and to exercise the privileges of self-government. It is a sad commentary upon the operations of our own institutions to say that two hundred years have not been enough to bring these six hundred persons, under such favorable auspices, to the capability of providing for their own daily wants.

The next objection to the measure which I shall notice is, that it is an indiscreet one. This, I think, was the language of my honorable friend from Massachusetts, [Mr. WINTHROP.] The objection implies assent to the justice and wisdom of the measure itself, and takes issue only upon the time, occasion, or circumstances in which it is proposed. It concedes, moreover, that it would be proper at a different time, on some other occasion, or in some other circumstances.

Let us see, then, wherein the indiscretion consists. And first as to the occasion. One honorable Senator [Mr. WINTHROP] says that by supporting it on this occasion we should incur the risk of losing the bill itself which is proposed to be amended, and thus losing the abolition of the slave trade within the District of Columbia. Suppose we do. What would be the loss? The amendment before you secures the abolition of the slave trade, for it abolishes slavery altogether. When slavery falls, the trade, which is only an incident of it, must instantly cease. But the Senator is afraid that, between the two, both will be lost. That cannot happen. The passage of either will accomplish the object in view.

If the amendment shall pass, you will have a better law than the bill of the Committee of Thirteen. If the amendment shall fail, you will still have the bill of the Committee of Thirteen.

But the bill of the Committee of Thirteen is not put in jeopardy. It is lost, or worse than lost, to us already. If it had not been, I should not have offered my proposition as an amendment. The abolition of the slave trade, indeed, remains in the bill; but conditions have been annexed which cannot be accepted, and which compel us of the free States to reject the bill itself. One of these conditions is, the converting into a felony, punishable with ten years' imprisonment, the act of aiding or favoring the escape of a fugitive slave, or even the act of harboring a slave with a view to aid his escape. The punishment already denounced by the law is severe enough, in my judgment, for an act that is wrong not because it is erroneous in itself, but only because it is declared by the statute to be wrong. The second condition which has been annexed to the bill is the conferring of a right upon the Corporations within the District to impose conditions upon which freed men shall be allowed to enter and remain in the District, or depart from it; in other words, to *proscribe* free men, who are citizens of the United States and of the free States.

By the addition of these conditions, the bill has been converted from a law meliorating slavery within the District into a law to fortify slavery and proscribe free men. When that was done, my last hope, my last purpose, my last thought of supporting the bill, was gone. And yet this bill is the bill which the honorable Senator from Massachusetts complains that I am putting in jeopardy. This, sir, and nothing other or different from this, is the boon which he says was just within our grasp, and which I have struck down to the earth. Sir, when my amendment shall have been rejected, this bill will still remain. I wait to see whether he will embrace it, and take it to his bosom. I shall not harbor it; it would sting me to death.

So much, sir, for the occasion. And now for the indiscretion, so far as it depends upon time and circumstances. I think it wrong to hold men in bondage at any time and under any circumstances. I think it right and just, therefore, to abolish slavery when we have the power, at any time, at all times, under any circumstances. Now, sir, so far as the objection rests upon the time when this measure is proposed, I beg leave to say that if the present is not the right time, then there must be or there must have been some other time, and that must be a time that is already past, or time yet to

come. Well, sir, slavery has existed here under the sanction of Congress for fifty years undisturbed. The right time, then, has not passed. It must, therefore, be a future time. Will gentlemen oblige me and the country by telling us how far down in the future the right time lies? When will it be discreet to bring before Congress and the people the abolition of slavery in the District of Columbia? Sir, let not Senators delude themselves. I had the honor to submit to the Senate some weeks ago a proposition to admit New Mexico as a State. It was rejected then by a vote unanimous except my own—those who were in favor of the measure voting with its opponents, because it was not the *right time*. They said the Constitution had not been officially received. It was not a fit occasion. The measure was offered as an amendment to a bill.

Well, sir, the Constitution was officially received yesterday, and the Senators of the State were in waiting. But New Mexico, in the mean time, had been organized as a Territory, and her State constitution is not even honored with a reference. There is no right time, no fit occasion, for New Mexico to enter the Union as a free State. So, sir, it will be with the abolition of slavery in the District of Columbia. The right time, if it be not now, will never come. Sir, each Senator must judge for himself. Judging for myself, I am sure the right time has come. Past the middle age of life, it has happened to me now, for the first time, to be a legislator for slaves. I believe it to be my duty to the people of this District, to the country, and to mankind, to restore them to freedom. For the performance of such a duty, the *first* time and the *first* occasion which offers is the *right* one. The people who sent me here knew my opinions and my principles on that subject. If I should waive this time and this occasion, such is the uncertainty of human life and of human events that no other may offer themselves to me. I could not return to the people who sent me here, nor could I go before my Maker, having been here, without having humbly, but firmly, endeavored to discharge that great obligation.

Sir, I can spare one word of reply, not to the wretched imputation that I seek by this measure to dissolve the Union of these States, but to the argument that the measure itself tends to so disastrous a consummation. This Union is the feeblest and weakest national power that exists on earth, if with twenty millions of freemen now it cannot bear the shock of adding six hundred to their number. The Union stands, as I have demonstrated at large on former occasions, not upon a majority of voices in either or both houses of Congress upon any measure whatever, but upon enduring physical, social, and political necessities, which will survive all the questions and commotions and alarms of this day, and will survive the extinction of slavery, not only in the District of Columbia, but throughout the world. Others may try to save it, by concession to slavery, from imaginary perils. I shall still seek to perpetuate it by rendering the exercise of its power equal, impartial, and beneficent to all classes and conditions of mankind.