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# HINTS ON SLAVERY.

FOUNDED ON THE STATE OF THE CONSTITUTION, LAWS, AND  
POLITICS OF KENTUCKY, THIRTEEN YEARS AGO.

1843

(This article was printed first in the *Kentucky Reporter*, at Lexington, Ky., in weekly Nos., in the months of April, May, and June, 1830. Though the interest which may have once attached to them, was purely local, and the influence they may have exerted in forming public sentiment long ago, must have been confined to the comparatively narrow circulation of the several inland newspapers which printed them; yet the transcendent importance of the subject they discuss, and the constant and increasing agitation of the public mind throughout this country, and indeed throughout the whole world in regard to it, might possibly excuse one even more careless—if such a one there be—than the editor of this periodical, in regard to the fate of his literary labors, for recalling from the silence of the past, productions which the hatred, and malice, and folly of relentless public persecution and private revenge would not allow to expire. It is hoped and believed that men of candid and moderate views—(and what other views were ever either just in themselves or capable of being permanently established?)—will find here little to condemn, if they find nothing worthy of being brought, a second time, before the public.

It is somewhat in the nature of a personal duty to his own character, that the editor of this Magazine re-publishes this portion of his labors, when acting on a theatre very different from that on which he has been for many years engaged. Legal and political studies have long ceased to engage his particular attention, and have lost some of their special interest in his eyes. They are noble and useful studies; but there are others still more so. These publications, however, occupy so important a place in the infamous accusations of that most atrocious of all slanderers—*Robert Wickliffe, Sen.*—that it has been judged proper and becoming to precede any reply to his *third* published attack, by a re-print of that about which he has printed so much malignant falsehood. It may be that God would thus oblige us to vindicate again opinions, which if they are founded in clear reason, and sustained by public necessity, must have a decided interest in the eyes of good and wise men; and, seeing the constitutional and legal questions are nearly the same in all the slave states as in Ky., they present the case of slavery in a light which, though it is much overlooked, is yet extremely important, if not decisive.

The Nos. are now re-printed exactly as they were originally published, preserving even the signature, and the lateral enumeration; minute facts, it is true, but yet important enough to be the basis of several falsehoods by Mr. Wickliffe. Years of subsequent observation and study would have induced us to modify some expressions, perhaps to qualify some opinions. But we have preferred the other course; and here, without shame, perhaps it may be allowed to us to say, with some emotions of honest satisfaction, present the naked, original, and undisguised, leveller, *sans culotte*, pettifogger, demagogue, and traitor, which our wise, learned, polite, honest, and truthful accuser, Robert Wickliffe, Sen., represents us to have been, in our first estate—to the scrutiny of all who choose to gaze upon him.

One thing is at least remarkable; amid all the abuse heaped upon these Nos. by Mr. Wickliffe and his handful of followers, during thirteen years nearly, not even a pretence has been made of answering the argument they contain, and the moral

they assert. It is comparatively an easy thing to make truth ignominious; it is another work entirely, to make it false. It is very easy to pollute a file; it is very hard to eat it. □( )

No. I.—WHAT are the advantages of domestic slavery? Such an inquiry naturally suggests itself when we consider that in the circular address of our Senator in the General Assembly from this county, one part of four is taken up in exhibiting the evils which must necessarily result from permitting those who own no slaves to express an authoritative opinion on that subject.

If I understand the argument of Mr. Wickliffe, it is in substance this. After expressing his decided hostility to every effort for calling a convention to amend the constitution of this state, he proceeds to give the reasons of those who favor that measure; which he reduces to three—first, that all officers, judicial and ministerial, shall be elective by the people; second, that judges shall hold their offices only for a limited period; third, “to effect emancipation of slaves.” The first two are dealt with in a very few lines, brief and bitter. The third project is argued at some length. He opposes it on the score of inhumanity to the slaves, by reason of the condition into which experience and reason also justify us in saying they must fall, as freed men, whether they remain among us or go to other states. He objects to it also, because the attempt to emancipate our slaves would not in fact succeed, but would only drive the slave owners with their slaves to the southern states of this Union, where he supposes slavery must continue “for centuries yet to come.” He considers the consequences of such a migration terrible “to the wealth and capital of the state;” and again adduces the argument from inhumanity to the slaves, as they would be removed to “countries where their slavery would be more intolerant than it is at present.” The general diffusion of slaves over extensive portions of the nation, is looked upon as tending more to the final emancipation of the race, than gathering them in large masses; inasmuch as such a policy would “in time efface the distinctive marks of color”—and wear out, rather than break the chain of slavery. The wish is expressed that slavery should not be perpetual: and the conviction, that Providence will point out the means of effecting its extinction. But the opinion is stated, that it is better to retain the blacks in slavery than to turn them loose among us as freemen: and that any scheme “to be effectual, must be general in all the states.” Mr. W. then pledges himself “at all times to aid in whatever will tend to effect the emancipation of the whole slave population gradually.” In the preceding argument he takes it as unquestionably true, that in any constitution which would now be formed, slavery would be abolished; and again warns slave-owners throughout the state, “of the danger to the tenure by which they hold their slaves” which would result ‘from a convention.’ He refers to the yearly returns of the commissioners of tax, and states as his opinion that not “one voter in ten, in the state is a slave-holder.” “In this state of the polls” he asks ‘what chance can the slave-holder have to retain his slaves, if by a new constitution he is left at the mercy of the annual Legislature of the state?’ Again, he argues “that while

“the constitution secures the rights of the masters to their slaves, “the religious societies that abhor the principle of slavery, feel “themselves restrained to be silent as to its evils: but so soon as “it becomes a question to be settled in a new constitution, all such “feel themselves called on by the principles of their religion, to “act, and will act, as their consciences dictate.” In this contest, already so unequal, he supposes that for three hundred miles along our northern border, the non-slave holding states and their presses will exert their influence against the slave holder. Amid these multiplied evils, it will be too late to repent “that he has from prejudice, passion, or whim and caprice given up a constitution under which he was happy as well as secure in the possession of his property.” An appeal “to every sober-minded man of every party”—and a serious admonition to the slave-holders in particular, to have this subject settled and their final determination known before the next session of the General Assembly, closes the argument. The paper from which the foregoing analysis is taken, is addressed “to the freemen of the county of Fayette,” and published in the Reporter of February 17th, signed R. Wickliffe. It has been my object to give a fair, indeed an ample abstract of the argument, and that, as far as my limits would permit, in the words of the author. I think he will not complain of injustice on that score; or if any has been inadvertently done him, he has some reason to know that there are very few persons who would deal with his errors more lightly, or receive the truths he would utter, with the increased favor derived from high personal consideration, more readily than myself.

I have been myself opposed to the project of calling a convention to amend our state constitution; and have manifested that opposition in a public manner. I now see no reason to think, that I was then in error. No state that is deeply involved in difficulties, of whatever kind, can live quietly under any regularly administered government. Nor could it form any scheme of fundamental law, which would be the most acceptable to itself in the ordinary condition of its affairs. Hence it has grown into a maxim, that a period of great public excitement is not the best time for amending the constitutions of states. Perhaps for fifteen years back in this state, it would not have been wise to call a convention.

Mr. Jefferson has said, he was convinced it would be to the advantage of mankind if all nations could call conventions to examine into the state of their civil constitutions three or four times in a century. Though there may be some eccentricity, there is also much wisdom in this reflection. I think no assemblage of persons in any nation, who represented the body of the people, has at any time met, without producing a salutary effect on the institutions of their country. No revolution has ever been brought about by the desire of the mass of the people, that did not give them ultimately a better condition of government. Every attempt to give dignity to the common people, the bulk of mankind, by an increased participation in the ordering of public affairs—from the secession of the Roman tribes to the sacred mount, and as much farther back as history will carry us, down to the late convention in Vir-

ginia, has added more or less to the progress of free opinions. To avoid the force of this reasoning as applied to ourselves, it must be shown, that by a fortunate application of all the knowledge of mankind in relation to government, and by the most happy concurrence of every necessary circumstance, we at last succeeded in establishing a perfect constitution. Yet "that the present constitution is imperfect all admit," Mr. Wickliffe himself being judge; who adds to that admission, the declaration "I would myself make alterations in the constitution, *were it left alone to me.*" As this precedent condition is not likely to be acceded to, that part of the subject need be pressed no farther.

Our constitution is an excellent one. In addition to the veneration which I feel for it as the organic law of my state, under which I have lived and was born; and the hardly inferior regard which it challenges as a very high effort of intellectual power, for the time in which it was formed, and the opportunities of those who gave it birth; there are personal recollections which commend it in a peculiar manner to my admiration. That the lapse of more than thirty years, during which the human race has made very great advances, should have exhibited some considerable errors of theory, and some practical inconveniences in our system, is no disparagement to those who formed it under a state of things somewhat different from the present. In the declaration of our national independence (an authority we all bow to) it is asserted "that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing forms to which they are accustomed." Acting upon this principle, and clinging with parental fondness to the instrument they had produced, the gentlemen who formed our present constitution, while they recognized the right in every community to alter or even to abolish its government, interposed the most intricate machinery for the execution of any such projects; and by the provision for its amendment have provided effectually against any alteration. Let any one consult article 9th, and he will see no reason why the most nervous admirer of that instrument should dread its fate. If the whole commonwealth with one accord were to demand its alteration, it could not be effected in much less than three years (a period as long as the cycle of some politicians,) from the meeting of that General Assembly which should set vigorously and successfully about its accomplishment. If to this we add the repeated votes of the people and the Legislature, twice of one, three times of the other, a majority of all who are entitled to vote being required at every step, and those who do not vote counted in the negative, and other obstacles that interfere, it may be safely said there is no probability that a convention will be speedily called to amend the constitution of Kentucky.

With this view of the subject, it is not necessary that I should point out any portion of that instrument which I might consider defective; the more especially as the propriety of calling a convention was not the subject I wished to consider. It may be proper to observe that the reasoning of Mr. W. on that matter seems to me to be destitute of his usual ability, and his array of the opinions of his adversaries incorrect. I except of course the question of



slavery, which I design more particularly to examine. While I admit therefore that our affairs are tolerably well conducted under the existing constitution, and believe that it is nearly hopeless to attempt its amendment, I have made these general observations, to show, that in a period like the present, no danger is to be apprehended from the calling of a convention, and therefore that no attention is due to that view of the subject which attempts to make the questions of slavery and old constitution, or convention and emancipation, reciprocally operate on each other. Indeed it appears extraordinary to me that those who hold the opinions avowed in the circular should not have considered any such mingling of debated questions highly injurious to the success of their cause: for in that paper itself, it is in substance admitted, that nine tenths of this community favor opinions, whose probable success is urged as a reason why another set of opinions about which the same community is more nearly divided should not succeed. If nine tenths of the voters of this state favor emancipation, it seems curious to urge them to oppose a convention for the reason that a convention would also favor emancipation. I have taken a different view of this subject, and been led to different conclusions. By making Mr. Wickliffe's argument the foundation of what I intend to say, it will afford me an opportunity of remarking on certain principles of great importance to us all, in regard to which doctrines are inculcated from which I dissent. B.

No. II.—I had not thought that any individual could be found in this community who would give it as his opinion, that if a convention were called to amend the constitution of this state, as soon as by the present constitution it could be called, that convention would recommend the immediate abolition of slavery in the commonwealth. Nor did I suppose that any individual could be found, who would give it as his opinion, that any reasonable portion of those who favor the call of a convention, are favorable to immediate emancipation. No one that I have heard of, ever advocated such a plan of abolition as that denounced in the circular, whereby the slaves are to be freed and turned loose at once among us. Such an idea was never pressed for one moment by any person whatever within my knowledge. But, on the other hand, the most ardent friends of the American Colonization Society have avowed the opinion so clung to and reiterated by Mr. W., that slavery itself was preferable to the general residence among us of manumitted slaves. This idea, whether true or false, may be said to be almost universal. It could not therefore be just reasoning, to suppose that opinions are held which all men renounce, and then infer from them the magnitude of evils which must be absolutely imaginary.

It cannot be supposed that the abolition intended to be denounced was a gradual abolition; because Mr. W. in the very argument expressly declares himself no friend to the perpetuity of slavery; expresses his belief that Heaven will put an end to its inflictions, and in terms, pledges himself "at all times to aid in whatever shall tend to emancipate the whole slave population gradually." What scheme different from that, as applied to Ken-

tucky, did any one ever advocate? To emancipate "the whole slave population gradually" has been the uniform plan, when any thing has been urged on the public attention in this state, and which has been achieved in those states, to whose example an appeal is made to deter others, by its inhumanity to the blacks, from following their career. I confess I do not perceive the value of that advocacy, which finds even in the partial success of cherished plans, enough of evil to deter all others from similar attempts.

As to any arguments drawn from the fine theories of persons of sensibility, regarding the cruelty of freeing persons who are only sufficiently informed to be slaves, I confess I could never see their force. A very small portion of acquired knowledge is necessary to enable men to sustain the relations of independent communities; or, as we have some reason to know, to govern them. Still less is required to fit a man to become a peaceable and industrious citizen. In relation to this particular race we are not without experience. The mulattoes of Hayti under Petion and the blacks under Christophe have exhibited more knowledge of the principles of free government, than most white nations who have peopled the earth. The blacks had sense enough to know when Christophe tyrannised over them; and though he was a wise and firm prince, they overthrew his government and established one much better. Since the union of the Island in a republic under President Boyer (whose mother was a Congo negress, and his father a French tailor, an odd compound for a wise man,) few governments are better or more quietly administered. The colony at Liberia is a model of good order. Nor is there any reason to believe that any of the South American states have regretted the decrees emancipating their slaves en masse, by which their revolutions have been attended. However a sense of duty to ourselves may deter us from attempting a sudden and general emancipation while other and better hopes remain, it is little better than mockery to place our conduct on the footing of humanity to those from whom we withhold the highest enjoyments of nature. He who has lost his liberty has little else to lose over which humanity can weep.

Free negroes are very seldom good citizens; and for a reason sufficiently evident; they are not citizens at all. The law views them with constant jealousy, and barely tolerates their existence in the country. It can never be otherwise with any degraded caste. The argument proves nothing beyond the admission I have made; least of all does it prove that because the blacks are bad citizens when free, therefore they are good citizens when slaves. The end proposed should be to get rid of both classes, or if that is not practicable, then of the worst. For it is not the part of a wise man to make no effort to amend his condition, lest perchance, he may not succeed at every point.

It seems to have been perceived that all arguments drawn from the sources I have hitherto touched, were without any solid foundation; and hence the whole ground is varied, and another and incompatible aspect of the case presented. The present argument is, that slave-owners will not wait to come under the operation of any system of abolition; but will remove from the commonwealth

with their slaves; thus, as it is added, producing consequences "upon the wealth and capital of the state (which) are to my mind terrible, in driving a large portion of the industry, talents and capital from the state." But even here we are met again by the argument of inhumanity, that our slaves will be carried by their masters to a region where their servitude will be more rigorous than here. This is really taxing us too far. For the self-same act we become responsible in two opposite and irreconcilable ways: first for the cruelty of degrading our slaves by freeing them at home, and second for the cruelty of sending the same slaves into a distant and more aggravated bondage. This argument about inhumanity is a garment thread-bare and utterly past service.

The address estimates the slave population of this state at two hundred thousand souls; which is I suppose not far from correct. If there is any error, it may be a little too high. The voters of the state are estimated, by it, to be more than nine tenths non slave-holders. Taking that estimate, there are about eight thousand voters who own the whole slaves of the commonwealth. Allowing five persons to the family of each voter, as an average, and the aggregate of the population we should lose, by an effort at gradual emancipation, including all ages and complexions, would, according to the circular address, be about two hundred and forty thousand souls, I suppose our whole population now exceeds seven hundred thousand souls; from which the proposed emigration would take off about one third, embracing therein all the blacks and some thousands of the whites. This statement is merely carried out for the sake of distinctness, for a more chimerical notion could not readily be propagated.

The truth is that those who own no slaves have remained quiet on this subject. So far as they have been compelled to act, they have exercised an astonishing liberality and forbearance towards slave owners. If my slave is hanged for burning the mansion of my father, who is a slave-holder, then my neighbour who owns no slaves is taxed to aid in paying me for the one executed. If my slave is hung for killing the son of my neighbour, who owns no slaves, his land and other property are taxed to aid in paying me for the executed negro. Yet these laws are enacted by a community, in which nine out of every ten persons who had a vote in passing them, own no slaves; and who could not on that account be safely trusted to re-model the forms of the government, lest they should emancipate the slaves in a body—with which design I understand them to be substantially charged in the paper under consideration. It has been by the owners of slaves that the question of slavery has been most maturely considered. And as they have examined it, a great change has been wrought in their sentiments. For example—Mr. Wickliffe is a slave-holder and resists the idea of a gradual abolition of slavery in Kentucky, among other reasons, because it would diminish the wealth of the state, and drive industry and capital from it: I also am a slave-holder—as much below Mr. Wickliffe in wealth, as in consequence and influence—but a slave-holder to the extent of my estate, in as large a ratio perhaps as himself, and I am as thoroughly convinced as I

can be by facts and reason, that no reasonable plan—nay no plan I ever heard advocated for the gradual eradication of slavery, would make this state one dollar poorer during its progress or at its completion; but on the other hand, that all the elements of great national wealth and power would strengthen and advance, in proportion as slaves and slavery were banished from our land.—I need not now argue this wide difference of opinion, but I will illustrate by the statement of a proposition. Suppose it to be just for one race of men to hold another in perpetual and involuntary slavery, which all our public acts and principles deny. Suppose it to be consistent with the clear and upright spirit of Christianity, which I observe is held to be the fact, by a gentleman, who, to the honor of being a Senator of the United States, adds the claim of membership in the church of God. Is such a condition of things advantageous to a state? Does it add any thing to its strength or riches? Whether is it better to have within our bosom, two hundred thousand free citizens attached to our political institutions, and ready to contend unto death in their defence; or an equal number of domestic foes—foes by birth, by injuries, by colour, by caste, by every circumstance of life, ready to take advantage of every emergency of the state to work our injury? Whether is it better to have two hundred thousand labourers, in the most abject condition of ignorance, with no motive for toil but the rod, and no rule of conduct but the caprice of a master, sometimes indeed humane and just, but sometimes also hardly more refined than themselves; or an equal number of hardy, happy, and laborious yeomanry, such as the heart of a patriot would yearn over in the day of his country's prosperity, and repose on as upon a rock in the hour of her need? Vain is the philosophy which will allow a man to doubt in choosing between such alternatives.

B.

No. III.—In a greater degree than most other evils, this of slavery feeds upon itself and results in multiplied forms of ill. The care which in other countries would be bestowed, in better living and more bountiful support, on the whites, is in slave countries lavished on them; and they increase faster in proportion. Their increase again encourages the emigration from among us of the labouring classes of the whites, whose small places are bought up to add to the extensive farms cultivated by slaves. Then our laws of descent reduce the children of the rich to moderate circumstances, who, rather than lose ideal rank, sell out and remove to some new country, where in the gradual improvement of affairs, they hope to attain their former condition. While by these operations we lose the bone and sinew of the state, the slaves remain and increase to fill up the space thus created. While this process, so destructive to the state, is accomplishing, the slave-owners themselves are only procrastinating a little the day of their own trial. As the number of slaves increases, their value must diminish with the diminishing value of the products of their labor, in an increasing ratio. Then comes the competition with free labor from the adjacent states. Lexington is now partly, perhaps chiefly, supplied with Ohio flour, and to a great extent, with eastern hats, bridles,

horse harness, boots, shoes, and various other articles of the first necessity, which we ought to produce as cheap as any other people. Horses have been the favorite production and one of the greatest staples of Kentucky; yet Ohio horses are sold at a profit by auction, in the streets of our villages. All this operates a gradual decline in the value of slaves, which will fall lower and lower as they come nearer to the number of the whites, until they become themselves the chief article of export. Such is now the case with Delaware, and part of Maryland and Virginia. The value of the staples of the southern states would for some years keep up the value of slaves. But when the progress of events shall produce the same state of public sentiment, I ought rather to say of public necessity, there, that is steadily advancing here, and they will no longer receive our slaves as merchandise, where would be "the wealth and capital," and where "the industry and talents" of our commonwealth? Never was there a more fallacious idea than that slavery contributed any thing towards the permanent resources of a state. It is an ulcer eating its way into the very heart of the state, and which while it remains, cannot be affected by any change of constitution, but would work its effects with unerring certainty under every possible form of government.

Mr. Wickliffe thinks "that while slavery exists at all in the United States, it is better that we tolerate it in Kentucky, where the condition of the slave is as good as is consistent with a state of slavery; than to crowd the slaves into the southern states." Again he says that any plan for "effecting the liberation of the slaves, to be effectual must be general in all the states." These opinions are singularly erroneous and illogical. That a plan to be effectual in all the states must be general in all the states, is obvious enough. But that a plan to be effectual in Kentucky must be general in all the states, is not very apparent. On the other hand, that a state which foresees impending calamities, which it is in her power and in the power of no other to avert, should yet decline providing for her safety because distant and independent states choose to deny the existence of the miseries we foresee, and madly elect to brave all their horrors, is a course of policy whose wisdom may well be questioned. This Union now embraces twenty-four states and three organised territories. Out of these, twelve states and two territories tolerate negro slavery. It is admitted by all men that the national government has not the smallest power over the subject of slavery within the limits of any state. The opinion is also prevalent, that in those states whose staple is sugar, cotton or rice, being not less than six or seven states, slave labor cannot be dispensed with for a long time to come, if it can ever be done. In this circular, Mr. W. states that slavery will exist in the southern states for "centuries yet to come." And does a gentleman avowedly hostile to the perpetuity of slavery—openly expressing his reliance on Providence for the means of its extinguishment—and directly pledging himself to co-operate at all times in favor of any plan which will even *tend* to "effect the emancipation of the whole slave population gradually"—seriously recommend the postponement of every effort on this subject until after the lapse "of

centuries yet to come"—twelve scattered sovereignties, (with as many added thereto as our whole unsettled territory south of latitude 40 degrees and 30 minutes north, can make up) shall by a grand simultaneous impulse achieve so extensive a revolution in society? In waiting for these events and the efflux of these indefinite centuries, I do not see that even the valuable co-operation of Mr. W. could be of any material advantage. Alas! into what errors are wise men betrayed.

Kentucky and no other earthly authority must control this interest within her limits. Two out of every seven of her population are estimated to be slaves. One out of every 13 of her white population is estimated to be a slave-owner. It may be conjectured that one out of every two among slave-owners will be favorable to the principle of gradual abolition. Twelve out of every thirteen whites own no slaves, and are therefore in every way interested in getting rid of them. It follows then, that not more than one in every twenty-six whites, upon a full presentation of the question, could upon any reasonable calculation be supposed favorable to the indefinite continuance of slavery in this state, or in other words, to the principles of the circular; for a period designated by "centuries yet to come" does in every political view amount to perpetuity. Our white population may now be estimated at a little over half a million; out of whom if the preceding calculations are nearly correct, not much more than twenty thousand can be presumed to consider themselves interested in maintaining the principles against which I contend. In a free government, so small a minority should be very cautious in trusting to their own impartiality and justice, in a case where they consider their property involved, when the great mass of their fellow men differ from them in their views of the welfare and grandeur of the commonwealth.

Connected with this part of the subject, the circular advocates the extension of the slave population, for the particular reason that it would encourage the amalgamation of the white and black races, and thus in the progress of time obliterate slavery, by effacing "the distinctive marks of color." The diffusion of slaves would certainly tend to augment their value, and by consequence, to add an increased ratio to their productiveness; thus magnifying their numbers, and in an equal degree the difficulties of ultimately getting rid of them. But that it would have any tendency to encourage the mixture of the two races, there is great room to doubt. I do not know that such a mixture would be desirable, to the white race at least, even if it could be achieved: and among the blacks, its progress wherever it has hitherto operated has been attended with the most pernicious effects. From the tendency to this mixture by an illicit commerce of the sexes (and no other is ever thought of by the whites) the argument against the private morality of slavery which has appeared to me most cogent, has always flowed. It may be said that in slave countries, the prostitution of the female slaves, at some period of their lives, is universal. And what is frightful to add, it is not absolutely certain that their condition of abject abandonment is always voluntary. A large family of negro children having the same mother rarely have the same father. The rights of

marriage and even its ceremonies are not allowed them by the laws. If, surmounting all the ills of their condition and escaping all their miserable fortune, a few of them arrive at the possession of social enjoyments, their success should hardly be considered a cause of congratulation. For the necessities, the vices, and what is sometimes not less fatal, even the good intentions of their owners, may at any moment make them their victims. Yet men of sense and virtue are not wanting, who will insist that we may by some unadvised step bring them into a condition so much worse than this, that we should subject ourselves to the charge of inhumanity. Earth holds no such condition.

As it is my wish to consider this subject rather in a political than a moral point of view, I will pass over what is said about religious societies, and their efforts and principles touching the question of slavery; which I do the more readily as if the view I take of the constitutional question be correct, such arguments would be admitted by those who use them to be without any force, as the whole subject would be fully open. Nor do I see that what is said about the non-slave-holding states and their presses, requires any reply, for the same reason. Such appeals as that made in the conclusion of the argument appear to be natural to all politicians. I only regret that it should have been considered necessary to group in such a manner the security of property under the existing constitution, with the strong implication from the whole course of the observations, of its entire insecurity in the hands of those who think (in common with Mr. Wickliffe) that the constitution is not perfect—or who say (and can avouch Mr. Wickliffe for authority) that slavery ought not to be perpetual in this state.

I shall not make any apology for having so particularly examined a part of the circular address of Mr. W. His arguments, while they seemed to me to contradict his avowed opinions, went to the length of entailing an intolerable national burden on us and our posterity to remote ages, by exhibiting the supposed dangers, inhumanity, and difficulty of every plan for its alleviation, except one so remote and intricate as to be merely fanciful. I think I have shown that his view of the subject cannot be relied on. It is but just that I should now present my own. B.

No. IV.—The plan of African colonization, as exhibited by the national society for that purpose, is a very noble conception. Even without the aid of the general or state governments, there is no reason to doubt but that enough will be done to give civilization with all its train of blessings to the Western shore of Africa. As a grand missionary operation, it commends itself in a peculiar manner to the Christian community, who fail not to discover in it the hand of that presiding Providence, which, having permitted the wretched African to be enslaved and Christianised, now demands his restoration that he may Christianise his brethren. But that as a mere individual enterprise of benevolence, it can ever materially diminish the number of our free negroes, is no longer asserted by its most enlightened advocates. If such a condition of things were brought about that the energies of the Federal

Government could act effectually on the subject, it has been sufficiently shown on several occasions, that in a reasonable time and at a moderate cost, every colored person in the United States could be comfortably planted in Africa. But no one has shown a reasonable prospect of arriving at that condition. The first step is to have negroes free, before they can be transported. And in taking that first step, the general government has not, nor can it ever have any power. Several states (our own among them) have recommended the Colonization Society in the most urgent manner to the protection of Congress; and the executive of the nation has uniformly manifested a favorable disposition towards it. Even if such petitions should be successful in their object, and the government were to remove by universal consent every free negro now in the United States, and were to continue removing them as fast as they became free, only by the exercise of private benevolence or other individual feelings, or private operations; there is not the least reason to suppose, that at the end of any period of years, the number of slaves would be at all diminished. The whole resources of the nation could avail us in that way, only in connexion with state efforts by state authority, and not without or in opposition to them. If Kentucky should resolve on a gradual emancipation of her black population, the general government could do her much service by aiding in their removal when freed. If Kentucky is resolved never to emancipate them, the removal of every free negro will only in the supposed condition of society, make room for an equal or greater number of slaves. The political moral of the Colonization Society is strikingly plain. It has taught us how we may be relieved of the curse of slavery in a manner cheap, certain and advantageous to both the parties. It now remains for those who say they are its friends to go whither the light of its example points them.

What I have said recurs with accumulated force. Kentucky must achieve her own deliverance, or it will never come to her. From the tenor of Mr. Wickliffe's remarks, he seems to think that the people of this commonwealth under the present constitution, possess no power to regulate the tenure by which slaves are, or their descendants ever shall be held to bondage during its continuance. Such he seems also to infer are the opinions of those who advocate the call of a convention. These opinions as to the meaning and intent of the constitution have extensively prevailed, and are in part correct. But I think an attentive investigation will satisfy mankind that we do really now possess all the power over this subject, which any moderate party would desire to confer—which is needful for any useful purpose—or which could be safely reposed in any government. A contrary opinion has resulted from general inattention to the subject by one portion of our citizens, and the continual reiteration of the undoubted correctness of a particular construction put on the constitution by another portion, who seem to have considered themselves interested in maintaining that gloss.

Our constitution, though it recognises, does not define slavery. For any thing contained in it, a white man "without a cross" may



be a slave in this state, just as well as a negro, or Indian, or mulatto; although if free he enjoys rights which neither of the others can if free. Hereditary slavery is at war with the principles of every species of social system. Even the fierce and intolerable rule of a military despotism has this to alleviate its sway, that it tolerates no subsidiary tyranny. It is at war also with every law of nature, except the first and greatest of them all, the law of self-preservation. In its inception it cannot be right, though in its progress it may become so, by becoming indispensable to the safety of the parties. So our constitution appears to have viewed it, and made all its provisions regulating it in unison with that sentiment.

The 7th article, headed "concerning slaves," is devoted to this subject. In one of its provisions the Legislature is directed to pass laws permitting the owners of slaves to emancipate them, saving the rights of creditors, and guarding against pauperism. The act of 1798 relating to slaves, that of 1800 to wills, and other enactments have well obeyed this command. I will not stop to enquire whether any further regulations on this head are necessary, as I do not consider that the best mode of eradicating slaves from the state.

Again it is provided that the general Assembly "shall have full power to prevent any slaves being brought into this state as merchandise." Accordingly several provisions have been made by law on this subject. The act of 1801 enacts that slaves brought into this state for merchandise, or even passing through it, who may commit any capital felony and be executed, should not, as in other cases of slaves, be paid for out of the public treasury. The act of 1815 is strict in the highest degree. I refer to it at large, 2d digest, page 1162. It prohibits the importation of slaves into this commonwealth for merchandise—and imposes a fine of \$600 on the importer, and one of \$200 on every seller or buyer of a slave so brought into this state, making other apt and proper regulations for the due enforcement of its provisions. It is greatly to be deplored that the negligence of our judges, grand juries, and commonwealth's attorneys should have suffered this act to remain a dead letter on the statute book, when the shocking and disgraceful traffic which it was designed to put an end to, is regularly and openly carried on. Many thousands of offences have been committed under this law—and not one conviction has taken place under it. Nor is it less a subject of astonishment that the Legislature of the state, acknowledging the utter depravity of the trade, should have been unable, in several years' attention to this subject, to give such a shape to the law as would make it effective in practice. Nor can this county in particular, find any cause for self-gratulation, in the course taken for several years by the majority of her representatives on this most important, and I will add, singularly clear question. One thing at least is certain; even if I am fastidious in supposing that public decency is outraged by allowing droves of manacled slaves to be openly imported and driven as merchandise along our highways; if I err in supposing that our laws are disregarded at every step of the procedure—in some cases to the extent of depositing the slaves in the public prisons for safe keeping and delivery; whatever else is doubtful, it cannot be

denied, that while gangs of slaves are yearly, and many times a year brought hither and dispersed through the state by sale, it is absolutely hopeless to reason about plans for the bettering of our condition. That a stop should be put to that branch of this domestic slave-trade, which brings slaves into this state as merchandise, is the first and indispensable step towards the removal of those already here.

Power is also given to the General Assembly to prevent slaves being brought into this from any foreign country, or such as have been or may be imported into the United States from any foreign country, subsequent to the 1st day of January, 1789. Which provision was enforced by the act of 1798 then in force, under a penalty of three hundred dollars for each slave so imported.

By another clause, the Legislature is delegated with the power to make owners of slaves treat them with humanity in all respects; its authority going even so far as a forcible taking and selling of the slave for the benefit of the owner who should violate the law. For what has been done on this branch of the subject I refer to 2d Digest, pages 1163-4, and to the law passed at the session of 1829. To say that in all these respects the wise intentions of those who formed our constitution have in general been faithfully executed, is a well deserved commendation of the enlightened policy of the state for a period of more than thirty years.

The first clause of the article under consideration is in these words: "The General Assembly shall have no power to pass laws for the emancipation of slaves without the consent of their owners, or without paying their owners previous to such emancipation, a full equivalent in money for the slaves so emancipated."

By this clause it is obvious that without a gross violation of the constitution, the Legislature cannot emancipate "slaves" without their owner's consent, *or* without first paying for them. A reflection arises out of this phraseology which exhibits in a very striking manner the injustice which is done to the non-slave-owners of the state, in charging them with a desire to turn free the whole slave population in a body. The language is in the alternative. The power is therefore given, not where both events concur, but where either exists separately. Either consent of the owner, or payment of an equivalent without his consent, places the liberty of the slave at the disposal of the government. Has any principle in legislation been more uniformly revered as true, than that revenue should be raised by a tax levied on the luxuries rather than the necessities of life? Are not slaves luxuries in the most unhappy sense of that term? What then either in constitutional law or in the received wisdom of ordinary legislation, ever existed to prevent the Legislature of Kentucky from collecting a sufficient revenue by taxing slaves, to pay for, manumit and transport a certain proportion of young slaves of one or both sexes annually? A tax on slaves not larger than is now levied in Ohio on land, applied judiciously in that way, would in a few generations put an end to slavery in this commonwealth. Who will assert that such an achievement would benefit Kentucky less than her canals will Ohio? But it may be thought it is not constitutional to tax slave property more

than other estate. It has been done from the foundation of the government. They are taxed as property; and they are assessed as tithables. They are valued like a horse: but they are made to work the highways in the capacity of men. So it is of other things; my cart is not taxed—my friend's chariot is; my mules and horses are taxed—my neighbor's fat cattle and drove of hogs are exempt. The power is complete and the right to exercise it perfect. That it has remained undisturbed is another obligation those who own slaves owe to those who own none. Now that it is brought to notice, the non-slave-holders have a choice of being re-paid as heretofore, in similar cases.

But a slave shall not be emancipated except in two ways. Who is a slave? The law has said: "No person shall hereafter be slaves within this commonwealth, except such as were so on the 17th day of October in the year 1785, and the descendants of the females of them." 2d Littell, p. 113. It might be difficult to point out any particular clause of the constitution authorising the foregoing enactment. Yet I do not doubt its constitutionality—nor has it been at all questioned, that I know of for thirty years. Who, however, were slaves in 1785? Our laws and constitution say nothing on the subject. The constitution of Virginia is profoundly silent. Could the ordinary powers of government suffice to inflict hereditary slavery on any class of its people? Did any state ever attempt such an outrage? In the general statutes of England at any time in force here, do we find this question solved? In the common law of that realm, which abhorred slavery, shall we find the recorded doom of involuntary and endless bondage? Let me vary the question. Suppose the passage I have quoted from the act of 1798, had read thus: "No persons shall hereafter be slaves in this commonwealth, except such as are so on the 17th day of October 1805," what provision of our constitution would have conflicted with it? Would it have been binding or would it have been void?

B.

No. V.—A man cannot by a covenant bind himself to slavery; because no compensation can be equivalent to that with which he has parted, his liberty; and because, whatever was the consideration pretended to be given, whether small or great, it would pass through the slave to his master, who would thus enjoy both the thing bought and the price paid for it. This is an absurdity too gross to be entertained by any one with whom it would be worth the trouble of reasoning. Far less can a man barter away the rights of his unborn offspring, except in a manner subject to their confirmation or rejection at the years of maturity. In this case every reason applies that does in the other, and these in addition, that there could be no pretence of necessity over a being not created, and in any case the parent could part with no greater right to control his child than he himself enjoyed, that is, till the child was capable in mind and body of controlling itself. Such is the doctrine of the American constitutions on the subjects of citizenship and naturalization; and our own expressly provides for the voluntary expatriation of its citizens, and guarantees that right as

one of the "general, great and essential principles of liberty." But if it were otherwise, in stating the original principles of all rational law, we have a right to look beyond all human governments, and instead of being impeded by their dicta, to bring them to the same standard of judgment by which all things else should be measured. The law is to be obeyed because it is the law; but it is to be commended only because it is wise and just.

It can be no less incorrect to apply any arguments drawn from the right of conquest, or the lapse of time, as against the offspring of persons who may be themselves slaves. For neither force nor time has any meaning when applied to a nonentity. He cannot be said to be conquered who never had the opportunity or means of resistance, nor can time run against one un-born. Those who lean to a contrary doctrine, should well consider to what it leads them. No rule of reason is better received or clearer, than that force may be resisted by force, and whatever is thus established may be at any time lawfully overthrown. On the other hand, if error is made sacred by its antiquity, there is no absurdity or crime which may not be dug up from its dishonored tomb, and erected into an idol, around which its scattered votaries may re-assemble.

I think it is clear that one unborn can in no sense be a slave. And such, I do not doubt, is the doctrine of our constitution. The laws of man do oft times pervert the best gifts of nature, and wage a warfare, idle and impious, against her decrees. But in all such cases you may discover what is of the earth and what is from above. You may take man at his birth, and by an adequate system make him a slave—a brute—a demon. This is man's work. The light of reason, history and philosophy—the voice of nature and religion—the spirit of God himself proclaims that the being he created in his own image he must have created free.

The General Assembly is invested with power to pay for and liberate slaves. Suppose a plan on this conception of our constitution should be matured which would be fair and lawful. Commissioners are appointed to have slaves valued and paid for. The least costly method, and the most effectual at the same time, would be to take and pay for *none but unborn slaves*. Pay in advance for all the slaves a young female might give birth to, during her whole life. Why not? If the chance or probability of a female having children and grand-children be such an interest vested in her owner that it can be called "slaves;" then it is such an interest as by our constitution the state has the express power and right to take, pay for and liberate; nay it is such an interest, separable from the slave herself, that the General Assembly may under certain circumstances, prohibit from being imported into the state along with the female slave. On the other hand, if it be not such an interest, there is no shadow of pretence for saying that the constitution ever meant to guarantee to slave-holders that they should hold in servitude the descendants of their slaves.

There is no guarantee in the constitution of Kentucky that slavery shall be perpetual in this commonwealth; on the contrary the right is reserved to free those whom the laws shall have previously recognized as slaves in two kinds of cases. If such a guarantee be not

expressly stated, or clearly inferable, the received theory on the subject of state authority makes the idea of its existence futile. For it would put an absolute limit to its power over a third or fourth part of its population, upon a government which knows of no limitation to its comprehensive authority, except such as is exhibited by the instrument which gave it existence, and the limited but paramount authority of the general government.

All the powers of society reduce themselves to three general heads: the power to make laws—that to determine their meaning in each case—that may arise under them—and that to enforce the public will when properly ascertained. We call these legislative, judicial, and executive powers; and they are by our constitution, vested in the government of the state, in separate departments, in as full and complete a manner as they existed in the people themselves. The same instrument excepted certain subjects out of the general grant thus made. Over these, no control can be exercised. The power to liberate persons in slavery being restricted in part, cannot be exercised over the excepted cases. But the power to confirm and enforce the laws of nature, anterior to the birth of the children of slaves is not excepted. Having passed under the full grant, it must now reside in the government in as perfect a manner as it could do in the people in a state of nature. Now it is a principle of common sense, sanctioned also by long usage, that whatever operates in derogation of common right shall be strictly interpreted. And if freedom be not as of common right in this country, it might be difficult to say what is. If the word 'slaves' is allowed to mean all the descendants of a slave, not only by permission of the supreme power, but from the necessity of the term according to its strict interpretation, it would be curious to enquire who would be embraced by a construction that might be called liberal. Those who administer the laws regard this principle as sacred, even when its particular effect may chance to be hurtful to society. And shall it be denied to those who make and may un-make both the laws and the rule, when its application is clear and of the last importance to us?

There is another rule not less just, and even more ancient; that every law shall be so constituted as to favor the liberty of the subject. I will not quibble about the words, law and subject. I care very little about the subtleties of verbal criticism. I ask for the application of the rule not more as a maxim of municipal law, than as embodying a just, clear, and noble precept. And let any one ask himself if it favors liberty to interpret the word 'slaves' in the clause I am discussing, to mean the distant posterity of a slave? What meaning could be given to it more unfavorable to liberty, or more variant from the general tone of the article itself, which is throughout strikingly humane?

Hence arises another rule of common sense; that one part of the instrument, when at all doubtful, may justly derive from the remainder of it the clue to its general meaning. The general tendency of this article is in an eminent degree to mitigate the evils, whether personal or national, which belong to slavery. It is filled with details for effecting the emancipation of slaves—for insuring

humanity of treatment towards them from their owners—for discouraging the traffic in them, both foreign and domestic. And is it conceivable that there should be added to provisions breathing a spirit of such wise forecast and vigilant humanity, one that must needs be so interpreted as to make the captivity our fathers were so exact in mitigating, endless and hopeless, and to doom this beautiful region, for whose glory they were laying a deep foundation, to be a prison house forever, and us their children, to be its wretched keepers?

If any thing were wanting to place beyond a doubt the construction for which I contend, it is found in the very next succeeding clause of the same article. It is in these words:

“They (the General Assembly,) shall have no power to prevent emigrants to this state from bringing with them such persons as are deemed slaves by the laws of any one of the United States, *so long as any person of the same age or description shall be continued in slavery by the laws of this state.*”

There has never been any contrariety in the different states of this union, as to who might be slaves. If the first part only of the above clause had existed, it would have made the sense complete, and would have favored very much the opinions of those who say that the General Assembly of Kentucky has no power over this subject. By adding the latter part of the clause (that in Italics) it is intimated as clearly as it can be done, that the time will come when those who may be slaves in other states, will no longer be slaves here. Observe the striking phraseology, “*continued in slavery by the laws of this state.*” And where does the power reside to make “the laws of this state” which shall no longer allow those of a certain “age or description” to continue in slavery? Beyond all doubt, in the Legislature of this state. As long as we have slaves, emigrants may bring slaves here; the Legislature being denied the power to make one set of laws for citizens, and a different set for emigrants. When, however, the General Assembly shall discontinue slavery wholly or in part, emigrants must conform to our laws and not be allowed to bring even those who are slaves in other states, into this.

My ideas on this subject are supported by the cotemporaneous interpretation of the constitution, and constant acquiescence therein, in a point which I think settles this question. The act of Feb. 8th, 1798, in the first section, which has been already quoted, restricted slavery in this state, to those who were slaves in 1785, *and the descendants of the females of them.* This act was passed before the adoption of our present constitution, which was formed in 1799, and went into complete operation in 1800. But in the first paragraph of the schedule of the constitution, it is provided: “that all laws of this commonwealth, in force at the time of making the said alterations and amendments (to the old constitution) and not inconsistent therewith, and all rights, actions, prosecutions, claims and contracts, as well of individuals as of bodies corporate, shall continue as if said alterations and amendments had not been made.” The act of 1798 has not been considered “inconsistent” with the “alterations and amendments” in the constitution made subsequent

to its enactment; but is, and as far as I can learn, has ever been considered and acted on as the law of the land. *Yet by that act the Legislature set free the offspring of all male slaves to the end of time, unless they should also be the offspring of female slaves.*

There was indeed a maxim of the common law (of which there were enough, bad and good a century ago, to form a thick folio,) that the child should remain in the condition of the mother—or, as its jargon has it, *partus sequitur ventrem*. But it is clear that such a rule, so far as it distinguishes between the parents, is artificial; being founded merely in the greater convenience with which a mother can be identified than a father, and had not the least binding obligation in any way on the Legislature, whose law might sanction the rule, or reverse it, or abrogate it; just as was thought best. That the General Assembly of 1798 may have availed itself of the existence of such a rule in the courts of another people, which might also have obtained some currency in its own, to interpose its authority for the full establishment of a principle which would check in some degree the growth of slavery, is highly likely; and is an additional reason for bestowing commendation on a body and an era which our citizens delight to contemplate, as among the most illustrious in our annals. If the law had been precisely reversed, and had restricted slavery *to the children of male slaves only*, whatever difference in effect might have been produced, it would assuredly have been as constitutional then as now. The son of a male slave by a free woman, is just the same mixture of bond and free, that the son of a free man by a slave woman is. The inference from hence is irresistible, that the Legislature of Kentucky has power to make provision for the prospective emancipation of all mixed races. But in the constitution, the mixed races—the blacks—the mulattoes—all, are alike provided for under the term ‘slaves.’ Whence it follows that the term ‘slaves,’ when used in that instrument, is to be understood as meaning those persons held to involuntary bondage, who are in existence at any particular time being, and none others.

If it had been the intention of the convention to put an absolute instead of a limited restraint on the power of the government—to prevent forever the extinguishment of slavery, instead of guarding the interests of owners to a certain extent, a very different phraseology would have naturally suggested itself, and must have been used. Thus; the General Assembly shall have no power to pass laws for the extinguishment of slavery. If such had been the provision, there had been an end of all dispute. And if such had been the design of the constitution, some such sentiment would have found a place in it. “Emigration from this state shall not be prohibited.” Such a provision we find; and it is clear and distinct. “Slavery in this state shall not be prohibited.” This would have been a similar and parallel provision on a subject fully as important. But nothing like it exists. After forming the constitution and investing the government with those powers residing naturally in the people, the convention, acting on a wise and true theory, supposed that some of those powers were too large and delicate to be entrusted with safety to any government, and that others were not

necessary to the safe conduct of public affairs. Accordingly the 10th article of the constitution, embracing 28 sections of precise and explicit limitations, profound and comprehensive definitions, and most wise and noble principles of freedom, was expressly designed to curtail the powers of the government. Yet neither here nor elsewhere in the whole instrument is a word said which puts the least limitation to the power for whose existence I am now contending.

I cannot doubt, then, that I am authorised to give the following interpretation to the debated clause of the constitution, as embracing its plain meaning and fulfilling its intent :

1. The General Assembly of Kentucky can never emancipate any slaves, gradually, contingently, or in any case whatever, except, first, with the owner's consent ; or, secondly, having previously paid for them a fair price in money.

2. The General Assembly is bound to pass laws for the emancipation of slaves with the consent of their owners ; and has full power to pass laws for their emancipation without that consent, by first paying for them ; having power also to collect the necessary funds to pay for them, by general taxation on all things subject thereto, or by special taxation of slaves only.

3. The General Assembly has full power before the birth of those persons who by our constitution and laws can be held in slavery, so to modify existing laws as to allow them to remain as they are born—free.

4. It follows, that the General Assembly has full power so to modify existing laws, as to allow the condition of slavery to attach at birth to those who can be slaves, only in a qualified or limited manner ; that is, to provide for the gradual prospective emancipation of the descendants of female slaves.

B.

No. VI.—I am not putting forward any novel or extravagant opinions. If it is admitted *that a man cannot by any possibility be born a slave* ; if it is allowed *that all men are by nature free*—all I have argued for follows of necessity. Who will deny that principle ? It is asserted as the very first self-evident principle in the Declaration of our Independence, and is the foundation principle of that immortal argument. It is reiterated in express terms in nine of the American constitutions. It is a sentiment consecrated to our country, coeval with its national existence, and illustrated and enforced by the proudest monuments in its history. Has any American constitution denied it ? When truly interpreted, I deny that any has. That our own has not, it has been my effort in these papers to show. If any one will prove that I have misinterpreted the constitution of Kentucky, he will establish at the same moment that that instrument has asserted what is not true in fact—that it has upheld what is indefensible in reasoning—that it has established what is fatal in practice—that it is inadequate to the exigencies of society—and should on these accounts be amended with all convenient despatch. Let those who oppose a convention reflect before they drive from them, those who have held many opinions in common with them.



The time and manner of exercising the power which I think I have clearly shown to reside in our state Legislature, is certainly a very delicate question. The *extent* of its exercise will probably present only a single, and that a very plain question. If any thing is ever done, it will be undertaken with the direct intent, and as part of a plan for eradicating slavery from the state altogether. It would be useless to set out with any other object: and the warmest supporters of such a measure would scarcely find any sufficient reason to lend their aid to measures which should propose partial or temporary expedients. When the work is begun, it will begin at the root, and make root and branch work of the whole matter. When to begin and how to begin are the questions of difficulty, which require wisdom and experience in our rulers, and a general acquaintance with the subject, and great mutual forbearance among our people. I will not at this time discuss these questions. They may no doubt be safely left to the disposal of those whose particular duty and interest it will finally become to settle them. Nor will they be without the light of more than one example, in the history of our sister republics, of a people successfully and peacefully achieving just such an amelioration in the condition of society, as they would aim at. To the practical good sense of my fellow citizens, I freely submit them for decision.

There are however one or two points slightly touched or only hinted at in what I have said, which may have an influence on the opinions of some persons, to which I wish more particularly to direct attention. Some are of opinion, that an attempt to devise a plan for the future gradual extinguishment of slavery, would greatly diminish the wealth and resources of the commonwealth; others fear the serious depopulation of the state; while others predict still greater evils from the vast accumulation of liberated negroes. It must be apparent that all these forebodings have no better foundation than this assumption—that whatever scheme shall be ultimately adopted will be wholly ineffectual to compass its own ends. Such an assumption is contradicted by the known character of our people, and by the experience of others on this subject. Such fears are moreover in opposition to well established facts, and to all just reasoning.

It may be safely asserted that if a fair and reasonable plan was adopted on this subject, when the period should arrive for its final accomplishment, there would be more free white persons in this state, than the united black and white races would have amounted to at the same time if nothing had been done in the matter. Emigration from a state has rarely produced any sensible diminution in its population. Could any man tell by statistical tables, out of what European nations the thirty or forty millions of Europeans and their progeny now on these American continents, emigrated in the last three centuries? Their population has augmented in defiance of the most bloody wars, as rapidly as in former periods, and yet here are perhaps forty millions of their race withdrawn in three centuries! Can any man take our national census and tell where the million of whites who now people Ohio came from in the last forty years? Almost the whole population of the valley of

the Mississippi has been withdrawn in fifty years from the other portions of this Union, and yet those other portions have continued to augment rapidly and steadily. Indeed it is a very singular fact, and one that shows in a strong point of view, the utter groundlessness of the opinions I am now combatting, that those states along the Atlantic from which the fewest emigrants have gone, have added the smallest ratio of increase to their former numbers. There are those who scatter and yet increase, as we know from holy writ; and here may be found an illustration of taking from those who have not, even that they seem to have, and emptying it into the lap of those already overflowing with abundance. So singularly clear is the principle I am stating, that hardly one example can be found of a nation locating the permanent seat of its empire in the native land of its inhabitants. Every people of which we have any account, has been a nation of emigrants: some by peaceful acquisition of unoccupied regions—some by purchase—most by the power of their victorious bands. Driven out by the wants of too dense a population—fleeing from the various calamities by which every region has at some period been visited—persecuted children of God—oppressed disciples of liberty—the love of gold and the still more unappeasable lust of conquest—every feeling in short has operated to make men wanderers, and all nations colonisers.

Withdraw any reasonable amount of population from a settled country, and in an astonishingly short period, the increased vigor of production stimulated by the greater facilities of subsistence and increased comfort, will fill up the space. Nor does it stop here. A vessel launched into the ocean will make its shock be felt in the agitations of the waves to a long distance from the shore. A heavy body in its descent along an inclined plane acquires a velocity so continually augmented that it will ascend to a great height the adjacent hill. And so it is with nature in all her operations. The principle of production once set in operation with a vigor beyond its common energy will not suddenly be arrested when it has reached the former boundary; but by violent contests with the barriers which surround and depress it, must gradually find its impassable limits. The population of the United States increases about double as fast as that of most European nations, and more than three times as fast as the Asiatic nations with whose condition we are acquainted.

Nor on the other hand is any thing to be apprehended from a source which is made the ground of a contrary objection. If the white race will so speedily supply any vacancy created by the transportation of slaves by their owners, or the voluntary removal of free negroes—why may we not dread the equally rapid increase of free negroes themselves? This depends on other principles, and is equally clear. It would not be possible to adopt any gradual system of emancipation of the blacks, which at its completion would leave as many free negroes as there were slaves when it began. Nay I doubt not the longer the system would be in operation the greater would be the difference between the number of slaves at its origin and free negroes at its close; the free negroes being found perpetually to decrease in number. The direct tendency of any system on this subject, is to diminish the black race, whether

bond or free, and substitute it with a free white race, superior in all respects. That has been the uniform result wherever the experiment has been made on a race with which the prejudices of society prevented it from amalgamating; as is clearly established by the examples of several of the most prosperous states of this Union. Let me illustrate: Say that a law were passed, providing that all the children of female slaves who shall be born in this commonwealth after the year 1835 should be free at 21 years of age; all so born after 1840, should be free at 16 years of age; and all so born after 1856 should be free at birth. Let us see how it would operate. All slaves now alive would continue slaves for life; in regard to all born after that period and before 1856, there would be a qualified and limited slavery. The effect would be, that all negro children born after 1835 would be less valuable to those who owned their mothers. Therefore much fewer would be born, and of those born much fewer would be raised than now. In consequence of the value attached to slaves now, they are well fed and clothed, carefully attended in sickness, well provided for in infancy, and though roughly yet bountifully nurtured. In consequence, a healthy negro woman will have twelve or fifteen children, the most of whom will grow up, and many live in health and vigor to seventy years and upwards. This all happens of course out of pure humanity; which, however, rarely extends itself to the suffering families of whites in the neighborhood of the better fed and better clad slaves. But let that pass. Let slaves be no longer considered valuable as hereditary estate, and such a change in the whole theory and practice of owners will take place, that the female will give birth to only three or four puny children, not half of whom will be raised: and exposure, casualty, and feebler constitutions will cut off the survivors at half their former age. If we add to these the number that would be sold out of the state by owners who would not choose to retain them and abide the system, and the increased number that would probably be emancipated before the time; it is hardly saying too much to assert, that those who would actually go free under any plan that might be adopted, would constitute a very small fraction (perhaps not a twentieth part) of the number of slaves at its origin.

During this process, the race of poor and laboring whites, receiving that just protection, aid and encouragement of which they have been so long deprived, *and which our humanity has so long lavished on the blacks*, and no longer forced to emigrate to avoid the hardships and mortifications incident to their condition in a land of slaves, would find in the increased employment, more comfortable living and greater respectability of their condition, (each operating as a bounty on production) every indispensable ingredient in individual prosperity. Let us suppose that these changes are taking place in a gradually improving state of society, and there could no longer be any doubt that our state must under such auspices, reach a very high degree of wealth, power and cultivation.

B.

No. VII.—It is useless to argue *a priori* when experience has placed a proposition beyond dispute.—Such is unquestionably the

case in relation to the increase of free negroes by ordinary generation. They are less prolific than the whites, and less so than the slaves of their own race. It needs must be so. A very corrupt population cannot possibly be a prolific one. To say that free negroes are the most abandoned of our population, is equivalent to saying that they increase more tardily than any other. Such is the uniform fact in all the states. Although twelve states have liberated their slaves, or never tolerated slavery, the free negroes now in the United States amount to only about one in sixty of the whole population; while the slaves are as one in eight of our whole population, although only twelve states tolerate slavery. Nature will not allow us to be tormented by the vices, and afflicted at the same time by the rapid accumulation of a race so worthless. It is always the case with a degraded caste if left to its own efforts. It seems to hang on society in a sort of loose and disconnected way, which a steady effort will always throw off. History is full of curious facts illustrative of this subject, the most extraordinary of which perhaps, relate to the race of beings called Bohemians, Egyptians, Gypsies, and by various other appellations, who inundated Europe like a flight of locusts, and disappeared, leaving to this hour no certain knowledge of the country whence they migrated, or the end to which they came.

In the 1st vol. of the Memoirs of the French Royal Academy of Medicine, there is a paper contributed by M. Villerme, from which the following facts are drawn. In the 1st arrondissement of Paris, with a population of 50,000 souls, and paying taxes on property to the amount of six millions of francs, the entire mortality, as appears from official returns, was in a given year, 1 in every 41 of the inhabitants. In the 12th arrondissement of the same city, with a population of seventy thousand souls, and paying taxes on property to the amount of two millions and a half of francs, the entire mortality in the same year was one in every twenty-four of the inhabitants. In some of the wealthy departments, such as Calvados, Orne and Sarthe, the deaths are only one out of fifty of the inhabitants in ordinary years. In the wealthy departments, only one infant in five dies under one year old: in the poorest, one in three. In one year there were taken into the hospitals of Paris about 1600 seamstresses sick, of whom two in sixteen died; about 800 journeymen shoemakers, of whom two in fifteen died; about 1300 dog-shearers, boot-blacks, door-keepers, beggars, &c., of whom one in four died. From which it appears, that by greater mortality among the children—by worse tending, in sickness—by more numerous and violent diseases—and by greater average mortality, the poor increase much more slowly than those who are better provided for; and this even among persons of the same race, and under the same government and laws. Let them be of different races, one degraded and the other cherished—under different conditions of society, and with different hopes and motives, and we can well imagine the rapidity with which one will grow upon the other.

We must take man as we find him. Though we have neither the right nor the disposition to exterminate any race that God has created—neither are we called on, by any artificial condition of

things to stimulate the productiveness of one that is degraded, in an unusual degree. The lessons of experience may be sometimes painful, though full of instruction.

It may be said that the slave-holder would not partake in the prosperity which most persons admit would be augmented by the removal of our slaves; and that he would find in the general welfare no adequate compensation for his own ruin. I am not able to see the injury to the slave-owner likely to arise out of any reasonable project for abolishing slavery in this state. Say some such plan were adopted as that I have heretofore alluded to. Every slave we own would be secured to us as we now enjoy them, for the same period—their lives. That will, no doubt, be as long as we could enjoy any thing in this world; for scarcely any owner outlives the average lifetime of his slaves. Even beyond this, a period of some years in advance would be given, during which all who are born would be slaves also for life. Thus far then, or during our lives and their's, no difference would be produced in our situations. We might still retain them and enjoy their labor; or sell them and enjoy their value; or liberate them, at our pleasure. Slave labor is even now so little valuable in this state, that many persons whose interests or attachments retain them here, locate their slaves in the lower country, and employ them in the culture of more valuable staples. We should have 20 or 30 years to look about us before any injury could accrue to us; and if we should finally resolve to remove, we should have half of this large and beautiful empire, out of which to select a resting place, amid a people like ourselves in their language, religion, laws and institutions of society. Added to all this we should have this consolation, and it must be a lofty one, that our brethren who differed from us in this great plan of operations, are honestly laboring after the grandeur of a commonwealth dear to us all, and that their labors are of a character, which, whether practicable or not, needs must command our fervent benedictions.

That estate which for a period of twenty or thirty years a man may enjoy without stint of waste, or any after accountability, is, for all practical purposes, equal to an estate forever. If we add to this the right during those twenty or thirty years to dispose of the estate and retain the proceeds forever, it is idle to talk about a larger or more entire interest. There can be no force therefore, in those arguments which would bring the children, born or expected, of slave-owners, into this discussion as classes of persons to be impoverished in the progress of such plans. I suppose that slaves are not the kind of property by which even those who own them would prefer to enrich their children. And surely twenty years are amply sufficient to enable us to commute one estate for another. Our laws of descent give a different turn to all such reflections. Few persons own slaves whose ancestors belonged to their's. Wealth rarely remains three generations in a right line of descent. This fact should cut up at once all selfish interests from our hearts, and make us look, in the settlement of all general questions, only to the common interests of mankind, amid the great mass of whom, our children, or at the farthest, our grand-children, must take the denun-

ciation against our first parent, which has been perpetuated upon nine-tenths of his race, "in the sweat of thy face shalt thou eat bread."

There is an idea which has pressed most heavily on my mind, that I will suggest, before closing a discussion which has grown to such an unexpected length.—Men will not always remain slaves. No kindness can soothe the spirit of a slave. No ignorance, however abject, can obliterate the indelible stamp of nature, whereby she decreed man free. No cruelty of bondage, however rigorous, can suppress forever the deep yearnings after freedom. No blighting of deferred and crushed hopes will so root them from the heart, that when the sun shines and the showers fall, they will not rise up from their resting place and flourish. The stern Spartan took the dagger and the cord. With what avail? The wiser Roman, as he freed his slave, against whom no barrier was raised in the difference of complexion, allowed him to aspire to most of the rights and dignities of citizenship, and all the privileges of private friendship. Yet the annals of the empire show that this was hardly an alleviation of the calamity. The slaves of the Jews, the remnant of the conquered nations of the land, for a long course of ages were by turns their victorious master, and menial servants. Here is no doubtful experience. History sheds on this subject a broad and steady light, and sheds it on one unchanging lesson. Domestic slavery cannot exist forever. It cannot exist long quiet and unbroken, in any condition of society, or under any form of government. It may terminate in various ways; but terminate it must. It may end in revolution; bear witness San Domingo. The Greek and the Egyptian took other methods, effective each if fully acted out, and differing only in the manner of atrocity. It may end in amalgamation—a base, spurious, degraded mixture, hardly the least revolting method of the three. Or it may be brought to a close by gradually supplanting the slaves with a free and more congenial race, in some such manner as I have attempted to illustrate. It is an American scheme, matured and fully executed in several of our most prosperous states. That it is effectual, let their examples tell: that it is wise, let the relative conditions of New York and Virginia answer; that it is humane, if by humane we mean that which augments the sum of human happiness, let him declare, who living among freemen, owns and governs slaves.

I have endeavored to look at this subject merely as a political speculation, relinquishing every advantage which might have been derived from other and most cogent aspects. If those who agree with me, think that in doing this I have failed of doing justice to our cause, I appeal to their candor when I say, that if failing in every point, I shall have pointed the way in which some abler hand may vindicate the constitutional power for which I contend, I shall have achieved more for this cause, which I contend is that of my country's glory, than many who have preceded me. To those who differ with me, on the other hand, I have given the best pledge of the depth of my convictions of our common interest and duty, by presenting such views only as they will admit are legitimate, and canvassing the matter in that aspect only, on which they have been taught to repose as impregnable.









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