

SUCCESS OF THE ABSOLUTISTS. THEIR IDEALISM;
WHAT AND WHENCE IS IT?

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S P E E C H

OF

HON. PHILEMON BLISS,

O F O H I O ,

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SPEECH OF MR. BLISS.

The House being in the Committee of the Whole on the state of the Union—

Mr. BLISS said:

Mr. CHAIRMAN: During the crowded Le-compton debate, I refrained from seeking the floor, chiefly because I desired to see the new opponents of the Kansas outrages, and especially my colleagues, learn to stand, and, if possible, to walk alone; and also because the subject itself was one I could with great difficulty coolly consider. I could reason with a highwayman, if I had no more effective weapon; I might also remonstrate with a pickpocket; but I could find no fit words for discussing, in a republican representative body, the propriety of forcing a dark despotism upon a protesting people, upon one of our own young States, especially as this was to be done in the name of Democracy and of "popular sovereignty." If the statement of the proposition would not carry its own damnation, no parliamentary language of mine could fitly describe it; and the mind that could for a moment entertain it, is entirely beyond my reach.

And when the Administration and its masters, foiled in the naked wickedness, incubated with those whose plighted faith,* if not their principles, should have been their guard, and hatched the nasty substitute—a substitute establishing the principle of non-submission, while claiming to provide for its effect, though coupled with conditions fraud-inviting, and deeply insulting to Kansas, to Freedom, and the North—I watched the new-born men, to see whether a soul had been actually given them. More in pity than in anger, I saw them fall before they had well learned to stand; saw them, with mouths full of valiant words, swallow naked and degrading insults; saw them yield to a dominant absolutism, though not a

complete, yet a real, and to us and them degrading victory.

By a lawless enforcement of lawless *dicta*, Slavery exists in all the Territories; and we have now the precedent that such Territory may at any time become a slave State; but, if it cannot be forced or bribed to receive a slave Constitution, it must continue a slave Territory; must wait for the last jot and tittle of preliminary requirement.

I had faintly hoped to have been spared this cup of degradation; but why should I? Ever since the slave interest has succeeded in overriding every other interest; ever since the enemies of free labor, the contemners of free speech, the assassins of free thought, have established the reign of terror in nearly half these States, have I seen but a single purpose, a "one idea," an absorbing object, prompting and guiding their every scheme.

Gentlemen seem astonished at the bald wickedness of striving to force upon an unwilling, a protesting people, a despotic fundamental law, and the balder meanness of tendering them a bribe and a threat to receive what could not thus be forced. Yet, where the end is the supremacy of force, where that end has been for years the steady, unremitting object, with no variableness, and scarce a shadow of turning, how can we wonder? Shall the means be more holy than the end? The Le-compton scheme of fraud and usurpation, the preparatory outrages—the forays, the robberies, the burnings, the imprisonments, the murders—all perpetrated by, or under the eye of, Federal officials; all sustained, directly or indirectly, by Federal bayonets, and the disgraceful *finale*, may well astonish and alarm! Yet, they are but acts in the one grand drama.

The success of these champions of force is no less surprising. Representing but a section of this Union, and that section, from the blighting influence of their rule, comparatively weak and poverty-stricken, men wonder to see them

* The Representatives from Cincinnati, Ohio, as I am told, were not included among those who were pledged to the Montgomery amendment, as a finality.

able to control the federation and realize every sectional scheme; able to give a construction to the fundamental law one way, against the wants of commerce, of creative art, and the necessities of personal protection, and another way in favor of despotic interests; to see them make solemn contracts to subserve such interests, and break them for the same end; to see them able to sectionalize and pack the Supreme Judiciary; to strike down the *habeas corpus* and trial by jury; to involve us in war upon the weak, to rob territory for Slavery, while yielding to the strong that which was free, and to which "our title was clear and unquestionable;" to see them able to proscribe all high-minded men, driving from the public service those of all sections who believe in the harmony of the Decalogue, the Declaration, and the Constitution—making tests that would have excluded Franklin and Jefferson and Jay from the pettiest office; to see them make cringing slaves of Northern boasters, dooming to the curse of the serpent, "upon thy belly shalt thou crawl," every applicant for Federal favor; to see them cause in this Hall parliamentary law, respected upon other questions, to be so often overthrown upon questions of Slavery, and make the courts of the federation, eager and bloodthirsty after a fugitive from servitude, powerless against the piratical apostles of foreign propagandism. Men, too, wonder—ay, they are sore amazed—to see the apostles of force able to place this Government in league with conspirators against one of its Territories, sustaining them in ballot-stuffings, forgeries, and every political crime known among men, to cause it to employ all its powers to fasten upon this Territory a form of State Government it loathes and detests, giving as the chief reason for the damning crime, the fact that it does thus detest it! Ay, and their wonder grows to astonishment as they behold Representatives of spasmodic virtue glad to be permitted to aid to the fell end by bribes, by threats, and by invited frauds!

Whence this omnipotence for evil? Yet we should not wonder. These are the necessary results of the different spirit and resolution, the different manner and purpose, that have hitherto distinguished the controversies between the friends and opponents, if opponents they may be called, of human enslavement. The friends of absolutism have been all will, all energy, all perseverance in their work; while their opponents have met them by temporizing, now expostulating, now faintly resisting, and finally always yielding. The former have seized a great idea as the basis of their civilization; and, steadily keeping it in view, have subordinated every other consideration. The latter, intent upon gain, and peace in its pursuit, have ignored all fixed principle, been blind to any great end, and have substituted a shuffling expediency for an enduring purpose. The "I will" of the one is met by the "please don't" of the

other; and "I'm afraid I can't" is the bravest response to the grim "you shall;" and while the former have kept their representative men in the middle of the conflict, the latter have sought to send into retirement all whose earnestness of resistance has seemed to make reality of the sham. Even the brave champions of "the equality of the States" and "the sovereignty of the people," after consistency has been made more safe than surrender, as they meet the frown of the accustomed master, eagerly yield both, by a dishonorable discrimination against a free Constitution, and by tendering a brave people a bullying bribe to accept an oft-rejected slave one.

We often hear the shuffling and the inconstant denounce the decided as abstractionists, as men of mere ideas; and with blank self-complacency congratulate themselves as devoted to the actualities of life, and not its mere notions—as though the ideal were not the only human actual—as though the mere material wants of men were more than those of the swine. The ruling idea shapes all things. Before the world sprang forth from the hand of the Creator—before tree or animal assumed form—it first stood clearly out in His mind, and he pronounced it good only as it realized the ideal. So the artist, before he touches the chisel, first elaborates and places the form on its pedestal in his own mind; and his subsequent labor is not for his own eyes, but to enable others to see what to him is already more clear than it can ever become to them. That form inspires to virtue or lust, to devotion or sensuality, according to the idea that inspires and guides the arm. So with society, whether political or religious, social or domestic. It is based upon an idea—yea, it is itself an idea, and its ends are but ideal—and such society is a blessing or a curse; it civilizes or barbarizes; it promotes happiness or misery, virtue or vice, holiness or sensualism, according to these ends.

And we hear the same class of materialists denounce the world's workers as "men of one idea;" as though any man could breast the current or stem the tide, could wake the sluggish race, give form to society, and soul and sentiment to man; or even achieve those less difficult, though, to vulgar eyes, more striking material triumphs, that send the steam engine along the mountain slope, or the lightning upon its quiet post-boy errands, who is not controlled by a leading, absorbing, all-conquering idea. A resolute purpose, a steady zeal, must burn in his soul. An unshaken constancy, a granite principle, a great ideal end, must take possession of him, must overpower and drive out the seductions of indolence or sense, must dispossess the idols that would preoccupy or divert him, and bear him "onward, right onward," to his goal, and with a steady momentum that first excites the derision, next the wonder, and finally takes captive the will of those around

him. Tell me who has the most enduring purpose, and, with anything like equality, I will tell you who will conquer. The sure proscriptions of their enemies, the derisions of the brainless, are the certain tribute to their power; and if borne as heroes alone can bear them, the pledge of their triumph. But I pray the scoffer to point me to the achievements of those who are not men of one idea; who have no controlling purpose, no fixed faith, but are floats, tossed upon every wave, waifs cast upon every shore, butterflies wafted upon every breeze.

Were I to indulge in personal illustration, I might point to men of my own section—men of great opportunities, and who have become illustrious or an offence, according to their faith, their fixedness of purpose. I might instance our Websters and Van Burens, who, seeing the right, spasmodically struggled against the wrong; yet, "loving the lap of Delilah more than the rough tents of Israel," yielded to treacherous caresses, and became but the sport of the common enemy. Those who might have carved themselves a name on which the hopeful would come from afar to look, who might have given their country a faith, bowed to the superior will of their enemies, and are laid, and are waiting to be laid, in the forgotten graves of the vulgar great.

I might also point to our Adams—and my colleague will pardon me for adding our Giddings—whose fidelity, whose will, amid storms of foes, and, what so much more tries a great man's soul, the shrinking of coward friends, boldly met, breasted, and overwhelmed the tyranny that had stifled this House, and restored, what to lose is to lose all, freedom of debate to this, the people's Hall. Ay, and more: that will, that resolution, is taking captive the honest, the free masses of the land; and the fresh impositions of mad tyranny, instead of cowering and discouraging, but inspire them to eager labor and patient waiting for its sure overthrow.

I might also instance from the champions of force, from those who have fought so well in a cause so bad, the name of Calhoun, the John Calvin of the propaganda. Constant in his labor, undiverted by personal hopes or party ties, with only a band, scarce a twelve, of acknowledged followers in the national councils, he has finally, by his fidelity and by his and their perseverance, furnished the dogmas and controlled the action of the party of absolutism. He affected no consistency but in the one idea. He was pure in his life, yet the apostle of systematized violence and unchecked lewdness. He was clear in his logic, yet he ran to the most opposite conclusions. Starting out with the boldest and most outspoken opposition to Democratic principles, he and his followers have given laws to the Democratic party. Holding the Union to be subject to the will, and its measures to the veto, of any State, they have indirectly dictated the policy that makes States

but subject provinces, and their authorities the sport of the pettiest Federal official. Constantly talking of Constitutions and laws, they as constantly labor to turn back the tide of civilization, and re-enthroned the "law of the strong hand." Yet there was method in all these inconsistencies, a resolute purpose running through them, a will that has wrenched from coward partisans the stamp of State, and made current guineas of them all.

I have often been surprised to see men apparently so unconscious of the power of a great idea. They would erect that most sublime of creations, a just State, by appeals to mere pecuniary interest, as though interest alone ever worked in that direction, ever withstood the lower instincts—as though, untempered by the sentiments, it ever appealed but to the merest avarice. It needs a high passion, a noble enthusiasm, an elevated principle, to work the beneficent revolutions of earth. True, our highest interests are in harmony with them, like the sympathy of the elevated spirit and body. The body should be fed; but "man lives not by bread alone."

The honorable gentleman from Massachusetts, [Mr. THAYER]—himself distinguished for a great, a Teutonic, idealism—has told us of the power of organized emigration. I deeply sympathize with him and his idea, and only fear that he too greatly relies upon mere interest. How long would his Kansas emigration have stood the bloody foray and the Federal frown, had it not been recruited and sustained by the sentiment, the idea, that burned in the Northern mind? There was no organization in the West; and yet, without the aid of the men and women of the West, impelled by their ideas rather than interests, the whole machinery of organized emigration would have been impotent against the mad fanaticism of the border.

Organized emigration, based upon the idea of justice as well as interest, impelled by a generous enthusiasm, a passion to plant States whose future will be great and stable, as embodying and looking to this great idea, will be, must be, successful. But devoid of it, the quiet enthusiasm that resolutely plants and patiently waits for the sure and immortal growth, becomes the mad foray that knows not to plant, but essays to build by overthrow. That natural love of power and of property, that, as tempered by justice, teaches us to acquire influence over men by vindicating their rights, and dominion over things by the patient accumulations of labor, without this guard, inspires demagogism, ballot-stuffings, and *coup d'etats*, swindles, and embezzlements. Wherein differed the colonists of Plymouth and Philadelphia, from those of Port au Prince and Mexico? or the founders of Lawrence from Buford's brigands? Their interests were the same; and, if interest alone governed, their conduct should have been the same; and yet, one would found

society upon justice, the other upon force; one would base property upon "the law of nature," the other upon "the law of the strong hand;" one would make an Ohio, the other a Cuba. See to it, when you send your legions on, that the sceptre of JUSTICE leads the column, that the holy passion of its worshippers shall so firmly enthroned it as to eternize its rule!

And if my voice could reach all who work and lead others that work for the great end, I would warn them against the temptations of temporary expedients, the diversions from that strict principle which alone can lead to that end. It is not the broad and easy road that leadeth through the wilderness, and there is no safety, amid its devious paths, but in following the pillar of cloud and of fire. Though its track may seem circuitous, though it may lead us back through the desert, even from the sight of the promised land, till the slaves that dare not possess it shall have hid in the sands their coward bones; yet behind the Divine pillar will flee rock and desert, Midianite and Amomite, till the land shall be reached, and by a people who dare possess it!

I have spoken of the energy and success of the slave domination, yet I see in the near future its hastening end. I see it, because tyranny itself has become demented. The wisdom that controlled its energy has departed. Its strength was in its moderation as well as firmness; it has become wantonly arrogant and insulting. Its allies have been conservatism and ignorance; frightened at its recklessness, conservatism is driven to oppose its mad pretensions; while its bald crimes open the eyes of ignorance itself. Like the harlot past power of seduction, it flaunts its very nakedness to the disgusted eyes of those its decent garments were wont to entice. I see it also in the new spirit of its opponents. Casting aside dead issues and entangling alliances, they have finally accepted the issues of a debauched Democracy. Firmness begins to meet firmness, and resolution resolution. Senators from Presidential steps may fling their weak threats; * Representatives may redeem their transient faith by guttering deeper to a hired mob; † applicants for seats that the people have refused them, may make the heart sicken at their servility; yet, like the winebibbing aristocracy at the mad feast of Autoinette, they but darken their own sure doom.

And here I would pause. I have hitherto, during this session, declined speaking upon

* The night after the passage of the Toombs-English substitute a celebration was held in front of the Presidential Mansion. Following the President and Mr. Toombs, Senator Gwin, among other things, said, "If she [Kun-sa] rejects it." * * * "then let Kansas shriek and let her bleed [applause] for she shall never come in until she has sufficient population."—*Washington Union*, May 2.

† Mr English and others addressed a crowd of Government employees the same night, on the avenue, and seemed chiefly concerned for fear "niggers" would be held in too high esteem.

the Slavery question, and would not do so now but that the assailants of Freedom and free institutions on the one side have been chiefly met on the other by arguments only upon the specific questions before us; and thus some suppose us unwilling to meet this great question in any form, whether by bill or argument, gentlemen thrust it upon us. The argument of the gentleman from South Carolina, [Mr. KETT,] this evening, following up the dicta of those synods of chief priests and elders, that impiously charge the iniquities of Slavery upon the religion of Him whom their prototypes crucified, is but a specimen of the continuous agitations of the propagandists. While I desire not unnecessarily to enter upon abstract discussion, I am always ready to take up the glove, and, without following the line of argument of any one gentleman, I will proceed in the invited road.

I have alluded to the idealism of the propagandists, and the singleness of their devotion. As fully as my remaining time will permit, I propose to show WHAT and WHENCE is this idea.

It is simply the idea of FORCE, as the origin, the base of property; and SUBJECTION, the law of government.

Society, itself an idea, takes its form and its character, its influence and its life, from the idea that inspires it—from the ideal ends for which it is shaped. The chief end of society, of its most complicated machinery, must be the security of property. The instinct of property is within us all; its necessity is absolute; and society cannot exist, which does not look to its protection. There can be no personal security, no security in life, liberty, and the social relations, without security to labor and its accumulations. The basis, then, of property, must give color to the whole character of association.

The modern basis of property is the law of nature, the law of justice; the subjects of property are the inferior animals, the earth, and its products; and the *propria* are the accumulations of honest labor and honest exchange. I know of no other radical distinction between the ancient and modern civilization, than in the idea of property. Though the law of nature or justice came to be anciently studied, though the more elevated clearly apprehended many of its maxims, yet, in the Constitution, the foundation of property, it had no actual force. That was property which the law, the State, made property; and it made anything property that, outside the State, could be seized and held, whether men or things. The Roman robber went forth to conquer, and whatever he could seize by the strong hand, became his own. It mattered not whether it was his neighbor's ox or his neighbor's wife, his flocks or his children, his farm or himself; all yielded to the robber-right; and the spoils—*mancipia*—became but a term for property.

As society advanced, the manner of seizure

became systematized, and ripened into the ancient law of nations; and that law was such a system of brutality, such a system of robbery and wrong, that humanity would fain turn its sickened head away. I will not give details, but merely allude to them, as compendiously referred to by Wheaton:

“‘Victory,’ in their [the Roman] expressive ‘metaphorical language,’ made even the sacred ‘things of the enemy profane;’ confiscated all ‘his property, movable and immovable, public and private; doomed him and his posterity to perpetual Slavery.’” &c.—*Wheaton’s Law of Nations*, 25.

The same author introduces his work by the following allusion to the fundamental idea of Pagan civilization:

“The laws or customs, by which the mutual intercourse of European nations was regulated, previous to the introduction of Christianity, were founded on the prejudices which regarded the different races of men as natural enemies. With the ancient Greeks and Romans, the terms barbarian, stranger, and enemy, were originally synonymous. Nothing but some positive compact exempted the persons of aliens from being doomed to slavery, the moment they passed the bounds of one State, and touched the confines of another. And though, according to the Roman law, in its more improved state, an alien, with whose country the relations of friendship and hospitality did not exist, was not technically considered an enemy, [*hostis*,] yet his person might lawfully be enslaved, and his property confiscated, if found on Roman territory. During the heroic age of Greece, piracy was universally practiced,” &c.

Pagan authorities did not decide what might be held as property, whether the earth and its products, the inferior animals, or man. They made not the modern distinction between men and things. That was not alone property over which the common Father had given us dominion—they knew not His law. Though Justinian in the light of Christianity pronounced property in man contrary to the law of nature; though his annotators could faintly hear the inward voice that, to all who have ears to hear, clearly vindicates each man’s right to his own person, to the society of his own wife, and the custody of his own children; and, hence, repudiates the idea that they can be the property of others; yet this idea contravened no law of property as handed down from their Pagan ancestors, and they could but recognise it. The civil law failing to designate what might be property, it is not strange that whatever could be subjected to one’s dominion, whether men or things, came to be regarded as his property, and that *mancipium*—*manu captum*—the seized—was one of its legitimate terms.

We hence see the rottenness of the whole Roman system; that the splendid civil code—

the highest perfection of Pagan reason, and which alone of Rome is immortal, because it so failed in the foundation of law, because it traversed not the law of force as the basis of property, but sanctioned and sanctified the robber-maxims of the age, was utterly impotent to save the State. We, hence, cannot wonder that the ancient States met only enemies without, while nourishing only enemies within. We cannot wonder at the oppressions that drove men mad, at the corruptions that banished virtue, at the monopolies that converted whole districts into slave principalities, at the dishonor of labor, and at the idleness and spoil-hunting that made of the people but a worthless rabble. We cannot wonder that the army became the only staff of the State, and the commander its imperator; and finally, when the army failed, that the State itself fled for shelter to that grave its foul diseases made its only fit refuge.

States should be immortal. Their analogy is to the soul, not to the body; to an idea, itself immortal; not organized matter, itself perishable. Justice, equally administered, rejuvenates society, overthrows abuses, and clothes a people with immortal youth. But power, wielded without justice, corrupts and effeminates the possessor; inflames those who feel its weight; and, sooner or later, rouses them to successful resistance to the effeminated tyrant. Despotism States are but a tower on the sand-hill. So long as active labor can replace the shifting pile, can repair the action of torrent and storm, that tower will stand. But, sooner or later, the laws of nature will vindicate their supremacy. The laws of nature, or of God, whichever you term them, are immortal; and States, to be immortal, must harmonize with them. Those brilliant Republics, and that great Power, whose brightness still dazzles, and the shadow of whose greatness still awes the world, ignored those laws, and of course fell. In many respects, modern civilization has never excelled them. In the dignity of ideal philosophy, and the graces of diction and external beauty, we are little more than imitators. Yet, in all appreciation of the objects of society; in the dignity of justice and the graces of the soul—not in the sentimentality that dreams with Plato over the tortures of a slave, or moralizes with Seneca at the banquet of lust—but in that dignity that makes the chief glory of the State to consist in the protection of the weak within, while dealing with the strictest honor towards the weak without; and in those graces that send a Howard and a Nightingale upon their errands, they were little better than the savages of our own forests.

But modern civilization and modern law, imperfectly as they are yet developed, have a different history, and are based upon a different idea. We have not been in the habit of giving sufficient importance to the influence of Christianity and the Jewish records. The story

of our common origin, of the origin of all property in the Divine grant to the common head, both in the beginning and when the second father of man went forth from the ark; the dim glimpses of justice and equity, of oppression and its punishment, seen through the veil of the Pentateuch and the early Jewish annals; the authoritative announcement of the principles of natural law in the second table of the decalogue; the anathemas upon injustice burning in the pages of the chief prophets; and the crowning glory of all, the teachings of the Divine man, establishing universal brotherhood as the normal relation, and universal Love as the highest duty, have furnished the grand IDEA of modern civilization! Force is no longer the base of property. The first lesson in modern law makes broad and impassable the distinction between men and things. That is property which God has made property. The stranger is no longer the enemy—the enemy no longer the slave. The law of the strong hand yields to the law of justice; and, as the idea of the artist brings out the form, gradually, imperfectly, according to the imperfect material, and the more imperfect skill, so the great idea of JUSTICE as the basis of property and end of law, starting out with the overthrow of the robber dogma of property in one another, is guiding us onward and upward, though on a rugged road and with halting steps, yet surely on to its complete realization.

I cannot better illustrate the contrast between the ancient and modern theories of political morals, than by opposing to the maxim attributed by Thucydides to his countrymen, that "to a King or Commonwealth nothing is unjust which is useful," (Thu. Hist. vol. 6.), the following declaration of the younger Pitt, in opposition to the slave trade:

"The argument which, in his [Mr. Pitt's] opinion, ought to determine the committee, was, that the slave trade was unjust. It was such a trade as it was impossible for him to support, unless it could be first proved to him that there were no laws of morality binding upon nations, and that it was not the duty of a Legislature to restrain its subjects from invading the happiness of other countries, and from violating the fundamental principles of justice."—*Clarkson's History of the Abolition of the Slave Trade, vol. 2, page 243.*

Could England in all her administrations have had the wisdom to realize this noble sentiment; could she have withstood the barbarism of her greedy capitalists, by the Christianity of her common law; what dishonor would not have been saved to her! what woes, what blight, to us, as well as to the groaning East!

It was a necessity that the ancient civilization should fall. It could no more live in the light of the Christian idea, than the altars of the Aztecs or the feasts of the Fejees; and the grander the structure, the more imposing the pile of this Bastille of human hopes—based as

it was upon a lie, upon moral quicksands—the more complete the ruin. True, this ruin is not without its use. It is a great quarry, with many a fit column for the new temple based upon the rock.

It is a mistake to mourn over the collapse of mere force and the consequent and necessary anarchy. It could not be otherwise. They were the prelude to a higher civilization. They became essential to make way for the gradual infusion of the idea of justice as the law of society, the law of property; and dark as was the transition, and seemingly hopeless as was the long fermentation of human passions, yet, slowly emerging from that chaos, a form of society is arising, that may become immortal; for the curtailment of its abuses and the development of the race is made possible by the gradual adoption, throughout Christendom, of the Divine idea. The steps to that end are already many and long; private property is no longer subject to lawful capture; private forays are piracy; prisoners of war are no longer slaves; cities cannot lawfully be devoted to pillage, their inhabitants, men, women, and children, delivered to the sword, or made to pass under the yoke as property; even the high seas, so long the safe field of robbery, are being embraced, and but for an act of this Administration might ere this have been embraced in the protection of the great idea; and in all lands—shall I be forced to except my own?—the yoke is being broken, the scourge is being exchanged for the contract, and the handcuff gives way to the school-book.

And the struggle now is, to turn back the tide of civilization, to supplant the idea of justice, to re-enthron the law of force. Hardly a proposition, hardly a measure, meets with any favor, that has not this end in view. For that the dominant interest has broken faith, spurned every constitutional guarantee, proscribed all but self-sold slaves, debauched the judiciary, enslaved the Territories, made provinces of the States, and all to substitute the robber right for the Divine grant. Ay, and for that it has compassed heaven and earth to give life to the Lecompton villainy. Its central organ in February last endorsed a threat of disunion unless the principle of Lecompton be ratified; unless the slave interest be allowed "to retire from Kansas with our drums beating and colors flying," exclaiming, "why not give us the shell, while they [the North] have the kernel?" "Is it not enough that they have an overwhelming majority in Kansas?" The President, in pressing Lecompton, admitted that its reign would be short. Why then press it, but that the principle of Lecompton is precious to the one idealists? and why so precious? Only because, first, it is the work of a lean minority, and is scornfully rejected by the vast majority; hence the idea of SUBJECTION is enthroned over "the consent of the governed;" and second, and mainly, this Constitution alone proclaims the

atrocious dogma, that the right of property in man is as inviolable as the right of any other property, and is above constitutional sanction! Hence the idea of old FORCE, instead of GOD'S GRANT, as the base of property.

And which, Mr. Chairman and gentlemen, prefer you, the ancient or the modern, the Pagan or the Christian idea? In which age will you place us? On which slope of the piling centuries shall we travel? Gentlemen defend the property idea of force, from the fact that it is ancient, that all heathendom recognised it, that it was the idea of the Greek and the Roman, the Scythian and the Arab, the Ethiopian and the Indian. I never doubted the fact, but have often wondered whether gentlemen really desire to turn back the shadow upon the dial, to re-enthroned moral chaos, and bring back night again!

The gentleman from South Carolina has just told us of the fetter-fastening, the Slavery-loving, the force-enthroning religion of the Cross. It well becomes him to give such a blasphemous exegesis of its holy maxims. He might naturally understand that the exhortation to resist not evil, to meekly turn the cheek to the assailant, rather than meet force by force, justifies the evil-doer and smiter. With the same instincts that guided a Laud and a Stafford, he might readily infer that the duty of passive obedience, enjoined upon the hopeless subjects of the old despotisms, justly applies to those who are themselves responsible for the public liberties; and that this exhortation to servants to obey their masters, and to subjects to respect the powers that be, justifies the slave shamble and the bloody sceptre! The Christian slave might not resist the master, though he fed his fish ponds with his flesh; nor the Christian subject rebel against the Nero, though he lighted the gardens with his flaming body; and yet it takes gentlemen of his school to see that this submission can justify either. Such doctrines may for a time flourish in the dark places of the earth; yet still the world moves on!

I have shown partially WHAT and partially WHENCE is this idea, as well as alluded to the character and fate of the civilization based upon it; but I have not done.

The foundation of Slavery is not the idea that there may be property in those born of slave mothers; that is but its application; but it is one of property in man, and in any man who can be subjected to dominion. And the question as to who shall be made property is merely one of expediency. If you may enslave the infant, though begotten from your own loins, because you had before enslaved the mother, why may you not enslave your criminals or paupers, the hopelessly indebted, or those seized in battle? If you may take all your slave's earnings, deny him power of accumulation for himself, and make all his accumulations yours, why should you be bound to respect the private accumulations of an enemy

or a stranger? You take the one and his earnings, *because* you can; why not the other, and his earnings, *if* you can? You were long in the habit of stimulating African chiefs to hunt men and women for your benefit; and some of you are now trying to revive the work. Also, I see it seriously proposed in yonder State to enslave some thousands of her people, and already is their property seized by a discriminating tax. Your Federal judiciary, against all law and against all decency, have paved the way by denying them the necessary result of birth and residence; making them permanent strangers and aliens; and you have only to follow the invited result of a barbarous edict by making them slaves.

If the idea is once admitted, that force, and not the law of nature, makes property, then any man, or any man's earnings, may be seized, and subjected to another's dominion. It is not a question of birth; it is not a question of race; nor is it so regarded by the propaganda. The amalgamation tendencies of Slavery are constantly bleaching out the African. I have, since a member here, contributed to purchase for redemption white Virginians, and to prevent their forced denizenship of the brothel. The more honest advocates of Slavery have already repudiated the idea that it should be the sole condition of any race, and many of them would impose it upon all hand laborers. In the Senate and in the House, during this and other sessions, leaders of the great Slavery party have boldly proclaimed the condition of the laborer that of substantial Slavery, and that the Northern free laborer was far worse off than the bought and sold chattel of the slave plantation. A Senator from South Carolina says that "the man who lives by daily labor, your whole class of manual laborers, are essentially slaves." In harmony with the tone of the propagandist press, the Charleston *Standard* says that "Slavery is the natural and normal condition of the laboring man, whether black or white;" and the Richmond *Examiner*, whose editor now issues semi-official thunder in the Washington *Union*, truly says, that "the South"—*i. e.*, the Slavery party—"now maintains that Slavery is 'right, natural, and necessary, and does not depend upon differences of complexion. The laws of the slave States justify the holding of 'WHITE MEN in bondage.'"

The gentleman from Louisiana, [Mr. TAYLOR,] who never speaks what he has not well considered, in his remarks of the 29th of March, elaborately defends, as I understood him, or predicts, the enslavement of the Asiatic upon the Pacific coast; and all who justify Slavery from the Old and New Testament, and early Christian teachings, thus only can justify white, and not black Slavery. The miserable induction of the gentleman from South Carolina, [Mr. KETT,] if it prove anything, can only prove that the dusky races of the Mediterranean may rightfully enslave the light-haired Ger-

man and Briton, for such was the "Apostolic Slavery" he defends.

Except in America, slaves are not even generally of the negro race. It is but quite recently that the ideas of modern civilization have made any progress, have gained any foothold, upon the southern and eastern shores of the Mediterranean; and, within our own memory, the slave trade was as brisk along its ports as between the slave marts of the United States. The captives are, indifferently, Africans, Europeans, and Asiatics. White Englishmen and white Americans were there lawfully held and worked, sold, and scourged, as slaves, as lawfully as any slave is held in Virginia; and our first maritime war was to overthrow, to destroy, these property rights. And these rights in white Americans and Europeans were held sacred through all the Turkish States until they yielded to the principles of natural law—to the genius of universal emancipation. No man can defend American Slavery on principle without defending Turkish; especially as the latter was much milder and more Christian than the former.

But gentlemen here claim that the property idea of man in man applies equally to the apprentice and child as to the slave; and thus, by the common law, man may hold property in man. This was the only reply of the gentleman from Tennessee [Mr. MAYNARD] to the denial of my colleague, [Mr. BINGHAM.] According to Webster, an apprentice is "one who 'is bound by covenant to serve a mechanic or other person, for a certain time, with a view 'to learn his art, mystery, or occupation, in 'which his master is bound to instruct him.'" Now, which is property, the master or apprentice? The rights are mutual; the obligation is mutual; the interest is mutual; and the whole is created by contract. The apprentice is property, is he? Can he be bought and sold, descend to heirs or creditors, be denied the legal relations of husband and wife, parent and child, the right to hold property and acquire knowledge, his whole being subjected to the will and for the sole benefit of another? Hear Judge Ruffin on this point, while dismissing a complaint for an assault upon a slave by shooting. He says:

"This has been assimilated at the bar to the other domestic relations; and arguments drawn from the well-established principles which confer and restrain the authority of the parent over the child, the tutor over the pupil, the master over the apprentice, have been pressed on us. The court does not recognise their application. *There is no likeness between the cases.* They are in opposition to each other, and there is an impassable gulf between them. The difference is that which exists between Freedom and Slavery; and a greater cannot be imagined. In the one, the end in view is the happiness of the youth, born to equal rights with the governor, on whom the duty devolves of training the young

to usefulness, in a station he is afterwards to assume among freemen. With slaves, it is far otherwise. The end is the profit of the master, his security, and the public safety; the subject, one doomed in his own person, and in his posterity, to live without knowledge, and without the capacity to make anything his own, and toil that another may reap the fruits."—*State vs. Mann 2 Devereux, North Carolina Reports, 263.*

I will not blaspheme the holy relation of parent and child, by dwelling upon the idea that the child is the chattel, the merchandise, of the father. In some barbarous countries, where the law of the strong hand has not yet been supplanted by the Christian idea, such is the fact; and I blush to say that, in some of the American States, a class of illegitimate children may lawfully be, and sometimes are, sold like cattle by their own fathers, or half brothers and sisters.

True, there is, in one sense, a property in an apprentice and hired servant, as in all contract rights. The people have a property in our services; the parent has a property in the instructor of his children; the ward in his guardian; the hirer of a chattel in the thing hired. But are we, is the instructor, or the guardian, or the chattel, the property of him who has an interest concerning them or it? The grand base idea of the relations are antipodes. The one is founded on contract, on free will, with mutual rights; the other, as applied to man, on naked force, with no rights; the one is an obligation—a temporary use; the other an absolute subjection—a subjection that can only be enforced upon things, never upon man.

I have spoken of the fact that the property idea of the ancient States was not based upon natural law, as given us in the books of Moses; that their codes did not define the subjects of property, but indiscriminately subjected to be treated as property whatever could be seized and held as such; that they confounded the Divine distinction between men and things, and enthroned force in the robes and on the seat of justice.

But this was no peculiarity of the old civilization. It pertains to paganism and barbarism everywhere; and the idea that man can hold property in man, has been naturalized in the United States; not from the common law, which had ignored even serfdom before the settlement of the colonies; not from the civil law, into which it had been incorporated during the rotten reign of the tyrant States, and from which it had been purged by the genius of Christianity; not from the law of nations, which cannot define property, which has no municipal authority, but simply pertains to the relations of States, not of individuals, and which, in that relation, had long abolished throughout Christendom the practice of enslaving prisoners of war; but it was incorporated in the customs of the colonies, and based alone upon the laws of

the chiefs of the Guinea coast. I have heretofore, and in a former Congress, spoken of this fact; and I allude to it again, in view of the frequent boasts of the antiquity and universality of Slavery, of the argument that it must be according to the laws of nature, because practiced everywhere by man in a state of nature, *i. e.*, in a state of barbarism. I desire to show these boasters, these men who affect to despise everything pertaining to Africa or the African race, that they are indebted to that country and to that race for the fundamental idea of their politics and their political morals. I before quoted the opinion of Chief Justice Marshall upon this point, and I give it again. After showing that the enslavement of captives was once lawful, he adds:

"Throughout Christendom this harsh rule had been exploded, and war was no longer considered as giving a right to enslave captives. But this triumph had not been universal. The parties to the modern law of nations do not propagate their principles by force; and Africa has not yet adopted them. Throughout the whole extent of that immense continent, so far as we know its history, it is still the law of nations that prisoners are slaves. The question then was, could those who had renounced this law be permitted to participate in its effects, by purchasing the human beings who are its victims?"—*Wheaton's Law of Nations*, page 635.

The same idea seems to be recognised by the Supreme Court of Georgia in *Neal vs. Farmer*, (9 *Georgia Reports*, page 555,) where Nesbit, Justice, on page 580, says:

"Whence did he (the Georgia planter) derive title? Either directly from the slave-dealer, or from those who held him, *and he from the slave captor in Africa*. The property in the slave, in the planter, *became thus just the property of the original captor.*"

The Senator from Virginia, [Mr. MASON,] when pressed to the wall for the legal origin of Slavery, claimed that it was established in the colonies by the common law of England; and see how he makes it out:

"If the honorable Senator from Maine desires to know what maxim or provision of the common law treats slaves as property, I will say to him that the common law of England, so justly called the consummation of human wisdom, recognised everything as property which was the subject of property in the country from which it was brought, unless prohibited by some positive law of that realm; and thus it was, that when slaves were first landed in Virginia, there being no law there but the common law, they were admitted as other property, that law recognising that as their condition in the country whence they were brought. The condition of property did not attach to them after they reached the soil of Virginia, *but they brought it with them.*

"Such has been the law from that day to this." * * *

"How that property arose, it is not so easy to determine. The publicists tell us that, at the dawn of civilization, a prisoner of war held his life at the mercy of his captor; and, as the latter might deprive his prisoner of life, it lay at his discretion either to kill him or to keep him in life as his property. Such was certainly the practice in the earlier days of the Romans. History tells us that such has always been, and yet continues, the custom among the negro tribes in Africa. Certainly there the natives sell their own race as slaves; they sell to each other as they sold to the white man while such sales were allowed by the laws of the white man. *Thus it was that the ancestors of those now held in bondage on this continent brought from Africa with them their condition as property.* How it was acquired there, can now be a subject of conjecture only, and would be an inquiry as fruitless as vague."—*Speech in Senate*, March 15, 1858.

That is, the common law of England made men property in the colonies who were held as property in Africa, and, because they were so held. All who could be seized and sold, and their descendants, were, by African law, property; therefore, these persons, when brought to the colonies, carried the African laws with them, and they, and the descendants of their women forever, were to be merely property! The mistake of the Senator was not in the fact of the adoption of the African laws of servitude, but in the statement that they are adopted by the common law. The common law had nothing to do with them. They were in derogation of its first principles. The common law, as expounded by its commentators and its courts, adopted the law of nature, as given in Genesis, as the basis of property; and it was only because corrupt ministers, mercenary corporations, planters thirsting for wealth, and cruel slave traders, conspired to substitute the African code in the colonies for the common law, that we find Slavery there and here.

Judge Tucker, the eminent Virginian, speaking of the introduction of the common law into the colonies, says:

"Local circumstances, likewise, gave an early rise to a less justifiable departure from the principles of the common law in some of the colonies, in the establishment of Slavery—a measure not to be reconciled either to the principles of the law of nature, nor either to the most arbitrary establishments in the English Government at that period—absolute Slavery, if it ever had any existence in England, having been abolished long before."—*Tucker's Blackstone*, 388.

The celebrated Virginian should have known that the common law naturalized the laws of all countries, at least as to property brought from them. Like the gods of the provinces incorporated by the Romans into its concrete

hierarchy, the diverse laws of property of the diverse types of civilization were adopted by this all-gathering common law. If the English or French sailor, who had been captured by the Algerine, and by his law enslaved, should be brought by his purchaser to England or her colonies, the common law continued him property, because he was so held whence he was brought. So the French banker would have carried his franchise, and John Law might have flooded the world with his paper money as well from London or Boston as from Paris. To such absurdities are men driven.

The common law, indeed! Why, the truth simply is, that the common law did and does not create property, but recognises and protects as such everything that is—claimed as property? No; but everything that is property by the laws of nature and the laws of Christian States; and never, as the merest tyro knows, does it sanction the idea that man can be the subject of property.*

True it is, "and pity 'tis 'tis true," that the African codes in relation to the subjects of property were naturalized in the colonies. True it is, that those who were held as property by those codes, were so held after transfer from the prison ship to the slave plantation, and the blunderbuss and the scourge became the emblems of authority there, as in their distant home. True it is, that every mother's child, according to the law of the black and arid continent, became the merchandise of him who had enslaved the mother. True it is, that these codes were at times, as revenge joined hands with avarice, extended to the Indian as to the African captive; and it is equally true that European blood was unable to dissolve the chain thus wrought from foreign links. And true, alas! it is, that these African codes have so banished the common law of property, have so overturned the fundamental idea of the civilization of Moses and of Christ, of modern Rome and of Westminster, that in the jurisprudence of this federation and of half these States, scarce anything is sacred but the right of one man to enslave his fellow-man.

I have said that the base idea of human ownership was FORCE. I have shown it to be so in the ancient codes, and I ask attention to the law of property in those countries whence we have naturalized it.

The Senator from Virginia, before quoted, seems at a loss to know how this "condition of property," so "brought from Africa," was "ac-

quired there." It is no subject of "conjecture" at all, and I will show those who partake his doubts, that the inquiry is neither "fruitless" nor "vague."

As these African States have not favored us with any code or volumes of institutes, or commentaries, or decisions, from which we can ascertain their laws, or such of them as have been incorporated into our own system, I am compelled to rely upon the customs of the country. "Custom is the highest law," and by its observation we can see the "process" by which man becomes property, and the idea which lies at the base of the African law of property.

Gray and Duchard, in their Travels in West-ern Africa, (p. 191,) describing the manner of waging war, say:

"The general object of these detachments is the attack of some small town or village, the inhabitants of which, together with their cattle, they carry off." * * * "Several of these parties were sent out during our stay in Boudoo, and, with one or two exceptions, came off victorious—if the word can be made use of with propriety in describing the exploits of a horde of plunderers, whose chief object is, invariably, the obtaining of slaves, for whom they always find a market, either with the travelling merchant's of the country or the Senegal vessels at Galam."

Captain Canot, a modern slave dealer, in his experience in the business, gives the manner in which he acquired a boat load in an emergency, at the mouth of the Matican river, coast of Guinea. I give an extract (page 228-9) to show the workings of those laws of property which the common law has so kindly domiciled among us:

"Next day we proceeded to formal business. His Majesty called a regular 'palaver' of his chiefs and headmen, before whom I stated my *dantica*, and announced the terms. Very soon, several young folks were brought for sale, who, I am sure, never dreamed, at rising from last night's sleep, that they were destined for Cuban Slavery. My merchandise revived the memory of peccadilloes that had been long forgotten, and sentences that were forgiven. Jealous husbands, when they tasted my rum, suddenly remembered their wives' infidelities, and sold their better halves for more of the oblivious fluid. In truth, I was exalted into a magician, unroofing the village, and leaving its crime and wickedness to the eye of justice. Law became profitable, and virtue never reached so high a price. Before night, the town was in a turmoil, for every man cudgelled his brain for an excuse to kidnap his neighbor, so as to share my commerce. As the village was too small to supply the entire gang of fifty, I had recourse to the neighboring settlements, when my 'bankers' or agents did their work in a masterly manner. Traps were adroitly baited with goods, to lead the unwary into temptation, when the unconscious

* For the true relation of the common law to Slavery, see Chamberlain vs. Harvey, 1 Lord Raymond, 117; Smith vs. Gould, 2 ditto, 1271; (also, 2 Salkeld, 676;) Somerset vs. Stewart, 20 Howell's State Trials, 1, 82; (also, same case, Loff's Reports, 1;) Rankin vs. Lydia, 2 Marshall, Kentucky Reports, 170; Lunsford vs. Conquillon, 2 Martin, Louisiana Reports, 402; Forbes vs. Cochran, 2 Barnwell and Creswell's Reports, 402; Prigg vs. Pennsylvania, 16 Peters, 539; (see page 611;) Neal vs. Farmer, 9 Georgia Reports, 555; (in this case, the English authorities are reviewed;) 1 Blackstone's Commentaries, 422.

Per contra—see *dicta* in the Dred Scott case.

‘ pilferer was caught by his ambushed foe, and an hour served to hurry him to the beach as a slave forever. In fact, five days are sufficient to stamp my image permanently upon the Matican settlements, and to associate my memory with anything but blessings in at least fifty of their families.’

Again, on page 332, in speaking of the natives amid the slave factories of the Gallinas, the same author says:

‘ In proportion as these upstarts were educated in slave trade under the influence of cupulent factors, they greedily acquired the habit of hunting their own kind, and abandoned all other occupations but war and kidnapping. As the country was prolific and the trade profitable, the thousands and tens of thousands annually sent abroad from Gallinas soon began to exhaust the neighborhood; but the appetite for plunder was neither satiated nor stopped by distance, when it became necessary for the neighboring nations to extend their forays and hunts far into the interior. In a few years, war raged wherever the influence of this river extended. The slave factories supplied the huntsmen with powder, weapons, and enticing merchandise, so that they fearlessly advanced against ignorant multitudes, who, too silly to comprehend the benefit of alliance, fought the aggressors singly, and, of course, became their prey.’

This “condition of property” in man is acquired in Central and Eastern Africa by the same “process of law” as in Western. Shiek Mohammed, of Tunis, the great Mohammedan traveller, described the slave expeditions of Darfur and Wadai. For the full narrative, I must refer the curious student of African slave law, if his philology is at fault in the original Arabic, to De Perron’s French version, or to chapter nine of St. John’s English abridgment of the work. In those more regular and stable Mohammedan Kingdoms, a distinguished subject is commissioned to raise a gazwak, or slave hunt, and becomes, for the time, the sultan of his troop. This troop invades some Pagan community, named in the commission, seizes all who can be found, occasionally halts to divide and assign the spoils, continues the hunt till, satiated with robbery and blood, the chief drives home his horde of human property, regularly “acquired” under African law. If the obstinate Pagans resist, of course they are slaughtered without mercy; if, when surrounded, they yield without resistance, the sultan takes the chief as a prisoner, treats him honorably, gives him a dress, and afterwards liberates him; but he seizes on all the grown men, the youths, the women, and girls, leaving only the old people, and those who do not seem to be in a state to undergo the fatigues of a journey.” The author narrates, with becoming coolness, the horrors of these hunts; says that, from the frequency of the commissions, the market would be glutted, but that, from fatigue, exposure, and

cruelty, but a small portion of the captives survive, and fewer still are able to reach Egypt. About the same compunction seems to be felt by these hunters as by a boat-load of Nantucket whalers after their prey, or a troop of prairie Indians in pursuit of a buffalo, or a United States marshal in chase of a fugitive slave. Since the destruction of the Egyptian market by the “fanatical folly” of the Turks in overthrowing the slave trade, these hunts are doubtless less profitable; and, indeed, there is great danger that, by the persevering efforts of Moslem and Christian Europe, even Africa, the hitherto impregnable refuge of the idea of property in man, may yield to the progress of Christian civilization. It may then be a question whether this law of property, after it shall have been overthrown in this, its most ancient and faithful seat, will survive in those countries that have thence derived it.

So in Bornou, Mr. Denham, and more recently Dr. Barth, describe the manner in which this “condition as property” is “acquired” by men and women, according to the laws of the State. It so closely resembles the method described by the Mohammedan traveller, as to induce me to believe that this State, as well as others through which these gentlemen travelled, acknowledge the same code and bow to the same fundamental idea of property. Usually, the execution of law is left to its ministers; at least, strangers do not feel called on to enforce it. But full examination has satisfied me that “legal process” upon the coast of Guinea may be served as well by strangers as by members, or even Ministers of State. I accordingly find that, as commerce becomes dull, either from deficiency in its staple or the means of purchase, the foreign slavers, with the alacrity of true law and order men, often lend themselves to enforce the laws of the land. Thus, after the manner of the native hunter, we find them stealing by night upon some defenceless village, and while the inhabitants are dreaming—some of their pastimes and their loves, and some, especially those who feel the cares of State, of the coming hunt to supply the white man’s ships—all are seized, bound, and driven to these ships; and the blaze of their empty dwellings lights the march that converts—and by methods long sanctified by African law—a village of savages into cargoes of valuable property. This method of conversion was more common when the early captives, in their “condition of property,” were brought to the American colonies; and I cannot find that the legality of the mode, except by “New England fanatics,” in an instance or two, was ever seriously questioned.

The method by which this “condition of property” was made to “attach” to the transported Africans would be thus perfectly plain, but for the fact that some of them were not seized in the hunt, either by regular State commissioners or on individual account; but their “condition” attached to them from the earliest

infancy. It is found that by the African customs, as well as by those of the ancient States I have spoken of, all children of slave mothers are seized and held as property. How this is done has puzzled many a wiser man than I, and I may not have hit upon its legal solution. But my desire to relieve the doubts of those who trace their rights of property to African laws, has induced me to give the matter a careful consideration.

By the slave laws of our States, a slave can make no contract, and cannot unite in lawful marriage. In the absence of any accessible code or decisions of the Ethiopic States, and in deference to the opinion of the Senator before quoted, I infer that "the condition" in which the slave is here held, in this respect as in others, was "brought from Africa" by his "ancestors." All the children, then, of slave mothers, are, by African law, necessarily bastards; and bastards, as all lawyers know, can have no father. The mother, being herself but property, can have no interest in the child; and the law permitting no other parent, and foundling hospitals and asylums being unknown, it has no protector. In this emergency, the master, who, having the lawful custody of the mother, is always constructively present, and is the only one who has a right to be present, is kindly authorized by law to seize or make a prisoner of war of the child; and as with all prisoners, it is simply a choice between death and Slavery. Were slave marriages lawful, so that the child could have a father, it is quite uncertain in what "condition" it would be held; it would probably depend somewhat upon the demands of commerce. But born thus destitute, the harmony of the African code becomes apparent in authorizing its immediate seizure, under the rules that regulate the intercourse of the strong and the weak.

Thus we see the Senator was too easily discouraged, for I have plainly shown how the "condition of property" was in all cases, both by adults and infants, "acquired" in the mother country. The only puzzle is, how this African law should be permitted to override the common law, or the law of England, in the colonies, as the supremacy of the latter was expressly provided for in the colonial charters. Chief Justice Marshall seems to doubt whether "those who had renounced this law" could be "permitted to participate in its effects;" though it is not believed the present Chief Justice would have any doubt upon any such question.

The Senator, however, cuts the knot, by making this same common law the instrument of its own overthrow, by recognising "everything as property which was the subject of property in the country from which it was brought," &c. But this hypothesis fails to reach the children of slave mothers *born here*, unless it means, as I suppose it does, that, by this curious operation of the common law, the whole African slave code was imported, and war, after the

manner of the African slave hunts, of her kidnapping and baby-seizing, became forever crystallized in the colonies.

Thus began the Africanization of the colonies, the subversion of the common law by the law of force, by the code of the man-hunter. So long as mere avarice dictated law, blind money-getting wrenching gold from torn muscle and rifled soil, Africanism ruled the day. But as the public conscience awoke, stimulated by the labors of Edwards, of Whitefield, and of Wesley, and especially of the brave followers of Fox; as the common law vindicated its supremacy at Westminster; and as the attention of the colonists was so attracted to its free maxims and free methods as to force resistance to ministerial absolutism, the black and bloody code began to be regarded as a hostile intruder. The American Revolution was but an act in the great drama of English hereditary resistance to oppressive laws. It but followed the struggles for the restoration of the laws of the Confessor, the strifes at Runnymede, and the combats with the Stuarts. It was but the emancipation of the common law, and placing it under the control of popular sovereignty—a resumption by the people of the guardianship of its maxims and its methods. The people assumed the mastery, and reorganized government to protect, not infringe rights. Africanism was frightened at its new master; and it is no wonder that the Guinea code fled from the gaze of a people burning with a regenerated love for a free and a Christian civilization. It only begged for time to set its house in order, a little indulgence to fold its limbs with decency, before being thrust into its waiting grave. Alas that this indulgence was given it! that this African serpent was permitted even for a moment to fix its basilisk gaze upon the young sovereignty, charming by its very hideousness!

And the struggle now is, not between the North and the South—no, indeed! the friends of the common law in the South are in the closest sympathy with its friends in the North—but between systems, between civilizations. It is the misfortune of the South, that the African code, the law of force, is fastened upon it; deeply do I sympathize with that misfortune. It is the misfortune of the South that the champions of that code are grinding her in the dust; with what alacrity would I aid her to shake off the tyrant rule, and leap to the position given only by the law of justice! It is the misfortune of the South that her fame is involved in the frauds and crimes her terrorists commit in her name; I would relieve her from the stain, by snatching power from these her terrorists. It is the misfortune of the South that she is drunk with the cup of Circe; I would not even reproach her with the deadly lethargy; but, going backward, would spread the mantle, while arousing her from the charm of the drugged potion. The South is not alone responsible for her condition. The North has helped it on. Even

while our old statesmen were, as they supposed, dissolving the spell, New England, as the price for a navigation monopoly, consented—ay, herself held the cup for a deeper draught—and ever since, Northern slaves and Northern hucksters have vied in the deep lullaby.* No; we

* Justice smiled when that navigation was destroyed, as are those hucksters spurned by the unconsciously avenging South.

have no controversy with the South; but the struggle is between fresh FREEDOM, flinging off the manacles of barbarism, both the old and the new, and fetid FORCE, long driven from the Tiber and the Thames, coming from its refuge in the dark fastnesses of the Niger, to breathe its stifling breath upon the Potomac and the Mississippi.