
REPORT
OF
THE SECRETARY OF WAR,
COMMUNICATING,

In compliance with a resolution of the Senate of the 26th of May, a copy of the preliminary report, and also of the final report of the American Freedmen's Inquiry Commission.

JUNE 22, 1864.—Referred to the Select Committee on Slavery and Freedmen.

JUNE 23, 1864.—Ordered to be printed.

JUNE 27, 1864.—Three thousand additional copies ordered to be printed for the use of the Senate.

WAR DEPARTMENT,

Washington City, June 22, 1864.

SIR: In compliance with a resolution of the Senate, dated May 26, 1864, I forward herewith a copy of the preliminary report, and also of the final report, of the American Freedmen's Inquiry Commission, which comprise all the papers deemed proper for publication.

I am, sir, very respectfully, your obedient servant,

EDWIN M. STANTON,

Secretary of War.

The PRESIDENT of the United States Senate.

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,

Washington, June 22, 1864.

SIR: I have the honor to submit herewith, in compliance with your orders, a printed copy of the preliminary report and manuscript copies of the final report of the American Freedmen's Inquiry Commission. The preliminary report sent to this office was a printed pamphlet like the one submitted.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,

Assistant Adjutant General.

Hon. EDWIN M. STANTON,
Secretary of War.

PRELIMINARY REPORT TOUCHING THE CONDITION AND MANAGEMENT
OF EMANCIPATED REFUGEES, MADE TO THE SECRETARY OF WAR BY
THE AMERICAN FREEDMEN'S INQUIRY COMMISSION, JUNE 30, 1863.

OFFICE OF THE AMERICAN FREEDMEN'S
INQUIRY COMMISSION,
New York, June 30, 1863.

SIR: The American Freedmen's Inquiry Commission have the honor to report (preliminarily) as follows:

SECTION I.

NEGROES AS REFUGEES.

(District of Columbia, Eastern Virginia, and North Carolina.)

All the investigations and inquiries the commission have made throughout the above sections of country, all the evidence they have there collected in connexion with the character and condition of the negro population, who, from all quarters, find refuge within our lines, tend to this, that these refugees need not be, except for a very brief period, any burden whatever on the government; but that, on the contrary, they may speedily become, under a system of supervision not difficult either to arrange or to conduct, provided the proper persons be employed, auxiliaries to the government in its prosecution of the war, to the full as efficient as if the same number of loyal whites had emigrated into the northern States.

The evidence before the commission establishes beyond cavil the fact that these refugees are, with rare exceptions, loyal men, putting faith in the government, looking to it for guidance and protection, willing to work for moderate wages if promptly paid, docile and easily managed, not given to quarrelling among themselves, of temperate habits, cheerful and uncomplaining under hard labor, whenever they are treated with justice and common humanity, and (in the southern climate) able and willing, on the average, to work as long and as hard as white laborers, whether foreign or native born.

The circumstances which have thrown them, for a time, on the care of the government for support, are such as operate equally upon indigent whites arrested in their ordinary course of labor by the operations of the war, and it is a mistake to suppose that assistance has been needed or obtained exclusively by persons of color in consequence of such disturbance. In some places the number of poor whites succored has been greater than that of poor blacks. In November last Major General Butler was feeding in New Orleans thirty-two thousand whites, seventeen thousand of whom were British-born subjects, and only ten thousand negroes; these last chiefly women and children, the able-bodied negro men being usually employed on abandoned plantations.*

Nor, where relief has been required by both whites and blacks, have the latter usually applied for or received, in proportion to numbers, nearly as much as the former. Mr. Vincent Colyer, appointed by General Burnside, at Newbern, North Carolina, superintendent of the poor, white and black, reports that while seven thousand five hundred colored persons and eighteen hundred white

* General Butler's letter to the President of date November 28, 1862, of which a copy was kindly furnished to the commission.

persons received relief through his instrumentality, the average proportion dealt out in each of the staple articles of food—as flour, beef, bacon, bread, &c.—was about as one for each colored person relieved to sixteen for each white person to whom such relief was granted.* At the time this occurred, work was offered to both blacks and whites; to the whites at the rate of \$12 a month, and to the blacks at the rate of \$8 a month.

Under any circumstances, and in all large societies, even during a normal and peaceful condition of things, there will be found a certain amount of vagrancy and a certain number of indigent poor, disabled, or improvident, to whom it is a custom and a duty to extend relief. Beyond this, except as an expedient for the time being, the commission believe that the refugee freedmen need no charitable assistance. In the city of Washington, containing sixteen thousand free colored persons, these support their own poor without almshouse aid, and scarcely a beggar is found among them.†

The vices chiefly apparent in these refugees are such as appertain to their former social condition. Men who are allowed no property do not learn to respect the rights of property. Men who are subjected to despotic rule acquire the habit of shielding themselves from arbitrary punishment by subterfuges, or by a direct departure from the truth. In the case of women living under a system in which the conjugal relation is virtually set at naught, the natural result is that the instinct of chastity remains undeveloped or becomes obscured.

Thus, stealing is a common vice among these people when temptation occurs. Thus, they have the habit of lying when they deem a lie necessary to please a white superior or a defence against blame or punishment; under other circumstances, they are as truthful as the average of uneducated white people. Thus, too, many colored women think it more disgraceful to be black than to be illegitimate; for it is especially in regard to white men that their ideas and habits as to this matter are perverted. A case came to the knowledge of the commission, in which a mulatto girl deemed it beneath her to associate with her half sister, a black, and the daughter of her mother's husband, her own father being a white man. Such ideas, and the habits thereby engendered, render it highly important that freedmen's villages, particularly when they are chiefly inhabited by women and children, should be at a distance from any military encampment, and should be strictly guarded. And as there are no sentinels so strict as the negroes themselves, the commission believe, for this and other reasons, that colored guards will be found the most suitable and efficient for such service; and they recommend that in every case they be substituted for whites.

The testimony of the more intelligent among the superintendents is to the effect that the vices above referred to are not obstinately rooted, and that each one of them may be gradually eradicated by a proper appeal to the self-respect of the newly-made freedman, and by a strict recognition of his rights. He is found quite ready to copy whatever he believes are the rights and obligations of what he looks up to as the superior race, even if these prove a restraint upon the habits of license belonging to his former condition.

An officer on General Dix's staff, acting as provost judge at Fortress Monroe, related to the commission, in graphic terms, with what earnestness and conscientious pride of his new position a negro, sworn as a witness for the first time in his life, stood up to take the oath and deliver his testimony.

As to the false ideas touching chastity above referred to, the commission

* The exact figures are given in a report made by Mr. Colyer to the commission.

† An intelligent lady, wife of a physician in Washington, who has interested herself about the colored population there, and seen much of them, deposed before the commission: "I have known but two instances of beggary by colored people during my residence of ten years in this city. A few are supported by charity from their own churches."—*Testimony of Mrs. Daniel Breed.*

believe that these can be in a great measure corrected by bringing practically to the notice of the refugees, as soon as they come under the care of the superintendent, the obligations of the married state in civilized life. Debarred, as slaves, from any legal union—often from any permanent connexion—unable to contract a marriage that is not liable to be broken up at the will of a master—they usually regard it as a privilege appertaining to emancipation to be married “as white folks are.” The commission think that while compulsion in regard to this matter should be avoided, a judicious superintendent will, as a general rule, find no difficulty in inducing refugees, when bringing with them those whom they acknowledge to be their wives and children, to consent to a ceremony, which, while it legitimizes these relations, imposes upon the husband and father the legal obligation to support his family. This obligation, and the duties connected with the family relation of civilized life, should be carefully explained to these people, and while they remain under our care should be strictly maintained among them. The evidence before the commission proves that, with few exceptions, they show themselves prompt to acknowledge and ready to fulfil such obligations.

If, however, cases should occur in which a refugee proves refractory, and refuses to acknowledge as his wife or to marry the woman with whom he has been living, and who is the mother of his children, he should no longer be allowed to cohabit with her or to live with the children; but if the proof of his previous relationship to them be sufficient, he should be compelled to contribute to their support from his wages in the same manner as if they were his family by legal marriage. All this is especially necessary in connexion with a proper system of allotment from wages—of which hereafter.

Some further remarks on this subject, touching on the social and family relations in the slave society of South Carolina, will be found in another part of this report.

Sufficient evidence is before the commission that colored refugees in general place a high value both on education for their children and religious instruction for themselves. In Alexandria, and in various other places, it came to the knowledge of the commission that one of the first acts of the negroes, when they found themselves free, was to establish schools at their own expense; and in every instance where schools and churches have been provided for them, they have shown lively gratitude and the greatest eagerness to avail themselves of such opportunities of improvement.

As a general rule, they are more zealously devotional than the white race; they have more resignation and more reliance on Divine Providence. They have, also, more superstitions. These, however, the commission think, should not be harshly dealt with. It is of more importance sympathizingly to meet and encourage, in these untaught people, the religious sentiment which sways them, than to endeavor, in a spirit of proselytism, to replace their simple faith in the Divine goodness and protection by dogmas of a more elaborate and polemical character. Practically, as regards the Christian graces of kindness and humility, we have as much to learn from them as they from us.

It is desirable that, as soon as possible, their schools and their churches be supported, in whole or in part, by themselves.

Medical aid they need, in the outset, and it should be provided for them; but here, too, the principle of self-support should be introduced as soon as circumstances permit. Vaccination ought to be strictly attended to.

SECTION II.

NEGROES AS REFUGEES.

(South Carolina and Florida.)

What has been stated in the foregoing pages as to the refugees that have crossed our lines from Eastern Virginia and North Carolina, though true in the main, also, of South Carolina and Florida negroes, is to be received with some modification as regards the former slave population of these two last-named States, especially South Carolina.

This is one of the States in which the system of negro slavery seems to have reached its furthest development, with the least modification from contact with external civilization. There it appears to have run out nearer to its logical consequences than in any other we have visited. There it has been darkening in its shades of inhumanity and moral degradation from year to year, exhibiting, more and more, increased cruelty, a more marked crushing out, in the case of the negro race, of the humanizing relations of civilized life, and a closer approach, in practice, to a monstrous maxim; the same which a Chief Justice of the Supreme Court, perverting history, alleges to have been the sentiment of the civilized world when the United States Constitution was adopted, and in the spirit of which he assumes (in virtue of such perversion) that Constitution to have been framed; namely, that "the negro has no rights which the white man is bound to respect."* The evidence before the commission shows that, half a century ago, its phase was much milder than on the day when South Carolina seceded. It is the uniform testimony of all emancipated South Carolinian slaves above the age of sixty, that their youth was spent under a state of things which, compared to that of the last thirty years, was merciful and considerate. As a general rule, these old men are more bright and intelligent than the younger field hands; in many of whom a stolid, sullen despondency attests the stupefying influence of slave-driving under its more recent phase.

The disintegration of the family relation is one of the most striking and most melancholy indications of this progress of barbarism. The slave was not permitted to own a family name; instances occurred in which he was flogged for presuming to use one. He did not eat with his children or with their mother; "there was no time for that." In portions of this State, at least, a family breakfast or dinner table was a thing so little known among these people, that, ever since their enfranchisement, it has been very difficult to break them of the lifelong habit that each should clutch the dish containing his portion and skulk off into a corner, there to devour it in solitude. The entire day, until after sunset, was spent in the field; the night in huts of a single room, where all ages and both sexes herded promiscuously. Young girls of fifteen—some of an earlier age—became mothers, not only without marriage, but often without any pretence of fidelity to which even a slave could give that name. The Church, it is true, interposed her protest; but the master, save in exceptional cases, did not sustain it, tacitly sanctioning a state of morality under which ties of habitual affection could not assume a form dangerous or inconvenient to despotic rule.

The men, indeed, frequently asked from their masters the privilege of appropriating to themselves those of the other sex. Sometimes it was granted; sometimes, when the arrangement was deemed unprofitable, it was refused. Some cases there were in which a slaveholder, prompted by his own sense of morality and religion, or urged thereto by a pious wife, suffered these connexions of his slaves to have the sanction of religious ceremony. But it is evident that to connect even with such a quasi marriage the idea of sacredness or religious duty

* *Dred Scott vs. John F. A. Sandford*, December term, 1856.—23 Howard, 407.

was inconsistent with that legal policy of the slave States which forbade to render indissoluble among slaves a relation which to-morrow it might be for the interest of their owner to break up.

The maternal relation was often as little respected as the marital. On many plantations, where the system was most thoroughly carried out, pregnancy neither exempted from corporal punishment nor procured a diminution of the daily task; and it was a matter of occasional occurrence that the woman was overtaken by the pains of labor in the field, and the child born between the cotton rows. Humane masters, however, were wont to diminish the task as pregnancy advanced, and commonly gave three, occasionally four weeks' exemption from labor after childbirth. The mother was usually permitted to suckle her child during three months only; and the cases were rare in which relaxation from labor was allowed during that brief period. On the other hand, instances have occurred in which the more severe drove the negress into the field within forty-eight hours after she became a mother, there to toil until the day of the next birth.

A noble exception, among others, to such a system of inhumanity, gratefully testified to by the negroes who enjoyed it, was to be found on the plantation of ex-Governor Aiken, one of the largest and most influential planters in the State. His habitual clemency, it is said, gave umbrage to many of his neighbor planters, as endangering their authority under a severer rule.

Under such a slave system as this, where humanity is the exception, the iron enters deep into the soul. Popular songs are the expression of the inner life; and the negro songs of South Carolina are, with scarcely an exception, plaintive, despondent, and religious. When there mingles a tone of mournful exaltation, it has reference to the future glories of Zion, not to worldly hopes.

If to the above details touching slave life in this State we add the fact that, because of the unhealthy climate of the sea-islands off the South Carolinian coast, (chiefly due, it is said, to causes which may be removed,) the least valuable and intelligent slaves were usually placed there; further, that being much isolated in small communities, these slaves frequently had children of whom the father and mother were near blood relatives, producing deterioration of the race, it can excite no surprise that the negroes of South Carolina, as a class, are inferior to those from more northern States. An intelligent negro from a northern county of North Carolina, who had there learned the blacksmith's trade, and had been hired to work on a railroad in South Carolina, stated to the commission that he never knew what slavery really was until he left his native State. While there, he was comparatively contented. Within a month after he reached South Carolina, he determined to risk his life in an attempt to escape.

Yet the negro of South Carolina may be reached, and, with rare exceptions, he may, in a comparatively brief period, be in a measure reformed, by judicious management. A chief agency in effecting such reform is the regular payment of wages for work done. Captain Hooper, the acting Superintendent at Port Royal, under General Saxton, having charge of some seventeen thousand refugees, testifies as follows:

Question. "Do these persons work willingly for wages?"

Answer. "I never knew a case in which a colored man had reasonable security for getting wages—even moderate wages—that he was not ready to work."

Such cases, however, occur, as other witnesses testify; but the general rule is as Captain Hooper states it.

Mr. Frederick A. Eustis, son of General Eustis, who owned the plantation on Ladies' island, and who has returned to cultivate that plantation by hired labor, while expressing the opinion that the new system of labor in South Carolina was too lenient, and that "the negro should have no appeal, except in cases of extreme cruelty on the part of the superintendent," gave the following testimony as to the people now working on his own plantation:

"I never knew, during forty years of plantation life, so little sickness. Formerly, every man had a fever of some kind; and now the veriest old cripple, who did nothing under secesh rule, will row a boat three nights in succession to Edisto, or will pick up the corn about the corn-house. There are twenty people whom I know who were considered worn out and too old to work under the slave system, who are now working cotton, as well as their two acres of provisions; and their crops look very well. I have an old woman who has taken six tasks (that is, an acre and a half) of cotton, and last year she would do nothing."

But the great school for giving character to the race, in this State and elsewhere, is military discipline. Colonel Higginson, commanding a colored regiment at Port Royal, was asked:

Question. "Do you think that, as preparation for the life of a citizen, the organization of negroes into military bodies is important?"

Answer. "I should say, of unspeakable value."

Judge Smith, chairman of tax commissioners for the State of South Carolina, deposes:

Question. "What is your idea about enlisting negroes as soldiers?"

Answer. "It is the best school in the world. If you could have seen the men who now compose the colored regiments here as they were before, lounging about with a shuffling gait, looking sideways with suspicious manner, and could have contrasted their appearance then with their present bold, erect carriage and free bearing, I am sure you would agree with me. It makes men of them at once."

The commission bear emphatic testimony, so far as their researches have yet extended, to the truth of these remarks. The negro has a strong sense of the obligation of law and of the stringency of any duty legally imposed upon him. The law, in the shape of military rule, takes for him the place of his master, with this difference—that he submits to it heartily and cheerfully, without any sense of the degradation. The commission believe that, of all present agencies for elevating the character of the colored race, for cultivating in them self-respect and self-reliance, military training, under judicious officers, who will treat them firmly and kindly, is at once the most prompt and the most efficacious. In this respect, the war, if the negro be employed by us as a soldier, becomes a blessing to him, cheaply bought at any price.

Under proper treatment, public opinion among these people sets in in favor of military duty. No difficulty is anticipated in procuring colored men to enlist, provided those now in the field shall be regularly paid, and provided the determination of the government to protect them in all the rights of the white soldier shall be clearly made known to them; especially if this latter determination shall be signified to them by the President in his own name. Our Chief Magistrate would probably be surprised to learn with what reverence, bordering on superstition, he is regarded by these poor people. Recently, at Beaufort, a gang of colored men, in the service of the quartermaster, at work on the wharf, were discussing the qualifications of the President—his wonderful power; how he had dispersed their masters, and what he would undoubtedly do hereafter for the colored race—when an aged, white-headed negro—a "praise-man" (as the phrase is) among them—with all the solemnity and earnestness of an old prophet, broke forth: "What do you know 'bout Massa Linkum? Massa Linkum be ebewhere. He walk de earth like de Lord."

As to reform in the matter of chastity and marriage, it requires time and patience to bring it about. Much more than half the cases of personal difficulty requiring intervention among the emancipated negroes in South Carolina have arisen out of infractions of the marital relation. In this respect, there is a marked difference between South Carolina and North Carolina. Yet, even in the former State, the old habits are speedily yielding to better teaching.

General Saxton deposed:

Question. "Were the women, under the slave system, taught chastity as a religious duty?"

Answer. "No, sir. They were taught that they must have a child once a year."

Question. "Has your observation led you to believe that the refugees pay regard to the marriage ceremony?"

Answer. "Yes, sir. Whenever it is solemnized, I think that they do."

It is here to be remarked that, in the cities, there appears to have been a nearer approach to recognized marriage and to conjugal fidelity than in the country, and that there the church succeeded better in repressing juvenile incontinence.

As a general rule, however, the religion of the South Carolinian slave was emotional, and did not necessarily connect itself with the suppression of vicious habits, but rather with church observances. It produced, indeed, submission, humility, resignation, reliance on Providence, obedience to masters; but its effect in checking lying, thieving, incontinence, and similar offences, was feeble and uncertain. A slave has seldom any distinct moral perception that he ought to speak the truth, or to respect private property, in the case of a person he dislikes; but these people are easily reached through their affections.

Whether because the race is not addicted to intemperance, or that they were here cut off from its temptation, drunkenness is an almost unknown vice. Captain Hooper testified:

"I never saw a negro drunk, and I heard of but one case, and that was of a man working on a vessel at Bay Point, who got whiskey on board."

There is no disposition in these people to go north. General Saxton offered them papers for that purpose, but no one availed himself of the offer. They are equally averse to the idea of emigrating to Africa. These feelings are universal among them. The local attachments of the negro are eminently strong, and the southern climate suits him far better than ours. If slavery be re-established in the insurrectionary States, the north will indeed be flooded with fugitives fleeing from bondage, and the fears of competition in labor sought to be excited in the minds of northern workingmen will then have some plausible foundation. But if emancipation be carried out, the stream of negro emigration will be from the north to the south, not from the south to the northern States. The only attraction which the north, with its winters of snow and ice, offers to the negro, is that it is free soil. Let the south once offer the same attraction, and the temptation of its genial climate, coupled with the fact that there the blacks almost equal the whites in number, will be irresistible. A few years will probably see half the free negro population now residing among us crossing Mason and Dixon's line to join the emancipated freedmen of the south.

The chief object of ambition among the refugees is to own property, especially to possess land, if it be only a few acres, in their own State. Colonel Higginson testified to his conviction that the effect of bounty land would be much greater on the colored than on the white soldier. They delight in the idea.

Working for wages, they soon get an idea of accumulating. Savings banks will be popular with them whenever their confidence is won.

The negro of Florida occupies an intermediate place between the slaves of North Carolina and those of South Carolina. He is more enterprising and more self-reliant than the latter. As a general rule, he enlists more willingly, and makes an excellent soldier. Many of them were employed as lumbermen, and in other vocations better calculated to call out their intelligence than the monotonous labor of the cotton field.

SECTION III.

NEGROES AS MILITARY LABORERS.

Even under the present faulty or imperfect system of management, the refugee negroes furnish to the government, in various localities, in the shape of military labor, the full equivalent of the rations and the wages which they and their wives and children receive. Major General Dix expressed to the commission his opinion that such was, at this time, the case within his military department, with the single exception, perhaps, of a few rations to dependent women and children on Craney island.*

To the same effect is the evidence obtained from Brigadier General Saxton, military governor of the department of the south, having about eighteen thousand refugees under his care. He testifies that, all things considered, they have been no expense to the government.†

So far, in all the localities visited by the commission, the demand for able-bodied negroes as laborers in the military service has greatly exceeded the supply. In many cases, the supply has not met half the demand. During the time Mr. Vincent Colyer was superintendent at Newbern, the standing requisition by Major General Burnside for colored laborers was for five thousand; and at no time was Mr. Colyer able to furnish over two thousand. Major General Dix informed the commission that he had never been able to obtain colored laborers enough, and that he had, at the time the commission visited him, an order from Washington for five hundred, which he had been unable to fill.

While military operations are continued, the services of the negro can be made effective, in the prosecution of the war, even as a laborer alone, to a much greater extent than he has been heretofore employed. An officer, now acting as quartermaster in one of the divisions of the army of the Potomac, expresses, in a letter to the commission, the opinion that at this time more than ten thousand white soldiers are detailed from the ranks for duty in the quartermaster's and commissary departments, on fatigue duty at the various headquarters, on pioneer service, &c.; and that on marches, where guards for the trains, parties for cutting roads, building bridges, and similar labor, are required, the number is much greater. If there be included the labor on intrenchments and fortifications, on garrison duty, in ambulance corps, in hospitals, as guides and spies, &c., it will, the commission believe, be found, that one-eighth might be added to the available strength of our armies by employing negroes in services other than actual warfare. If we estimate our armies at eight hundred thousand men, this would give one hundred thousand as the number of negroes who might be profitably employed in the military service, not estimating colored regiments. Nor do we hesitate in expressing the opinion, that the duties referred to would be better performed by them than by white men detailed from the ranks; for all experienced officers know how difficult it is to obtain labor from soldiers outside of the ordinary routine of their duties.

In connexion with the subject of military labor by refugees, the commission here state that a proposal recently laid before the President of the United States by the president of the Metropolitan railroad was submitted to this commission, inviting their opinion upon it. Though important, this is a matter of detail on which the commission are not prepared, at this time, to express an opinion.

* Stated in a conference which the commission had with General Dix at Fortress Monroe, May 9, 1863.

† Testimony of General Saxton, taken June, 1863. He says: "The fact is that the colored people here have been of no expense to the government. They have received a good many articles of clothing from charitable societies at the north; but the balance of credit, I think, is largely in favor of the negroes."

The organization of freedmen employed as military laborers into brigades, with badges around their hats, labelled "United States service"—the men marched regularly to and from work—has been found, in practice, to have an excellent effect. It tends to inspire them with self-reliance, and it affords them protection.

SECTION IV.

NEGROES AS SOLDIERS.

The policy of the government in organizing on a large scale colored regiments has been so distinctly announced, and is now being so rapidly reduced to action, that the commission need do no more than say, in regard to it, that all the evidence which has come before them bearing on the capacity of the negro as a soldier, including the observation, in South Carolina and elsewhere, of negro troops, has confirmed them in the conviction that if the government can, before the end of the present year, bring two hundred thousand or more colored troops into the field, to serve during the war, the result will be alike advantageous to the cause of the Union and to the race to which these troops belong. Docility, earnestness, the instinct of obedience—these are qualities of the highest value in a soldier, and these are characteristics, as a general rule, of the colored refugees who enter our lines.

Another point in which these troops, when brought under military rule, show to advantage, is in their neatness and care of their persons, uniforms, arms, and equipments, and in the police of their encampments. Moreover, they are generally skilful cooks and providers, and exhibit much resource in taking care of themselves in camp. These qualities will be apparent to any one who inspects the negro regiments under Brigadier General Wylde in North Carolina, or under Colonel Higginson at Beaufort, or under Colonel Montgomery in Florida.

The spiritual or religious sentiment also strongly characterizes the African race; developed in somewhat rude phase, it is true, among southern slaves—especially rude in the cotton States—but powerful, if appealed to by leaders who share it, as an element of enthusiasm. If the officers of colored regiments themselves feel and impart, as they readily may, to their men the feeling that they are fighting in the cause of God and liberty, there will be no portion of the army, the commission believe, more to be relied on than negro regiments.*

* This was written previously to the publication of Major General Banks's official report of the assault made upon Port Hudson on May 27, in which he bears the following testimony to the good conduct of the colored troops who formed part of the assaulting force:

"On the extreme right of our line I posted the first and third regiments of negro troops. The first regiment of Louisiana engineers, composed exclusively of colored men, excepting the officers, was also engaged in the operations of the day. The position occupied by these troops was one of importance, and called for the utmost steadiness and bravery in those to whom it was confided.

"It gives me pleasure to report that they answered every expectation. In many respects their conduct was heroic; no troops could be more determined or more daring. They made during the day three charges upon the batteries of the enemy, suffering very heavy losses, and holding their position at nightfall with the other troops on the right of our lines. The highest commendation is bestowed upon them by all the officers in command on the right.

"Whatever doubt may have existed heretofore as to the efficiency of organizations of this character, the history of this day proves conclusively to those who were in condition to observe the conduct of these regiments, that the government will find in this class of troops effective supporters and defenders. The severe test to which they were subjected, and the determined manner in which they encountered the enemy, leave upon my mind no doubt of their ultimate success. They require only good officers, commands of limited numbers, and careful discipline, to make them excellent soldiers."

But with these people, rather than with a more independent race, success depends upon whether their leaders are in sympathy with them, have gained their confidence, and can arouse their devotion. For this reason, however important a judicious choice of officers is in all cases, the commission consider that more depends upon this in the case of colored regiments than in that of white troops. It is probable enough that colored regiments badly officered would be more liable to give way than badly officered regiments of the more self-reliant white race.

Colonel Higginson testifies :

"I think they will depend more upon their officers than white troops, and be more influenced by their conduct. If their officers are intimidated, they will be; and if their officers stand their ground, so will they. If they lose their officers, the effect will be worse upon them than upon white troops; not because they are timid, but because they are less accustomed to entire self-reliance." * * * * "They criticise their officers very sharply. There is as much difference here in the standing of the various officers as in any white regiment."

Major General Butler expressed to the commission, in this connexion, an opinion which they believe to be correct. He said :

"Negroes are gregarious in fright, and, in that particular, the opposite of the Yankees. If a crowd of Yankees gets frightened, it is 'every one for himself, and God for us all!' Now, the negroes have been accustomed to stand in a body against master and overseer. At a sudden alarm they aggregate—they run to each other."

In connexion with the value of the negro as a soldier, the commission earnestly invite your attention to the valuable assistance which our generals in command may obtain in exploring the enemy's country and detecting his position and plans, by the organization of companies of colored guides in connexion with each army corps. On this subject the commission herewith submit a separate report, to which they pray reference.

If, as the commission recommend, colored troops to the number of two hundred thousand be brought into the field, and negroes be employed in our armies in operations other than actual warfare to the extent of a hundred thousand more, we shall require the military services of three hundred thousand blacks. This number of able-bodied men represents a population of about a million and a half, being one-half of all the colored people in the insurrectionary States. To reach this number there is needed, besides military successes, a strict enforcement of the orders issued by the government, that all colored refugees be treated with justice and humanity. By such treatment alone can their confidence be won, and strong inducement held out to others to join us. Upon such treatment depends, in a great measure, how large shall be the re-enforcements to be obtained by our armies at the expense of the enemy. Until a million and a half of slaves shall have forsaken their masters, we shall not have the full military advantage which we ought to derive from this source. It is evident that it behooves us to hasten such a result, and otherwise to promote the disintegration of the slave-labor system of the south by every means in our power.

If the placing in the field during the war of two hundred thousand effective black troops—a measure demanded by the exigencies of a contest which was commenced by the south—should ultimately prove to be one of the chief agencies to prevent the restoration of slavery in the insurrectionary States, such a condition of things would supply evidence that the very effort to perpetuate an abuse has been the means, under Providence, of effecting its eradication. The slave States will have been doomed themselves to forge a weapon to destroy that system, for the existence and extension of which, taking up arms, they have deluged a continent with blood.

In connexion with the probabilities of our obtaining the above number of colored troops it is the duty of the commission to report the fact that in too many cases not injustice only, but robbery and other crimes have been committed against fugitives on first entering our lines. As an example, the assistant superintendent at Suffolk, Virginia, informed the commission that instances had come to his knowledge of pickets who sometimes kept refugees until their masters came for them, and sometimes sent them back, pocketing the reward; the examples, however, of this offence were not numerous. He stated further that "in hundreds of cases" the refugees had been robbed by the pickets, chiefly of money, but occasionally of other articles. Valuable horses, too, and other property were taken from them by the quartermaster, without remuneration to the refugee who brought them in.

The robbery and kidnapping by pickets occurred in the above cases, as doubtless in others it does, in spite of the efforts of the provost marshal to prevent it.

The practical effect of such crimes, of which the report soon penetrates into rebeldom, is, as regards the military service, the same as if white Union soldiers were habitually robbed by these pickets, or were, from time to time, seized by them and delivered over as prisoners to the enemy. Until such outrages are effectually suppressed, it is unreasonable to expect that disaffected slaves should desert their masters in numbers to incur the double risk of running the gauntlet, first through the enemy's pickets, and then through our own. And this the rather, inasmuch as, from the relations they have hitherto borne to white men, and from the manner in which they have been treated by them, they naturally suspect the good intentions of our race towards theirs.

The above seems to the commission so grave in its consequences as to justify a general order on the subject by the War Department.

As regards horses, wagons, and similar property brought within our lines by fugitives, it is proper, of course, that it be taken by the quartermaster when needed for the public service; but in such cases it should be paid for as other property taken from loyal men is paid for, either to the refugee, if he makes no demand on the government for support for himself or for his family, or to the freedmen's fund in the hands of the superintendent, in cases in which the refugee or his family apply for rations or other governmental aid. The capture and carrying off of such property weakens the enemy, and we ought not to discourage the practice by depriving the captors of the legitimate reward for the risks they incur.

There is no legal reason why the conscription law should not apply to fugitives from labor as it does to white citizens. We have already, probably, placed in the field since the rebellion broke out a million and a quarter of white soldiers—nearly a third of our adult population between the ages of eighteen and forty-five. The investigations of the commission, however, lead them to believe that if men of the proper stamp are selected as negro superintendents, these can and will procure the voluntary enlistment of a much larger proportion of able-bodied refugees than this. The more intelligent among these people not only feel that it is their duty to fight for their own freedom, but by a proper appeal many of them can be made to understand that only by proving their manhood as soldiers—only through the baptism of blood—can they bring about such a change in public opinion as will insure for their race, from the present generation in this country, common respect and decent treatment in their social relations with whites.

In practice it has been found that by judicious treatment it is not difficult to create among these people a state of public opinion such that every able-bodied man among them who refuses to enter the public service when required is tabooed by the rest, and falls into general contempt as a mean, despicable fellow. This was especially the case at Newbern, as reported to the commission by Mr. Vincent Colyer, formerly superintendent there; and the commission believe it

may be relied on in almost every case in which the superintendent has succeeded in awakening the sympathy and winning the confidence of those under his care.

In all cases, therefore, the commission think that every expedient (short of bounties, which they do not recommend) should be employed to induce volunteering by freedmen, before resorting to conscription or other coercive measures. Such measures, though for a time they may fill the ranks, are calculated to arrest that exodus from rebeldom of freedmen there held as slaves upon which we must depend to keep up the supply of colored recruits.

The commission understand it to be your policy that to all colored soldiers of the United States shall be extended the same protection as to other United States troops, when taken prisoners by the enemy, as well as under all other circumstances. They cannot too strongly express their conviction that such a policy is demanded alike by justice and expediency, and that pains should be taken to make it officially and widely known.

SECTION V.

CHARACTER OF ORGANIZATION PROPOSED.

The researches and investigations of the commission have not yet been sufficiently extended and thorough to justify them in suggesting a definite system for the ultimate solution of one of the gravest social problems ever presented to a government. Certain measures, however, are, in the present emergency, evidently demanded, not merely from considerations of common humanity, to alleviate the sufferings caused to non-combatant laborers by the forced derangement of industry consequent upon military invasion, but also in virtue of the fact that a great and radical industrial and domestic change, every hour in progress, and ultimately involving the eradication of a labor system which has been the growth of more than two centuries, needs, for a time to which we cannot yet assign a definite limit, to be, to a certain extent, facilitated and directed by governmental assistance and control. The two labor systems—namely, that of enforced slave labor and that of free compensated labor—are, in spirit and result, so thoroughly at variance that the change from the one to the other by four millions of people cannot safely be left undirected and uncared for, to work itself out, drifting on at haphazard, according to the chance shiftings of the current of daily events. The transition has not yet so far proceeded, nor have its effects so fully developed themselves, as to supply reliable data whereupon to base a judgment as to the exact extent or duration of the guardianship which the new freedmen may require. The system of apprenticeship in the English West Indies appears to have worked badly, and was terminated before the time originally fixed by law; but the defect may have been, to a certain extent, in its details: as to all which the commission hope hereafter to be able satisfactorily to report. The question remains open, whether, and how soon, the American freedman, with the dependence engendered by the slave system still clinging to him—and what is worse, weighted down in his efforts to rise by that prejudice which prompts men to despise whoever has long been their inferior—will be able peacefully to maintain his new rights, and to protect himself against undue ascendancy and imposition from the white man. Coming into competition with another race—one among the most energetic in the world—for the first time in the history of our country, on something like equal terms, will he, if left to himself, be overborne and crushed? And if he should be, will he bear it as patiently in his capacity of freedman as he has borne it under subjection as a slave?

On one point the commission are already agreed, namely, that a scheme of guardianship or protection for one race of men against another race inhabiting

the same country cannot become a permanent institution. If the necessity for the constant operation of such a scheme could be proved, the proof would amount to this, that the two races cannot in perpetuity inhabit the same country at all, and that the one must ultimately give way to the other.

The commission, therefore, adopt the opinion that all special governmental measures, particularly those involving continuous expenditure, whether for the relief of poor southern whites or of poor refugee blacks, or for the guardianship of such refugees, should be more or less temporary in their character, and should be prepared and administered in that idea and intent.

In this view of the case, the commission state, with satisfaction, that, in the course of their inquiries, they have found unmistakable indications that the negro slave of the south, though in some respects resembling a child from the dependence in which he has been trained, and the unreasoning obedience which has been exacted from him, and therefore, in many cases, seeking and needing, for a season, encouragement and direction, is by no means devoid of practical sagacity in the common affairs of life, and usually learns, readily and quickly, to shift for himself. This, the commission think, it is just and desirable that he should be led to do at as early a period as is practicable, without further reliance, for aid or guidance, on the government.

In this view, the commission recommend that all "contraband camps" (as they are usually called) be regarded as places of reception and distribution only, and that the superintendents be informed that it is the policy of the government not to continue the aggregation of these people in military villages a day longer than is necessary to dispose of them as military laborers or on plantations, or in other self-supporting situations. A temporary exception to this may be made in cases where it is found that women and children can contribute materially to their own support by washing or other service for troops in the neighborhood. But camp life for women and children has been found by experience to be demoralizing. In a general way, when abandoned plantations can be had, it will be found more expedient and more profitable to cultivate these, even though chiefly by women and children under eighteen years old, than to leave such persons dependent on mere village employment.

Upon the same principle, the working of plantations by government should be undertaken as a temporary expedient, rendered necessary during the period of transition. But as soon as there are found loyal and respectable owners or lessees of plantations who will hire the freedmen at fair wages, this is to be preferred; or when the freedmen themselves have saved a little to start upon, or when they evince ability to manage a small farm or market garden of their own, such spots may be temporarily assigned to them, at a moderate rent, on forfeited estates, until Congress, which can alone originate a public policy in regard to such lands, shall make, if it sees fit to make, some permanent arrangement touching this matter. Ultimately, when these lands come into market, the desirable result is, that the freedmen should become owners in fee of the farms or gardens they occupy.

To the superintendent it must, in a measure, be left to select one or other of these plans, according to the varying circumstances in different places. When freedmen are hired, in the neighborhood of the superintendent station, by the owners or lessees of plantations or of manufactories, it should be made the duty of the superintendent to keep an eye over them for the time being, so as to ascertain that they have fair treatment and prompt payment of wages earned.

When refugees are employed by government in the cultivation of plantations, the commission are of opinion that it is cheaper and better to pay them wages than to supply them and their families with rations, promising them half the crop. The custom in many places has been to give full rations to adults, male or female, and half rations to children under ten years of age. Thus, a family consisting of a man and wife and four children, two over ten years old, are en-

titled to five rations; a larger amount of food than they actually need. The cost of these rations in General Dix's department is $14\frac{1}{2}$ cents each; consequently, such a family there costs the government, in rations alone, \$21 75 per month. But a white farm laborer in that vicinity can be hired for \$20 a month, he supporting himself and family. The freedman would have been entirely satisfied to be paid at the same rate and on the same conditions; while, under the ration system, though actually receiving from the government the equivalent of \$1 75 per month more, he feels as if he were receiving no wages, but barely food; and has to go in rags unless private benevolence eke out a supply of clothing. Funds to pay these wages might be obtained from the "cotton fund" and from the sale of other personal property abandoned by the rebels, and could be repaid when the crops were disposed of.

If, in any location, it was found that refugee laborers on plantations receiving wages had no opportunity to purchase, on reasonable rates or within reasonable distance, such articles of food and clothing as they required, the remedy might be—

1. Either to sell them rations at cost, and trust to their purchasing clothing elsewhere—an imperfect mode of remedying the evil—

2. Or else, that encouragement should be given to the establishment, under proper restraints for a time, of stores for the accommodation of the freedmen. The department superintendent (hereafter to be spoken of) might be instructed to enter into correspondence with Freedmen's Relief Associations in New York, New England, and elsewhere, and to suggest to them that, instead of sending clothing and other supplies for gratuitous distribution, they would more effectually and more economically attain their object by intrusting on loan to some honest, trustworthy young person, who had been trained to retail business, and upon whom they could depend for repayment, a few thousand dollars' worth of substantial food, dry goods, &c., such as are adapted to the wants of these freedmen, at moderate rates and of reliable quality. All persons establishing freedmen's stores might, on recommendation of the superintendent, receive from the general commanding a pass and permit to sell, revocable at any time in case of misconduct.

The Port Royal Relief Committee of Philadelphia established such a store last year at Port Royal, which has been eminently useful and successful.

If these stores be multiplied, it may be the means of introducing a useful class of young and enterprising settlers into portions of country abandoned by slaveholders.

It is proper for the commission here to say, that scarcely anything is more essential to the good government and improvement of these refugees than that the wages they earn should be promptly and regularly paid. Nothing so encourages their influx from rebeldom as this. And it is most desirable that a freedman should learn, as speedily as possible, that emancipation means neither idleness nor gratuitous work, but fair labor for fair wages.

If additional argument in favor of such regularity of payment were needed, it is to be found in the fact, well known to those who have had experience with these people as laborers, that where they are regularly paid, a single threat suffices, in place of all other punishment, to check laziness and other delinquency—the threat, namely, of dismissal. But if the payment of wages be uncertain, or delayed for months, such a threat has no force; and the foreman has no hold over those whose work he directs. In every case in which complaints were made to the commission of the inefficiency of freedmen's labor, they found, on inquiry, that wages had been withheld from these men for months. White laborers would not work at all under such circumstances.

In connexion with this regular payment of wages, and also with the suggestion heretofore made, that refugees acknowledging wives and children should be legally married, the commission recommend a system of allotment, under which

each married laborer or soldier shall be required, at the time his pay is received, to cede a part of it, proportioned to the size of his family, for their support, in all cases where that family is left dependent on the government. In cases where the freedman shall have provided a home and support for his own family, the amount to be allotted can properly be matter of recommendation only. Yet such recommendation will probably, in almost all cases, be as effectual as a positive requisition.

As the basis of a system of organization of freedmen—a first step, without which all subsequent steps will be attended with uncertainty and embarrassment—the commission recommend a strict and comprehensive system of registration, to take effect as each refugee enters our lines. This should include not only a description of the person, so as to insure identification, if possible, throughout life, but also all the facts bearing upon his legal claim to freedom. It should be stated to each, at the time he gives in his name, that he must not alter it hereafter, as slaves, when changing owners, are in the habit of doing. He should be made to understand that *aliases* are not permitted among freemen.

The specific forms of allotment and registration recommended will be found in instructions to be given to the department superintendents, which, if this report meet the sanction of the department, the commission will immediately prepare.

The commission believe it to be another important feature, in a plan of organization for the care of refugees, that such organization should be substantially separate from and (except when military exigencies intervene) independent of the ordinary military administration of the army; it being understood, however, that the refugees, on first entering our lines, come in charge of the provost marshal, who turns them over to the proper superintendent, and that every superintendent shall be required to meet, to the full extent of his ability, all requisitions made upon him by the proper authorities for military laborers; payments or other supplies to refugees not in military service to be directly through the department superintendents, who should be required to give bond as army paymasters do, and whose reports should be made directly to the superintendent general of freedmen.

The commission, specially desirous to propose no scheme which might endanger a conflict of authorities, have taken pains to submit this feature of their plan to generals commanding departments whenever they have had opportunity: as to General Schenck at Baltimore, to General Dix at Fortress Monroe, to General Viele at Norfolk, to General Peck at Suffolk, to General Hunter at Hilton Head, and to General Saxton at Beaufort. Each of these officers, when such a separation was suggested, approved it in unqualified terms, usually adding that it would be the greatest relief to themselves to be freed from all care and responsibility in regard to refugees. One of these officers remarked that he had rarely found military abilities and the special qualifications needed to superintend freedmen united in the same person, especially in subalterns.

SECTION VI.

DETAILS OF ORGANIZATION PROPOSED.

The commission suggest a plan of provisional organization, for the improvement, protection, and employment of refugee freedmen, extending, for the present, over those districts of country only with the condition of which they have become acquainted, chiefly by personal inspection of the various locations, in part by reliable reports and depositions, namely, the District of Columbia, Eastern Virginia, North Carolina, South Carolina, and Florida.

The commission have endeavored to adapt their plan not only to the immediate wants under the present condition of things, but also to meet such additional occupancy by federal troops of the four States above named as is likely to occur during the present year, and until Congress shall have had opportunity to legislate on this subject.

The commission propose—

1. That the above region of country constitute three freedmen's superintendencies or departments—the first comprising the District of Columbia and Eastern Virginia, the second extending over North Carolina, and the third embracing the States of South Carolina and Florida.

2. That there be appointed for each of these superintendencies a department superintendent, with the pay and allowances of colonel of cavalry.

3. That there be appointed as many resident superintendents in each department as there are important stations therein, with not less in each than from three to five thousand freedmen to care for; these resident superintendents to have the pay and allowances of captain of cavalry.

4. That where the number of freedmen at any station shall exceed seven or eight thousand, and it is the opinion of the department superintendent, expressed in writing, that an assistant superintendent is required, there be appointed such assistant, with the pay and allowances of lieutenant of cavalry.

In all cases necessary transportation to be allowed to such superintendents.

5. That there be appointed such clerks and foremen as may be necessary to carry out the details of this organization, with wages of from one to three dollars a day, graduated according to the character of their duties.

And, finally, that there be detailed, as superintendent general of freedmen, an officer of suitable qualifications, not under the rank of a brigadier general, to whom and to his staff be assigned an office in the War Department, his staff officers acting as secretaries, and otherwise aiding him in his duties of supervision.

It will be seen that this organization presupposes three grades of superintendents, besides a chief as central head, thus:

One superintendent general of freedmen for the United States.

Department superintendents: one for each superintendency, comprising not less than a State.

Resident superintendents: one for each residency, with not less than three thousand freedmen to care for.

Assistant superintendents: one to aid the resident superintendent when the number of freedmen within the residency exceeds seven or eight thousand.

Together with the needful clerks and foremen.

The plan will not, the commission believe, be deemed unnecessarily elaborate when the possibility is taken into account that the colored population, for whose supervision it is prepared, may reach the number of a million or a million and a half before the current year expires.

The commission further propose that to the general officer detailed as superintendent general of freedmen be committed, until Congress shall otherwise provide, the general supervision, throughout the United States, of the colored population emancipated by the President's proclamation and by acts of Congress; and the duty of seeing faithfully carried out the plan of organization which may be adopted.

That to this officer, as head of the organization, all reports of department superintendents, and all requisitions by them for money or other supplies, be addressed; and that it be his duty to lay these, with such remarks thereon as he may deem proper, before the Secretary of War.

That if, as the freedmen superintendencies shall increase in numbers and importance, the officer aforesaid shall be of opinion that it will be useful to call together from time to time the department superintendents to sit for a few days

as a board for consultation and for comparison of mutual experiences, it shall be at his option so to do, and of such a board he shall be chairman.

That each resident superintendent shall report at least once a month to the proper department superintendent, who shall communicate said reports, with such remarks thereon, and such recommendations in regard to any requisitions they may contain, as to him may seem proper, to the superintendent general.

That each assistant superintendent report to the proper resident superintendent, who shall communicate such report, with his remarks thereon, if any he deem necessary, to the proper department superintendent.

A competent surgeon and hospital steward should be appointed for each residency, and an assistant surgeon added when the number of refugees attached to the residency requires it. It may be necessary at first to give these officers the pay and allowances of officers of the same rank in the army; but it is very desirable that, as soon as possible, the proper relation between physician and patient be, in a measure, at least, established, by causing these medical men to depend, in part, for support on those whom they attend.

The importance of enlightened instruction, educational and religious, to these uneducated people cannot be overestimated. It is pleasant to the commission to be able to state their conviction, that the freedmen, in every district of country they have visited, eager to obtain for themselves, but especially for their children, those privileges of education which have hitherto been jealously withheld from them, may already be depended upon to support, in part, both teachers and pastors. The benevolent and religious societies of the north are aiding liberally in this good work; and the opinion of some of those who have taken a leading part in these philanthropic efforts (as expressed to the commission) is, that, with the aid of the freedmen themselves, they will be able, for the present, and until the number of refugee freedmen shall materially increase, to supply, in most cases, the necessary literary and religious instruction. If, in the organization of the various superintendencies, this opinion should prove to be correct, it is well. But organized efforts of private benevolence are usually uncertain in their duration, and a greatly increased immigration of refugees may so augment the number of freedmen needing instruction that the demand for school teaching and pastoral care will exceed the supply. In that case, it may be necessary, in certain locations, that government, for the time being, detail a chaplain to take the religious charge of a residency; and that it pay the salaries of the necessary teachers until the freedmen's schools become self-supporting.

As to these matters, it should be made the duty of the department superintendent specially to report.

Meanwhile, the government should afford transportation to any religious or secular teachers who are duly accredited by respectable societies, and supported, in whole or in part, from the funds of such societies.

As a general rule, the refugees will probably sooner be able to pay their clergymen than to provide the requisite number of teachers for their children. The freedmen of Newbern have recently invited a private of the forty-third Massachusetts volunteers, named Edward Fitz, of the Methodist persuasion, and having a license to preach, to become their pastor, at a salary of one thousand a year.

The organization proposed will be incomplete in those parts of the superintendencies here spoken of in which the ordinary courts of justice are suspended, unless temporary provision be made for a magistracy through whose action these people may learn the important lesson that the obedience which, as slaves, they paid to the will of a master, must now be rendered by them, as freedmen, to established law—care being taken not to encourage them to become litigious. In this view, the commission recommend that wherever, throughout the superintendencies aforesaid, justices of the peace and circuit and other judges have ceased

to hold their sessions, a provost judge, if he be not already appointed, should be. The lack of such an officer at Port Royal is very much felt.

They further recommend that the proper department superintendent be vested with authority to bring to conciliation and settlement all difficulties arising between freedmen, except where resort to a provost judge or other legal tribunal becomes necessary. Where a case of difficulty occurring between a freedman and a white man goes before a provost marshal or provost judge, or before any regularly established legal tribunal, it should be made the duty of the department superintendent so far to act as friend and adviser for the freedman as to see to it that his case is fairly presented and tried; and to this end, in important cases, where necessary, to employ legal counsel. In all these cases, the department superintendent should give such counsel and advice as shall tend to justice between the parties, acting in person when practicable; but, if necessary, he may be allowed to appoint the appropriate resident superintendent to act for him as deputy, during his absence, in the settlement of minor cases.

It should be specially recommended to the department superintendent, in the settlement of all personal difficulties between these people, to act as arbitrator rather than as formal judge, adopting the general principles governing courts of conciliation. And it is confidently believed by the commission that if he shall succeed in gaining the confidence of the freedman under his charge, he will, with rare exceptions, be able amicably and satisfactorily to adjust such difficulties without further resort to law.

As to the mode of appointment of superintendents and employés above proposed, the commission suggest as follows :

That the department superintendents be appointed by the Secretary of War.

That the resident superintendents and assistant superintendents be nominated to the superintendent general by the respective department superintendents for confirmation or rejection.

That clerks, when needed at any freedmen's station, be nominated by the resident superintendent to the department superintendent for confirmation or rejection.

That resident superintendents may, with the concurrence of the department superintendents, appoint foremen when needed.

But that the number of residencies in a department, and also the number of assistant superintendents, be determined, after a report on the subject from the department superintendent to the superintendent general aforesaid, by that officer.

In the above recommendations as to the mode of appointing subordinate officers, the commission are influenced by their conviction that it is a principle of great practical importance, in administrative organizations, that upon all officers to whom subordinates are immediately responsible should be thrown, as far as prudence permits, the responsibility, by selection of such subordinates, of having about them only men of character and of proper qualifications. When a workman has choice of tools, he cannot throw the blame of bad workmanship upon them.

The commission here desire to record their profound conviction, that upon the judicious selection of department superintendents and of superintendent general of freedmen will mainly depend the successful practical workings of the above sketched plan of organization. The African race, accustomed to shield itself by cunning and evasion, and by shirking of work, whenever it can be safely shirked, against the oppression which has been its lot for generations, is yet of genial nature, alive to gratitude, open to impressions of kindness, and more readily influenced and led by those who treat it well and gain its confidence than our race, or perhaps than any other. The wishes and recommendations of government, if they are not harshly enforced, but quietly communicated by those who understand and sympathize with the African nature, will be received and obeyed as commands in almost every instance. It is highly important, therefore, that

those who have in charge the interests of these freedmen shall be men not only of administrative ability, but also of comprehensive benevolence and humanitarian views.

On the other hand, it is equally desirable that these refugees, as readily spoiled as children, should not be treated with weak and injurious indulgence. Even-handed justice, not special favor, is what they need. Mild firmness is the proper spirit in which to control them. They should find themselves treated, not as children of preference, fostered by charity, dependent for a living on government or on benevolent associations, but as men from whom, in their new character of freedmen, self-reliance and self-support are demanded.

Superintendents imbued with this spirit and the views here recommended will, if they possess a fair amount of executive talent, find little difficulty in managing refugee freedmen, and, with infrequent exceptions, will meet with no factious opposition on their part.

In first putting into operation this plan of management, it is recommended that the present superintendents in the departments referred to be either confirmed as resident or assistant superintendents under the new organization, or at once relieved from duty.

SECTION VII.

GENERAL RESULTS.

The problem, in the solution of which the commission have been called to aid, is of a mixed character. Together with obvious and imperative considerations of humanity, it involves great questions of Christian civilization and of statesmanship. But most urgent at the present moment are its relations with the national struggle in which we are engaged, and with the issue of that struggle for good or evil.

Proposing hereafter to embody in a more maturely considered report the more complex and difficult inquiries of a general character above suggested, the commission dismiss these for the present with a single brief remark.

The observations of the commission in the sections of country visited by them, together with the evidence obtained from those having most experience among freedmen, justify the conclusion that the African race, as found among us, lacks no essential aptitude for civilization. In a general way, the negro yields willingly to its restraints, and enters upon its duties, not with alacrity only, but with evident pride and increase of self-respect. His personal rights as a freedman once recognized in law and assured in practice, there is little reason to doubt that he will become a useful member of the great industrial family of nations. Once released from the disabilities of bondage, he will somewhere find, and will maintain, his own appropriate social position.

The commission revert to the question in its relation to the existing insurrection. Its importance, in that connexion, can hardly be overestimated. If the slaves of the south are loyal to the Union, the north will have itself alone to blame if the war is not speedily and triumphantly closed. Scarcely any other question, therefore, is more intimately connected with the future destiny, prosperous or decadent, of this nation.

But, in point of fact, it admits of no reasonable doubt that the southern slaves, as a body, do desire release from bondage, from forced and often excessive labor, from arbitrary and often inhuman punishment. Their masters have sought to inspire them with a dread of "Yankee abolitionists;" but while doubtless assenting, as the habit of the slave is, to these denunciations of northern emancipationists, all facts prove that these men, as a general rule, see

through the flimsy pretence, and are willing to risk severe punishment, sometimes death itself, whenever they have good reason to hope that, in deserting their masters, they will find in us just and sincere friends, able and willing to put them in a condition in which they may enjoy the fruits of their own labor.

But we, by our policy towards these people, may encourage, or we may discourage, that hope. The point on which they are peculiarly sensitive, and chiefly need assurance, is as to the absolute and irrevocable certainty of their freedom. We cannot expect this untutored race to understand the abstract proposition, that a great nation, after having solemnly declared, through its Chief Magistrate, that three millions of its inhabitants shall be forever free, cannot, without utter degradation in the eyes of the civilized world, repudiate that declaration and reconsign these millions to slavery. They must have more tangible proof of the reality and unchangeable character of their emancipation. They must feel themselves treated *as* freemen before they can fully realize the fact that they are and will forever remain such.

We, by our misconduct, may give color and force to the misrepresentations of slaveholders touching our ultimate intentions towards the negro race. We may cause doubts in the minds of this enslaved people whether, in flying from ills they know, they may not encounter worse ills by the change.

Every aggression, every act of injustice, committed by a northern man against unoffending fugitives from despotism, every insult offered by the base prejudice of our race to a colored man because of his African descent, is not only a breach of humanity, an offence against civilization, but it is also an act which gives aid and comfort to the enemy. The report of it goes abroad—penetrates into the enemy's country. So far as its influence there extends, the effect is to deter the slave from leaving his master—therefore to secure to that master a bread-producer, and, by the same act, to deprive the Union of a colored soldier, and compel the government, by conscription, to withdraw a laborer from a northern farm.

The practical effect, therefore, of abuse and injury to colored people in these days, is not alone to disgrace the authors of such acts, but to compel conscription, and to strip the north, already scant of working hands, of the laborers and the artisans that remain to her. Thousands of fields owned by white men may remain untilled; thousands of hearths owned by white men may be made desolate—all as the direct result of the ill treatment of the colored race.

Such a spirit is not treasonable in the usual sense of that term; yet its results are the same as those of treason itself. It becomes, therefore, in a military point of view, of the highest importance that all wanton acts of aggression by soldiers or civilians, whether against refugees or against free negroes heretofore settled in the north, should be promptly and resolutely repressed, and the penalties of the law in every such case rigorously enforced. A prudent regard for our own safety and welfare, if no higher motive prompt, demands the taking of such precaution.

We have imposed upon ourselves an additional obligation to see justice and humanity exercised towards these people in accepting their services as soldiers. It would be a degree of baseness of which we hope our country is incapable to treat with contumely the defenders of the Union, the men who shall have confronted death on the battle-field, side by side with the bravest of our own race, in a struggle in which the stake is the existence in peace and in their integrity of these United States.

We are unjust to our enemies if we deny that this struggle has been a hard-fought one—contested bravely, and with varying success. A people with an element of semi-barbarism in their society, giving birth to habits of violence and of lawless daring, are in some respects better prepared for war than one which stands on a higher plane of Christian civilization. Add to this, that our task is the more arduous, because, to quell the rebellion, we have had to become

the invaders. Under these circumstances, can we overlook the fact that several hundred thousand able-bodied men, detached from the labor-ranks of the enemy and incorporated into the army of the north, may essentially influence the decision of the issue?

There is an additional reason why a considerable portion of the Union armies should be made up of persons of African descent. The transformation of the slave society of the south into free society, no longer properly a question, has become a necessity of our national existence. Reflecting men have already reached the conclusion, and the mass of our people are attaining to it day by day, that the sole condition of permanent peace on this continent is the eradication of negro slavery. But the history of the world furnishes no example of an enslaved race which won its freedom without exertion of its own. That the indiscriminate massacres of a servile insurrection have been spared us, as addition to the horrors of a civil war, is due, it would seem, rather to that absence of revenge and bloodthirstiness which characterizes this race, than to lack either of courage or of any other quality that makes the hardy combatant; for these the negro appears, so far as we have tried him in civilized warfare, to possess.*

* At the moment of writing this the newspapers of the day arrive, containing the following private letter from an actor in the fight at Milliken's Bend, and an eye-witness of the desperate valor of the negro troops there engaged. It appeared originally in the *Galena (Ill.) Advertiser*, and bears the marks of truth and accuracy:

THE GREAT GALLANTRY OF THE NEGRO TROOPS AT MILLIKEN'S BEND.

We publish below a very interesting letter of Captain M. M. Miller, of this city, of the 9th Louisiana (colored) regiment.

Captain M. is a son of W. H. Miller, esq., for many years a citizen of Galena. At the time of the breaking out of the rebellion he was a student in Yale College, and had nearly completed his course. He left his studies, however, and returned home, enlisted as a private in the celebrated Washburne Lead-Mine Regiment, from whence he was taken and made captain of a colored company. His statement can be relied on as literally true, and we venture to say the history of the world shows no more desperate fighting than that done by his company at Milliken's Bend. Every man but one in his company was either killed or wounded, and many of them in a hand-to-hand bayonet struggle.

"MILLIKEN'S BEND, *June 10, 1863.*

"DEAR AUNT: We were attacked here on June 7, about 3 o'clock in the morning, by a brigade of Texas troops, about 2,500 in number. We had about 600 men to withstand them—500 of them negroes. I commanded company I, 9th Louisiana. We went into the fight with 33 men. I had 16 killed and 11 badly wounded, 4 slightly. I was wounded slightly on the head, near the right eye, with a bayonet, and had a bayonet run through my right hand, near the fore-finger; that will account for this miserable style of penmanship.

"Our regiment had about 300 men in the fight. We had one colonel wounded, four captains wounded, two first and two second lieutenants killed, five lieutenants wounded, and three white orderlies killed, and one wounded in the hand and two fingers taken off. The list of killed and wounded officers comprises nearly all the officers present with the regiment—a majority of the rest being absent recruiting.

"We had about 50 men killed in the regiment and 80 wounded; so you can judge of what part of the fight my company sustained. I never felt more grieved and sick at heart than when I saw how my brave soldiers had been slaughtered—one with six wounds, all the rest with two or three, none less than two wounds. Two of my colored sergeants were killed, both brave, noble men; always prompt, vigilant, and ready for the fray. I never more wish to hear the expression, 'The niggers won't fight.' Come with me 100 yards from where I sit, and I can show you the wounds that cover the bodies of 16 as brave, loyal, and patriotic soldiers as ever drew bead on a rebel.

"The enemy charged us so close that we fought with our bayonets, hand to hand. I have six broken bayonets to show how bravely my men fought. The 23d Iowa joined my company on the right, and I declare truthfully that they had all fled before our regiment fell back, as we were all compelled to do.

"Under command of Colonel Page, I led the 9th and 11th Louisiana, when the rifle-pits were retaken and held by our troops, our two regiments doing the work.

"I narrowly escaped death once. A rebel took deliberate aim at me with both barrels of his gun, and the bullets passed so close to me that the powder that remained on them burned

And in such warfare is it fitting that the African race seek its own social salvation. The negro must fight for emancipation if he is to be emancipated.

If, then, emancipation be the price of national unity and of peace, and if a people, to be emancipated, must draw the sword in their own cause, then is the future welfare of the white race in our country indissolubly connected with an act of justice on our part toward people of another race; then is it the sole condition under which we may expect—and, if history speak truth, the sole condition under which we shall attain—domestic tranquillity, that we shall give the negro an opportunity of working out, on those battle-fields that are to decide our own national destiny, *his* destiny, whether as slave or as freedman, at the same time.

The commission have been instructed to report how colored freedmen "can be most usefully employed in the service of the government for the suppression of the rebellion." The above remarks may suffice as the record of their profound conviction, that no more effectual aid can be had in the speedy suppression of the rebellion and the restoration of permanent peace, than is to be obtained by inducing the hearty co-operation of these freedmen, and by giving full scope to their energies as military laborers and soldiers during the continuance of the war.

Beyond this, it remains for the commission to bring to your notice a statement communicated to them by Major General Butler, namely, that many of the Louisiana planters, while professing loyalty, "had agreed together not to make any provision last autumn for another crop of sugar, hoping thereby to throw upon us this winter an immense number of blacks, without employment, and without any means of support for the future—the planters themselves living on what they can make from the last crop."

To what extent this policy has been carried out, either in Louisiana or in other States, the commission have not yet the means of judging. Up to the point at which able-bodied freedmen are needed, as laborers or soldiers in the army—say three hundred thousand or upwards—there can be for the present season no difficulty arising out of any such combination among disaffected planters. Even beyond that point, the evident remedy is, that any surplus be employed in plantation labor. Meanwhile, women and children under eighteen

my cheek. Three of my men who saw him aim and fire thought he wounded me each fire. One of them was killed by my side, and he fell on me, covering my clothes with his blood, and before the rebel could fire again, I blew his brains out with my gun.

"It was a horrible fight, the worst I was ever engaged in—not even excepting Shiloh. The enemy cried, 'No quarter!' but some of them were very glad to take it when made prisoners.

"Colonel Allen, of the 17th Texas, was killed in front of our regiment, and Brigadier General Walker was wounded. We killed about 180 of the enemy. The gunboat Choctaw did good service shelling them. I stood on the breastworks after we took them, and gave the elevations and direction for the gunboat by pointing my sword, and they sent a shell right into their midst, which sent them in all directions. Three shells fell there, and 62 rebels lay there when the fight was over.

"My wound is not serious, but troublesome. What few men I have left seem to think much of me because I stood up with them in the fight. I can say for them that I never saw a braver company of men in my life.

"Not one of them offered to leave his place until ordered to fall back; in fact, very few ever did fall back. I went down to the hospital, three miles, to-day, to see the wounded. Nine of them were there, two having died of their wounds. A boy I had cooking for me came and begged a gun when the rebels were advancing, and took his place with the company, and when we retook the breastworks I found him badly wounded with one gunshot and two bayonet wounds. A new recruit I had issued a gun to the day before the fight was found dead, with a firm grasp on his gun, the bayonet of which was broken in three pieces. So they fought and died defending the cause that we revere. They met death coolly, bravely—not rashly did they expose themselves, but all were steady and obedient to orders.

So God has spared me again through many dangers. I cannot tell how it was I escaped.

"Your affectionate nephew,

"M. M. MILLER."

can be so employed; and the produce of their labor may be of great importance, in view of the possible scarcity of provisions next season throughout the south, consequent on the destruction and consumption incident to war, and the non-cultivation of many plantations, whether by express combination of planters or from other causes.

It is here worthy of remark, that in receiving any given number of colored emigrants from the rebel States, a much larger proportion of field laborers is to be found than in the same number of white immigrants; the reason being that the women as well as the men—even girls of fifteen and upwards—are usually accustomed to plantation labor, and often, from force of habit, prefer it to any other. This is an important item in estimating the aid which may be derived from negro refugees.

Upon the whole, the commission conclude that there is not the least risk that such refugees will flock to us more rapidly than they are needed, and than they can be advantageously employed. The only question is, whether we shall be able to induce them to join us in such numbers and as speedily as is to be desired. It is in our own hands to hasten the time and increase the number, and it is doubtful whether, in the conduct of the war, there is a more important duty to perform.

All of which is respectfully submitted.

ROBERT DALE OWEN,
JAMES MCKAYE,
SAMUEL G. HOWE,
Commissioner.

Hon. E. M. STANTON,
Secretary of War.

FINAL REPORT OF THE AMERICAN FREEDMEN'S INQUIRY COMMISSION TO THE SECRETARY OF WAR.

CHAPTER I.

To the honorable Edwin M. Stanton, Secretary of War :

Praying reference to our preliminary report heretofore made, we have now the honor to submit to you the final report of our commission.

Observations on portions of the country which had not been visited at the date of our former report, and on the free colored population of Canada West, are contained in supplemental reports A and B. The present report embraces considerations of a more general character—some historical, some legal, some prospective—all connecting themselves with the well-being and destiny of the race now in a state of transition among us from slavery to freedom.

The terms of your order which created the commission demanding an inquiry as to the measures which may best contribute to the protection and improvement of the recently emancipated freedmen of the United States, and to their self-defence and self-support, involve not alone the question whether a system of provisional or permanent guardianship be necessary or proper to effect these objects, and (in case that should appear to be so) the further question what the details of such a system should be, but also, incidentally, the prior inquiry whether the protecting freedom of these people is reliably formed, and whether it can endure unless emancipation become universal throughout the Union, extending to the border as well as to the rebel States. There is involved yet another question, inseparably connected with the future destiny of the nation—the great question whether, in the course of human events, with or without the aid of precautionary measures, it be likely that the two races hitherto the dominant and subordinate shall be able, when both shall be free, persistently to endure side by side, and to live together in one common country harmoniously and with mutual advantage. And, in connexion with the preceding subjects of inquiry, lying, indeed, at the base of the whole matter, it has seemed to the commission proper briefly to review the history, in this western hemisphere, of these two races so far as they have been connected with each other, the character and effect of that connexion, and the results that have sprung and are yet to spring from it. Guided by this view of our duties, we offer on the general subject some prefatory observations.

SLAVERY.

The greatest social and political problems of the world connect themselves more or less intimately with the subject of labor. A people who regard work as degradation, though arts and letters flourish among them, are but emerging from barbarism. It has been sometimes said, with much truth, that the grade of civilization in a nation may be measured by the position which it accords to woman. A stricter test is the degree of estimation in which labor is held there.

Our race, in its gradual advance from ignorance and evil to comparative knowledge and good, has not yet, even in countries the most favored, outlived an error fatal to true progress. Sometimes avowedly, more often practically, a certain stigma still attaches to human labor—to that labor from which, in one shape or other, the world receives everything of good, of useful, of beautiful, that charms the senses or ministers to the wants of man; to which we owe life, and everything that makes life desirable.

According to the structure of society in each country this error is modified in form. In certain nations of continental Europe the great line of social demarcation is drawn between the titled classes, whether noble by birth or ennobled by royal creation, constituting the privileged, and all other persons, including merchants, though wealthy, and lawyers, though eminent, and authors, though popular, constituting the unprivileged. More liberal England begins to admit within the pale the distinguished and successful among the professional classes, and from the mercantile and literary ranks we ourselves, professing to honor industry and talking occasionally of the nobility of labor, have opened somewhat wider, but only throughout a portion of our republic, the door which admits within the precincts of respectability.

Only throughout a portion of our republic—in fifteen of these United States—the opinions, the feelings, the practice of the inhabitants, as regards laborers and labor itself, have been more perverted, have been less civilized, than in the most despotic countries of Europe. In these States the class of working husbandmen has been degraded, both as regards civil rights and social position, below the pariahs of India. This cannot happen in any nation without producing results fatal alike to its prosperity and to the moral worth and essential dignity of its population. The only doubt as to these results is, whether their influence has been more pernicious on the enslavers or on the enslaved.

The introduction into our hemisphere of this terrible element of social demoralization was almost coeval with its discovery by Europeans. It was in October of the year 1492 that Columbus first landed; and it was just eight years afterwards, in the month of October, 1500, that Francis de Bobadilla was guilty of two outrages: one, the sending home in chains of the great discoverer; the other, the reducing to bondage of the gentle islanders, whose fair land he discovered. Bobadilla granted liberal donations of Indians to all who applied for them.*

The first year of the sixteenth century saw introduced into America that baneful system, abhorrent to Christian civilization, which was to spread and gather numbers and strength and influence, until, after more than three centuries and a half of evil growth, it was to bring a million of combatants into the field; to sacrifice, on the field of battle, hundreds of thousands of lives and thousands of millions of treasure.

There is scarcely a page in history so replete with horrors as that which records the inception of slavery in this hemisphere. That terrible abuse caused, in an incredibly short period, the extinction of a race—a race whom all the historians of that day concur in representing as the most kind and inoffensive and hospitable of mankind. Gold must be had. Columbus had been disgraced because he had failed to send home a sufficiency of it. His successors resolved to escape that imputation. The mines must be worked, and the forced labor of the feeble natives was employed to work them.

After a time royal sanction was obtained for the act. Isabella, just if severe, who had issued orders that the Indians should be free from servitude and from molestation,† died in 1504; and in 1500 Ferdinand issued a decree of his privy council, declaring that, "After mature consideration of the Apostolic Bull and other titles by which the crown of Castile claimed the right to its possessions in the New World, the servitude of the Indians was warranted both by the laws of God and man."‡

* Robertson's History of America: London, 1792, vol. 1, book 2, p. 222. Herrera, "General History of the Vast Continent and Islands of America," (Sterne's translation.) London, 1725, vol. 1, p. 244.

† Orvando "was particularly charged by the queen that all the Indians of Hispaniola should be free from servitude, and that none should molest them."—Herrera, vol. 1, page 247.

‡ Robertson's History of America, vol. 1, page 307. This decree was passed against the protest of the Dominicans, the abolitionists of those days.

Thus was legalized that system of *repartimientos*, under which there had been previously assigned to each Spaniard, by an order, or some cacique, a certain number of natives, who were to be instructed in the Catholic faith. What the character of these masters and teachers was may be gathered from the fact that Columbus himself had recommended the transportation to Hispaniola of malefactors convicted of the less atrocious capital crimes. "The prisons of Spain," says Robertson, "were drained to collect members for the intended colony."*

We are not left to imagine the fate of the helpless wretches confided to such hands. Irving tells us, "They (the Indians) were separated the distance of several days' journey from their wives and children, and doomed to intolerable labor of all kinds, extorted by the cruel infliction of the lash. * * * When the Spaniards who superintended the mines were at their repasts,' says Las Casas, 'the famished Indians scrambled like dogs for any bone thrown to them.' * * * If they fled from this incessant toil and barbarous coercion, and took refuge in the mountains, they were hunted like wild beasts, scourged in the most inhuman manner, and laden with chains to prevent a second escape."†

Las Casas's terrible history is full of horrors of which he himself was eyewitness. "I have found," says he, "many dead in the road, others gasping under the trees, and others, again, in the pangs of death, faintly crying, "Hunger! hunger!"‡

"So intolerable," says Washington Irving, "were the toils and suffering inflicted upon this weak and unoffending race, that they sank under them, dissolving, as it were, from the face of the earth."§

There is no exaggeration in this statement, incredible if it seem. Robertson confirms it, giving some general statistics on the subject. He tells us: "The original inhabitants, on whose labor the Spaniards in Hispaniola depended for their prosperity and even their existence, wasted so fast that the extinction of the whole race seemed to be inevitable. When Columbus discovered Hispaniola the number of its inhabitants was computed to be at least a million. They were reduced to sixty thousand in fifteen years."||

This was in 1507. Scarcely half a generation had elapsed since Europeans had found these people weak and ignorant indeed, but simple, cheerful, and happy; and in that brief period, so atrocious had been the cruelty of their treatment, that *ninety-four out of every hundred* of these victims sank and perished under it.

But the picture in all its blackness is not yet filled up. The deaths had increased with such frightful rapidity that the common operations of life were arrested thereby. The dead laborers had to be replaced by fresh victims. And then it was that, as the culmination of enormities that have left an indelible stain on the Spanish name, an expedient was resorted to, in the conception of which, to inhuman barbarity, treachery and blasphemy were superadded.

This infamous expedient is ascribed to Ovando. At all events, under his governorship, in 1508, the king (Ferdinand) "was advised," says Herrera, "that the Lucayo islands,¶ being full of people, it would be convenient to carry them over to Hispaniola that they might be instructed in the Christian religion and civilized." Ferdinand, perhaps deceived by this artifice, more pro-

* Robertson, vol. 1, pp. 192, 193; Herrera, dec. 1, lib. 3, chap. 2.

† Irving's Columbus, vol. 1, p. 427.

‡ Las Casas's Hist. Ind., lib. 2, cap. 14; MS. quoted by Irving.

§ Irving's Columbus, vol. 2, p. 428.

|| Robertson's America, vol. 1, p. 262. It is from Herrera, the most correct and intelligent of the Spanish historians of that period, that Robertson's calculation is taken. There seems no reason to discredit it, incredible if it seem. Other historians estimate the original inhabitants much higher. Benzone puts the number at two million.

¶ Now the Bahama islands.

bably willing to connive at an act of violence which policy represented as necessary, gave his assent to the proposal. Herrera informs us in what manner it was carried into effect:

"The Spaniards who went in the first ships told these people that they came from Hispaniola, where the souls of their parents, kindred, and friends lived at their ease; and if they would go see them, they should be carried over in these ships. For it is certain that the Indian natives believed that the soul is immortal, and that when the body was dead it went to certain places of delight, where it wanted for nothing that might give it satisfaction."^{*}

"That simple people," says Robertson, "listened with wonder and credulity; and fond of visiting their relations and friends in that happy region, followed the Spaniards with eagerness. By this artifice over forty thousand were decoyed into Hispaniola to share in the sufferings which were the lot of the inhabitants of that island, and to mingle their groans and tears with that wretched race of men."[†]

By this expedient the number of Indians in Hispaniola was raised to one hundred thousand. But the work of human destruction went on. Nine years later, to wit, in 1517, Roderigo Albuquerque, being appointed principal officer to distribute the repartimientos, caused an enumeration of the Indians to be made. The number was found to be reduced to fourteen thousand. Six-sevenths had perished in nine years! The survivors were put up to sale in different lots. The secrets of their prison-house what tongue can ever reveal!

Such was the first advent in this hemisphere of that system under which human labor is stigmatized as a degradation. The mind cannot realize—the imagination shrinks from conceiving—the atrocious barbarities to which such a system must have given birth, ere a race of men could have perished in a single generation before it; a terrible attestation to the immeasurable sufferings that may result from a single great crime. Well has De Tocqueville said:

"There is one calamity which penetrated furtively into the world, and which was at first scarcely distinguishable amidst the ordinary abuses of power. It originated with an individual whose name history has not preserved; it was wafted like some accursed germ upon a portion of the soil; but it afterwards nurtured itself, grew without effort, and spread naturally with the society to which it belonged. This calamity is slavery. Christianity suppressed slavery, but the Christians of the sixteenth century re-established it, as an exception, indeed, to their social system, and restricted to one of the races of mankind."[‡]

That another race was not subjected to it—that the Indians of Hispaniola and of the adjacent islands escaped perpetual servitude—is due, not to the forbearance of their oppressors, but to the tender mercies of death, the great liberator.

An incident, to which is popularly ascribed the first substitution of the African negro for the native of Hispaniola—the first introduction, therefore, into our hemisphere of that race who were to be thenceforth, for centuries, branded with the mark of Cain—may teach us how humanity, in her aberrations, sometimes, with the best intentions, aids in laying broad the foundations of misery and of crime.

Bartolomeo de las Casas, a Dominican monk, had accompanied Columbus on his second voyage. A man of eminent benevolence and quick sensibilities, the sufferings of the down-trodden Indians produced upon him a profound impression. After spending many years in Hispaniola, in fruitless efforts to ameliorate the condition of the natives, he returned to Spain previously to the death of Ferdinand, was favorably received by that monarch and by his minister, the Car-

^{*} Herrera, vol. 1, p. 325.

[†] Robertson's Hist. Amer., vol. 1, p. 263.

[‡] "Democracy in America," by De Tocqueville, (Cambridge edition, 1862,) vol. 1, p. 457.

dinal Ximenes, and succeeded in procuring the appointment of three superintendents of the colonies, to whom he himself was joined, with the well-earned title of "Protector of the Indians." The mission, however, was of small avail. The Spaniards of Hispaniola opposed every obstacle; representing that without compulsion the Indians would not labor, and that without their labor the colony could not subsist. Finding no countenance in the island, Las Casas again returned to Spain, where he arrived shortly before the death of Ximenes, and found Charles V successor of Ferdinand.

Then it was, after a vain endeavor to procure the freedom of the aborigines, that Las Casas, thinking that a hardier race than they would suffer less as slaves,* recommended to Ximenes the policy of supplying the labor market of Hispaniola with negroes from the Portuguese settlements on the African coast.

This, though affirmed by Robertson,† following Herrera, is denied by several modern authors of repute.‡ But the simple fact that Las Casas did make such a proposal, though not until after a certain number of African slaves had been imported into the New World, is beyond denial, seeing that it has been stated, and nobly atoned for, so far as frank acknowledgment of error can atone, by Las Casas himself, writing his own history shortly before his death, in that retirement to which, after years of fruitless exertion in behalf of the suffering natives, he betook himself. These, literally translated, are his words:

"This advice, that license be given to bring negro slaves to these lands, the ecclesiastic Casas first gave, not taking note of the injustice with which the Portuguese seize them and make them slaves; which advice, after he had reflected on the matter, he would not have given for all he possessed in the world, for he always held that they were made slaves unjustly and tyrannically; seeing that the same rule applies in their case as in that of the Indians." §

Ximenes, whether from motives of policy or humanity, rejected Las Casas's proposal; dying soon after.

Las Casas renewed the proposal, after Ximenes's death, to the ministers of Charles, by whom it was more favorably received. And the officers of the "India House of Seville" having recommended four thousand as the proper number to be sent,|| the young King acted upon the recommendation. In ac-

* Herrera (dec. I, lib. 9, c. 5) affirms that one negro was considered equal, as laborer, to four Indians.

† Robertson's "*History of America*," vol. I, p. 321. The censure conveyed in the words of this author, when he says of Las Casas: "In the warmth of his zeal to save the aborigines from the yoke, he pronounced it to be lawful and expedient to impose one still heavier on the Africans"—implies, when given thus without explanation, too harsh a judgment of a good man.

‡ Doringier (*Hist. Eccl.*, vol. 3, sect. 160, p. 397) makes an argument, with evidence adduced, in proof that the imputation is unjust. Cochin discredits the charge, stating that in the debates which Las Casas was forced to sustain against Quevedo, bishop of Darien, and also against the confessor and historian of Charles, Sepulveda, "this opinion is found neither on his lips nor on those of his adversaries."—" *L'Abolition de l'Esclavage*," vol. 1, p. 286. The explanation of this may be, that, by that time, he may have repented the advice which, a few years before, he had given.

§ "Este aviso de que se dies e licencia para traer esclavos negros á estas tierras, dió primero el clérigo Casas, no advirtiéndole la injusticia con que los Portugues los tomar y hacer esclavos; el qual despues de que enyó en ello no lo diera por quanto habia en el mundo. Por que siempre los tuvo por injusta y tiranocamiento hechos esclavos, por que la misma razon es de ellos que de los Indias."—Las Casas, "*Hist. de las Indias*," lib. 3, tom. 2, cap. 101. Las Casas here speaks of himself in the third person.

|| "The suggestion of Las Casas was approved by the chancel'or, and by Adrian, the colleague of the late cardinal, (Ximenes,) and, indeed, it is probable that there was hardly a man of that time who would have seen further than the excellent cleric did. Las Casas was asked what number of negroes would suffice. He replied that he did not know; upon which a letter was sent to the officers of the India house of Seville, to ascertain the fit number, in their opinion. They said that four thousand would, at present, suffice; being one thousand for each of the islands—Hispaniola, San Juan, Cuba, and Jamaica."—" *Conquerors of the New World, and their bondsmen*:" London, 1852.

cordance with the monopoly-favoring policy of that age, Charles granted to one of his Flemish favorites a patent for the importation, into the colonies, of four thousand negro slaves. That patent was sold to a company of Genoese merchants, who, about the year 1517, carried it into effect.

This, as regards America, was the germ of a traffic, the foulest blot on the history of Christendom; a traffic carried on, in defiance of law, human and divine, to exempt from labor one race of men at expense of brutal degradation to another; a traffic that has brought upon the American hemisphere a moral curse worse than war, pestilence, or famine, and which, as to every nation that persists in it, leads—ever must lead—sooner or later, by one way or another, to national ruin. For well has Augustus Cochin said, “Over the entire surface of the globe the races who compel others to labor without laboring themselves fall to decay.”*

The statistical details are lacking which might enable us to form a strictly accurate numerical estimate of the victims to this detestable trade, the operations of which extended through three centuries and a half; diminishing, however, during the last quarter of a century, and soon, we may confidently hope, to cease forever. An approximating estimate of the number of negroes transported to America is all that can now be obtained.

The *asientos*, treaties, or contracts of the Spanish government for the supply of its American colonies with slaves, commencing in 1517, were occasionally granted through the sixteenth century, and multiplied in the seventeenth and eighteenth. Some were to individuals, some to companies, some to governments.

Nothing more strongly marks the character of these treaties for the delivery of human beings than the terms employed in wording them. An *asiento* was granted, in 1696, to the Portuguese Guinea Company, by which that company bound itself to deliver to Spain, in her transatlantic colonies, *ten thousand tons of negroes*.† England, to designate the human chattels she agreed to supply, employed a term such as vendors of broadcloth or calico might use. By treaty with Spain, bearing date March 26, 1713, his Britannic Majesty undertook to introduce into Spanish America 114,000 *pieces of India*, of both sexes and all ages.‡ These various treaties, concluded in the name of the Most Holy Trinity,§ contained not one article, not a single provision of any kind, for the humane treatment, or for the protection from outrage, of the human merchandise therein stipulated to be delivered.||

The extent of these treaties, and their lucrative character to the Spanish crown, may be gathered from the following:

“A single government, Spain, which assumes the name of Catholic, concluded in less than two centuries more than ten treaties to authorize, protect, and profit by the transportation of more than half a million of human beings. It levied on each of these human heads, reckoning them by the piece or by the ton, a tax which amounted in the aggregate to upwards of fifty millions of francs,”¶ (say ten millions of dollars.)

The above treaties were with England, France, and Portugal; the grants to individuals and to companies not being included.

* “Sur la surface entière du globe, les races qui font travailler, sans travailler elles-mêmes, tombent en décadence.”—“*L'Abolition de l'Esclavage*,” par A. Cochin, Paris, 1861, tom. 2, p. 190.

† “Diez mil toneladas de negros,” is the expression in the original. The text can be found in the Cantillo Collection, p. 32.

‡ “*Piezas de Indias*” are the words in the Spanish text.—“*Abolition de l'Esclavage*,” par Cochin, tom. 2, p. 286. This treaty gave England a monopoly of the slave trade to Spanish colonies for thirty years; namely, from 1713 to 1734.

§ “El nombre del santísima Trinidad.”

|| After enumerating the various *asientos* made by Spain, Cochin says: “Dans tous ces traités, pas une disposition, pas une syllable destinée à défendre ces malheureux contre les abus et les souffrances.”—*Work cited*, vol. 2, p. 288.

¶ *Work cited*, vol. 2, p. 288.

In the middle of the eighteenth century the English slave trade, which, up to that time, had been more or less of monopoly, was thrown open. Statute 23 George II, (that is, in 1750,) c. 31, after reciting that the "African slave trade is very advantageous to Great Britain," enacts "that it shall be lawful for all his Majesty's subjects to trade and traffic to and from any port or place in Africa, between the port of Sancee, in South Barbary, and the Cape of Good Hope."

Great Britain, the first to abolish this infamous traffic, was, previous to its abolition, the most extensively engaged in it. Her connexion with it, the manner and extent to which it was conducted, together with many statistical details, imperfect indeed, but instructive as far as they go, are set forth in a ponderous folio volume, published by official authority in the year 1789, being a "Report of the Lords of the Committee of Council, appointed for the consideration of all matters relating to trade and foreign plantations, submitting to his Majesty's consideration the evidence and information they have collected in consequence of his Majesty's order in council, dated February 11, 1788, concerning the present state of the trade to Africa, and particularly the trade in slaves; and concerning the effects and consequences of this trade, as well in Africa and the West Indies as to the general commerce of this kingdom."

There can be no safer document than this from which to draw information such as it contains. The lords composing this committee of council gave the slaveholders the most ample opportunity to state their case, both by testimony and argument. Three-fourths, at least, of the witnesses examined are slave-dealers, or captains of slavers. They admit also, it is true, testimony and documentary evidence (especially as to deaths of sailors on slave ships) offered by the celebrated Thomas Clarkson; but they scrupulously abstained from all opinions in regard to the slave trade, and from all recommendations or suggestions touching its abolition. In this volume we find two estimates as to the number of negroes then annually carried to the American colonies; the first puts it at 80,000 annually; the second, containing a detailed estimate of slaves annually sold at sixteen different points on the African coast, sums up 74,000.* Of these, one-half are said to be procured on the Gold Coast, at Bonny and New Calabar, and at Loango, Melimba, and Cabenda; about 38,000 set down as purchased by the British, 20,000 by the French, 10,000 by the Portuguese, and the rest by the Danes and Dutch.

It would appear from a statistical table given in another part of the same volume that these estimates fall short of the truth. This table gives the total number of vessels sailing annually from Liverpool, from the year 1751 to the year 1787, distinguishing the slavers and giving their tonnage, from which it appears that about *one-tenth* of all the vessels that sailed from that port during the above thirty-six years were engaged in the slave trade; and that their tonnage run up from a little over 5,000 tons in 1751 to about 15,000 in 1786 and 1787.† But, as we shall show hereafter, the number of slaves carried averaged over two to a ton; consequently British ships from the port of Liverpool alone carried upwards of 30,000 annually.

Another table‡ shows that the tonnage of African slavers from all the ports of Great Britain was, in 1787, 22,263 tons. Consequently the annual number of slaves transported to America, at that time, in British bottoms, was upwards of 45,000, instead of 38,000, as estimated. In this proportion the total estimate,

* The first is contained in the testimony of Mr. Pemby, (Report, part 1, sheet I;) the second in that of Mr. Norris, (Report, Part 1, sheet K.) The table, in detail, is given, part 4, No. 14. The volume not being paged, (except as to a single brief document contained in it, to wit, Minutes of Evidence before a Committee of the Whole House,) more exact references cannot be given.

† Lords of Council Report, Minutes of Evidence before Committee of the Whole House, p. 49.

‡ Lords of Council Report, Part 4, No. 1.

including vessels of all countries, would be run up to nearly 90,000 slaves a year. The figures seem to indicate that even this is below the actual number.

The calculations produced before the French Committee of Inquiry of 1848 place the number of slaves reported, from 1788 to 1840, at from 100,000 to 140,000 a year; and from 1840 to 1848 at from 50,000 to 80,000.*

The rate after 1848 continued to diminish. Nevertheless, in 1860, it was still nearly 30,000 a year.†

These figures enable us to calculate with approximate accuracy the extent of the slave trade from 1788 to 1860—that is to say, for the seventy-two last years of its course, thus:

Annual deportation of slaves from the year 1788 to the year 1840— say, 52 years, at an average of 12,000 a year.....	6,240,000
Annual deportation of slaves from 1840 to 1848—say, 8 years, at an average of 65,000 a year	520,000
Annual deportation of slaves from 1848 to 1860—say, 12 years, at an average of 30,000 a year	360,000
	7,120,000

What annual rate we ought to assume as a fair average for the two centuries preceding 1788, during which, as Cochin reminds us, “all Europe abandoned itself openly to the negro slave trade,”‡ it is somewhat difficult to determine. In the Committee of Council already referred to is a table§ showing the annual importation of slaves throughout seventy-four years of that period (namely, from 1702 to 1755, both inclusive,) into a single English colony, to wit, the island of Jamaica. The total is 497,736, being an average of 6,726 a year. Nor is there a regular increase; for, in the decade from 1720 to 1730, there were as many imported as in the last ten years of the term, the average for each of the years in either decade being about 7,700.

But we shall hereafter furnish proof that to the number of slaves delivered in the colonies we must add at least 25 per cent. to obtain the number shipped on the African coast. This would bring up the annual average exported from Africa for Jamaica to 8,407.

If we assume the total deportation of slaves from Africa in the year 1788 to have been 100,000, which is the French committee's lowest estimate for any year from 1788 to 1840, and if we suppose that there were annually exported during each year of the two centuries preceding 1788 two-fifths only of that number, say 40,000, we shall be assuming the annual total throughout these two centuries at less than five times the number that we know to have been annually exported during seventy-four years of that period to supply the single

* See Cochin, vol. 2, p. 310.

Lord Palmerston, from his place in the House of Lords, July 26, 1864, said: “According to the report of Messrs. Vendervelt and Buxton, from 120,000 to 150,000 slaves are landed annually in America.” This calculation applied to the early years of the present century.

† “When we remember that 140,000 were yearly carried away from Africa, while this year the number has not reached 30,000, we should neither deny the progress nor abandon the hope of a complete suppression of this traffic.”—*Speech of Lord John Russell in Parliament, June 8, 1860.*

“At least 30,000 slaves are annually imported into Cuba.”—*Speech of Mr. Cone in Parliament, June 8, 1860.*

‡ “Au dix-Septième et au dix-huitième siècle l'Europe entière se livre ouvertement à la traite des noirs.”—*Cochin L'Abolition de l'Esclavage*, tom. 1, p. 281.

§ Lords of Council Report, Jamaica; Appendix, Part III, sheet P.

island of Jamaica. So far as, at this distance of time, and with the scanty materials before us, one can judge, the estimate is a moderate one.*

Previous to the year 1588—that is to say, for eighty years after the beginning of the negro slave trade in 1518—the true average is still more uncertain. The Spanish *asientos* of that period were usually for the delivery of from 3,000 to 5,000 negroes annually. Let us assume the entire slave trade by all nations during that period at 5,000 negroes only for each year.

Adopting the data above suggested we obtain the following general results:

Total deportation of negroes by the slave trade from the year 1518 to the year 1860.

From 1518 to 1588, eighty years, at an average of 5,000 a year,	400, 000
From 1588 to 1788, two hundred years, at an average of 40,000 a year	8, 000, 000
From 1788 to 1860, seventy-two years, as already estimated . . .	7, 120, 000
	<hr/>
Total in 342 years	15, 520, 000
	<hr/> <hr/>

Upwards of fifteen millions and a half of human beings forcibly torn from their native country, and doomed to perpetual slavery—their own and their offspring—in a foreign land.†

But we cannot attain to a just conception of the aggregate of evil and suffering produced by this gigantic outrage upon human rights, nor of the loss of life attendant thereon, without considering, first, the mode in which slaves were supplied to the European traders; secondly, the manner in which they were transported to their destination; and thirdly, the result, especially in its influence on population in the slave colonies.

As to the two first subjects, the report of the lords of council unimpeachable

* By a table, already referred to, (Part IV, No. 1,) in the report of the lords of council, it appears that as early as 1701 a hundred and four British vessels were employed in the slave trade. The number, however, varied very widely in different years, the lowest number (in 1715) being but twenty-four, and the highest (in 1771) being one hundred and ninety-two. The table was obtained from the inspector general of imports and exports.

† The commission have endeavored, in the above estimate, to avoid error, except it be on the side of moderation. Very reputable authorities put the importation in the seventeenth and eighteenth centuries considerably higher than we have assumed them. Bancroft, who appears to have carefully investigated the matter, says:

“The English slave trade began to attain its great activity after the *Asiento* treaty. [That treaty was dated March 26, 1713.] From 1680 to 1700 the English took from Africa about three hundred thousand negroes, or about fifteen thousand a year. The number, during the continuance of the *Asiento*, may be averaged not far from thirty thousand. [It continued for thirty years, to wit, from 1713 to 1744.] Raynal considers the number of negroes exported by all European nations from Africa before 1776 to have been nine millions, and the considerate German historian of the slave trade, Albert Hüne, deems his statement too small. A careful analysis of the colored population of America at different periods, and the inference to be deduced from the few authentic records of the numbers imported, corrected by a comparison with the authentic products of slave labor, as appearing in the annals of English commerce, seem to prove beyond a doubt that even the estimate of Raynal is larger than the reality.”—*Bancroft's History of the United States, vol. 3, p. 412.*

Raynal's estimate, thought too low by Hüne, is nine millions up to 1776, and, as the exportations averaged about eighty thousand a year from 1776 to 1788, that would give a million more, bringing his calculations up to *ten millions* if extended to 1788. But our estimate as above, up to that year, is but eight millions four hundred thousand; that is, upwards of a million and a half, or just sixteen per cent. below Raynal's.

Bancroft thinks that we shall not err much if in the century previous to 1776 we assume the number imported by the English to have been three millions. But the commission have assumed the total imported by all nations in the two centuries preceding 1788 to have been eight millions. Bancroft estimates importations *in a single century by one nation only as three millions*. He estimates importations *in two centuries by all nations at eight millions*. The probability will be conceded that the former estimate is at a higher rate, in proportion, than the latter.

testimony furnishes many suggestive particulars. It is proved, in the first place, that the sources whence slaves were obtained on the African coast were:

First. As prisoners of war.

The evidence as to this source of supply was obtained from almost all the witnesses who had visited the African coast.

Major General Rooke said: "When a ship arrived to purchase slaves, the king of Dernel sent to the chiefs of the villages in his dominions to send him a given number; but if they were not to be procured on this requisition, the king went to war till he got as many as he wanted. During his stay at Goree of four or five months he heard of two battles being fought for slaves."*

Captain T. Wilson, employed on the business of government in 1783 and 1784, states as to the kingdom of Dernel: "When they were at war they made prisoners and sold them, and when they were not at war they made no scruple of taking any of their own subjects and selling them, even whole villages at once. * * * He has been told that the king of Dernel can bring 70,000 or 80,000 men into the field."†

Captain Hill: "There was scarcely an evening in which he did not see people go out in war dresses to obtain slaves from the neighboring villages. This was at Goree."‡

"The manner in which Sir George Yongo understood that slaves became so is, first, as prisoners of war, and these, he thinks, are the greatest number. This was in Senegal and Gambia, but the same account was given to him all along the coast."§

The Reverend Mr. Newton: "The greater number of slaves are captives made in war."||

Mr. Dalrymple says: "One of the modes of making slaves, adopted by the kings and great men, is by breaking up a village, that is, by setting fire to it and seizing the people as they escape. This occurs sometimes in a neighbor's territory—more frequently in their own. The practice is notorious." The witness speaks of Gambia and countries adjoining.¶ Another mode of procuring slaves is akin to this. They are *panyared*, to employ the phrase of the country, that is, kidnapped by individuals.

Dr. A. Sparmau, inspector of the royal museum at Stockholm and a traveller in the interior of Africa, deposed: "They seize one another in the night, when they have an opportunity, and sometimes invite each other to their houses and there detain and sell them to the European traders." * * * "The number of persons so kidnapped is considerable. He himself witnessed two instances."**

Mr. Falconbridge, a slave trader, testifies: "On the windward coast the negroes are afraid of stirring out at nights, lest they be kidnapped. A woman, big with child, told him she was caught as she was returning from a neighbor's house."††

Mr. Deroyne says, speaking of the gold coast: "The greater part of the slaves are brought from the interior. They are sold from hand to hand, and many of them came from a great distance—it is said from 800 to 900 miles."‡‡

The next source of supply is the selling of criminals. The universal testimony is, that the chief crimes for which they are sold are adultery, theft, and witchcraft—sometimes for murder—occasionally they are sold for debt. Some stake their liberty in gambling, and are sold if they lose.

* Lords of Council Report, Part I, sheet G.

† Lords of Council Report, Part I, sheet G.

‡ Report cited, Part I, sheet G.

§ Report cited, Part I, sheet H.

¶ Lords of Council Report, Part I, sheet I.

** Report cited, Part I, sheet G.

†† Lords of Council Report, Part I, sheet G.

‡‡ Report cited, Part I, sheet N.

§§ Report cited, Part I, sheet R.

Admiral Edwards said, "Adultery is the crime for which they are most usually sold. In this case the person offended has a claim, not only to the man and woman offending, and to all their property, but also to their family and slaves."*

Theft is common among them. One witness, Mr. Dalzell, testifies that he purchased a son of his father, who sold him to avoid the punishment which the son had incurred for stealing from a white man, which, the witness adds, "is never pardoned." This was in the kingdom of Dahomey.†

A witness (Mr. Keaner) explained, that "they understand by witchcraft the power of doing mischief by supernatural means."‡ Another witness (Mr. Mathews) testifies, that having refused to purchase a man suspected of witchcraft, who was offered to him for sale, "they tied a stone around his neck and threw him into the sea."§

The Rev. Mr. Baggs, chaplain to Commodore Thompson during two voyages, (in 1783 and 1784,) says of the African coast generally: "The revenues of the kings of the country depends on the sale of slaves. They therefore strain every nerve to accuse and condemn. Their codes of law are made subservient to the slave trade."||

Mr. Penny deposes: "Some are made slaves in consequence of gaming, of which they are very fond. They stake themselves—first a leg, then an arm, lastly the head, and when they have lost that, they surrender themselves as slaves. If a man stake and lose a leg only, he continues gambling until he has lost the whole of himself, or is cleared."¶

There is no evidence that slaves are bred for sale. The concurrent testimony is against it.

There is abundant testimony in proof that as to negroes offered for sale as slaves and rejected by the slave dealers on account of their state of health or otherwise, their fate was usually a sad one. Even delay in the market often caused their death.

The Rev. Mr. Baggs said: "He had proof that when marauding parties come with their booty in slaves to the coast and find no vessels, they kill the slaves because of the expense of sending them back."**

Mr. Falconbridge, a slave trader, said: "He had seen slaves who were offered for sale, and refused, cruelly beaten."††

Mr. Penny, who had made eleven voyages as captain of slavers, deposes: "He has been repeatedly informed that slaves brought for sale, and rejected by the slave dealers on account of disease or otherwise, are destroyed as not worth their food."‡‡

Sir George Yonge "Saw a beautiful child about five years old, brought from the Bullam shore, opposite Sierra Leone. As the child was too young to be an object of trade, the persons who had him to sell gave him no food and threatened, to throw him into the river. Sir George, to save his life, offered a quarter cask, of Madeira for him, which was accepted; brought him to England, and made a present of him to the Marquis of Landsdown. He understood this child had been kidnapped." §§

Mr. Arnold, surgeon on board a slaver, testified: "One day a woman, with a child in her arms, was brought to us to be sold. The captain refused to purchase her, not wishing to be plagued with a child on board. So she was taken

* Lords of Council Report, Part, sheet L.

† Lords of Council Report, Part I, sheet L.

‡ Report cited, Part I, sheet L.

§ Report cited, Part I, sheet I.

|| Lords of Council Report, Part I, sheet N 5.

¶ Report cited, Part I, sheet I.

** Lords of Council Report, Part I, sheet N 5.

†† Report cited, Part I, sheet M.

‡‡ Report cited, Part I, sheet I.

§§ Lords of Council Report, Part I, sheet H.

back to shore. On the following morning she was again brought to us, but without the child, and apparently in great sorrow. The black trader admitted that the child had been killed in the night, to accommodate the sale."*

What a lifting of the veil upon a terrible series of atrocities is there even in these brief extracts, coldly and dispassionately worded as they are! For what a catalogue of crimes were they responsible who sent slavers to the African coast? What wars have they not stirred up? What murders intrigued? What temptations have they not presented to the cupidity of savage sovereign and subject alike? If the king of Dahomey or some other royal barbarian perverted criminal law to obtain conviction as a source of revenue; if a black trader put to death the infant that the mother might be salable, who are the tempters to such acts!—who the original authors of this wickedness? The horrors of the middle passage were surpassed by those that necessarily preceded it.

The ministers of the British crown cannot be accused of sentimentalism. They are no declaimers; no propagandists; no extremists in speculative philanthropy. Their humanity is tempered with moderation and suggested by official evidence. Yet with what perseverance have they labored even to the present day, after themselves abolishing the slave trade in 1807, to procure its subsequent abolition by all civilized nations. Within twenty-five years, to wit, between 1818 and 1842, they concluded twenty-three treaties on the subject—with Holland, Sweden, Denmark, Russia, Austria, Prussia, Naples, Tuscany, Sardinia, the Hanse Towns, the United States, Hayti, Texas, Mexico, Colombia, New Granada, Venezuela, Ecuador, Uruguay, Buenos Ayres, Chili, Peru, and Bolivia.

Lord Palmerston, speaking in the House of Lords in 1844, gave some of the reasons which stirred the government to move in this matter. He said: "The negroes destined for the slave trade are not taken from the neighborhood where they are embarked; a great number came from the interior. Many are captives made in wars excited by thirst for the gain procured by the sale of the prisoners. But the greatest number arise from kidnapping expeditions and an organized system of man stealing in the interior of Africa."

"When the time approaches to set out with the slave caravans for the coast, the kidnappers surround a peaceful village at night, set it on fire, and seize on the inhabitants, killing all who resist. If the village attacked is situated on a mountain offering facilities for flight, and the inhabitants take refuge in the caverns, the kidnappers kindle large fires at the entrance, and those who are sheltered there, placed between death by suffocation and slavery, are forced to give themselves up. If the fugitives take refuge on the heights, the assailants render themselves masters of all the springs and wells, and the unfortunates, devoured by thirst, return to barter liberty for life. The prisoners made, they proceed to the choice. The robust individuals of both sexes, and the children about six or seven years of age, are set aside to form part of the caravan, which is to be driven to the sea shore. They rid themselves of the children under six years by killing them on the spot, and abandon the aged and infirm, thus condemning them to die of hunger."

The caravan sets out. Men, women and children traverse the burning sands and rocky defiles of the mountains of Africa barefoot and almost naked. The feeble are stimulated by the whip; the strong are secured by chaining them together or placing them under a yoke; many fall from exhaustion on the road, and die or become the prey of wild beasts. "On reaching the sea shore, they are penned up and crowded together in buildings called *barracoons*, where they fall a prey to epidemics; death often cruelly thins their ranks before the arrival of a slave trader."†

* Lords of Council Report, Part I, sheet N 4.

† Speech of Lord Palmerston, delivered in the House of Lords, July 26, 1844.

Lord Palmerston's general deduction from these and other facts connected with the trade is contained in the same speech. "It is calculated (he says) that of three negroes seized in the interior of Africa, to be sent into slavery, but one reaches his destination, the two others die in the course of the operations of the slave trade. Whatever may be the number landed, therefore, we must triple it to obtain the true number of human beings which this detestable traffic annually carries off from Africa." A portion of the facts which form the data of such calculations remain to be considered—the manner, namely, of stowing and of treating negroes in slave ships, and the mortality thence resulting.

The report of the lords in council, from which we have already so copiously quoted, furnishes evidence the most exact and conclusive as to the space commonly allowed slaves during their passage.

The vessels employed were usually from 100 to 250 or 300 tons burden, averaging in early times little over 100 tons, but towards the end of the eighteenth century being of the capacity of 150 to 200 tons. The universal testimony is, that the average number carried per ton was *two persons and upwards*.

John Anderson, master of slaver, conceives that two slaves to a ton cannot crowd a ship. Sir George Yonge (of the British navy) says the usual allowance of space is two slaves to a ton, *sometimes three*. If two were allowed to a ton, he thought there would be room enough.

A bill had been introduced into Parliament which proposed to limit the number for each ton. Evidence was taken as to its effect, resulting as follows :

James Penney had made eleven voyages as captain of slaver. He was asked, "If the blank of the bill is filled with one and a half to a ton, will it, in your opinion, tend to the abolition of the trade?" Answer. "I am clearly of opinion that it will."*

This witness handed in a table, of which the accuracy was afterwards indorsed by Mr. Tarleton, a Liverpool merchant extensively engaged in the slave trade, exhibiting the estimate of profit or loss on a vessel of 100 tons at different rates of slaves per ton. Here it is :

At one man per ton, the loss is	£590	1s.	0d.
At one man and a half per ton, the loss is	206	19s.	9d.
At two men per ton, the profit is	180	3s.	6d.
At two men and a half per ton, the profit is	761	5s.	6d.†

James Jones, six years captain of a slaver, deposed : "If a ship of 200 tons does not purchase 400 slaves and more, she must certainly sink the owners' money." He was asked, "What measurement do the merchants allow for each slave?" Answer. "In a ship of 200 tons and under, merchants all carry more than two slaves to each ton." Being asked what width was allowed, at that rate, to each slave when stowed below, he answered : "A full-grown slave takes 16 inches in width ; smaller slaves, 12 to 14 inches."‡

John Matthews, seventeen years in the slave trade, was asked, "What space in length and breadth do you consider sufficient for the health and comfort of the negroes on board?" Answer. "The space they occupy when they lie on their backs is always considered sufficient for them." When asked for the number of inches, he at first refused to give it, saying he did not know ; afterwards he gave 14½ inches as a fair average.§

Another slave captain (James Bowen) expressed a different opinion. He said : "The average number of slaves carried is two to a ton." * * * "Is of

* Lords of Council Report, Minutes of Evidence, p. 41.

† Report cited, Minutes of Evidence, p. 21.

‡ Lords of Council Report, Minutes of Evidence, pp. 44, 45.

§ Report cited, Minutes of Evidence, pp. 24, 25.

opinion that the greatest number of slaves which a ship can carry, consistent with their preservation, *is not above one per ton.*"**

James Penney, a part of whose evidence has already been quoted, said, "The average allowance of width to a slave is $14\frac{2}{3}$ inches."

Captain Parrey was sent to Liverpool by government in 1788 to take the dimensions of ships employed in the African trade. A plan and sections are given of one of these, the Brooke, a ship of 297 tons burden, well known in the trade. The room said by her owners to be allowed for each slave was: For men, each, 6 feet by 16 inches; for women, each, 5 feet 10 inches by 16 inches; for boys, each, 5 feet by 14 inches; for girls, each, 4 feet 6 inches by 12 inches. At these rates Captain Parrey found that she could carry 470 slaves. But she *did* carry 607, being about two to a ton. This reduces the width actually allowed to the men to less than *twelve inches and a half*; and the rest in proportion.†

What terrible glimpses of human suffering are furnished by these dry mathematical details. The slaver, to make money, must stow his human cargo with twelve to sixteen inches only of board for each to lie on. Lord Palmerston, speaking of African slave ships, strikingly says, "A negro has not as much room in them as a corpse in a coffin."‡

As the witnesses examined by the lords in council were, for the most part, masters or surgeons of slavers or merchants engaged in the trade, the results of this frightful system only occasionally came to light. The slaves, thus stowed away like so much inanimate cargo, often felt their lives so grievous a burden that they attempted suicide, sometimes by throwing themselves overboard, sometimes by refusing all food. To prevent the first mode of self-destruction, as well as to avoid the dangers of insurrection, the men slaves were always put in irons, fastened two and two, the chains being locked at different intervals to the deck,§ and when released and brought on deck, as they were every fine day, were compelled, by fear of the lash, to exercise—to *dance*, as the phrase of the trade was—in their fetters.|| As to the second mode of suicide, by self-inflicted starvation, its frequency rendered it an object of suspicion and of punishment. Captain Hull, a slave trader, deposes: "Has known instances of slaves being punished for not eating, supposed to be from stubbornness, when in reality it was from indisposition; and in some instances the slaves so punished have been found dead next morning."¶

The women and children were not chained, and had usually more liberty than the men. But a surgeon of a slaver (Mr. James Arnold) thus indicates the spirit in which they were sometimes treated: "When the women were sitting by themselves below he had heard them singing, but always, at these times, in tears. Their songs contained the history of their separation from friends and country. These songs were so disagreeable to the captain, that he has taken them up and flogged them in so terrible a manner, for no other reason than this, that he (Mr. Arnold) has been a fortnight or three weeks in healing the incisions made."***

* Lords of Council Report, Part III, sheet D.

† Mr. William James, who had made three voyages on slavers, testified, "That on board the Britannia the height between decks was about five feet and a half. No slave whatever had room to turn himself when the cargo was completed. The chief mate, boatswain, and an active young man were employed in stowing or packing them together, as in adjusting their arms and legs and prescribing a fixed space for each."—*Lords' Report*, Part II, sheet D 7.

‡ Speech already quoted, of July 26, 1844.

§ Testimony of John Newton, mate of slaver.—*Lords' Report*, Part II, sheet V 2.

|| While the slaves are upon deck it is thought necessary that they should take exercise, for which purpose the chief mate and boatswain are stationed with a cut-of-nine-tails to compel them to dance, as it is called."—*Testimony of William Jones*, *Lords' Report*, Part II, sheet D 7.

¶ *Lords' Report*, Part II, sheet C 2.

** *Lords' Report*, Part II, sheet D 2.

In severe weather, when the slaves could not be brought on deck, the mortality was often frightful. An instance is stated of "a schooner which carried only 140 slaves meeting with a gale of wind which lasted eighteen hours, and losing, in that brief space of time, 50 slaves," upwards of one-third of the whole number.

But worse misfortunes than storms sometimes overtook these poor wretches. Mr. William James testifies as follows: "In the year 1779, being master of the *Hound*, sloop-of-war, and coming from the bay of Honduras to Jamaica, he fell in, off the Isle of Pines, with two Liverpool Guineamen on the middle passage, commanded by Captains Ringmaiden and Jackson, who had very imprudently, (but whether wilfully or not he cannot say,) missed the island of Jamaica. Captain Nugent gave them chase, and came up with them. Mr. James, upon boarding them, found them in great distress, both on account of provisions and water. He asked the captains (for both of them were on board one ship) why they did not go into the watering place at the west end of the Isle of Pines, (near Cuba.) They replied, that "they had attempted to get in, but got into shoal water." He then asked them what they intended to have done with their slaves if they had not fallen in with the *Hound*? They replied, "to make them walk the plank"—that is, to jump overboard. Mr. James asked them again, why they did not turn a number of the slaves on shore at the Isle of Pines and endeavor to save the rest? They replied again, "that in such case they could not have recovered the insurance; and that the rest would have gotten on shore."*

The supply of water usually taken appears to have been very scanty. The same witness, speaking of his experience on board the *Britannia*, says, "their rooms were so hot and intolerable that they were continually calling out for water, and they generally came upon deck in a sweat." * * * "They were served twice a day with water, which is given them in a pannikin of tin, of such dimensions as to hold not quite half a pint."†

Dysentery and diseases of a similar character were common among them. The details, as furnished by eye-witnesses who have given their experience, are too loathsome for reproduction. Mr. Falconbridge, a surgeon in this trade, who published a work on this subject in 1789, after giving a minute description of the scene below, adds, "the deck or floor of their rooms resembled a slaughter-house. It is not in the power of the human imagination to picture to itself a situation more dreadful or disgusting. Numbers of the slaves fainted and were carried on deck, where some of them died, and the others were, with difficulty, restored. It had nearly proved fatal to me also."‡

That, under such a system, the average mortality should be very great can surprise no one. What the true average was is somewhat difficult to determine. That it was chiefly caused by the plan of packing human beings, sometimes for days and nights together, in a width of from twelve to sixteen inches each, is certain. The Reverend John Newton, who in early life had gone out as mate in a slaver, after stating that on his first voyage they buried one-third of the number taken, added, that on a subsequent voyage they did not lose one—"the only instance of the kind that was ever known," he admits. Being cross-questioned as to the probable cause of this exceptional result, he said it was to be ascribed to the fact that "with room for 220 slaves, the number for which his cargo was calculated, they carried 90 only."

The mortality was least from the windward coast, greatest from Bonny, Calabar, Benin and Gaboon. Individual instances were frequently adduced by the witnesses in which it was about five per cent. Occasionally a witness alleges that to be the average, but this was in the windward trade. From the

* Lords' Report, Part I, sheet D 7.

† Lords' Report, Part I, sheet D 7.

‡ Falconbridge's "Account of the Slave Trade," p. 31.

other points named they usually admit an average of ten per cent. Mr. James Penny, eleven years a slaver captain, speaking of the trade generally, said, "on an average he estimated (from his own experience and the best information he could collect) that the mortality was one-twelfth."

The only official table on the subject given in the Lords' Report indicates a much higher rate of mortality than that admitted by these slave traders. This table is taken from the books of the board of trade; it exhibits the number of negroes shipped and the number delivered throughout nine years, namely, from 1680 to 1688, both inclusive, by the "African Company," and is from a statement made by the Company itself. It is as follows:

TABLE.

Years.	Negroes shipped.	Negroes delivered.	Yearly loss per cent.	Average loss per cent.
1680.....	5,190	3,751	27 $\frac{1}{2}$	.....
1681.....	6,327	4,989	21 $\frac{1}{2}$	.....
1682.....	6,330	4,494	29	.....
1683.....	9,081	6,488	28 $\frac{1}{2}$	.....
1684.....	5,384	3,845	28 $\frac{1}{2}$	.....
1685.....	8,658	6,304	29 $\frac{1}{2}$	.....
1686.....	8,355	6,812	18 $\frac{1}{2}$	.....
1687.....	5,606	4,777	14 $\frac{1}{2}$	.....
1688.....	5,852	4,936	15 $\frac{1}{2}$	.....
Total.....	60,783	46,394	.....	23 $\frac{1}{2}$

The mortality, it will be observed, was 14,389 out of 60,783 shipped; that is, *twenty-three and two-thirds per cent.**

The results from an official table like this, presenting an average on so large a scale, are far more reliable than any deductions from isolated cases or individual testimony or opinion. The very witnesses who spoke of five per cent. as the usual loss, when pressed in cross-questioning, admitted far heavier losses to be of frequent occurrence, as John Newton, Archibald Dalzelle, Thomas Eldred. This last admitted that, on a single voyage, he lost half his slaves and half his crew.

The great crime avenged itself on those who aided in its perpetration. The epidemics which prevailed among the slaves were often communicated to the sailors, exposed as they were on deck day and night, and daily employed in occupations the most infectious and revolting, cleansing the lower decks and the like.

Sir George Yonge says: "A Guinea ship seldom returns with more than half her complement of sailors, and he believes the annual loss of seamen in that trade is equal to the manning of two ships of the line."

The celebrated Thomas Clarkson supplied to the lords' committee evidence on this point. He submitted a table exhibiting the results as to 88 slavers that returned to Liverpool in the years 1786 and 1787. It showed that out of 3,170 sailors shipped, there came home but 1,428, less than one-half. Six hundred and forty-two (about twenty per cent.) are recorded as having died. The rest had deserted or were left behind on account of sickness. Of those who returned many went to the hospital and never recovered their health.

* It is worthy of regard, in connexion with this excessive mortality, that it occurred among persons all taken in the very prime of life.

Another table shows the deaths of seamen on 24 West Indiamen, in a single voyage, to have been 6, while in 24 slavers it was 216. The average number of seamen employed on slavers being 36 on each, (as 3,170 on 88 vessels in the table just referred to,) the above is a mortality of 216 out of 864, or just twenty-five per cent.

Mr. Clarkson shows, by other tables, that the loss of seamen on board slavers is twenty times as great, in proportion to numbers, as on board vessels in the Petersburg or Newfoundland or Greenland trade; and he adds an expression of his belief that "the annual loss of seamen in English slave traders is greater than that in all other English trading vessels put together."*

So odious did this service become that seamen could usually be obtained for it only by fraudulent means through-crimps and landlords of sailors' boarding-houses, though two months' wages (instead of the usual month's pay) were offered in advance.

Upon the whole, it seems to be sufficiently established that the usual rate of mortality among seamen was not less than twenty-five per cent. for each voyage—that is, during one year, for the rule of the African slave-trade was one round voyage each year.

As to the mortality among the slaves, there seems no good reason why we should not adopt the rate of loss shown in the statement of the "African Company" as the average on 60,000 slaves shipped in their vessels, namely, *twenty-three and two-thirds per cent.*

But even to this terrible mortality a material item may have to be added :

Among the documents in the Lords' Report is a report presented December 12, 1788, by a committee of the Jamaica house of assembly to that house.

This committee, desiring to avert the inferences as to ill treatment of slaves, liable to be drawn from the great decrease of the slave population of the island, made inquiry "as to the number of new negroes that have perished in the harbors of this island, between the time of their being reported at the custom-house and the day of sale, *all which are reported, in official books and returns, as negroes actually imported.*" They found, from the examination of a negro factor, (Mr. Lindo,) that "out of 7,873 negroes consigned to him in the years 1786, 1787, and 1788, and reported at the custom-house, 363 died in the harbor of Kingston before the day of sale.† This gives a mortality of about *four and two-thirds per cent.* on shipboard after entry and before landing.

It does not clearly appear, from the table of the African Company, whether by "negroes delivered" they mean those entered as arrived in the books of the office, or those actually offered for sale. If the former, then we have $4\frac{2}{3}$ per cent. to add to $23\frac{2}{3}$ per cent. furnished in the African Company's table; making an aggregate of *twenty-eight and one-third per cent.* as the average mortality incident to the passage.

What shall we say of the estimates of those slave dealers who would have us believe that the entire average mortality among slaves on the terrible middle passage amounted to but one-fifth of the mortality among the crews of slavers, and only to about the per-centage which, by official documents, we find to have taken place after the close of a voyage, during a few days' delay in harbor previous to disembarkation?

On the whole, whether this loss in harbor is to be added to the African Company's estimate or not, it may be confidently assumed that the mortality among slaves imported from the eastern to the western hemisphere, estimated from the time of shipping to that of landing, did not fall short of from twenty to twenty-

* Lords of Council Report, Part II, sheet F 3.

† Lords of Council Report, Part III, sheet R.

five per cent. Lest we exaggerate, however, let us put it at *twenty per cent. only*.*

It is considered a bloody battle when ten per cent. of the combatants engaged are killed or wounded. The loss at Gettysburg did not amount to so high a per-centage. Nor even when that proportion of killed and wounded is reached, does the ultimate mortality amount to five per cent.

Through what a frightful ordeal, then, were these poor wretches, during their incarceration of eight or ten weeks on board Christian-owned slavers, doomed to pass! Their ranks twice decimated in that brief period; their numbers, without regard to age or sex, thinned by death as the numbers of soldiers passing through four sanguinary battles seldom are; not inspired, as the soldier may be, by zeal in a cause; not sustained, as the soldier in battle is, by hope of victory; their future dark, purposeless, despairing, as the prospect of pitiless slavery, ending only at death, could make it; what people, even under the harrow of pagan victory, were ever made to endure what they endured!

And this crime of one portion of God's creatures against another portion was committed not in the case of thousands, not even of millions only; it was committed through the persistent barbarities of three centuries and a half, in the case of tens of millions! When we consider the character of the means employed in Africa to fill up the slave cargoes; the wasting wars waged to procure prisoners; the marauding bands of kidnappers firing villages, and killing all who resisted; the slaughter of those who were too young, and the abandonment of those who were too old or infirm, to be marketable; the deaths on the long, desert journey; and again the pestilence-invaded barracoons; and yet again in the dungeons of the slave-ship; when we reflect upon all these prolific sources of mortality, we shall not be inclined to consider Lord Palmerston guilty of exaggeration when he calculated that we must treble the number of slaves actually landed in the colonies to find the total of persons who were consigned to death or slavery by the various operations of the trade, from its inception in the Old World to its close in the harbors of the New.

But lest in this the British premier should have exaggerated, let us assume that the number of those who perished in Africa by slave wars, marauding murders, pestilence, and the extremity of hardship, previous to embarkation, was but equal to the number embarked. In other words, let us, to obtain the entire number of victims, lower the estimate to double the number only that were actually received on board slave-ships. Then, according to our previous calculation, assuming the number shipped from Africa, in the three and a half centuries through which this traffic lasted, to have been fifteen millions and a half, we have thirty-one millions as the total number of negroes who have been consigned to death or to foreign slavery, that one race of men might live by the labor of another. THIRTY-ONE MILLIONS! a portion of mankind equal in number to the entire inhabitants, northern and southern, white and colored, of the United States!

Of these thirty-one millions upwards of three millions (a population equal to that of the United States when independence was declared) were cast into the

* It may not be wholly unnecessary to remind the reader, if he be not familiar with the calculation of per-centages, that, if twenty per cent. of the negroes received on board be the number lost on the middle passage, while we must deduct that per-centage from the total shipped to ascertain the number landed in the colonies, we must add *not twenty, but twenty-five per cent.* to the number landed, if we wish to obtain the number shipped. Thus, if the number of negroes shipped be 100, we obtain the number landed, namely 80, by deducting 20 per cent. from 100; but to those 80 we must add 25 per cent. on 80, in order to obtain the original number shipped, namely 100.

The term "middle passage" is not to be understood as designating the trans-oceanic route to the West Indies from any particular portion of the slave coast. "*Middle passage, or mid-passage*: the passage of a slave ship from Africa across the Atlantic ocean."—Worcester's Dictionary.

Atlantic;* while less than twelve millions and a half were landed in colonial ports and distributed to planters from the auction block.

Never, in any three centuries of man's written history, was the violation of a great principle alike in political economy, in national morals, and in the religion of Christ, followed by a succession of outrages against God's creatures—in numbers a vast nation—so openly sanctioned by public law and solemn treaty, so shamelessly countenanced by public opinion, yet so marked at every stage of its progress by those flagrant enormities which usually arouse loud-spoken indignation, even when they do not stir to practical reform, among mankind.

But we have raised the curtain on but the first two acts of the great tragedy, the scene being laid of the first in Africa, of the second in the prison-slaver. The third and last, opening on colonial plantations, remains to be glanced at. We must say a few words as to the treatment of those who survived death to become, in a foreign land, slaves to the progenitors of slaves.

The graphic recital of individual barbarities, authentic examples of which can be found without number, are best calculated to stir indignation; but a doubt may obtrude itself, in reading these, as to how far they constitute the rule, and how far they are to be taken as the exception only. Statistical details on a large scale, grave and dispassionate though their language be, addressed not to the heart but to the reason, carry with them a force of evidence far beyond that of individual example; a force of evidence against which sophistry strives in vain; which compels conviction, except when the mind is closed against all proof by the hermetic influence of prejudice.

We select an example of such evidence, based on official tables running through nearly three-quarters of a century, and bearing upon the character of slavery in the principal English colony in the West Indies. The character of England for humanity, as compared with that of other owners of slave colonies, Spain, France, Holland, is not below the average; and on that score the example may be assumed as fair.

To the Jamaica house of assembly, convened by the governor of the colony August 6, 1702, a return was made of the negroes and stock then on the island. The number of slaves was 41,596.†

In the report of the lords in council, from which we have already so copiously extracted, is a table‡ giving the number of negroes annually imported into and exported from the island of Jamaica, from the year 1702 to the year 1775, both inclusive; that is, during 74 years.

There were imported	497, 736
There were exported	137, 014

Leaving an addition, by importation, to the negro population of the island in seventy-four years of	360, 722
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These two items of 41,596 negroes in the island in 1702, and of 360,722 imported from Africa from that time up to 1775—together, 402,318—give the number of negroes who would have been in the island in 1775, if the population had neither augmented by natural increase nor diminished by mortality in the previous 74 years. But, in point of fact, this population of 402,318 was represented in

*The dead were thrown overboard even in port. Captain Cook, commanding a trading vessel on the east coast of Africa, in 1836-7-8, informed Mr. Fowell Buxton that slaves who die on board in ports are never interred on shore, but are invariably thrown overboard, when they sometimes float backwards and forwards with the tide for a week, should the sharks and alligators not devour them.—The African Slave Trade, by Thomas Fowell Buxton, London, 1839, p. 93.

†Annals of Jamaica, by the Rev. G. W. Bridges, A. M., London, 1827, vol. 1, p. 331.

‡Lords of Council Report, Part III, Jamaica, sheet D.

1775 by only 192,787 survivors.* It had diminished in three-quarters of a century by 209,581; that is, to less than one half.

A similar table to that above referred to for Jamaica is given for the British West India colony, next in importance, namely, the island of Barbadoes. It extends, however, over 17 years only, namely, from 1764 to 1780, both inclusive.† It indicates a rate of decrease in the slave population far greater even than that in Jamaica. It appears from the table that in 1764 there were in the island 70,706 negroes; that there were imported in the next seventeen years, namely, up to 1780, 38,843; no importations of negroes in the last seven years of the period, nor any exportation of them throughout the period, being recorded. To 70,706 (the number in 1764) add 38,843, (the number imported in seventeen years,) and we have 109,549 as the number of negroes who, if there had been no natural increase or decrease of population, would have been alive in 1780, but in that year there were but 68,270 alive on the island. At this rate of decrease the population *would have diminished to one-half in twenty-three years.*

But, to obtain general results, we must look to more comprehensive estimates than these. Unfortunately there are to be found no full statistical details which might enable us to calculate with accuracy the number of negroes and their descendants, of mixed blood, now on the western hemisphere. We know that there were in 1860 4,435,709 in the United States.‡

We know that in the West Indies, including Guiana, there were emancipated by England, France, Denmark, Sweden, and Holland, about 915,000 slaves;§ and the usual estimate is, that to these should be added one-fifth to obtain the present colored population of these colonies. This would give 1,098,000—or say, in round numbers, 1,100,000 as the entire colored population of the West Indian colonies of England, France, Holland, Denmark, and Sweden,|| let us say in 1860.

* The Rev. Mr. Bridges, after quoting the table above given, and stating that after deducting the negroes exported from those imported, 360,722 were left for the supply of the island, adds that the number alive in 1775 was 192,787.—*Work cited*, vol. 2, p. 456.

A resident for years in Jamaica, Mr. Bridges, had access, through the Duke of Manchester, governor of the island, to all important official documents. An apologist of slavery, he may be trusted as to any evidence against it.

† Lords of Council Report, Part III, Barbadoes, table A. No. 15.

‡ Preliminary Report of Eighth Census, p. 7.

§ The total number emancipated was as follows:

By England.....	770,390
By France.....	248,560
By Holland.....	45,000
By Denmark.....	27,144
By Sweden.....	531
Total.....	1,091,625

But of the slaves emancipated by England, 102,363 were not in the western hemisphere, namely, at the Cape 35,706, and in the Mauritius 66,613. There were also among those liberated by France 74,501 in the eastern hemisphere, namely, in the island of Bourbon 60,651, in Senegal 10,350, and in Nozzi-bé 3,500. Deducting these two items of 102,363 and 74,501 from 1,091,625, we have 914,661 as the total of slaves emancipated in the West Indies, including Guiana.

|| This is probably a full estimate. There were freed in Jamaica 311,070 slaves, one-third of the whole number emancipated in the West Indies. But by the census of 1844, the total black and colored population of the island was but 361,657, having diminished in ten years nearly 20,000. Sewell (*Ordeal of Freed Labor in the British West Indies*, New York, 1862, p. 245) says: If the estimate of mortality by cholera and small-pox within a few years be correct, I do not believe, after making every allowance for a proper increase by birth, that the black and colored population of Jamaica exceeds at the present day 350,000. This is but twelve per cent. more than the number of slaves freed. If Cochin's estimate of the population of the West Indies be correct, there were in the British West Indian colonies in 1855

The census returns of the Spanish West Indian colonies, still slave, are imperfect, and the several estimates of population in these islands vary widely. The most authentic estimates based on actual census returns make the slave and free colored population of Cuba, as late as 1853, a little more than half a million;* with a fair allowance for increase since that date, we may put it in 1860 at 530,000. Porto Rico, a flourishing and increasing colony, contained, by a census return of 1846,† 447,914 inhabitants, of whom about fifty-four per cent. were white, leaving about 206,000 colored. The rate of increase for the sixteen years preceding was a little upwards of two per cent. a year. As but fifty or fifty-five thousand of the colored people in this island are slaves, so that the gradual falling off of the slave trade would not very seriously affect the population, we may suppose that some twenty-five per cent. (say, 51,500) have been added since; making, in all, 257,500 for the entire colored population of Porto Rico.

This would give in the Spanish West Indian colonies a colored population in 1860 of 787,500.

We have not been able to find any official returns of the population of Hayti later than 1826. In 1820, in a "Memoire sur Saint Dominique," by Lieutenant General Baron Pamphile de Laeroix, the population of the island is put at 501,600, of whom only 1,000 are set down as white.‡ In 1825 M. Placide Justin estimates the population at 700,000.§ But in 1826, Charles Mackenzie, British consul general in Hayti, obtained an official population return, not published, which had recently been made to the Haytien Chamber of Commerce. It gives the population of each commune separately, making the total popula-

tion 845,000, of whom between 140,000 and 150,000 were whites, leaving, say 700,000 for the entire colored population.—(Cochin, tom. 1, p. 378 and pp. 366, 367.) But England emancipated in the West Indies 670,000 slaves, (Cochin, tom. 1, p. 367,) or within 30,000 as many as comprised in 1855 (according to Cochin's estimate,) the entire colored population in her West Indian colonies.

The addition to the number of slaves emancipated in the West Indies of one-fifth, or twenty per cent., to make up the total colored population, say in 1860, is evidently ample.

* I take these from a work published in 1855, entitled "Cuba," from the Spanish of Don J. M. de la Torre, edited by R. S. Fisher, statistical editor of Cotton Works. A table (p. 119) gives census returns at intervals from 1775. The three last are:

	White.	Free colored black.	Slaves.	Total.
In 1846.....	425,767	149,226	323,759	898,752
In 1849.....	457,133	164,410	323,897	945,440
In 1853.....	501,988	176,617	330,425	1,009,060

In 1846, there were 472,982 free and slave; in 1853, there were 507,072, an increase in seven years of about 34,000. If (as the supplies from the slave trade have been diminished) we put the increase since then at 43,000, we shall have 550,000 as the present total.

† "Porto Rico," by J. T. O'Neil, edited by R. S. Fisher, 1855, has returns from an early date. The three last are:

In 1830.....	330,051
In 1834.....	358,836
In 1846.....	447,914

In the census of 1834 the whites were 54 per cent. of the whole population, the free colored being 34 per cent., and the slaves 11 per cent. The proportion of slaves at this time is said to be 9 per cent. only.

The estimate is: Blacks.....	480,000
Mulattoes.....	20,000
Whites.....	1,000

Total..... 501,000

‡ "Notes on Hayti," by Charles Mackenzie, F. R. S., London, 1830, vol. 2, p. 112.

tion of the island, at that time, 423,042.* This return Mr. Mackenzie considers more reliable than any other. It affords proof how little trustworthy are vague estimates of population, which usually overrun the truth, in consequence, probably, of the desire of a nation or its government, in the absence of an undeniable census, to represent its numerical strength as great as possible.

Some very partial returns of an authentic character, furnished by Mackenzie,† give the rate of natural increase in the population in certain communes at about three-quarters of one per cent. only per annum. But no trustworthy deductions can be made from returns so limited. The actual rate of increase from 1826 to 1860—thirty-four years—is probably double this—say one and a half per cent. a year.

Allowing for omissions‡ and for Mackenzie's opinion that the census given, though the most reliable document he could obtain, may be an under-estimate,§ let us, instead of the total of 423,042, then given as the population in 1826, assume the black and colored population of Hayti in 1826 at Baron de Lacroix's estimate of 500,000, adding thereto, to bring it up to 1860, one and a half per cent. a year for thirty-four years—that is, fifty-one per cent.—and we have the total negro and mulatto population of the island at 755,000.||

As respects Central and South America any estimate of the number of negroes and their descendants of mixed blood must be founded on data still more uncertain than those which relate to the West Indies. Not only are we without any census of modern date to aid in the research, but an element of uncertainty intervenes which even census returns would fail to dispel. The aboriginal Indian races and their descendants of mixed blood are in large proportion all over this

* "Notes on Hayti," above cited, vol. 2, pp. 113, 114. The population is thus divided:	
Population of the northwest and south (late French part) of the island.....	351,819 .
Population of the east (Spanish part).....	71,223
Total.....	423 042

† These returns show an annual excess of births over deaths of 80, on an average of five years, in the commune of St. Iago, containing 11,056 inhabitants; and again, a similar excess of 75 per annum, on an average of six years, in the commune of Cape Haytien, on 12,150 inhabitants; in neither case reaching three-quarters of one per cent.—*Notes on Hayti*, vol. 2, pp. 117 and 119.

‡ Grand Bois, the residence of the Maroons or refugee negroes, then inhabiting the mountains which stretch from the neighborhood of Mirebalois to the coast on the east of Jacmel, is omitted, as that wandering people could not be reached, so as to enumerate them. Their number at that time is commonly estimated at 6,000.

§ "Notes on Hayti," vol. 2, p. 116.

|| Victor Schöleher, who in 1842 published "*Les Colonies Françaises*," is the author of two volumes, published in 1843, entitled "*Colonies Étrangères et Hayti*." The spirit in which his works are written may be judged from the motto, "It would be as easy to regulate humanely assassination as slavery," and his opinions on Hayti are entitled to the more weight as they are the result of a personal visit to that island and exploration of its interior. He says:

"There has been no census taken for the last fifteen years." "Though children swarm in the cabins, those who speak in good faith concur in the admission that the population does not increase. The government, indeed, puts the population at 800,000, but the general opinion is that it does not exceed 700,000."—*Colonies Étrangères et Hayti*, vol. 2, pp. 264, 295.

This is the judgment of one whose book is a defence of the Haytiens and of their character, and who is evidently disposed to represent everything as favorably as truth will warrant. Colton's descriptive Atlas (1863) gives the entire population of the island, in 1850, at 708,500. Some others put it as high as from 800,000 to 900,000. Upon the whole, the data here brought together induce us to believe that these latter figures, like the government estimates to which Schöleher alludes, are an exaggeration; and that, in estimating the colored population of the island, in 1860, at 755,000, we are as likely to exceed the actual amount as to fall short of it. The number of whites on the island are scarcely worth reckoning.

Diligent search has convinced us that reliable documents as to the actual population of this island are not to be obtained.

country, and are so blended in some portions of it that it is impossible to distinguish between them and the African mulatto of various shades.

Brazil, the only considerable portion of the South American continent in which slavery exists, contains, of course, by far the larger number of negroes, probably four-fifths, or more, of all that are to be found in Central or South America. Into this country slaves were imported from Africa, in considerable numbers, as late as fifteen years ago.*

A census, spoken of as official, bearing date June 22, 1831, states the entire population at 5,035,000, of which 2,000,000 are set down as slaves.† The free colored population is not given.

An estimate in the Penny Cyclopaedia puts the negro population, in 1836, at two millions, namely, 1,600,000 slaves, and 400,000 free.‡ If the proportion here given between slaves and free be correct, and if the census of 1831 may be trusted, the number of free colored of African descent was then 500,000. This would make the entire colored population of African descent, in 1831, 2,500,000; that is about one-half of the whole population, the other half being whites, Indians, and a mixed race, sharing the Indian blood. From the year 1831 to the year 1856, we find no record of any population returns claiming to be official. In 1856 the Brazilian government published returns, summing up 7,678,000, but not distinguishing the races.

The latest and probably the most reliable authority on this subject is the work of Kidder and Fletcher on Brazil, from which (p. 612) the above returns are taken.§ These gentlemen believe the government returns of 1856 to be an over-estimate; and they give, as more trustworthy, a table, made up from the estimates of Señor Francisco Nemes de Souza, a native statesman, quoted also by Eubank. The table was published in the *Agricultor Braziliro*. It is for 1856, and sums up 7,040,000.||

* M. de Souza, Brazilian minister of foreign affairs, stated, under date May 14, 1853, that the number of slaves imported was:

In 1846.....	50,324
In 1847.....	56,172
In 1848.....	60,000
In 1849.....	54,000

He added that in 1852 the number imported had been reduced to 700.—*Cochin*, tom. 1, p. 338.

† Homer's "Brazil and Uruguay," p. 71.

‡ Penny Cyclopaedia, vol. 5, art. Brazil.

§ Kidder and Fletcher inform us, in their preface, that their "experience in the Brazilian empire embraces a period of twenty years;" and they add: "The authors have consulted every important work in French, German, English and Portuguese, that could throw light on the history of Brazil, and likewise various published memoirs and discourses read before the flourishing "Geographical and Historical Society" at Rio de Janeiro. For statistics they have either personally examined the imperial and provincial archives, or have quoted directly from Brazilian State papers."—"Brazil and the Brazilians," Preface, pp. 4, 5.

¶ In the Province of Amazonas.....	30,000
Do..... Para.....	190,000
Do..... Maranhao.....	280,000
Do..... Piahy.....	170,000
Do..... Ceara.....	350,000
Do..... Rio Grande del Norte.....	160,000
Do..... Parahiba.....	230,000
Do..... Pernambuco.....	800,000
Do..... Algóas.....	210,000
Do..... Sergripe.....	180,000
Do..... Bahia.....	880,000
Do..... Espirito Santo.....	60,000
Do..... Rio de Janeiro.....	1,400,000
Do..... S. Paulo.....	680,000
Do..... Parana.....	70,000
Do..... Santa Catharina.....	90,000
Do..... Rio Grande.....	240,000

The same authors give us also estimates of the per-centage of slaves to the free population in one-half of the provinces composing the empire. It is to be regretted that the proportion in the other half, the most populous, containing more than three-fifths of the population, cannot be obtained. These estimates, we are told, are "from the very careful computation of the Hon. J. W. Petit, formerly United States consul at Maranhão." They show an aggregate of 944,623 slaves in a population of 2,680,000.* The number of free colored is not given. To bring these estimates up to 1860 we must add the increase of population during four years. The rate of increase, deduced from the average of estimates going back thirty years, is about one and three-quarters per cent. a year, or seven per cent. in four years. This gives us 492,800; which, added to 7,040,000, raises the total population of Brazil, in 1860, to 7,532,800; an estimate which, in default of an official census, we adopt. It is somewhat above the average of the current estimates of the day.†

If the proportion of slaves to free persons be the same in the remaining ten provinces as in those estimated, then the total number of slaves in the empire of Brazil was, in the year 1860, 2,655,000.

But inasmuch as the largest proportion of slaves to free persons are to be found in the populous provinces on the Atlantic coast, and as three of these, to wit, Pernambuco, Bahia, and Minas Gerais, each with a population of 800,000, or upwards, are among the provinces not estimated, we think the above total of 2,655,000 slaves is probably somewhat too low, and that it may bear an addition

In the Province of Minas Gerais.....	800,000
Do.... Mato Grosso.....	100,000
Do.... Goyaz.....	120,000
Total population of Brazil.....	7,040,000

—From "*Brazil and the Brazilians*," already cited, p. 589.

* The details are as follows:

	Total popula- tion.	Slave population in the proportion of—	Number of slaves.
Para.....	190,000	1 to 1.431	78,157
Piauí.....	170,000	1 to 2.666	46,374
Rio Grande del Norte.....	160,000	1 to 7.221	19,462
Maranhão.....	210,000	1 to 4.221	40,222
Sergipe.....	180,000	1 to 2.927	45,836
Espírito Santo.....	60,000	1 to 2.009	19,940
Rio de Janeiro.....	1,400,000	1 to 1.181	641,907
Santa Catharina.....	90,000	1 to .5	15,000
Goyaz.....	120,000	1 to .7	15,000
Mato Grosso.....	100,000	1 to 3.4	22,727
	2,680,000	Total slaves.....	944,623

—From "*Brazil and the Brazilians*," p. 599.

† Of popular estimates found in modern gazetteers and descriptive atlases, a few are a little above this, while others are considerably below it. The average of these would make the population, in 1860, about seven millions and a quarter only.

The Imperial Gazetteer puts the total in 1854 at 6,065,000; Harpers' Gazetteer, in 1855, at 6,150,000. Passing by McCulloch's Gazetteer, where it is "vaguely estimated at 5,000,000," we have the estimate in Mitchell's descriptive atlas of 7,700,000 as the population in 1860. Colton puts it, for the same year, at 7,780,000. Adding to the two first estimates at the rate of one and three-quarters per cent. a year to bring them up to 1860, we have 6,701,300, 6,688,130, 7,700,000, and 7,787,000, as various estimates of the population in 1860. Averaging these, we have 7,219,107 as the total population of Brazil.

We are of opinion, however, that the estimate we have adopted, based on the calculation of M. de Souza and indorsed by Messrs. Kidder and Fletcher, and which exceeds the above by 323,000, is more reliable, and probably approaches nearly the truth.

of ten per cent. This would give for the empire of Brazil, in 1860, 2,920,500 slaves; an estimate which we believe to be as near the truth as anything we are likely to obtain.*

We find no reliable data in regard to the number of free persons of African descent, of which the probable reason is the great mixture of colored races. The aborigines of Brazil, at the period of its conquest, are said to have numbered between four and five millions,† and though, probably, not more than a fifth of that number now survive, the half and quarter breeds are very numerous.

Ewbank gives an estimate by Señor de Sousa, (the same writer, probably, whose calculation, of later date, is relied on by Kidder and Fletcher,) in which, putting the total at about the same we have given,‡ he divides the population into 2,160,000 whites, 3,120,000 negro slaves, 800,000 domesticated Indians,§ 180,000 free blacks, and 1,100,000 free colored. Unless all the Indian half and quarter breeds are included in the class of "domesticated Indians," which is not likely, we cannot regard the free colored as all of African blood.

On the other hand, it is certain that the number of free negroes and mulattoes in Brazil is large, larger probably than in any other slave country. By the Brazilian laws a slave can go before a magistrate, have his price fixed, and can purchase himself.|| Large numbers avail themselves of this privilege, and the class of freemen is rapidly increasing. All writers agree that more than half the population of Brazil consists of persons of African descent, slave and free.

Under these circumstances, as it is our object not to overstate the case, and therefore to avoid all underestimates of the number of negroes who survived the horrors of the middle passage and the cruelties of slavery, we will assume De Sousa's figures, without any deduction for Indian blood, making the free negro population of all shades 1,280,000. This, added to the slaves, gives us as the population, free and slave, of African descent in the empire of Brazil for the year 1860 a total of 4,300,500, leaving less than three millions and a third for whites, Indians, and Indian mixed races. One item still remains, the most vague and uncertain of any, the number of negroes and mulattoes in the free republic of Central and South America. In all of these the aboriginal races and their descendants vastly predominate, and in all of them the mixture of race and gradations of color defy analysis. In none of them has slavery had more than a comparatively ephemeral existence. But as negroes do not voluntarily emigrate to the western hemisphere, all the negroes or mulattoes to be found in these countries must be originally due to the slave trade, with such trifling additions as the straying off of slaves or of free colored persons from the West Indies or from Brazil may occasionally have made.

* Cochin, accurate as he usually is, undoubtedly understates the number of slaves in Brazil. Writing in 1861, he says in one place, "more than two millions," and in another he assumes two millions as the number. "Pres de 4,000,000 esclaves aux Etats Unis, plus de 2,000,000 au Brésil," is his expression. And again: "Les 2,000,000 Africains, esclaves au Brésil."—*Cochin*, Vol. 2, p. 237.

† "Life in Brazil," by Thomas Ewbank, 1856, p. 430.

‡ The exact figures are 7,360,000, and the date appears to be 1845. This is but 40,000 less than his subsequent estimate for 1856. Ewbank says nothing like positive data was within this writer's reach.

§ From de Sousa's last calculation we may infer that he formed his estimate for 1845 too high.

¶ A report by Councillor Velloso, made in 1819, (quoted by Ewbank, work cited, p. 430,) giving the total population at 4,396,321, includes "800,000 wild Indians."

|| "Brazil and the Brazilians," p. 133. The author adds: "Some of the most intelligent men that I met with in Brazil—educated at Paris and Coimbra—were of African descent; men whose ancestors were slaves. Some of the closest students in the National Library are mulattoes. The largest and most successful printing establishment in Rio, that of Sr. F. Paulo Brito, is owned and directed by a mulatto. In the colleges, the medical, law and theological schools, there is no distinction of color." * * * "I was informed that a man of mental endowments, even if he had been a slave, would be debarred from no official station, however high, unless it might be that of imperial senator."

In Mexico the number of negroes seems to be accurately ascertained. The various estimates differ but a few hundred; none under 6,000, and none over 7,000.* Let us assume the latter number as the negro population of Mexico in 1860.

In Central America, as in Mexico, the representatives of the African race are a very insignificant part of the population. Squier, formerly chargé d'affaires of the United States to the republic of Central America, is undoubtedly one of the best, if not the very best authority on that point. He says: 'The population of Central America, in the absence of reliable data, can be calculated only approximately.

* * * The following table probably exhibits very nearly the exact proportions in Central America, so far as they may be deduced from existing data and from personal observation: †

Whites.....	100,000
Indians.....	1,109,000
Mixed races.....	800,000
Negroes.....	10,000
Total.....	<u>2,019,000</u>

This would give us, for Mexico and Central America, 17,000. Let us say, in round numbers, 20,000.

If we pass to South America, we find, in Venezuela, a country coterminous with the slave colonies of Guiana, a considerable number of negroes. Bonnycastle estimated, in 1818, that there were 54,000 negroes in Venezuela.‡ Codazze puts down, in 1841, 49,782 slaves.§ Negroes were employed in the wars of this republic, and in these many are said to have perished.|| It is certain that they have not increased in late years. Bonnycastle's calculation for 1818 is probably a full estimate for 1860. But we have put the number at

* Albert M. Gilliam, late United States consul to California, in his "Travels over the Table Lands and Cordilleras of Mexico," 1846, (p. 164,) says: "The census of the population of Mexico, it is said, cannot be accurately taken."

† From the various estimates made by those having the best opportunities of knowing, a table was furnished me by a gentleman who, from his long residence in the country, and by some attention paid the subject, may be relied on as measurably correct. The table is as follows:

Indians.....	4,500,000
Other castes.....	3,000,000
Negroes.....	6,000
Total.....	<u>7,506,000</u>

Brantz Mayer, formerly secretary of legation to Mexico, in his work entitled "Mexico: Aztec, Spanish, and Republican," 1853, (Vol. 2, p. 43,) estimates the different classes of the population thus:

Indians.....	4,354,886
Whites.....	1,110,000
Mestizoes.....	2,165,345
Negroes.....	6,600
Total.....	<u>7,636,831</u>

‡ Squier's "Notes on Central America," pp. 53, 54.

§ Bonnycastle's "Spanish America," Vol. 2, p. 319.

¶ Codazze's "Geografia de Venezuela," 1841, p. 241.

|| "Colombia; Its Present State," &c., by Colonel Francis Hall, hydrographer in the service of Colombia, p. 15.

60,000. New Granada appears to contain a larger number of negroes than any other of the South American republics. Cobb, in his "Historical Sketches of Slavery," puts the total, in 1853, at 80,000.* Bollaert, apparently one of the most reliable authorities, so far as his researches extend, estimates that, in 1860, there were of the Ethiopian race in New Granada 80,000.† Colton, in his Descriptive Atlas, 1860, apparently following these authorities, puts the population at 2,243,054, of whom 80,000 are negroes. We shall assume that to be the number. In Ecuador the number is small. Bollaert sets it down, for the year 1860, at 7,831;‡ and Colton has the same estimate.

In Peru the largest proportion of negroes is to be found in the province of Lima. Hill estimates, for the province, 7,500.§ Dr. Von Tochudi puts the slaves, in 1847, in the same province, at 4,792.|| Bollaert estimates the total negroes in Peru at 40,000.¶ We cannot find, after much searching, any estimate that seems more reliable than this last. In Chili there have never been more than a few negroes, either free or slave. The usual remark of the traveller (as Cobb, Schmid and Mayer, Molina and others) is, that very few negroes are to be found there. Bollaert puts the number at thirty-one only; but this must be an error, for in 1825 slavery was abolished without difficulty or disturbance, it is true, which would indicate that the number was small; but it is not likely that so small a number as Bollaert's estimate indicates would be made the subject of legislation at all. We have put down for Chili one thousand, which will probably cover all that are to be found there at this time.

In Bolivia, in a population, chiefly Indian, amounting to about two millions, we have no estimate whatever. "Few pure Africans," says Colton. "Some few Africans," says Bollaert. Probably 3,000 may cover the total amount.

In the Argentine Confederation, previous to the revolution of July 9, 1816, slavery prevailed, and many slaves had been imported—some directly to Buenos Ayres; others through Brazil. At the present time the negroes in La Plata are not numerous. There are a good many in Mendoza. The great mass of the population, however, are Indians. If we put the total number of negroes within the confederation at 25,000, we shall probably be above rather than below the truth.

In Paraguay there are few negroes to be found.** Five thousand will, we believe, cover the amount.

They are more numerous in Uruguay. To this republic, previous to 1842, about which time slavery was abolished, there had been brought negroes both directly from Africa and also through southern Brazil. One writer estimates the number of negroes in Uruguay at 20,000,†† and, as we find in the various works on this country no other estimate, we adopt this.

In Patagonia it would appear from the various authorities that no negroes are to be found.

Thus we have for Mexico, Central America, and South America, apart from Brazil, the following estimate:

* "Historical Sketches of Slavery," 1858, pp. 206, 207.

† "Antiquarian, Ethnological, and other Researches in New Granada, Ecuador, Peru, and Chili," by W. Bollaert, 1860, p. 7.

‡ Work cited, p. 94.

§ "Travels in Peru and Mexico," 1860, Vol. 2, p. 88.

|| "Travels in Peru, 1838-'42," by Dr. J. J. Von Tochudi, 1847, p. 64. Of the above 4,792, he says 2,186 were males, and 3,606 females. The negro population of Peru does not appear to have been due directly to the slave trade.

¶ "Antiquarian, Ethnological, and other Researches in New Granada, Ecuador, Peru, and Chili," by W. Bollaert, 1860, p. 115.

** "Histoire du Paragua," par Demersey, 1860, tom. 1, p. 374. "Quelques nègres, en tres petit nombre."

†† "Medical Topography of Brazil and Uruguay," by G. R. B. Hornér, surgeon United States army, p. 184.

Mexico and Central America.....	20, 000
Venezuela.....	60, 000
New Granada.....	80, 000
Ecuador.....	7, 831
Peru.....	40, 000
Chili.....	1, 000
Bolivia.....	5, 000
Argentine Confederation.....	25, 000
Paraguay.....	5, 000
Uruguay.....	20, 000
Total.....	<u>263, 831</u>

Bringing together these various results, we find an approximating estimate of the number of negroes and their descendants on the western continent in the following table :

Number of negroes and their descendants in the western hemisphere in the year 1860.

In the United States.....	4, 435, 709
In the English, French, Dutch, Danish, and Swedish West Indies, including Guiana.....	1, 100, 000
In the Spanish West Indies.....	787, 500
In the island of Hayti.....	755, 000
In the empire of Brazil.....	4, 200, 500
In the rest of South America and in Central America.....	263, 831
In Canada.....	20, 000
Total.....	<u>11, 562, 540</u>

The total somewhat exceeds eleven millions and a half; but seeing that after diligent search* we have been compelled to make up our estimates, especially for South America, from scanty materials, and desiring to put forth no argument founded on exaggerated data, and therefore not to underestimate the remnant remaining alive as descendants and representatives of the negroes brought to America from Africa, we add a quarter of a million to the sum of our estimate, and will assume the number of negroes and their descendants in the western hemisphere in 1860 to have been eleven million eight hundred and twelve thousand five hundred and forty souls. This is, beyond question, not an underestimate of the actual number left.

What is the conclusion, then, at which we are forced to arrive?

The fifteen millions and a half of poor wretches who were sentenced by the slave-trade to transportation and slavery in foreign lands are now, after three centuries of servitude, represented in these lands by less than four-fifths of their original number.

When we consider the tendency to natural increase in human beings which has gradually swelled the population of the world to its eight hundred or a thousand millions, the above statement as it now stands must be confessed to embody a terrible condemnation of that system which, as to a population half as large as that of the United States, not only arrested for eight or ten generations of men the operation of one of the great laws of the world, but, without

* For the statistics of the negro population of South America alone we have examined upwards of a hundred and fifty volumes.

the life-destruction of war,* without the deadly agencies of pestilence or famine, not, as we sometimes express it, by the visitation of God, but by the sole operation of man's crime, and the misery thence resulting, produced a retrogression of numbers at a ratio which, had it spread over the habitable earth, would have extinguished in a few centuries all human existence. But the matter has been very imperfectly presented yet. The actual results were far more fatal than the simple statement we have given serves to indicate. To obtain an accurate and intelligible view of these results we must separate the fifteen millions and a half of expatriated Africans into two portions, and trace out the separate destiny of each.

More than a third of the present representatives of these fifteen millions and a half inhabit, it will be observed, the United States; less than two-thirds are scattered over the West Indies, Central and South America. But what proportion, let us inquire, of the negroes shipped in slavers from Africa were the progenitors of the present colored population of the United States, and what proportion went to the West Indies and to Southern America?

Here, as in our previous calculation, though the materials be insufficient for absolute accuracy, we can approximate the truth.

In the report of the lords of council, so often already referred to, there is but one table bearing on the subject.† It exhibits the exportation of negroes from the West Indies (then the principal place of their deposit and sale) for five years, namely, from 1783 to 1787, both inclusive, showing that in these five years, out of 20,773 negroes exported to all parts, 1,392 went to the "States of America"—that is, only about one-fifteenth of the whole, or 278 annually.

Since so small a proportion out of the whole export was directed to the United States, it is evident that the demand for slaves at that time could not have been great; nor do we find throughout the report any allusion to a direct trade by slavers from the African coast to the continental colonies. Of course it existed, but evidently not to a large extent. The public opinion, as well as the legislation, of the colonies had uniformly been against it.‡

* There was, indeed, the war in Hayti, which terminated in 1804 in independence. But the loss of life consequent thereon has been far more than made up by the natural increase of the population of Hayti since it became free. Humboldt calculated the population in 1802 at 350,000; and after the death of Dessalines, the first emperor, it was rated at 400,000. ("Notes on Hayti," heretofore cited, Vol. 2, p. 110.) It has since nearly doubled.

† Lords of Council Report, Part IV, table No. 4.

‡ The agency of the British government in fastening slavery upon the continental colonies is well known. Bancroft has placed it distinctly on record:

"The inhabitants of Virginia were controlled by the central authority on a subject of vital importance to themselves and their posterity. Their halls of legislation had resounded with eloquence directed against the terrible plague of negro slavery. Again and again they had passed laws restraining the importation of negroes from Africa; but their laws were disallowed. How to prevent them from protecting themselves against the increase of the overwhelming evil was debated by the King in council, and, on the 10th day of December, 1770, he issued an instruction, under his own hand, commanding the governor, under pain of the highest displeasure, to assent to no law by which the importation of slaves should be, in any respect, prohibited or obstructed. In April, 1772, this rigorous order was solemnly debated in the assembly of Virginia. 'They were very anxious for an act to restrain the introduction of these people, the number of whom already in the colony gave them just cause to apprehend the most dangerous consequences.' * * * * Virginia resolved to address the King himself, who in council had cruelly compelled the toleration of the nefarious traffic. They pleaded with him for leave to protect themselves against the nefarious traffic, and these were the words:

"The importation of slaves into the colonies from the coast of Africa hath long been considered as a trade of great inhumanity, and, under its present encouragement, we have too much reason to fear, will endanger the very existence of your Majesty's American dominions. We are sensible that some of your Majesty's subjects in Great Britain may reap emolument from this sort of traffic; but when we consider that it greatly retards the settlement of the colonies with more useful inhabitants, and may in time have the most destructive influence, we presume to hope that the interest of a few will be disregarded

"The English continental colonies," says Bancroft, "were, in the aggregate, always opposed to the African slave trade. Maryland, Virginia, even Carolina, alarmed at the excessive production and consequent low price of their staples, at the heavy debts incurred by the purchase of slaves on credit, and at the dangerous increase of the colored population, each showed an anxious preference for the introduction of white men; and laws designed to restrict importation of slaves are scattered copiously along the records of colonial legislation. The first Continental Congress which took to itself powers of legislation, gave a legal expression to the well-formed opinion of the country, by resolving (April 6, 1776) 'that no slaves be imported into any of the thirteen United Colonies.'"^{*} As to the number of slaves actually imported during colonial days, the same historian says: "It is not easy to conjecture how many negroes were imported into the English continental colonies. The usual estimates far exceed the truth. Climate came in aid of opinion to oppose the introduction of them." * * * "From the first they appear to have increased, though, owing to the inequality of the sexes, not rapidly in the first generation. Previous to the year 1740, there may have been introduced into our country nearly 130,000; before 1776, a few more than 300,000."[†]

The Duke de Rochefoucault Liancourt, who travelled in the United States in 1795, says: "Nearly twenty vessels from the harbors of the United States are employed in the importation of negroes to Georgia and to the West India Isles." The duke designates the merchants of Rhode Island as the conductors of what he calls the "accursed traffic," which they "are determined to persevere in till the year 1808," the period fixed by the Constitution when it is permitted to abolish it; but, he observes, "they ship only one negro for every ton of the burden of their vessels, which, moreover," he adds, "are small ones."[‡] The table given in the Lords of Council's Report shows that a considerable portion of the slavers in these days were but of a hundred tons burden. This was, probably, the capacity of the Rhode Island slavers. If so, the number of slaves annually carried by each was one hundred only; making, in all, an annual importation by them of 2,000 slaves. But a portion of these went to the West Indies—another proof, it may be remarked, that the demand at home was not great. On the other hand, slaves may have been imported in English bottoms; some were in Dutch; and it is true, as already stated, that a few hundred slaves were annually brought from the West Indies.

when placed in competition with the security and happiness of such numbers of your Majesty's dutiful and loyal subjects.

"Deeply impressed with these sentiments, we most humbly beseech your Majesty to remove all those restraints on your Majesty's governors of this colony which inhibit their assenting to such laws as might check so very pernicious a commerce."

"In this manner Virginia led the host who alike condemned slavery and opposed the slave trade. Thousands in Maryland and New Jersey were ready to adopt a similar petition; so were the legislatures of North Carolina, of Pennsylvania, of New York. Massachusetts, in its towns and in its legislature, unceasingly combated the holding as well as the sale of slaves. There was no jealousy among one another in the strife against the crying evil. Virginia harmonized all opinions, and represented the moral sentiment and policy of them all. When her prayer reached England, Franklin, through the press, called to it the sympathy of the people. Again and again it was pressed upon the attention of the ministers. But the government of that day was less liberal than the tribunals; and while a question respecting a negro from Virginia led the courts of law to an axiom, that as soon as any slave sets his foot on English ground he becomes free, the King of England stood in the path of humanity, and made himself the pillar of the slave trade. Wherever in the colonies a disposition was shown for its restraint, his servants were peremptorily ordered to maintain it without abatement."—(Bancroft's "History of the United States," volume 6, pages 413, 414, and 415.)

In the entire history of Great Britain there is scarcely a more disgraceful page.

^{*} Bancroft's United States, Vol. 3, p. 411.

[†] Bancroft's United States, Vol. 3, p. 407.

[‡] Travels by the Duke de Rochefoucault Liancourt, Vol. 2, p. 292, (of English translation.)

Upon the whole, it seems a high estimate to put the annual importation, for some years after the close of the revolutionary war, at 3,000. During that war, as commercial intercourse with foreign nations was almost wholly suspended, few or no slaves could have been imported, and the trade was probably resumed, but gradually, after the war. From 1776 to 1790 there were only six years when the trade could be considered open. If we estimate that 2,500 were imported during each of these six years, we have 15,000 as the importation from 1776 to 1790.

Let us suppose Bancroft's "a few more than 300,000" to mean 310,000, and we have the total number of slaves imported into the United States up to the year 1790, as follows :

Up to the year 1776.....	310, 000
From the year 1776 to the year 1790.....	15, 000
	325, 000

At this point we emerge, in a measure, into light. The census commences. We know that the colored population of the United States in 1790 was 757,363, of whom 59,466 were free. The 325,000 that had been imported were, in that year, represented by 757,363. The colored population of the United States had already considerably more than doubled itself by natural increase.

At the end of the next decade, that is to say in the year 1800, this population was 1,001,436, having increased in ten years at the rate of about thirty-two and a quarter per cent.

How much of this accession was due to natural increase, and how much to slave-trade importation ?

The rate of increase among the colored population of the United States has been, by the census, as follows :

In the decade from 1790 to 1800.....	32.23 per cent.
In the decade from 1800 to 1810.....	37.58 per cent.
	[Slave trade ceases.]
In the decade from 1810 to 1820.....	28.58 per cent.
In the decade from 1820 to 1830.....	31.44 per cent.
In the decade from 1830 to 1840.....	23.41 per cent.
In the decade from 1840 to 1850.....	26.62 per cent.
In the decade from 1850 to 1860.....	21.90 per cent.

During the first decade, in which there was no disturbing element by importation of slaves, to wit, from 1810 to 1820, the rate of increase was 28.58; during the next decade, 31.44. Let us assume the former as the rate of *natural* increase from 1790 to 1800. Deducting it from the *actual* increase during that period, namely, 32.23, we have a remainder of three and two-thirds per cent. as the increase from Africa. That would give 27,770 as the number of slaves imported in the ten years from 1790 to 1800, the rate of 2,777 a year.

In the next decade, eight years of which only were open to slave importation, that importation appears to have greatly increased. The colored population amounted, by the census of 1810, to 1,377,810, exhibiting an increase in the decade at the rate of 37.58 per cent. If, as before, we rate the natural increase at 28.58, we shall have 9 per cent. in 1,001,436 (that is to say, 90,123) of accession to the population in question, due to other causes than natural increase. But during this decade, to wit, in 1803, Louisiana, purchased from France, became a part of the Union, and her colored population, free and slave, added 42,245 to the census returns of 1810. Deduct this amount from 90,123, and we have 47,884 as the number of slaves that may have been directly imported into the United States in the eight years from 1800 to 1808, being at

the rate of 5,985 a year. The rate of importation was evidently increasing with rapidity. Fortunate was it for our country and for the cause of humanity that Congress availed itself of the constitutional provision which permitted, in 1808, the abolition of the slave trade.

Another item remains to be determined, ere we can complete our estimate of importation. Of the colored population which Louisiana brought into the Union, what proportion may we properly ascribe to the slave trade, and what proportion to natural increase? The total number at the date of purchase appears to have been about 30,000.* To supply this number, how many had probably been imported under colonial rule?

Except as to difference of nationality in her owners, Louisiana, previous to 1803, was not differently situated from the southern States of the Union. Part of the same continent, coterminous in her chief boundaries, with similar climate and general condition, there seems no good reason to suppose that the natural increase of her colored population had been at a rate much lower than ours.

But in 1800 our colored population had very nearly trebled its original numbers. Let us suppose (to avoid the chance of overestimate) that in 1803 the slaves and free colored people of Louisiana had only doubled in number as compared to their African descendants. That would give us 15,000 as the number imported into that colony up to the time when it became part of the United States.†

Summing up these various items, we have the total number of slaves imported into the United States up to the date of the abolition of the slave trade as follows:

Up to 1790, as before.....	325,000
From 1790 to 1800.....	27,770
From 1800 to 1810.....	47,884
Imported into Louisiana previously to her purchase from France....	15,000

Total slaves imported into the United States..... 415,654‡

* By an accurate census of Louisiana, taken in 1785, the total population was 28,537, of whom about 14,000 were slaves and 1,000 free colored. From that date there seems to have been no separate authentic census of the colony until one was made in 1803, by the consul of the United States at New Orleans, under orders from the Department of State. From the best documents he could obtain, he put the total population at 49,473, but without separating whites and blacks.—See "History of Louisiana from the Earliest Period," by François Xavier Martin, New Orleans, 1827, Vol. 2, pp. 77, 78, and p. —

Other authorities put it higher, as Major Amos Steddard, in his "Sketches, Historical and Descriptive, of Louisiana," p. 226. He admits that there are no precise data to determine the population in 1803, but estimates 50,700 whites and 42,600 colored; together, upwards of 93,000. This, however, is clearly an overestimate, as our own official census of 1810 makes the entire population of Louisiana in that year but 76,556. At first sight, the consul's estimate of 49,473 seems too low; since, if it be not, 50 per cent. was added to the population in the seven years, from 1803 to 1810. This would seem improbable, but for the remarkable fact that the entire population of Louisiana (chiefly, of course, by immigration from other States in the Union and from Europe) doubled in the next decade, amounting, in 1820, to 152,923. As a medium term between these conflicting authorities, we may assume the entire population in 1803 to be 60,000, of whom half were colored. This agrees with Mr. Carey's estimate. Speaking of the colored population, Mr. Carey says: "Nearly 30,000 were found in Louisiana at her incorporation into the Union."—"The Slave Trade, Domestic and Foreign," p. 17.

† We ought here, in strictness, to add that proportion of the slave and free colored population of Texas at the time of her admission, which may be supposed to have been due to the African slave trade. But, in the first place, it was small, a very large proportion of the total (it was about 58,500 in 1850, five years after annexation) being undoubtedly due to natural increase; secondly, we cannot tell how many slaves may have been taken thither from the United States; and, lastly, it is more than offset by the fugitive colored population of Canada and the colonized population of Liberia, neither of which enters into the United States census, though both go to increase the total to which the half million slaves shipped in Africa for the United States had actually swelled in 1860.

‡ An industrious and painstaking author, accustomed to statistics, makes the total one-fifth less than this. Mr. H. C. Carey, in his "Slavery, Domestic and Foreign," Philadelphia, 1853, p. 18, after furnishing his reasons for each separate estimate, sums up as follows:

It is to be observed that this is an estimate, not of the slaves that were exported from Africa destined to the United States, but of those that were actually landed there. If the loss on the voyage was, as we have estimated, twenty per cent.,* the above 415,654 negroes represent about 520,000 shipped on the African coast, whether directly for this country or coming by way of the West Indies, since 520,000 less 20 per cent. is 416,000.

If the statement of the Duke de Rochefoucault,† that the Rhode Island slavers carried but one negro for each ton burden, may be relied on, the average mortality on board slave ships bound to North America was likely to have been less than 20 per cent. It would, probably, be safe to estimate that out of half a million negroes shipped from Africa, the number above estimated to have reached us may have been landed.

Referring now to an estimate of the number of slaves taken from the African coast during the three centuries and a half of the slave trade, namely, 15,520,000, we may assert, in round numbers, that *half a million of these were to our own country, chiefly during its colonial existence, and fifteen millions to the West Indies and to South and Central America.*

We have now the means of answering the following questions: What became of each of these two so unequal divisions of this expatriated people? What has been the respective destiny of each? How are they now represented? The answer involves results so extraordinary, at first sight so incredible, and in effect, even when thoroughly examined, so difficult of satisfactory explanation, that we have devoted much time and labor to the critical revision of the materials whence our conclusions are drawn, before venturing to place them on record.

This is the answer: *The half million shipped for North America have increased nearly nine fold; being represented in 1860 by a population exceeding 4,400,000, while the fifteen millions sent to the West Indian colonies and to Southern America have diminished from age to age until they are represented now by less than half their original number.‡*

Prior to 1714	30,000
From 1715 to 1750	90,000
From 1750 to 1760	35,000
From 1761 to 1770	74,500
From 1771 to 1790	34,000
Subsequent to 1790	70,000
Total number imported up to 1808	333,500

We think Mr. Carey has estimated the rate of natural increase in early days, say from 1714 to 1770, too high, not allowing for the effect, then sensibly felt, of that disproportion between the sexes incident to the slave trade, to which we shall hereafter have occasion to advert.

* See page 42, *ante*.

† See page 54, *ante*.

‡ Those who may be tempted to object to this latter calculation as based in part on approximating estimates, would do well to bear in mind that it is fully borne out by another calculation, already given, (pp. 43, 44, *ante*.) and which is based upon official tables alone—a calculation concerning a period of seventy-four years in the last century, and extending to the entire negro population of the largest English West India colony, Jamaica; throughout these seventy-four years the results, in condensed view, being as follows:

Negroes in Jamaica in 1702	41,596
Negroes imported from 1702 to 1778	497,736
Deduct exported from 1702 to 1778	137,014
Leaving in the island imported slaves	360,722
Total in 1775, if the population had been stationary	402,318

But the actual population in 1778 was 192,787, showing a reduction in three-quarters of a century in the negro population of Jamaica of more than one-half.

How marvellous, beyond all human preconception, are the seresults! Had the fifteen millions whose lot was cast in the southern portion of our hemisphere increased in the same proportion as the half million who were carried to its northern continent, their descendants, instead of dwindling to half, would have been to-day a multitude numbering more than a hundred and thirty millions of men.

What is the explanation of this startling marvel? Is it to be found solely in the greater humanity with which the negroes of the United States have been treated as compared with those of other slave countries?

A little research will show us that there were other causes in operation to produce these strange results—causes chiefly due to the fact that the slave trade to the United States was brief in its duration and unimportant in its operation, compared to the slave trade to the West Indies and South America.

But wherever the operations of the slave trade are of great magnitude, the effect is to check the natural increase of the slave population on plantations.

In the first place, it introduces an unnatural element into that population which it is proper here to set forth; and to this element a portion of the decrease in the negro population of the countries to which our estimates extend is indisputably to be ascribed.

The abnormality referred to is the uniform practice of dealers, in selecting cargoes of negroes on the African coast, to purchase a considerably larger proportion of males than females. All the witnesses agree in the fact, though they differ as to the motive. Some testify that it was more difficult to procure salable women than men, ascribing this to various causes; as, to the prevalence of polygamy in Africa; to the fact that there were fewer female criminals than male criminals; also, that as to the chief offence for which criminals were sold to slavery, namely, adultery, "it was sometimes pardoned in the women, but never in the men."*

Other witnesses, however, affirm that there was no difficulty in procuring as many female slaves as males. Mr. Eldrid, captain of a slaver from Rhode Island, testifies: "Female slaves can be procured on the coast with more facility than male slaves."† The true motive is probably given by a slave surgeon, Mr. Falconbridge, who deposes: "On the coast of Africa the captains of slave ships never wish to purchase more than one-third females. The planters in the West Indies, in many cases, prefer males, because they lose the labor of a female in the latter end of pregnancy, and for a little time afterwards."‡

Most of the witnesses state the usual proportion between the two to be three males for one female. The Rev. Mr. Newton says: "The number of male slaves purchased usually exceeded that of the females in the proportion of four to three, and sometimes of two to three."§

The exact average proportion appears to have been between these two rates. In the report of the Jamaica house of assembly, already quoted from,|| in which this disparity in the number of the sexes is adduced as a chief cause of the decrease in their slave population, tables are given showing the exact population in the case of 49,135 negroes imported by the chief negro factor into Kingston from 1764 to 1788. Of these 30,636 were males, and 18,539 were females, the relative proportion being, as nearly as may be, five males to three females. Of each one thousand negroes imported then, there were, on the average, 625 men and 375 women. Each thousand, therefore, was only equal, so far as power of reproduction was concerned, to a population of 375 men and

* Testimony of Mr. Mills, Lord's Report, Part I, sheet O. Mr. Weaver, same page, says: "Few women are sold for any other crime than adultery, and that is very often forgiven them."

† Lords' Report, Part I, sheet N 6.

‡ Ibid. Mr. Falconbridge made five voyages as surgeon.

§ Ibid.

Page 41, *ante*.

375 women; in other words, to a normally constituted population of *seven hundred and fifty*.

It follows that, as to any given West Indian or other slave population, kept up by constant supplies through the slave trade, we must deduct twenty-five per cent., or, in other words, take three-fourths only of its nominal amount on which to estimate its power of natural increase.*

To this extent, then, it is to be confessed that the decrease of population in the West Indies and South America is not to be wholly ascribed to the more cruel treatment or more oppressive labor to which the slaves were subjected by the planters, but to the policy pursued by the African slave traders in selecting their human cargoes.

That such a disturbance of a great natural law must have produced immoral results, in an aggravated form, cannot be doubted. As little doubtful is it that this immorality was carried to an excess, which still further diminished the rate of natural increase.

As, however, it must be supposed that the slave traders brought to the market precisely the assortment of cargo which they found the most salable, the above abuse is chargeable indirectly to the planters themselves. Had they desired on their plantation an equal number of each sex, the slave dealer would doubtless have found means to supply it.†

The slave trade had another still more sinister influence. It is beyond a doubt that wherever that trade prevailed, it tended directly to aggravate the condition and to shorten the lives of the plantation slaves. This happened because it increased the temptation to cruelty and overwork. An author who resided twenty years in Brazil, and who has dealt tenderly with slavery, confesses: "Until 1850, when the slave trade was effectually put down, it was considered cheaper, on the country plantations, to use up a slave in five or seven years, and purchase another, than to take care of him. This I had, in the interior, from native Brazilians, and my own observation has confirmed it. But since the inhuman traffic with Africa has ceased, the price of slaves has been enhanced, and the selfish motive for taking greater care of them has been increased."‡

Of the two influences to check population above indicated as flowing directly from the slave trade, the first, connected with the disparity in the numbers of the sexes, is totally insufficient to account for the unexampled decrease in the fifteen millions of slaves sent to the Gulf and to South America. Suppose that entire population, when it left the shores of Africa, to have been in the proportion of five men to three women; its power of natural increase would have equalled only that of a normally constituted population of 11,250,000. But had the slaves in question actually numbered but eleven and a quarter millions, and had they increased in the same proportion as the half million shipped for the United States have done, the census return of their descendants to-day would

* The committee of the Jamaica house of assembly, from whose report the above is extracted, fall into a remarkable error. They deduct from the whole number imported *two-fifths*, "to bring the sexes to an equality;" that would be *forty* per cent., reducing each thousand to 600. But as each thousand contained 375 women, it was evidently equal, in power of reproduction, to a population of 375 men and 375 women; in other words, to an ordinary population of 750.

† Many of the largest and best sugar estates on the island of Cuba belong to the different ecclesiastical orders. Under the mask of discouraging a vicious intercourse of the sexes, some of them religiously resolved to purchase only male negroes—a devout austerity which would appear to have originated in the idea that men can do more work than women. Deprived of connexions resulting from one of the chief laws of nature, and driven to desperation, the unhappy negroes, not unlike the first Romans, have been known to fly to the neighboring estates, seize on the women, and carry them off to the mountains.—"History of the Maroons," by R. C. Dallas, London, 1803, vol. 2, p. 60.

‡ "Brazil and the Brazilians," by the Rev. D. P. Kidder, D. D., and the Rev. J. C. Fletcher: 1857. It is Mr. Fletcher who writes the above.

have been 98,000,000—more than three times the population, white and black, of the United States.

The immoral influence of the disparity in the relative numbers of the sexes already alluded to, and its tendency to check population, is here to be taken into account. But that disparity prevailed among imported negroes only, and did not, of course, extend beyond the first generation. Unquestionable as the tendency of the influence in question was to diminish the rate of natural increase, we can receive it only as a partial element not seriously affecting the general result. Thus the marvellous variance in the fate of the two divisions of negro immigrants is not explained, though the exact figures are varied by the disproportion of the sexes in these immigrants.

As to the second influence growing out of the temptation gradually to work to death laborers who can be replaced any day by fresh purchases, it is hard to believe that it should have exerted over human cupidity so terrible a sway as to cause the reduction to seven and a half millions of men of a population which, had they been treated and had they thriven but as well as slaves of the United States, would have numbered to-day 98,000,000 of souls.

Climate may have had something to do in working out the ultimate results. Yet there is no evidence to show that the climate of the West Indies and of Brazil is less suited or more fatal to the negro race than that of our slave States. A more influential circumstance, especially in the West India islands, was the habitual absenteeism of many of the proprietors. The slaves were left at the mercy of overseers, often uncultivated and mercenary, who had no interest in their preservation so long as those who died could be profitably replaced by what were called "new negroes." Most of these overseers were unmarried men; and writers on the condition of the colonies frequently allude to the fact that, when this was the case, the lack of female care and considerate forethought, as regarded the slave mother and children, had a very considerable influence in diminishing the population.

Upon the whole, however, it must be confessed, that while the general facts in this case are indisputable, the explanations we have been able to offer seem inadequate to account for the extraordinary results we have disclosed.

But the lesson taught to mankind by this stupendous crime is far beyond the marvel of its results. Four years ago that lesson was in part foreshadowed only, and could not have been fully read. To-day it is written in terrible characters all over the history of our country. Four years ago it might have been said, with a certain plausibility, that the experiment of human slavery had two phases, the phase of failure and the phase of success.

With a certain plausibility only, it is true, there has been success in this country, so far as the mere physical increase of the slave population can attest the fact—no further. But population has increased in the world in spite of ceaseless wars—in spite of constant vice and misery. It increased in famine-stricken Ireland. It increased in England throughout the term of that feudal system which made of the island one great military camp. It increased in France, throughout the centuries of that old régime, of which the insufferable iniquities were at last requited by popular vengeance, and culminated in the first revolution. It is to be admitted, however, that an annual increase from natural causes alone, of two and three-quarters to three per cent., prevailing throughout a term of years in any population, (as among the slaves of the United States, from 1810 to 1830,) indicates that they have not been subjected to the extremity of hardships, which marks the fate of negro slaves in other portions of this hemisphere. And as, even to the present day, the rate of natural increase among slaves in this country has been considerable, it may be fairly inferred that slavery in the United States, even in its latter and severer phase, has been, as a general rule, more merciful and lenient than in the West Indies and South America. It will probably be claimed, in addition, that it indicates a very con-

siderable amount of physical comfort and well-being. But any such admission would convey a false impression in regard to the actual condition of the slave, especially in the cotton and sugar States. The investigations of the commission, personal and from testimony, thoroughly convince them that the statements made in the preliminary report, as to the condition of the slave population of South Carolina, apply substantially to that of Georgia, Alabama, Mississippi, Texas and Arkansas, and, with no very considerable modifications, to Florida, to a few portions of North Carolina, and to the western half of Tennessee. We repeat here, as applicable to the States above named, that which, antecedent to more general examinations, we had predicated only of South Carolina:

"This is one of the States in which the system of negro slavery seem to have reached its furthest development, with the least modification from contact with external civilization. There it appears to have run out nearer to its logical consequences than in any other we have visited. There it has been darkening in its shades of inhumanity and moral degradation from year to year, exhibiting more and more increased cruelty, a more marked crushing out in the case of the negro race, of the humanizing relations of civilized life, and a closer approach in practice to a monstrous maxim—the same which a Chief Justice of the Supreme Court, perverting history, alleges to have been the sentiment of the civilized world when the United States Constitution was adopted, and in the spirit of which he assumes (in virtue of such perversion) that Constitution to have been framed, namely, that 'the negro has no rights which the white man is bound to respect.'* The evidence before the commission shows that half a century ago, its phase was much milder than on the day when South Carolina seceded. It is the uniform testimony of all emancipated South Carolinians—slaves above the age of sixty—that their youth was spent under a state of things which, compared to that of the last thirty years, was merciful and considerate. As a general rule, these old men are more bright and intelligent than the younger field hands, in many of whom a stolid, sullen despondency attests the stupefying influence of slave-driving under its more recent phase.

"The disintegration of the family relation is one of the most striking and most melancholy indications of this progress of barbarism. The slave was not permitted to own a family name; instances occurred in which he was flogged for presuming to use one. He did not eat with his children or with their mother; 'there was no time for that.' In portions of this State, at least, a family breakfast or dinner table was a thing so little known among these people, that ever since their enfranchisement it has been very difficult to break them of the lifelong habit that each should clutch the dish containing his portion and skulk off into a corner, there to devour it in solitude. The entire day until after sunset was spent in the field; the night in huts of a single room, where all ages and both sexes herded promiscuously. Young girls of fifteen, some of an earlier age, became mothers, not only without marriage, but often without any pretence of fidelity to which even a slave could give that name. The church, it is true, interposed her protest, but the master, save in exceptional cases, did not sustain it, tacitly sanctioning a state of morality under which ties of habitual affection could not assume a form dangerous or inconvenient to despotic rule.

"The men, indeed, frequently asked from their masters the privilege of appropriating to themselves those of the other sex. Sometimes it was granted; sometimes, when the arrangement was deemed unprofitable, it was refused. Some cases there were in which a slaveholder, prompted by his own sense of morality or religion, or urged thereto by a pious wife, suffered these connexions of his slaves to have the sanction of religious ceremony. But it is evident that, to connect even with such a quasi marriage the idea of sacredness or religious

* *Dred Scott vs. John F. A. Sanford.* December term, 1856. 23 Howard, 407.

duty was inconsistent with that legal policy of the slave States which forbade to render indissoluble among slaves a relation which to-morrow it might be for the interest of their owner to break up.

"The maternal relation was often as little respected as the marital. On many plantations, where the system was most thoroughly carried out, pregnancy neither exempted from corporal punishment,* nor procured a diminution of the daily task, and it was a matter of occasional occurrence that the woman was overtaken by the pains of labor in the field and the child born between the cotton rows. Humane masters, however, were wont to diminish the task as pregnancy advanced, and commonly gave three, occasionally four, weeks' exemption from labor after child-birth. The mother was usually permitted to suckle her child during three months only, and the cases were rare in which relaxation from labor was allowed during that brief period. On the other hand, instances have occurred in which the more severe drove the negress into the field within forty-eight hours after she became a mother, there to toil until the day of the next birth.

"A noble exception, among others, to such a system of inhumanity, gratefully testified to by the negroes who enjoyed it, was to be found on the plantation of ex-Governor Aiken, one of the largest and most influential planters in the State. His habitual clemency, it is said, gave umbrage to many of his neighbor planters as endangering their authority under a severer rule.

"Under such a slave system as this, where humanity is the exception, the iron enters deep into the soul. Popular songs are the expression of the inner life, and the negro songs of South Carolina are, with scarcely an exception, plaintive, despondent, and religious. When there mingles a tone of mournful exaltation, it has reference to the future glories of Zion, not to worldly hopes.

"If to the above details touching slave life in this State we add the fact, that because of the unhealthy climate of the sea islands off the South Carolinian coast, (chiefly due, it is said, to causes which may be removed,) the least valuable and intelligent slaves were usually placed there; further, that being much isolated, in small communities, these slaves frequently had children of whom the father and mother were near blood relatives, producing deterioration of the race, it can excite no surprise that the negroes of South Carolina, as a class, are inferior to those from more northern States. An intelligent negro from a northern county of North Carolina, who had there learned the blacksmith's trade, and had been hired to work on a railroad in South Carolina, stated to the commission that he never knew what slavery really was until he left his native State. While there he was comparatively contented. Within a month after he reached South Carolina he determined to risk his life in an attempt to escape."

To judge whether a natural increase of population is necessarily connected with physical comforts, it behooves us to look to the interior slave life of the south, to the motives which encourage such increase, and to the conditions

* "Another of my visitors had a still more dismal story to tell. Her name was Die. She had had sixteen children, fourteen of whom were dead. She had had four miscarriages; one had been caused from falling down with a very heavy burden on her head, and one from her arms strained up to be lashed. I asked her what she meant by having her arms tied up. She said their hands were first tied together, sometimes by the wrists, and they were then drawn up to a tree or post, so as almost to swing them off the ground, and then their clothes rolled round their waist, and a man with a cow-hide stands and stripes them. I give you the woman's words. She did not speak of this as anything strange, unusual, or especially horrid and abominable; and when I said, 'Did they do this to you when you were with child?' she simply replied 'Yes, Missis.'" * * * "I gave the woman meat and flannel, which were what she came for, and remained, choking with indignation and grief, long after they had all left me to my most bitter thoughts."—*Journal of a Residence on a Georgian Plantation in 1838-39*, by Frances Anne Kemble, p. 200.

Mrs. Kemble says, elsewhere in her journal, "Never forget, in reading the details I send you, that the people on this plantation are well off, and consider themselves well off, in comparison with the slaves on some of the neighboring estates."

which attach to it. We find these well set forth by one who had the best opportunities to observe, having resided some five months on her husband's plantation in Georgia, and being in the habit of recording from day to day events as they occurred. It is doubtful whether there has been presented to the public in modern times a more authentic or more faithful chronicle of everyday life in the cotton States than is to be found in the journal from which our extract is taken. The writer had been conversing with a negress who had formerly been a favorite house servant, and thus proceeds :

"She named to me all her children, an immense tribe; and, by-the-by, E——, it has occurred to me that whereas the increase of this ill-fated race is frequently adduced as a proof of their good treatment and well-being, it really and truly is no such thing, and springs from quite other causes than the peace and plenty which a rapidly increasing population are supposed to indicate. * * * *
Peace and plenty are certainly causes of human increase, and so is recklessness. Here it is more than recklessness, for there are certain indirect premiums held out to obey the early command of replenishing the earth, which do not fail to have their full effect. In the first place, none of the cares—those noble cares, that holy thoughtfulness, which lifts the human above the brute parent—are ever incurred here either by father or mother. The relation, indeed, resembles, so far as circumstances can possibly make it so, the short-lived connexion between the animal and its young. * * * * But it is not only the absence of the conditions which God has affixed to the relation which tends to encourage the reckless increase of the race; they enjoy, by means of numerous children, certain positive advantages. In the first place, every woman who is pregnant, as soon as she chooses to make the fact known to the overseer, is relieved from a certain portion of her work in the field, which lightening of labor continues, of course, as long as she is so burdened. On the birth of a child certain additions of clothing and an additional weekly ration are bestowed on the family, and these matters, small as they may seem, act as powerful inducements for creatures who have none of the restraining influences actuating them which belong to the parental relation among all other people, whether civilized or savage. Moreover, they have all of them a most distinct and perfect knowledge of their value to their owners as property; and a woman thinks, and not much amiss, that the more frequently she adds to the number of her master's livestock by bringing new slaves into the world, the more claims she will have upon his consideration and good will. This was perfectly evident to me from the meritorious air with which the women always made haste to inform me of the number of children they had borne, and the frequent occasions on which the older slaves would direct my attention to their children, exclaiming, 'Look, Missis; little niggers for you and Massa; plenty little niggers for you and little Missis.' ""*

We have had abundant evidence of the correctness of the view here taken. General Saxton, for example, deposes :

Question. "Were the women, under the slave system, taught chastity as a religious duty?"

Answer. "No, sir. They were taught that they must have a child once a year."

The prohibition against suckling their children longer than three months is part of the same system.† The result is that the slave families are usually very

* Journal of a Residence on a Georgian Plantation in 1833-'39, by Frances Anne Kemble, New York, 1863, pp. 59, 60.

† Among the witnesses whose testimony is given in the Report of the Lords in Council are several physicians residing in the island of Jamaica. One of these, Adam Anderson, of the parish of St. Ann, testifies: "Great losses are sustained in the increase of negroes from the length of time the negro women continue their children at the breast—seldom less than two years, and many of them more."—*Lords' Report*, Part III, Jamaica, Appendix No. 7.

If this habit was common throughout the colonies, its effect, taken in connexion with the

numerous. We found in South Carolina, among the freedmen, several instances in which the mother had had twenty children and upwards in as many years. The result is disclosed, beyond possible denial, throughout Mrs. Kemble's graphic volume. Excessive child-bearing, coupled with ceaseless toil—an interval of three weeks only being allowed after child-birth—these are conclusively shown to have been the source of shocking diseases and terrible suffering to the female slaves.*

The argument to be deduced from the great natural increase of the slave population in the United States would be much stronger than it is had the ratio of increase, as it was during the two first decades after the abolition of the slave trade, been kept up to the present day.

But it has not been kept up. We have already had occasion, in the extract cited from the preliminary report of the commission, to advert to the fact that the system of slavery among us has been increasing in severity and hardships from year to year, especially for thirty years past.† A glance at the census shows that statistics confirm what we had deduced from personal observation. From 1830 the rate has been gradually diminishing; for, as the superintendent of the census remarks, "the greater apparent increase among slaves from 1840 to 1850 is connected with the admission of Texas in 1845."‡ In these thirty years the ratio of natural increase has diminished over ten per cent. in the decade, or one per cent. a year.

At the same diminishing ratio less than a quarter of a century would have witnessed a state of things under which the slave population would have been annually decreasing. Whether it would have fallen still lower, until, as in Jamaica and other West Indian islands, the deaths so far exceeded the births that, in less than a century, half the population would have disappeared, must now ever remain, let us thank God, a matter of conjecture.

The duration of slavery as a system, in the United States, has been but brief, as compared with its prolonged existence in the West Indian colonies. Here that system had not borne its deadliest fruits. Here, especially for four or five decades after the revolutionary war, certain features of a patriarchal§ character tended to alleviate its harshness.

But, in all its various phases, that system which confers on one race the fatal privilege of idleness at expense of forced drudgery imposed upon another race, differs rather in the degree than in the character of its results. These results are, as a general rule, wherever slavery exists at all, essentially and degradingly evil; evil to the victim of the injustice; evil, as certainly, to the inflictor of it, for there is no human crime that does not recoil on the criminal.

Alike in the slave States of the Union as in the colonies of the West Indies, and in every other land in which the system of slavery prevails, its victims may be said to live deprived, directly or indirectly, of every natural right.

One of the most universal objects of human desire and of human endeavor is

custom so widely different in our slave States, is to be enumerated among the causes which went to produce the great variance of results as to increase of slave population in the West Indies and in the United States.

* "Journal of a Residence in Georgia:" see page 29, also 39, a very bad case; also pages 79, 122, 190, 191, 192, 196, 214, 215, 233, 251, with very strong evidence, and many others. The whole work is a most dreary picture, a terrible daguerreotype of what daily negro life was in a cotton State before the war.

† See extract from the preliminary report of the commission, given at page 61 of this report.

‡ Preliminary Report of Eighth Census, p. 7.

§ We have found indications of this in taking the evidence of freedmen, especially in the more northern slave States. Mrs. Wilkinson, a colored woman in Canada West, testified: "I was raised in Winchester, Virginia." * * * "I have seen a good deal of hard treatment of others, but never had any myself. I was brought up like one of the family. I used to call my master 'father' and the old lady 'mother,' until I came to this country. That is the way I was raised." This woman was set free by her mistress after her master's death.

the acquisition of property; but the laws of slave States forbid that the slave shall ever acquire any. The holiest of human relations is marriage; but a slave cannot legally contract it. The dearest of humanities are those of family; but a slave may see them broken forever, without redress, any hour of his life. Of all human privileges the highest is the right of culture, of moral and mental improvement, of education; but to the slave the school is forbidden ground—reading and writing are penal offences. The most prized of personal rights is the right of self-defence; but a slave has it not; he may not resist or resent a blow, even if it endanger limb or life.

What remains to the enslaved race? Life to man? honor to woman? Any security for either? Nominally, yes. Actually, save in exceptional cases, no. In the statute laws against murder or rape the word *white* is not to be found. Persons of either color *appear* to be equally protected. But among the same statutes, in every slave State of the Union, is incorporated a provision to the following or similar effect:

"A negro, mulatto, Indian, or person of mixed blood, descended from negro or Indian ancestors, to the third generation inclusive, though one ancestor of each generation may have been a white person, whether bond or free, is incapable of being a witness in any case, civil or criminal, except for or against each other."*

As far as regards the two worst crimes against the person, the above provision is the exact equivalent of the following:

"Murder or rape by a white person committed against a negro, mulatto, Indian, or person of mixed blood, descended from negro or Indian ancestors, to the third generation inclusive, though one ancestor of each generation may have been a white person, shall go unpunished, unless a white person shall have been present, and shall testify to the commission of the crime."

The apology for a law according to which a woman cannot testify against the violator of her person, or a son against the murderer of his father, is, that in a community where negro slavery prevails, such a provision is necessary for the safety of the white race. The same apology is adduced to justify the taking from the slave the right of property, of marriage, of family ties, of education, of self-defence.

The apology may be valid. It may not be possible to force one race to hopeless labor—they and their children after them—from sunrise till sunset, day after day, year after year, till death—thus to toil unrequited save by the coarsest food and clothing, in order that another race may exist in idleness—it may not be possible safely to carry on such a system without depriving the laboring race of every right, civil and social, of every protection to life and property, for which man has been struggling through all the centuries of history.

It may be one of the conditions of safety to the master race, thus usurping the labor of their fellows, that some of their own children should be as utterly disfranchised as the imported African. The phraseology of the section we have quoted is very suggestive—"to the third generation inclusive, though one ancestor of each generation be white," are the words. The white man makes laws; and his son, his grandson, his great grandson, so that these share to the extent of one-eighth the blood of the attainted race, may, whether slave or free, be murdered with impunity, if the murder be not committed in the presence of some one without that eighth of taint. The white man makes the law, and exposes the chastity of his own daughter, fairer of skin, it may be, than himself, to brutal outrage, without possibility of bringing the ruffian who commits that outrage to justice, unless the wretch, adding folly to infamy, selects his opportunity when one of his own race happens to be within hearing or sight. These

* Code of Tennessee, 1858, sec. 3808, p. 687. We have selected this section from the code of one of the middle States as a fair average example.

may all be necessary conditions, without which, under the slave system, domestic tranquillity cannot be maintained.

Let us assume that, in this matter, the slaveholder is in the right, and that while slavery exists these *are* his conditions of safety; what then? In what sense, except a blasphemous one, can we pronounce that system to be successful which cannot maintain itself except in violation of every principle of justice and virtue which God has implanted in the heart of man, except by the abrogation, as to an entire race of men, of those rights of property, of family, and of person, to assert and maintain which, in all ages of the world, good and brave men have willingly sacrificed life.

But there are other conditions, not set forth in statute law, with which the existence of slavery is inseparably connected—those, namely, which affect the masters of slaves.

Of all forms of prayer none is more strictly adapted to the nature and the wants of man than this: "Lead us not into temptation." Men, in the mass, cannot be habitually tempted with impunity. It was said of one only that He was tempted like as we are, yet without sin.

But of all human temptations, one of the strongest and most dangerous is that which attends the possession, throughout life, of arbitrary and irresponsible power. As a rule it is always abused. A beneficent despotism is the rarest of exceptions. This is one of the great lessons of history, upon which is based the doctrine of popular rights and the theory of a republican government.

Under no phase of society has the operation of the law which connects sin with ceaseless temptation been more apparent than in States where slavery prevails. One of our greatest statesmen, himself a sufferer under the evils he deprecates, has set forth, in strong terms, the practical results.

"There must, doubtless," said Jefferson, "be an unhappy influence on the manners of our people, produced by the existence of slavery among us. The whole commerce between master and slave is a perpetual exercise of the most boisterous passions—the most unremitting despotism on one part, and degrading submission on the other. Our children see this, and learn to imitate it, for man is an imitative animal." * * * "The parent storms; the child looks on, catches the lineaments of wrath, puts on the same airs in the circle of smaller slaves; and thus nursed, educated, and daily exercised in tyranny, cannot but be stamped with its odious peculiarities. The man must be a prodigy who can retain his manners and his morals under such circumstances."*

It has been customary to illustrate the influence of slavery on the dominant race by adducing individual examples of barbarous cruelty exercised towards slaves by their masters.† These might be multiplied indefinitely, but they are

* Jefferson's "Notes on Virginia," chapter on Customs and Manners, p. 270.

† A single example from among many that came to our notice may here suffice. It is selected as exhibiting the uncontrolled passion and fearful inhumanity of that spirit, bred by arbitrary and irresponsible power, which could visit with terrible punishment a light and trivial offence. It was testified to by an eye-witness, a respectable colored mechanic, Solomon Bradley by name, who was employed for several years on the railroad between Charleston and Savannah.

One morning this witness, going for a drink of water to a house near the line of the railroad, occupied by a Mr. F., heard dreadful screams in the door-yard. Looking through an aperture in the board fence, he saw a woman stretched, face downward, on the ground, her hands and feet bound to stakes. Over her stood her master, Mr. F., striking her with a leathern trace belonging to his carriage-harness. As the strokes fell, the flesh of her back and legs was raised in welts and ridges. Occasionally, when the poor creature cried out with insufferable pain, her tormentor kicked her in the mouth to silence her. When he had exhausted himself by flogging, he called for sealing-wax and a lighted candle, and, melting the wax, dropped it on the woman's lacerated back. Then, taking a riding-whip and standing over the poor wretch, he deliberately picked off, by switching, the hardened wax. While this scene of torture was enacted, Mr. F.'s grown-up daughters were looking on, from a window that opened on the yard.

less conclusive of the effects inseparable from the system than the picture drawn by Jefferson, the exact truth of which every one familiar with the interior of southern society will admit.

Slavery breeds imperiousness of manner, impatience of contradiction or delay, ungovernable passion, contempt of labor. While it produces a certain carelessness of wealth and easy profuseness in expenditure, it discourages hardy enterprise in useful fields. Habits of regulated industry are seldom formed within the sphere of its influence, its tendency being to substitute for these indolent fashions of dependence and of luxurious self-indulgence. It weakens the supremacy of law, with its sobering and chastening influence. It engenders, in young men especially, a spirit of reckless daring, a sort of careless courage that takes little account of human life; a love of violent excitement, sometimes running into military ardor, and ever liable to take the form of gambling, or intemperance, or that debasing licentiousness which must needs prevail wherever, in any class or race, female chastity is neither respected by custom nor protected by law.

Hence a state of society in which, with manners often cultivated, with an impulsive generosity and free hospitality to equals in station, there mingles a certain essential barbarism, which not only shows itself habitually in the treatment of those occupying servile or inferior positions, but also breaks out towards others in bursts of temper so frequent and violent, that the old regulator in ages when force was law, the wager of battle in its modern form of duel, is openly sanctioned by public opinion as a necessary check to social insult or lawless outrage.

These remarks apply in their full force to society as it existed at the time the southern insurrection declared itself in the States we have designated as those in which the slave system has been fully developed; the States which first rebelled; the States which will be the last to return to their allegiance. No reflecting and dispassionate observer who has sojourned in any of these States long enough to become familiar with their manners and morals and social condition, will pronounce the view we have taken of the results of slavery to be intemperate or unfair. From one or other of these results no man or woman, born and bred in a slave community, no matter whether they learn to approve slavery or to hate it, can be reasonably expected wholly to escape. It is true as to the border States, where the tilled estates more frequently assume the aspect of farms than of plantations, where the owner and his sons sometimes work along with the slaves, and even where they do not actually work with them, yet personally superintend their labor so as to recognize and take interest in them as individual human beings—it is true, and should here be stated, as to these States, that the phase of slavery there existing is sensibly modified, and is divested more by practice, however, than by relaxation of law of some of its most

Afterwards, Bradley made inquiry of the woman's fellow-servants as to what crime she had committed, and was told that it consisted in burning the edges of the waffles she had been cooking for breakfast!

"The sight of this thing," the witness added, "made me wild, and I could not work right that day. I prayed the Lord to help my people out of their bondage."

This witness was born and brought up in a northern county of North Carolina, where, he said, such cruelty was unheard of. Slaves were flogged there; but if one broke away during the punishment, no attempt was made to renew it. What a fearful addition to the atrocities of this scene that the young women were witnesses of the ungovernable rage and savage cruelty of a father! And what must have been the character of the father who could thus expose himself before his children? The least evil that could result was, that it excited within them detestation of their parent. More probably the influence was brutalizing, deadening in their young hearts the sentiment of humanity, and preparing them to become themselves, in after life, merciless tyrants on the slightest provocation.

Outrages so gross may not have been common, even in South Carolina; but, when they did occur, they passed unnoticed either by law or by public opinion. What must have been the state of that society in which crimes so grave were committed with utter impunity?

odious features. On small estates especially, slaves in the border States often have by sufferance a certain amount of property; continue to live by sufferance as if legally married; are frequently trusted with important charges; are sent to market with cattle or produce; are consulted in regard to the management of the estate. Under such circumstances, they are greatly improved by coming into daily contact with white persons, and instances occur in which they are treated by the family with as much consideration as if their skin exhibited no tinge of African blood.

In these States the chief aggravation of the system is the inter-State slave trade; the forcible separation of families to fill up those melancholy gangs, assorted like droves of cattle, and whose destination is to that mysterious and undefined land the terror of the border negro, known to him only as "down south."*

But even under this comparatively moderate phase of slavery, the inherent injustice of the system exhibits itself in the character of the very indulgences which in other slave States are forbidden by law.† In visiting the colored population of Louisville this presented itself in a marked manner to the notice of the commission. We found living there many slaves who, as the usual phrase is, "had hired their time." One case was of a slave woman, apparently fifty years of age, named Charlotte, belonging to Mr. ——. She had been hiring herself for more than fifteen years. She had two children—one thirteen, the other seventeen—both of whom worked in a tobacco factory. Their regular wages were two dollars a week each; sometimes they did extra work, earning more. She hired their time also. For herself and these two children she paid her owner *five dollars* a week; a dollar a week for herself and two dollars a week for each of the children. She had brought up these children without any aid whatever from her master, feeding them, clothing them; and this she continued to do even now, when her master took their wages. She inhabited, with them, a single room in a tenement house about twelve feet square, paying her own rent. She supported herself by washing. A large bed and an ironing table, which together filled up most of the room, were piled with clothes prepared for ironing when we entered.

This woman made no complaint, and did not appear to regard her condition as one of unusual hardship. The only thing she seemed to have expected from her master was a little aid in sickness. In reply to a question as to what he did for her, she answered, "My master never gives me anything, not even a little medicine, no more than if I did not belong to him." As her appearance indicated feeble health, we made inquiry on that score, to which she replied that she "was ailing," but that she "managed to keep up enough to make her wages." She added: "I get along well enough, and keep the hire paid up.

*This domestic slave trade appears to have been increasing rather than diminishing up to the commencement of the war. Judge Ballard, of Louisville, deposed, before the commission: "A few years since more cruelty, I think, was tolerated by the sentiment of the State than when I was a boy. We saw more frequently negro gangs driven through the city. Formerly, a man did not like to be seen in that position, but five or six years ago it became quite common; there was no effort to conceal the thing. I recollect well that, thirty years ago, I knew a man who was a physician in this city to be tried by his church for the offence (committed as administrator of an estate) of unnecessarily separating, by sale, a slave from his wife."

† "No person shall hire to any slave his time; nor shall any person owning the legal or equitable title of any slave, absolutely or for a term of time, his agent or attorney, or other person having the control of a slave, wilfully permit or suffer such slave—

"1. To own hogs, cows, horses, mules, or other like property.

"2. To trade in spirituous liquors, hogs, cows, horses, or mules, or provisions or other like property.

"3. Nor, as if he were a free person of color to live by himself.

"4. To hire himself out.

"5. To work and labor; to spend his or her time, or to do other acts."—(Code of Tennessee, sec. 1858, sec. 2685, p. 578.)

You could not pay me to live at home, if I could help myself." We asked her if she had to pay the hire for her boys in any event; and her reply was, "If the boys make more than two dollars a week apiece, I get what is over. If they don't make that, I have to make it good to him. He has got to have it Saturday night, sure."

Another case was marked by an additional feature. It was that of a slave woman, apparently about thirty-five years of age. Coming upon her without any notice of our visit, we found her in a room tidily kept, and herself decently dressed. She had been hiring herself for eleven years, at seventy-two dollars a year. Her husband, she told us, (of course he could not be legally such,) was a slave, and was hired by his master as cook in one of the Louisville hotels for three hundred dollars a year. Out of this his master, she said, gave him, once or twice a year, a five-dollar note—nothing else. We saw in the room two bright, intelligent-looking children—one a boy about ten years old, the other a girl two or three years younger. One might go, at a venture, into a dozen dwellings of persons of the middle class in fair circumstances, and not find their children cleaner in person and more neatly and suitably clad than were these two young slaves. We expressed to the mother our satisfaction at their appearance. Her face saddened and she said, "The white people have two of my children, and that big boy is about big enough to go."

We inquired how this was, and she informed us that her master left her children with her till they were about eleven years old, and then took them home to work. Up to that age she fed and clothed them at her own expense. The last they had taken was a little girl, between eleven and twelve years old; and one month ago the mother had gone to the plantation to visit her, not having seen her then for ten months. She had saved a dress for the child, and took it with her. "I knew," she said, "that she would need it; but I never expected to find her as bad as she was. I could not help crying when I saw her. She was not dressed as a human creature should be. I took off her rags and washed her. She was serving my young master, and he had whipped the child so that you could not lay your hands anywhere along her back where he had not cut the blood out of her. I did all I could for her, and dressed her; but I could not stay." (Here the poor creature's eyes filled with tears.) "I brought back the rags my child was covered with. I have them yet." We asked if we could see them. She went out, it seemed reluctantly, and brought us a small bundle of filthy tatters, which she appeared ashamed that we should see. "If I could only have kept the children," she said, "I would not have cared for all the rest. I liked so much to have them clean and nice."

This woman made her living, as we ascertained, solely by washing and ironing. She, like the other, had paid her expenses of every kind, the doctor's bill inclusive.

Truly, the tender mercies of slavery are cruel! Under what other system would men, assuming to be gentlemen, commit towards poor, hard-working women such flagrant injustice as this?

In the first case the woman Charlotte, in feeble health, advancing in years, with no means of living except labor in washing and ironing, pays to her master two hundred and sixty dollars a year for the privilege of supporting, by such labor, herself and her children. The man who received this human rental had literally furnished no equivalent. For more than fifteen years the woman had not received from him even a little aid in sickness. The children for whom he now demanded a rental of a hundred dollars each, had cost him nothing. For fifteen years the mother had fed and clothed them, cared for them in sickness and in health; she continued, unrequited, to feed and clothe them still. Who, if not that mother, was entitled to their wages now? Who, except one in whom slavery had blunted every perception alike of justice and delicacy, would consent to receive and to use money coming from such a source as that?

In the second case, three hundred and seventy-two dollars annually had been paid for eleven years by the woman and him whom she called her husband, the law of the State forbidding that she should be his lawful wife. Four thousand and ninety-two dollars the master had received from them in that time, for which he had rendered nothing, except some ten dollars a year in the form of a gratuity to the man. Was this four thousand dollars considered by the master enough to take from these two working people? The mother in this case, as in the former one, had brought up her children at her own expense; had fed them and had clothed and kept them as any respectable yeoman might have been glad to see his children clothed and kept. Were the father and mother, after the payment of this four thousand dollars, after the care and cost of bringing up these children, suffered to enjoy the comfort of having them with them, and the aid which, as they grew up, they might be able to afford? No. While the children were a burden, that burden was thrown on the mother; she, too, as in the other case, earning a living as washerwoman. As soon as they were of an age to be of service they were removed to the plantation. And how treated there? The young girl was taken neatly and comfortably clad from her mother's care. One would have thought that the most common regard for decency, to say nothing of justice, would have suggested that the worse than orphaned child should have been kept, as the servant of a rich man, at least as respectably as the poor slave mother had kept her. Yet she was suffered to go about the house before her master's eyes in filthy rags. One would have supposed that the recollection of the four thousand dollars received from the hard-working parents might have risen up to save—if Christian feeling could not save—this poor child, deprived of natural protectors, from brutal cruelty. Yet she was treated as no man with the least pretence to humanity would have treated a dumb beast.

Let no one say that these were cases of unusual hardships. The parties themselves evidently did not consider them such. There was no tone of querulous complaint. The facts came out only in answer to our direct inquiries, and neither of the women seemed to consider herself especially to be pitied. Charlotte thought a little hard of it that her master did not send her medicine when she was sick. The hire of her children did not seem to have suggested itself to her as any injustice. Even the other said she would be willing to part with the children if she only knew they were well treated. Had she been suffered to retain them, her gratitude to her master for his generosity would, it was evident, have been unbounded. One could see that the four thousand dollars subtracted from her own and her husband's earnings never occurred to her except as a usual thing. Both women expressed the greatest satisfaction that they were allowed to hire themselves. It was sufficiently apparent that nothing short of compulsion would cause either of them to return to what they still called "home." What sort of home could that be to which the privilege of hard labor at the wash-tub, purchased by a weekly payment in money—coupled, in one case, with a similar payment for the children, and in the other with the loss of them—was regarded as a favor and a blessing?

Let us not imagine that the masters, in these two cases, were sinners above all men that dwelt in Kentucky. They may have been indulgent in their own families, kind to their white neighbors, honorable in their business dealings, esteemed in society. The anomaly is presented of men whose characters, in one phase, entitle them to be called cultivated and civilized, yet in another—to wit, in their dealings with a proscribed race—exhibiting such utter disregard of the mild graces of Christianity, mercy, charity, long-suffering, kindness, and good will to men, that it is not too harsh to say they lived in a state of semi-barbarism. Such results are chargeable far less to the individuals who have thus gone astray than to the system which has formed their character. But a system has lamentably failed that results in the arrest of human civilization.

and Christian progress, in injury to the national character, and in disregard, under any circumstances, of the natural and inalienable rights of man.

Such a system is fraught with mischief, politically as well as morally. They who violate the rights of one race of men lose a portion of their reverence for the rights of all. It comes to this—that the peculiarities of character stamped more or less on every country in which slavery exists are, in spirit and in practice, adverse, not to religion and civilization alone, but to democracy also. No people exposed to the influences which produce such peculiarities will ever be found imbued with a universal sense of justice, with a respect for industry, with a disposition to grant to labor its just position among mankind; nor can any people subjected to influences so deleterious ever be expected to remain, in perpetuity, contented and happy under republican rule.* In no sense, then, neither political, moral, nor religious, can the experiment of slavery in these States be regarded in any other light than as an utter failure.

All this might have been said four years ago in reply to any argument that might then have been adduced in support of the assertion that slavery, though it failed in the West Indies and South America, had succeeded in the United States. But how instructive, how invaluable the experience of these eventful four years! New views of the subject present themselves to-day; aspects of the slavery question hidden until now, come conspicuously into the light. History had previously recorded the social and economical evils of the system. Now she has presented to us its political consequences.

And now, therefore, going back to our starting point on the African coast, and following up once more the two diverging branches of the great stream of slave immigration flowing west—the one branch hurrying half a million captives to this northern continent, the other conveying fifteen millions to islands and a continent further south—we are able, by the light of recent experience, to present more fully and clearly than ever before the comparative result in either case. Increase or decrease, apparent success or undeniable failure, the ultimate results have been fatal alike.

The fifteen millions despatched to the West Indian colonies and to South America never, as a population, took healthy root in the lands to which they were banished. They had no growth from the first; and ever after, century by century, they melted away under the influences of the system that degraded and destroyed them. Their fate, and the lesson it conveyed, were immediate and apparent. God stamped the policy which enslaved them, at every stage of its progress, with His reprobation.

But, as to the half million that came among us, the mark of Divine condemnation, apparently suspended for a time, came in a different form at last. For a time that half million increased and multiplied and replenished the earth; for a time their masters were wealthy and prosperous, as men usually rate prosperity; for a time these masters increased in political power; they held sway in the republic; they controlled the national legislature; they obtained a majority of the public offices. The end was delayed; and, when it came at last, it was the direct result of the peculiarities of character impressed by slavery on its votaries. Imperious and insubordinate, they rebelled against lawful authority. Spurning wholesome control, they rejected the President who was the choice of the majority. Despising a working people, they sought to sever connexion with

* "After dinner the conversation again turned on the resources and power of the south, and on the determination of the people never to go back into the Union. Then cropped out again the expression of regret for the rebellion of 1776, and the desire that if it came to the worst, England would receive back her erring children, or give them a prince under whom they could secure a monarchical form of government. There is no doubt about the earnestness with which these things are said."—*My Diary, North and South*, by William Howard Russell, 1863, chap. 17.

This was in April, 1861, on a South Carolinian plantation. Mr. Russell represents these sentiments as then common in the south.

the north, a race of unblushing laborers. Seduced by evil habit into the belief that man's noblest condition is to live by the exertions of others, they undertook to erect a separate political system of which slavery was to be the cornerstone.

Thus did slavery bring on a civil war between brethren of the same race, and tongue, and faith—a war wide-spread, and embittered and desolating as wars have seldom been. Thus will slavery have caused the violent death, in the country which tolerated it, of half a million of free people. Thus will slavery leave behind it, in the country where it held its millions in bonds, a public debt little short, it may be, of that which loads down the industry of Great Britain. If God in his mercy shall, in the end, preserve us from results to which these deaths and losses are but as dust in the balance; if our punishment does not extend to dismemberment, anarchy, extinction as a great nation; if lookers on from European courts are not to moralize on the ignominious failure of the noblest experiment to reconcile democratic liberty and public order that was ever instituted by man, let us remember how narrowly we shall have escaped; let us call to mind what days of gloom and hopelessness we have passed through—how often, as the contest proceeded, victory has hung even-balanced in the scale, and what a little thing, amid the thousand contingencies which our short sight calls chance, might have turned the issue against us forever.

In our case the *great lesson* was long delayed; but how terrible in its actual results, how awfully impressive in its possible consequences, when it came upon us at last!

The conclusion of the whole matter is this: Reviewing from its inception on this continent down to the present hour the history of that offence against humanity by which one race, in order to escape labor, usurps by violence and appropriates to itself the labor of another, we find that the tendency of that usurpation is always to debase the usurpers, and usually to extinguish the laboring race; and that, in the only notable exception to this last rule, the effects of this sin against justice and mercy culminated in the bloodiest civil war that ever arose among men, of the horrors and sufferings incident to which we cannot, even now, see the end.

If a calm review of this terrible episode in modern history brings no conviction that the crime which we are now expiating in blood must be atoned for, as crime can only be, by practical repentance—by thrusting out from among us the Wrong of the Age—argument will be unavailing. If, as all signs of the times appear to indicate, the nation has already attained to this conviction, then it behooves us to consider how we shall carry it into effect; whether, and in what manner, we can effect emancipation by legal and constitutional means.

The consideration of these questions shall form the subject of the next chapter.

CHAPTER II.

EMANCIPATION.

Aside from the abstract question of justice, there is nothing so intimately connected with the consideration of measures for the protection and improvement of American freedmen as the question, antecedent to all plans or details, whether the act or acts whereby these men were declared free are or are not absolutely legal and irrevocable. If their civil right to personal freedom is not well founded and forever secured, then all practical measures based upon that right are unavailing and nugatory. Upon their condition, before the law, must all plans for their welfare be predicated.

Their legal status is, therefore, the primary question. And if it should appear that there are any circumstances which endanger the validity or the permanency of the freedom thus proclaimed, a proper treatment of the subject requires that these circumstances should be examined with a view, if need be, to their removal.

Seldom, throughout all history, has there been presented to any nation, for its decision, a question of import more vast than this. Its solution involves not alone the social destiny of three or four millions of human beings, but also the permanent peace and the national honor of one of the great powers of the world. It allies itself also, in an especial manner, to the progress of civilization.

The events of the last three years have radically changed the legal aspect of this subject. Questions once purely constitutional have now become complicated with questions of international law.

A member of the commonwealth of christendom, our republic is bound by the acknowledged rules of that unwritten code governing the society of civilized nations, of which the foundation and the sufficient authority is the common consent and usage of that society.* We are as much bound by its rules as we are by the provisions of our federal Constitution. In proportion as civilization advanced, "it became," says Sir James Mackintosh, "almost as essential that Europe should have a precise and comprehensive code of the law of nations, as that each country should have a system of municipal law.†

Engaged in war, we must conform to the law of nations, so far as that law regulates public rights and duties during war. We must take from it, for example, the extent of our rights as regards enemies' property, and the limitations of these rights.

In interpreting the international code, however, it behooves us to bear in mind that as its office is to foster civilization in peace and to mitigate suffering and repress outrage in war, the sentiment of christendom, taking practical form, has been gradually moulding its rules from the more to the less severe. Thus, among the Romans, the rule that renders enemies' property liable to confiscation was so harshly enforced that it was made to apply to subjects of the enemy who, at the breaking out of war, happened, innocently and by the accident of travel or temporary commerce, to be residing among them. But Grotius and Vattel argue, that as these foreigners entered the country under the sanction of public faith, the government which permitted this tacitly contracted that they should be protected while there, and allowed a reasonable time to return, taking with them their movable effects. And this practice, from its evident justice, has now superseded the stricter enforcement of the rule.

Beyond all doubt, as a nation holding itself second to no other in its desire to aid the cause of humanity and civilization, our practice in war ought to conform to the milder and more enlightened phase of sentiment sanctioned by modern publicists. But, in so doing, it behooves us to see to it that the scruples of moderation do not degenerate into weakness, defeating their own object, and protracting the term of a war which is a disgrace to the age if it be not regarded as God's agency for a great purpose. We are guilty of culpable negligence if we fail to employ all the means which are legally and properly within our reach to bring to a close, at the earliest practicable day, the struggle which now desolates and depopulates our land. There is no just war which has not for its object (on a rightful basis, it is true,) the speedy restoration of peace.‡

In pursuing that object as the legal phrase is, *vid facti*—in other words, by the compulsory means of war—injury must be inflicted on the enemy. States, be-

* We search in vain for any other authority for the law of nations than is to be found in Grotius's favorite phrase: *Placuit gentibus*, "De jure Belli et Pacis," l. ii, c. xviii, 4, s. 5.

† "Lecture on the Law of Nature and Nations," by Sir James Mackintosh.

‡ *Bellum pacis causa suscipitur.*—Grotii *Proleg.*, 25 *De jure Belli et Pacis*, lib. i, c. i, s. 1.

ing in the nature of vast coporations, are not, indeed, liable to punishment; but acts resembling punishment, though in fact but measures of self-defence become necessary, if we resort to war at all. "It is to be remembered," says an able modern commentator on international law, "that, as the will of the subject is bound up in that of his government, it may well be that the consequences of the conduct of his rulers may be attended with injury both to the person and property of the subject, and that the enemy is justified in striking through them at the government from which he has received a wrong, for which redress has been denied.*

The just limit, in this case, is set forth by Montesquieu: "Nations," says he, "owe to each other, in peace, the greatest amount of good, and in war the least amount of evil, that is compatible with their true interests."†

Guided by these general considerations, the commission proceed to examine the question of emancipation, legally considered.

In so doing, it may simplify the matter if we offer a few preliminary observations on the—

Constitutional aspect of what is called slave property.

There has been radical diversity of views on this subject. Extreme opinions, on either side, have been confidently urged; one party alleging that the federal Constitution admitted and sanctioned property in human beings; another, that its very preamble utterly excluded that idea, and that none of its provisions recognized or could recognize, in any sense, a social institution that is contrary alike to law and to morality.

We cannot reach clear ideas of the constitutionality of emancipation, under any circumstances, until we settle, in advance, under what phase and to what extent the social relation known as slavery is recognized (if it be recognized) by the Constitution of the United States. And throughout the prosecution of such an inquiry it behooves us to bear in mind the great fundamental ideas of human liberty and natural rights, to give legal force to which that instrument was originally framed. It behooves us, further, to keep in view a well-established legal principle, founded on justice and identified with civilization, laid down by the Supreme Court of the United States in these words: "Where rights are infringed, where fundamental principles are overthrown, where the general system of the law is departed from, a legislative intention must be expressed with irresistible clearness to induce a court of justice to suppose a design to effect such objects."‡

The constitutional provision regarding the slave trade, cautious in its phraseology, was temporary only, ceasing to operate after the year 1808, and need not therefore be considered.

There are but two other provisions remaining that bear on this subject, familiar to all, for they have been the theme of a hundred excited discussions; one contained in the fourth article and second section of the Constitution, being in these words:

"No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

The claims to service or labor here referred to may be for years or for life; both are included in the above provisions. In point of fact, there were existing

* "Commentaries on International Law," by Robert Phillimore, M. P., Vol. 3, p. 69.

† "Le droit des gens est naturellement fondé sur ce principe, que les diverses nations doivent dans la paix le plus de bien, et dans la guerre le moins de mal, qu'il est possible, sans nuire à leurs véritables intérêts."—Montesquieu "De l'Esprit des Loix," l. i, c. iii.

‡ United States against Fisher, 2d Cranch, 390.

at the time that provision was adopted (as there still exist) both classes; the first class, for a term of years, then consisting, in part, of claims against foreign adults, who had bound themselves to service for a limited time to repay the expenses of their emigration, but chiefly, as now, of claims to the service or labor of what were called apprentices, usually white minors; the second, for life, were claims to the service or labor of men, women and children of all ages, exclusively of African descent, who were called slaves.

The first class of claims were found chiefly in northern States; the second chiefly in southern. There was a great disparity between the number of the two classes. While the claims to service or labor for years numbered but a few thousands, there were then held to service or labor for life five or six hundred thousand persons, and the number has since increased to about four millions.

The constitutional provision is, that persons from whom, under the laws of any one State, service or labor is due, shall not be exonerated from the performance of the same by the laws of any other State to which they may escape. The apprentice or the slave shall, in that case, on demand of the proper claimant, be delivered up.

Such a provision involves the recognition of certain rights of property; but of what kind?

Is the ownership of one human being by another here involved? Is the apprentice or the slave recognized in this clause as an article of merchandise?

State laws, regulating apprenticeship and slavery, may give to the master of the apprentice, or of the slave, the custody of the person, and the right of corporal punishment, in order the better to insure the performance of the labor due. These laws may declare that an apprentice, or a slave, who strikes his master shall suffer death. They may provide that the testimony of an apprentice, or of a slave, shall not be received in any court of justice as evidence against his master. They may make the claims to service or labor, whether for years or for life, transferable by ordinary sale. They may declare such claim to be, under certain circumstances, of the nature of real estate. They may enact that these claims shall be hereditary, both as regards the claimant and the person held to service, so that heirs shall inherit them—and, also, so that the children of apprentices, or of slaves, shall, in virtue of their birth, be apprentices or slaves. They may deny to the slave, or to the apprentice, during the term of slavery or of apprenticeship, legal marriage, education, or the ownership of property, real and personal. But State laws and State constitutions, whatever their varying provisions, cannot modify or affect, expressly or by implication, the Constitution of the United States. They have no power, direct or indirect, over it. It controls them. The Supreme Court has decided that "the government of the Union, though limited in its power, is supreme within its sphere of action;" and again, paraphrasing the Constitution itself, that "the laws of the United States, when made in pursuance of the Constitution, form the supreme law of the land, anything in the constitution or laws of any State to the contrary notwithstanding."*

Therefore, no State action can add to or take from the Constitution of the United States. Therefore, State laws and State constitutions, valid within their own municipal jurisdiction, are without force within the proper sphere of federal authority. They can neither determine the interpretation of the federal Constitution, nor serve as commentary or explanation of its intent. It is an authority superior to theirs; and it is to be interpreted by the words, fairly and candidly construed, of its framers.

These words deny to any State the right either to pass laws or regulations

* *McCulloch against the State of Maryland*. 4 *Wheaton's Reports*, p. 316; Constitution the United States, article 6.

discharging from service or labor inhabitants of another State held to such service, who may have escaped therefrom, or to refuse to the proper claimant of such service the surrender of the fugitive by whom it is due. They do this—they do nothing more. And this denial of the right on the part of any State of the Union, to defeat certain claims to labor held by citizens of another, is a protection afforded to *all* claims for labor alike; to that of the master seeking a white apprentice, and to that of the master seeking a negro slave.

There is an evident intention, so far as words can mark intention, to go no further. There is an evident intention to refrain from any expression that might be construed into an acknowledgment of slavery as a social institution. Nothing could be more notorious than the fact of its existence as such in many of the States then about to be united in one federal Union. But the responsibility of that existence is studiously left to the States who permit it. It is acknowledged as a fact, not sanctioned. If, while it exists, it is protected in one of the incidents which belong alike to it and to apprenticeship, the reason is to be found in the necessity of the case. It is evidently with no other intent than to avert angry conflicts between State and State that an individual State is not permitted to release from involuntary labor any person who, by the municipal rule of another State, is subjected to it.

This view of the case is fully borne out by the remarkable phraseology of the provision under consideration. The word slave, though then universally used to designate a negro held to service or labor for life, is not employed. We know, from the debates in the convention which framed the Constitution, that this peculiarity was not accidental; nor can we overlook the inevitable inference from it. This provision does not recognize slavery, except as it recognizes apprenticeship. African slavery, according to the expressly selected words, and therefore according to the manifest intent of the framers of the Constitution, is here recognized as a claim to the service or labor of a negro; nothing more, nothing else.

It avails nothing to allege, even if it were true, that in 1787, when these words were written, a negro was commonly considered property. Chief Justice Taney, delivering the decision of the Supreme Court in the Dred Scott case, asserts that in the thirteen colonies which formed the Constitution "a negro of the African race was regarded as an article of property." If the opinion expressed on this subject by a large majority of those who sat in deliberation in the various States on the adoption of the federal Constitution, as recorded by Elliot, is to be received, as it properly may be, in evidence to prove the probable opinions of their constituents on this subject, then has the chief justice's assertion no foundation in truth. But true or not, it has no legitimate bearing on the argument. Let the facts as to popular opinions in revolutionary days be as they may, they are but the opinions of individual colonists; and these cannot be received as a basis of construction for the words, nor can they rebut the plain intent of a constitutional provision. It is not what individual colonists believed, but what the framers of the Constitution incorporated in that instrument, that we have to deal with.

They avoided, the use of the word slave. They incorporated the words "person held to service or labor." They admitted the existence, under State laws, of the claim to service or labor—none other; a claim (regarded in its constitutional aspect) in the nature of what the law calls a *chose in action*—or, in other words, a species of debt, a thing to which, though it cannot be strictly said to be in actual possession, one has a right.

In common parlance we employ words, in connexion with slavery, which imply much more than such a claim. We say slaveholder and slaveowner; we speak of the institution of slavery; but we do not say apprentice-holder or apprentice-owner, nor do we speak of the institution of apprenticeship. The reason, whether valid or invalid, for such variance of phraseology in speaking

of the two classes of claims, is not to be found in any admission, express or implied, in the provision of the Constitution now under consideration. The framers of that instrument employed one and the same phrase to designate the master of the apprentice and the master of the slave. Both are termed "the party to whom service or labor may be due."

The employment of the popular phraseology referred to, indicating social disabilities and a subjection of one race to another, which originated in local legislation alone, has had a tendency to mislead public opinion as to the actual connexion between slavery and the federal Constitution. The mass of our people had come to think, at last, not only that the claim to labor was recognized, and was protected in cases where the denial of that claim might have led to a dangerous conflict of authority between States, which was true; but also that the framers of the federal Constitution, straying off from the landmarks set up by the Declaration of Independence, had recognized as just, and had pledged the nation to defend against all comers, a social institution under which one human being became the chattel of another, which was false.

If we were to regard the Constitution as indorsing slavery in all its changing phases, shaped by successive State laws and institutions as these phases have been, whither might not the doctrine have led us? Amongst the ancient Romans the master had the power of life and death over his slave. Let us suppose that South Carolina had enacted, as she might have enacted, a statute granting to her slaveholders this terrible power. Is the federal Constitution, because of such statute, to be understood as recognizing the doctrine that murder is no crime if perpetrated in the person of a negro held to labor? Instinctively we reject an inference so monstrous that we must have lost all respect for the best men of the revolutionary period before we could adopt it.

The second and only other provision of the Constitution which refers to slaves (article 1, section 2) remains to be considered, in these words:

"Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons."

To avoid mistakes, it was deemed necessary to include apprentices by express specification. Why this? Every one would have felt it to be absurd if the words had been, "the whole number of free persons, including farm laborers." But why absurd? Because persons engaged in free labor are, beyond question, free persons. Not so those "bound to service." While so bound, apprentices may be considered not free; when "the term of years," and with it the bondage to service, expires, they become free, or, as the common phrase is, "their own masters." It was necessary and proper, therefore, to specify whether, in the enumeration of inhabitants, they were to be estimated as free persons or as persons not free.

But would there be any fairness in construing this clause into an admission, by inference or otherwise, that an apprentice, while "bound to service," is a slave? Clearly not. He is a person not free for the time, because another has a legal claim to his service or labor. The Constitution admits this: nothing more.

And so of slaves. "Other persons" they are called in contradistinction to "free persons," therefore persons not free; and properly so called, seeing that, like the apprentice before his term expires, they are "bound to service," and that, unlike him, they remain thus bound for life.

But unless we admit that the apprentice, bound to service for a season, is a slave during that season, we cannot justly allege that, by this provision of the Constitution, the negro, held to service or labor for life, is recognized as a slave.

A mere technical view of a great political question is usually a contracted

one, of little practical value, and unbecoming a statesman. "The letter killeth, but the spirit giveth life." Yet we must not mistake for technicality a careful interpretation, distinctly warranted by the terms employed, of a public instrument. Every public instrument by which the governed delegate powers to those who govern should be strictly construed.

We know very well that the men who framed the Constitution regarded a negro held to service or labor not, indeed, (to speak of the majority of opinions) as a chattel, but as a slave. It would be absurd to argue that temporary claims to the number (let us suppose) of thirty or forty thousand may, for a moment, compare in importance with life-long claims to the number of four millions. The first are of comparatively trifling moment, have never moulded or greatly influenced society among us, and might drop out of our social system without serious disturbance. The latter constitute a system that has roots deep struck in the social structure of half our country; that involves vast industrial interests; that has gradually obtained influence so great, and assumed proportions so gigantic, as to become a political element overshadowing and controlling. It cannot properly be dealt with except after the gravest deliberation and the most sedulous examination, in advance, of every step we propose to take. It cannot be eradicated without producing disturbances such as convulse a nation.

But it is none the less true that neither the number of slaves nor the magnitude of the interests involved can properly influence the judgment in determining the just construction of a clause in the Constitution, or properly set aside a fair deduction from the wording of that clause as to its true spirit and intent. It is none the less true that the framers of the Constitution, in studiously avoiding the employment of the word slave, undeniably abstained from admitting into that instrument anything which the use of that word might have implied. Therefore, the Constitution does not recognize the ownership of one human being in another. In it we seek in vain any foundation for the doctrine declared by Chief Justice Taney, that persons held to service or labor for life are articles of property or merchandise.

In one restricted sense, and only in one, is slavery recognized by the Constitution of the United States—as a system under which one man may, according to State laws, have a legal claim to the labor of another.

It follows that the question whether the federal government has the right, under any circumstances, to emancipate slaves is more simply and more distinctly stated when put in these words: Has the federal government the right, under any circumstances, to take and cancel claims to the service or labor of persons of African descent held, under State laws, in certain portions of the United States?

If there are circumstances and conditions under which such claims can be legally taken and disposed of by the government, then, under these circumstances and conditions, emancipation is constitutional. If there are none such, it is unconstitutional.

This opens up the next branch of our inquiry; and, as we are at war with one portion of the slave States and at peace with another portion, the question subdivides itself accordingly; for the rules as to property of an enemy during war differ entirely from those which regard the property of peaceful citizens.

Let us, then, first examine

The constitutionality of emancipation in the insurrectionary States.

Has the federal government the right to take and cancel claims to service or labor held by inhabitants of insurrectionary States?

An antecedent question is: Are these inhabitants, without distinction as to individual loyalty or disloyalty, and because of their residence within a given territory, enemies of the United States?

Vattel has treated, as fully and as humanely as any other writer on international law, of the rules of that law so far as they apply to civil war. He says :

"When, in a republic, the nation is divided into two opposite factions, and both sides take up arms, this is called a civil war. * * * *

A civil war breaks the bands of society and government ; or, at least, suspends their force and effect. It produces in the nation two distinct parties, who consider each other as enemies. * * * * These parties stand in precisely the same predicament as two nations who engage in a contest and have recourse to arms."*

In accordance with these views, the Supreme Court has decided that, because of the present insurrection, there exists civil war. The opinion of the court, delivered in March of last year, is as follows :

"When the regular course of justice is interrupted by revolt, rebellion, or insurrection, so that the courts of justice cannot be kept open, civil war exists, and hostilities may be prosecuted on the same footing as if those opposing the government were foreign enemies invading the land."†

When one nation is engaged in war against another, all the inhabitants of the latter, without regard to their opinions as to the justice of the war on the part of their own government, become enemies of the former. If Great Britain, siding with the south, were to declare war against us, John Bright, though he might retain the same friendly sentiments which he now entertains towards this country, would be, in law, the enemy of the United States. Vattel sets forth this principle in the plainest and most explicit terms :

"When the sovereign or ruler of the State declares war against another sovereign, it is understood that the whole nation declares war against the other nation. Hence these two nations are enemies, and all the subjects of the one are enemies to all the subjects of the other."‡

Strictly in accordance with the above the Supreme Court has given its opinion in the case already referred to. After reciting that the territory "held in hostility to the United States" has a "defined boundary,"§ which can be crossed only by force, the court adds :

"All persons residing within this territory, whose property may be used to increase the revenues of the hostile power, are, in this contest, liable to be treated as enemies. * * * * Whether property liable to capture as enemies' property does not, in any manner, depend upon the personal allegiance of the owner."||

According to this decision, property of every kind held by residents of the insurrectionary States, no matter what their personal sentiments or political proclivities may be, is enemies' property. It becomes such in virtue of the domicile of the owner, and of the fact that it "may be used to increase the revenues of the hostile power."

It follows that so much of the law of nations as relates to the right of a belligerent to take or destroy the property of an enemy applies in this case to

* "The Law of Nations," by Vattel, Book III, § 292, 293.

† "Claimants of schooner Brilliant, &c., vs. United States." March term, 1868. Opinion by Grier, J. Amer. Law Register, April, 1863, p. 338.

‡ Vattel, Book III, § 70.

§ This boundary, earlier defined by the respective acts of secession, was officially declared by proclamation of the President, issued under date of July 1, 1862. This was done in accordance with a requisition contained in the second section of an act of Congress approved June 7, 1862. The list includes eleven States, reckoning Eastern Virginia as one. It does not include Western Virginia, nor Maryland, nor Delaware, nor Kentucky, nor Missouri. Nothing here said, therefore, applies to the constitutional right of the inhabitants of any of these States. To a proper understanding of the legal points involved, it is indispensable to bear in mind *which States are in the eye of the law insurrectionary, and which are not.*

|| Case cited. Claimants of schooner Brilliant, &c. American Law Register for April, 1863, pp. 343, 344.

the property of every inhabitant of the insurrectionary States, without regard to his individual loyalty or disloyalty.

What are the rules of international law which bear upon this matter ?

Grotius lays down the principle on the broadest ground. He says :

“Moreover, by the law of nations, not only he who carries on war for just cause, but also any one engaged in solemn war, becomes the absolute and unconditional owner of all property taken from the enemy ; so that both he and whoever claims under him are to be protected in possession of the same.”*

Vattel is quite as explicit. He says :

“We have a right to deprive our enemy of his possessions, of everything which may augment his strength and enable him to make war. This every one endeavors to accomplish in the manner most suitable to him. Whenever we have an opportunity, we seize on the enemy's property and convert it to our own use ; and thus, besides diminishing the enemy's power, we augment our own, and obtain at least a partial indemnification or equivalent, either for what constitutes the subject of the war, or for the expenses and losses incurred in its prosecution.”†

The Supreme Court, in the case already cited, indorses the well-known principle of international law :

“The right of one belligerent not only to coerce the other by direct force, but also to cripple his resources by the seizure or destruction of his property, is a necessary result of a state of war.”‡

These authorities settle the question as to the legality of one enemy taking or destroying the personal property of another.

In a general way, however, a belligerent does not become the legal owner of any personal property belonging to his enemy so long as it is still in that enemy's hands. To obtain a right to it he must reduce it to possession. “Owner of all property taken from the enemy,” says Grotius. “We seize on the enemy's property and convert it to our own use,” says Vattel. The Supreme Court employs a similar phrase, authorizing “the seizure or destruction of enemies' property.” Until we seize the horses on which the enemy has mounted his cavalry, or the muskets which he has placed in the hands of his soldiers, they are not ours. As to tangible property, such as horses and muskets, we must capture before we own.

When we propose to take and cancel enemies' claims to service—in other words, to emancipate the slaves of our enemies, does the rule hold good? Must we obtain possession of the persons of these slaves before we can declare them to be free of their bondage?

In this case, the question is not of seizing and destroying tangible property belonging to the enemy. Even if a slave were an article of merchandise, we do not propose to ourselves the possession and the destruction of that article. If we did, it could not be ours to possess until we captured it, nor to destroy until the laws against murder were repealed.

The property with which we propose to deal, and of which we seek to deprive our enemies, is property of a character very different to that of property in horses or muskets. It consists of a right or claim; the only right over a slave by a master which is recognized in the Constitution—the claim to that slave's service or labor.

This is, strictly speaking, a species of property in the nature of a demand, to be satisfied in the future. It is a debt of a peculiar nature, it is true; not

* “Ceterum, jure gentium non tantum is qui ex justâ causâ bellum gerit, sed et quisvis, in bella solennè, et sine fine modoque, dominus sit eorum qua hosté eripit, eo sensu nimirum ut a gentibus omnibus et ipse et qui ab eo titulum edunt in possessione rerum tallum tu endè edunt.—Grotius, l. iii, c. vi, s. 2.

† Vattel, Book III, § 161.

‡ Case cited. Amer. Law Register for April, 1863, p. 341.

payable in money; not recoverable by suit in court; enforced by physical means; but still essentially a debt. Service or labor is due. It is, indeed, an involuntary debt, not growing out of contract between debtor and creditor, but yet as binding as State laws can make it; as practically binding, within the State which enacted these laws, as the debt an artisan might contract, if he gave, in payment of property bought, his promissory note for so many months' labor. It is a debt due by an inhabitant of the United States to an enemy of the United States.*

Property of this description, being of an intangible character, cannot be physically seized or destroyed. It is evident, therefore, that the usual rule that the seizure, by physical force, of enemies' property must precede our ownership of the same, can have no practical application in this case.

But debts can be confiscated; and after being confiscated, they can be cancelled so that the debtor shall be forever free of the same. Nor is there in the international code any rule or law to the effect that, before such confiscation or cancelling, the person of the debtor shall be seized; or that the debt cannot be confiscated or cancelled while the debtor is in the enemy's country. If there be legal authority to confiscate, that suffices.

Is there legal authority in this case? Has the government of the United States, at war with the holders of these claims, the right to confiscate them?

Vattel, in defining what is to be considered as enemies' property liable to confiscation, says:

"Among the things belonging to the enemy are likewise incorporeal things—all his rights, claims, and debts."†

The expression is of the most comprehensive character—"all his rights, claims, and debts;" embracing, beyond possible question, the claims or debts we have now under consideration. We shall search in vain for any special recognition of the right to confiscate that peculiar species of claim; seeing that neither common law nor international law recognizes the existence of human slavery, or provides rules for its treatment during war. We can be governed, therefore, only by the general rule as to confiscation of claims or debts. But that is explicit and all sufficient.

Chief Justice Marshall, in delivering the opinion of the Supreme Court in the case of "*Amity Brown versus the United States*," said:

"The right of the sovereign to confiscate debts being principally the same with the right to confiscate other property found within the country, the operation of a declaration of war on debts and on other property found within this country must be the same."‡

Justice Story, though dissenting from the opinion of the court in this case, concurs in the above principle. These are his words:

"I take upon me to say that no jurist of reputation can be found who has denied the right of confiscation of enemies' debts."§

* The question is not mooted here, whether, because of the existing civil war, slaves held within the insurrectionary States are, in law, enemies or not. We have seen that the principle on which the inhabitants of the insurrectionary States, without reference to personal loyalty, are held to be enemies is, first, because of their domicile; and, secondly, because their property may be used to increase the revenue of the hostile power. But slaves are persons acting under duress; they have no voluntary domicile, and cannot legally hold any property, real or personal.

† In any event, though by international law the government may rightfully hold all the inhabitants of the insurrectionary States as enemies, it is not compelled to hold them as such. It may undoubtedly waive its right as to the whole, or any part of them.

‡ The question is a new one, that has never, probably, been decided by the courts. Its decision is immaterial to the present argument. A debt due to an enemy by any inhabitant of the United States, whether friend or enemy, may lawfully be confiscated.

§ Vattel, Book III, sec. 77.

† "Amity Brown vs. The United States," 3 Curtis, p. 48.

§ Case cited, 3 Curtis, p. 61.

There are no exceptions to this rule which apply to the case we are considering. It is true that, by the modern and milder interpretation of the law of nations, there are certain relaxations as to the power of confiscating the rights, claims, or debts of an enemy—for example, in the case of rights granted by a third party to whom it is not a matter of indifference in whose hands they are vested.* Nor is it any longer the law, though it used to be, that sums of money due by neutral nations to an enemy can be confiscated as other property.† Nor are the debts of alien enemies, contracted in the country during peace, to be deemed confiscated solely in virtue of a declaration of war.‡ But none of these exceptions, nor any others recognized by the law of nations, have reference to the present case, in which the question regards debts due to the enemy by the inhabitants of our own country. Such debts are, beyond all controversy, liable to confiscation.

It is to be conceded that the precise case, as it here presents itself, may be regarded as *sui generis*. A parallel case cannot, probably, be found in all history—a case in which, during a civil war, a question touching the confiscation and cancelling of certain claims or debts due by one portion of the inhabitants of an insurrectionary district to another portion of the same rises to the grandeur of a great measure involving, not only the peace, but the national existence of the power which proposes to confiscate. This could only occur when, as in the present instance, these claims constitute the basis of a vast labor system endangering domestic tranquillity and imperilling the national unity and life.

A case so unique might well be regarded as demanding the establishment of a precedent. The courts might well be called upon to decide it on the broad principle that whatever is essential to the preservation of the national life the government may lawfully do; just as an individual, without imputation of murder, may take the life of an assailant, when such killing is necessary to save his own life. But it is satisfactory to reach the conclusion that the right to adopt this great measure of national self-defence can be justified even on technical grounds, as involving a confiscation never before exercised, perhaps, by a belligerent on so grand a scale, but in strict conformity to the law of nations in the premises.

It is, therefore, in every view of the subject, lawful to seize or confiscate and cancel that large class of enemies' debts known, in the language of the Constitution, as "claims to service and labor." It is lawful, by the proper authority, to confiscate these, not only when the debtor is within our own lines, but in whatever portion of our country he may happen to be.

What is the proper authority in this case? By whom can these claims be legally cancelled? Evidently by the same authority which may legally seize and appropriate any other property of the enemy. Primarily, then, by the sovereign or law-making power of the government; and secondly, when the exigencies of war demand it, by the duly constituted military authority.

But the chief military authority of the United States is vested, by the Constitution, in the President:

"The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States."§

The President, then, is a proper authority; not, indeed, as President, but as commander-in-chief. As such he has legal power, by himself or through his

* Vattel, Book III, sec 77.

† 1 Chitty's Commercial Law, p. 423; 1 Chitty's Law of Nations, pp. 82 to 86.

‡ "Amity Brown vs. The United States," 3 Curtis, p. 46.

§ Article II, section 2.

subordinate officers to take, and to destroy, or to use personal property belonging to the enemy. As such he is sole judge of the exigencies which render necessary such taking and such destruction or use.

In the exercise of this discretion he is not amenable under any provision of the Constitution. The Constitution, in making him commander-in-chief, neither designated nor restricted his powers as such, but it conferred upon him, by implication, all the power appertaining, by the usage and law of nations, to that office. Strictly speaking, the only constitutional question which can be raised in this connexion is as to whether the person so taking and destroying enemies' property was at the time legally commander-in-chief.

He is responsible for the manner of exercising under the law of nations; and, as the law of nations is to be construed in the interests of humanity and civilization, he is responsible, in case his acts should outrage these great Christian principles. Humanity forbids us to lay waste a country, to sack towns and villages, to burn or pillage dwellings, to destroy public edifices not military. Humanity bids us to respect the private property of non-combatant enemies, so far as this is compatible with the exigencies of war. If a commander-in-chief violate these rules, which civilization in its progress has dictated, it is an offence, not against the Constitution, but against international law. The legality of his acts may be called in question, not their constitutionality.

What was the manner in which the President, as commander-in-chief, took and cancelled the claims to involuntary labor owned by the inhabitants of the insurrectionary States.

On the 25th July, 1862, in pursuance of the sixth section of the act of July 17, 1862, commonly called the "confiscation act," the President issued a proclamation warning all the insurgents to return to their allegiance within sixty days, on pain of certain forfeitures and seizures.

This warning proving ineffectual, the President, when the sixty days' notice had expired, issued a second proclamation declaring that the slaves held within any State which, on the 1st of January then succeeding should still be in rebellion against the United States, "shall be then, henceforth, and forever free."

On the 1st of January, 1863, "by virtue of the power in him vested as commander-in-chief of the army and navy of the United States," he declared certain States, namely, Arkansas, Texas, Louisiana, Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia—certain parishes in Louisiana and certain counties in Virginia excepted—to be then in rebellion against the United States; and he further declared that all slaves in the said ten States, with the exceptions aforesaid, "are, and henceforward shall be, free."

In the last-mentioned proclamation the President recites that it is issued "in time of actual armed rebellion against the authority and government of the United States;" and further, that emancipation is declared "as a fit and necessary war measure for suppressing said rebellion."

The number of claims to involuntary labor which this proclamation declared to be cancelled was about three millions. The forfeiture, under the war power, of so great an amount of property, the cancelling of so vast a number of claims, disturbing, as it must, the social and commercial elements throughout a large and populous country, requires, for its justification, an object commensurate in grandeur with the magnitude of the measure itself.

What was that object?

"All that a man hath," we are told, "will he give for his life," and this is as true of nations as of individuals. No higher or greater object can be proposed to any people than the maintenance of its national unity, which is its national life.

At the time when the President, as commander-in-chief, issued his proclamation of emancipation, the life of the nation was imminently threatened.

A civil war, of proportions more gigantic than any which history records, had

been raging in our country for more than a year and a half. The contending parties had put into the field upwards of a million of combatants. We of the north had already expended, or contracted to expend, full a thousand millions of dollars. The war had been carried on with varying success; now the federal arms triumphant, now the confederate; northern councils were divided, and there was a loud clamor for peace, on terms the acceptance of which could but result in perpetual war. So far as foreign nations had declared themselves, either by official acts or by the expression of public opinion, it appeared to be rather in favor of the southern insurgents than of the established government. The contest had till then assumed no higher character than that of one portion of a great nation striving to secede from the main body of the same, and establish a separate independence; and in an effort of that character, if no higher principle be involved, the sympathy of the world is usually with the weaker party.

In such a conjuncture, the best and wisest among us saw before them a protracted war, a doubtful issue. The bravest confessed to themselves that we had need of all our resources, even to the uttermost, in order to prevent the breaking up of the great American Union into such petty sovereignties as are to be found in more southern portions of our hemisphere—into belligerent fragments, with the standing and influence, perhaps, of Venezuela or Costa Rica, of Nicaragua or Ecuador.

We had need of all our resources, even to the uttermost; had we at that time employed them all? Had we not up to that time left in the hands of our enemies, with scarcely an effort to disturb it, one of the chief elements of their military strength? Nay, an element so overwhelmingly influential in its practical results that, according to its management against us or in our favor, might be the ultimate issue of the war—defeat if we neglected it, victory if we improved the opportunity? Let us look clearly to this.

By the census of 1860 the number of white males between the ages of eighteen and forty-five is, in the loyal States, about four millions; in the disloyal States about a million three hundred thousand; let us say about three to one. The disparity seems great, but, as a basis of military strength, the calculation is wholly fallacious, for the disloyal States contained when the insurrection broke out three millions and a half of people* who were not insurgents, who did not voluntarily assist in the rebellion, but who were compelled by force to render it most efficient aid.

Out of the above four millions the north had to provide soldiers and (with inconsiderable exceptions, not usually extending to field-labor) laborers also.

Not so in the south. Her million three hundred thousand had more than their own number to aid them, in military as well as agricultural. For as, among slaves, both sexes are employed from an early age to a late period of life in the field, the number of laborers out of three million and a half of slaves may fairly be put at two million. Let us estimate three hundred thousand of these as employed in domestic service and other occupations followed by women among us, and we have seventeen hundred thousand plantation hands, male and female, each one of whom counts against a northern laborer on farm or in workshop, or a northern soldier laboring on intrenchment or fortification, each one of whom, staying at home to labor, liberates a white man for active military duty in the field. To one million three hundred thousand add one million seven hundred thousand, and we have three million as the total in the insurgent States of numerical force available in this war—that is, of soldiers to fight and laborers to support the nation while fighting. Then, supposing the negroes all loyal to their masters, or at least remaining to labor for them, the comparative military

* The eleven States who passed ordinances of secession contained, by the census of 1860, 3,521,110 slaves.

strength, so far as it is indicated by population, was as four in the north to three in the south.

If we take into account the fact that ours were the invading and attacking forces, while the insurgents had the advantage of acting upon their own territory, near to their supplies, with short inside lines of communication, and on the defensive, it need not surprise us that, after the lapse of a year and eight months of unintermitting war, the scale still remained in the balance, neither side yet hopelessly depressed.

Under such a condition of national affairs, when there is question of claims held by the enemy, upon which rests his power to supply his armies with the necessaries of life, we must go further than to inquire whether the commander-in-chief has the right to take and declare forfeit these claims. The true and fit question is, whether, without a flagrant violation of official duty, he has the right to refrain from taking them.

"You have no oath," our present Chief Magistrate said, addressing, in his inaugural, the insurgents already in arms against lawful authority, "you have no oath registered in Heaven to destroy this government, while I have the most solemn one to preserve, protect, and defend it."

Can we suppose a grosser violation of that solemn oath than would have been the failure to employ the appropriate means, sanctioned by the law of nations, gradually to withdraw from the enemy half of his military strength? Has a President done his best to preserve the government, to protect the people, until he shall have done this? Charged with the lives of millions, with the putting down of a gigantic rebellion, and the restoration of tranquillity to the land, what right had our commander-in-chief, in the hour of utmost need, to scorn a vast element of war strength placed within his reach and at his disposal? And if he had refused to avail himself of such an element, would he not have been righteously held responsible for the hopes he blighted and the lives he cast away?*

Under such a state of things it was eminently and imperatively the duty of the President, "as a fit and necessary war measure for suppressing the rebellion," to declare free all the slaves held by the enemy in the insurrectionary States, not merely to emancipate those among them who might succeed in making their escape and coming within our lines. The important and legitimate object was to present to those still held in duress a strong and proper motive for severing

* In this argument we have confined ourselves, in terms, to the proclamation of the President as authority sufficient to make emancipation in the insurrectionary States legal and irrevocable. The argument, however, is equally applicable to the acts of Congress on this subject, which acts have, besides, other grounds of validity unnecessary here to recite.

The chief provision by Congress is contained in the ninth section of the act of July 17, 1862, commonly called the "Confiscation Act," as follows:

"That all slaves of persons who shall hereafter be engaged in rebellion against the government of the United States, or who shall give aid or comfort thereto, escaping from such persons and taking refuge within the lines of the army; and all slaves captured from such persons or deserted by them and coming under the control of the government of the United States; and all slaves of such persons found or being within any place occupied by rebel forces and afterwards occupied by forces of the United States, shall be deemed captives of war, and shall be forever free of their servitude, and not again held as slaves."

By the decision of the Supreme Court, already cited, all the inhabitants of the insurrectionary States are, in law, persons "engaged in rebellion." Therefore all refugee slaves from insurrectionary States are by this statute declared free.

Further: as all the insurrectionary States have been "occupied by rebel forces," and as we may reasonably conclude that, if we prevail against the south, all these States not already "occupied by forces of the United States," will hereafter be so occupied, it follows that, by the operation of this law, all the slaves in the insurrectionary States, even if no emancipation proclamation had ever been issued, would, before the end of the war, have probably been entitled to freedom.

Strictly in the spirit of the above statute, and going only so far beyond it as to declare slaves in portions of the insurrectionary States not yet "occupied by forces of the United States" to be free in advance of such occupation, was the President's action in the premises.

all connexion with the insurgents, for abstaining from giving aid and comfort to the insurrection, and for seeking refuge from the superior force which compelled them to give such aid and comfort, by fleeing to that portion of the country where lawful authority prevailed.

Another great principle is involved. Every publicist of repute has set forth, (what common sense suggests,) as among the most important of national rights and duties, the rule that a nation, especially engaged in war, ought to protect itself not only against immediate, but against prospective danger. Deriving all rights attendant on conquest "from justifiable self-defence," Vattel says:

"When the conqueror has subdued a hostile nation, he may, if prudence so require, render her incapable of doing mischief with the same ease in future."
* * * * * "If the safety of the state lies at stake, our precaution and foresight cannot be extended too far. Must we delay to avert our ruin till it has become inevitable?" * * * * * "An injury gives a right to provide for our future safety, by depriving the unjust aggressor of the means of injuring us."*

If, then, any of our enemy's possessions have been the special agency by which he has been enabled to injure us; if such possessions will still afford him the means to "do us mischief with the same ease in the future;" if thereby "the safety of the state lies at stake," is it not an imperative duty to extend our precaution and foresight into coming years? Are we not bound by every consideration of enlightened statesmanship to "deprive our unjust aggressor of the means of injuring us" hereafter?

The case has not yet been fully stated. Not only have these possessions, in our enemy's hands, been the very sinews of war, but they were the original cause of the insurrection itself. The insurgents themselves, who best know their own motives, tell us this. One of the most honest and intelligent among them, selected as their vice-president, Alexander H. Stephens, speaking for them before a vast audience at Savannah, a few days after his election, publicly said:

"Negro slavery was the immediate cause of the late rupture and present revolution. Jefferson, in his forecast, had anticipated this as the rock upon which the old Union would split."

These possessions caused the rebellion. Shall they remain in the hands of the insurgents to cause another. Can they remain in such hands without a certainty of that very result? In other words, can we reconstruct the republic half free and half slave, yet preserve, under the operation of these conflicting labor systems, permanent peace? Let us take a practical view of this.

Alexander H. Stephens, adverting, in the address already quoted from, to slavery as having been regarded by the leading revolutionary statesmen to be "wrong in principle, socially, morally, and politically," says: "This stone, which was rejected by the first builders, is become the chief stone of the corner in our new edifice." And he adds: "Slavery is the natural (normal?) condition of the negro. 'This our new government is the first in the history of the world based upon this great physical, philosophical, and moral truth.'"

This is the creed, self-expounded by its advocates, professed by the southern slaveholder. Concede its truth, and South Carolina's declaration of independence† is a document stamped with forecast and entitled to commendation. Whoever draughted it ran out his premises to their logical results. The convention that adopted it saw their way before them, and did not, like their weak sympathizers in the north, expect incompatibilities.

* Vattel, Book III, sec. 201, 44, 45.

† Address of Alexander H. Stephens, already quoted. See "Putnam's Rebellion Record," vol. 1, documents, p. 45.

‡ "Declaration of causes which induced the secession of South Carolina," adopted December 21, 1860. See "Putnam's Rebellion Record," vol. 1, documents, pp. 3, 4.

Having set up their "great philosophical truth," the corner-stone of their political system, they saw clearly that they must insure it respect; that they must protect it from attack or condemnation; and they perceived that this could not be done if they maintained fellowship with the north. "The non-slaveholding States," they declare, "have denounced as sinful the institution of slavery." This, from citizens of the same republic, they cannot permit; nor, except by secession from the non-slaveholding States, can they prevent it. "All hope of remedy"—thus their declaration concludes—"all hope of remedy is rendered vain by the fact that public opinion at the north has invested a great political error with the sanctions of a more erroneous religious belief."

Wise in their generation are South Carolina and the States that followed her lead. Building their system of government upon a "great philosophical and moral truth" (unfortunately they will say) the rest of the civilized world still regards as a flagrant moral falsehood, they can maintain the stability of their political edifice only by debarring all questions, all discussions that might assault and endanger its foundations. As in despotic monarchies it was found necessary to declare it to be treason, punishable as a capital offence, to question the right divine of kings, so in a slave empire they see it to be indispensable to forbid, on pain of death, all opinions touching the sinfulness or inconsistency with religion of slavery. Twenty-five years ago they declared from their places in Congress that, in spite of the federal government, every abolitionist they caught should die a felon's death.* It was no idle menace, as hundreds of murders for opinion's sake, committed in the south before the war, terribly attest.

Let us not blame the men, except it be for seeking to uphold the monstrous system handed down to them by their fathers. They *must* resist the federal authority to maintain that system. They *must* violate the constitutional provision which forbids to abridge "the liberty of speech or of the press;" self-defence and its necessities compel them. They found this necessary before the war, in order to save slavery from destruction; the necessity will be increased beyond measure if slavery remain after its close. Now that the President's proclamation of emancipation has stirred up, in every southern plantation, the latent longing for freedom, the dangers to their slave-system from propagandism will be increased a hundred-fold.

It follows that in this republic, if reconstructed half slave, half free, no man known to be opposed in principle to slavery, will be able to cross Mason and Dixon's line without imminent risk of life. South of that line the constitutional provision touching the liberty of speech and of the press will remain in operation. A felon's death will await every resident or traveller in the south who prints or who utters, in public or in private, any denial that slavery is just and moral, any assertion that religion does not sanction it. The Constitution guarantees the right thus to print, thus to speak. The federal government is bound to maintain that constitutional right. But it *cannot* maintain it in a republic half slave, half free. What then? Can a free government sustain itself, can a free nation continue to exist, under such a state of things as that? Certainly not. The north, now that her spirit is up, would not endure it for a moment. It would inevitably result in war.

Let us pass to another matter. In South Carolina's "declaration of causes" for secession, one of the chief (set forth as justifying and necessitating separation) is "the election of a man to the high office of President of the United States whose opinions and purposes are hostile to slavery." This, it is declared,

* "Let an abolitionist come within the borders of South Carolina, if we can catch him we will try him, and notwithstanding all the interference of all the governments on earth, including the federal government, we will hang him."—*Senator Preston in debate in United States Senate, January, 1838.*

"If chance throw an abolitionist in our way, he may expect a felon's death."—*Senator Hammond, of South Carolina, in United States Senate, 1836.*

the slaveholding States cannot permit, because whenever it shall occur "the federal government will have become their enemy."

To satisfy a slaveholding south so that she shall permit us again to unite with her, it is evident that we must do one of two things: either consent so to amend the Constitution that no man shall be eligible as President "whose opinions and purposes are hostile to slavery;" or else make up our minds to a second insurrection the first time a President with such opinions happens to be elected. The constitutional amendment, our first alternative, would be an infamy, if it were a possibility; the second alternative is renewed war.

But the very head and front of our former finding against the south remains yet untouched—the loose manner, to wit, in which she alleges that the fugitive slave law has heretofore been enforced. This, our offence, was so grievous in the eyes of South Carolina that she put it forth in her declaration as the first, and in itself the all-sufficient cause for separation; adding, "Thus the constitutional compact has been deliberately broken, and South Carolina is released from her obligation."*

What chance, even the remotest, is there that, with slavery and freedom in political partnership, this rock of offence will be avoided hereafter? Let us for a moment imagine that the emancipation proclamation had no force in law. Nevertheless, it has been promulgated; its glad tidings have penetrated to the remotest haunts of southern slavery. To the slave it is a reality. In his heart it has called up the assurance—the fervent hope at least—that, if he can but once elude the vigilance of his master, there is yet freedom for him on this side of the grave. That hope once awakened throughout the length and breadth of the insurrectionary States, can it ever again be put to rest? Is it not certain that, under its promptings—no matter how firmly we might re-establish slavery by law—these bondmen would cross the border by thousands, for hundreds that have sought refuge among us till now? And when they do pass into that land whose President proclaimed them freemen, and where twenty abolitionists are to be found now for every one who was there on the day Fort Sumter fell, will there be increased cheerfulness, greater willingness to aid in their rendition than there was before the war began? What a mockery is the question! On what a foundation of quicksand do they build who found their hopes of future peace on the expectation that a fugitive slave law will be more stringently enforced in the future than in the past—on the vain dream that northern spirit, whether flushed with victory or maddened by defeat, will find no occupation more noble than to pursue and secure poor fugitives deluded by a national promise basely broken, and who had been urged to flight by belief in our humanity and confidence in our truth!

In such a state of feeling, under such a state of things, can we doubt the inevitable results? Shall we escape border raids after fleeing fugitives? No sane man will expect it. Are we to suffer these? We are disgraced? Are we to repel them? It is a renewal of hostilities.

Turn which way we will, *slavery is war*. There is, in the very nature of things, there can be, no security for peace or loyalty from a slave State. The only practicable road to domestic tranquillity open to us now is through emancipation.

But in deciding a matter of such vast gravity as this it behooves us to look to our relations with foreign nations as well as to those between our own States.

That slavery is an element of weakness in war was denied three years ago by those northern men who were in the habit of regarding it as a sacred thing, which to touch, even in our enemy's hands, was profane. No statesman will deny it now. The rebellion will be put down; through the clouds of war we see already the beginning of the end. But if the three millions of slaves gradu-

* "Declaration of causes," already quoted.—*Rebellion Record*, vol. 1, documents, p. 4.

ally coming over to us, and swelling the ranks of our liberating armies, had been three millions of freemen, loyal to the south—if the population of the southern States, without regard to color, had been a unit in this struggle—should we have defeated them in their effort for recognition? If history speak truth, we should not. Never since the world began, did nine millions of people band together, resolutely inspired by the one idea of achieving their independence, yet fail to obtain it. It is not a century since one-third of the number successfully defied Great Britain.

The present is teaching, and the future will teach more clearly still, that slavery is an element of military weakness. We have taught that lesson to Europe. In case of foreign war, with slavery still existing among us, will she fail to remember and to apply it? In such a case, will England, will France, will any European power, save, perhaps, lagging Spain, respect an institution which they all regard as a national crime—a crime for which many of them have atoned by repentance and at heavy cost? In the case of foreign hostilities, would not Lord Dunmore's proclamation* be reproduced in a far more dangerous form, with a far more fatal effect?

It is certain that it would. But this is the least of our danger in such a contingency. In case of a foreign war, with master and slave still constituting a portion of our population, with whom will the master side? With us, the detested Yankees, or with those European potentates, all but publicly invited already to forgive the undutiful doings of 1776, and to send a royal scion to reign over them? † Like causes continued, produce like results. If we subdue the slave-masters, leaving them slave-masters still, can we expect that they will abstain from plotting foreign war, that they may gain by it? And if they succeed in the treasonable plot, can we suppose that they will refrain from seeking their own advantage by an alliance with the enemy?

If we expose ourselves to these dangers, patent to common sense, we shall deserve our fate. To foreign as well as to domestic tranquillity, the only practicable path is through general emancipation.

In other words, as we would hasten, by every lawful and proper means, the advent of peace; as we would obtain, before this contest closes, a guarantee against its renewal; as we would protect ourselves, by prudent foresight and precaution, against foreign complications involving dismemberment of the nation—and what duties during war more imperative than these?—we must take and cancel our enemy's claims to service and labor. That service feeds our enemy; that labor supplies his commissariat. Deprived of it, his power to injure us is taken from him. Possessed of it, he remains our enemy—dangerous in peace, still more dangerous in war—while grass grows and water runs.

Is not the grandeur of the object, then, commensurate with the magnitude of the remedy? If that remedy produce temporary disturbance of social and political elements throughout half our country, is not the alternative the dismemberment of that country itself; its loss of unity; its loss of peace; its final decline and fall, as one of the great powers of the world?

So far the argument has been one of policy alone; selfish, in one sense, it may be called, since it takes into account the interests of one only out of the two races which inhabit our country—an argument, too, sound and unanswerable if it be, which does not reach the full dignity of the subject; since it has

* In this well known document, after declaring against all persons who failed to resort to his Majesty's standard, "forfeiture of life and confiscation of lands," Lord Dunmore proceeds: "And I do hereby further declare all indentured servants, negroes or others, (appertaining to rebels,) free, that are able and willing to bear arms, they joining his Majesty's troops as soon as may be, for the more speedily reducing the colony to a proper sense of their duty to his Majesty's crown and dignity." The proclamation was dated November 7, 1775.

† See note on page 71, (chapter on slavery,) *ante*, being the testimony as to this matter of William Howard Russell.

not treated it in its relation to the progress of civilization and humanity, and to the national honor, ever intimately connected with the national life.

Opinions adverse to the lawfulness of slavery have, for a century past, been spreading and swelling into action throughout the civilized world. They have taken practical form and shape—they have become law—till not a nation in Europe, Christian or Mohammedan, Spain alone excepted, stands out against them. England led the way. In 1834 she emancipated all her slaves. King Oscar, of Sweden, followed her example in 1846. Then came Denmark in 1847, France in 1848, Portugal in 1856, the vast empire of Russia in 1862. Finally, with nearly thirty years' experience in English colonies and fifteen years' experience in those of France before her eyes, plain, practical, unimaginative Holland, by a vote in her Chambers of forty-five to seven, gave freedom, with compensation, to her forty-five thousand slaves; liberating them on the first of July last.

The opinions which gave rise to these national acts are gradually finding place among the maxims of international law, as expounded by modern commentators. Phillimore, a reputable authority, says:

"There is a kind of property which is equally unlawful for States as for individuals to possess—property in man. A being endowed with will, intellect, passion, and conscience, cannot be acquired and alienated, bought and sold by his fellow-beings, like an inanimate or unreflecting and irresponsible thing. The Christian world has slowly but irrevocably arrived at the attainment of this great truth." * * * * * "The black man is no more capable of being a chattel than the white man. The negro and the European have equal rights. Neither are among the '*res positae in commercio*' in which it is lawful for States or individuals to traffic."*

The United States, prompt in other matters to take part with the foremost and freest nations in asserting the principles of liberty and human rights, have held back behind Europe on the subject of negro emancipation.

The chief reason is, that a regard for law conflicted with a regard for liberty. To the American citizen the Constitution stands in the place occupied, under the monarchical system, by the sovereign in person. It is the object of his loyalty. His veneration for that instrument went so far as to influence his perceptions of justice. A majority in the north have always held it to be a great wrong that human beings and their descendants forever should be held in bondage. Up to the time when this war was made by the slaveholders in eleven States our enemies, we acquiesced in that wrong, lest, in the endeavor to remedy it, greater evils might follow. Though it be true that, before the war, the legality of the slaveholders' claim to service or labor was denied, on humanitarian grounds, yet a construction of the Constitution adverse to such denial, and acquiesced in by the nation throughout two generations, was held by most men to be sufficient reason why the claim in question should be regarded as private property, and respected as such. The majority held to the opinion that it could not be taken except by a violation of the Constitution; in other words, by a revolutionary act. They felt that though revolutionary acts became a justifiable remedy upon great occasions, as in 1776, yet they are usually replete with peril; that it is easy to pass the limit of regulated authority, but impossible to estimate the dangers we may encounter when that guardian limit is once transgressed.

That in the minds of many, cupidity, excited sometimes by supposed commercial advantages, sometimes by selfish political calculations, came in aid of constitutional scruple, may not be denied; and, so far as that motive prevailed, our complicity as a people is without palliation. But cupidity, commercial or

* Commentaries upon International Law, by Robert Phillimore, M. P., London, 1853; vol. 1, p. 316.

political, was not the dominant motive, nor, but for the restraint of the Constitution, would sordid considerations have prevented the nation from shaking off the incubus which oppressed it.

Slavery, therefore, moral wrong as it is, was tolerated by the majority as one of the articles in a great national compromise which it was unlawful and perilous to violate. If, before the south had trampled under foot compromise and Constitution, those who directed the federal government, taking the initiative, had striven to eradicate the growing evil, the effort would have been vain, for they could not have carried the people with them. To human eyes there seemed, in this generation at least, no way out.

But God, who overrules evil for good, opened the way. They, the chief architects of the great wrong of the age, in whose hands alone seemed to have been left the power to hasten its downfall, have madly persisted in the very course that is leading swiftly and inevitably to that result. In the early stage of the war Congress proposed, and the majority of the nation expected, as the issue of this contest, a mere rehabilitation, with southern laws and southern institutions reacknowledged in their pristine form. Again and again warning was given, and the return of the insurgents to their loyal duty on these conditions was urged upon them. But their hearts were hardened, and they would not. By their obstinate perversity they closed the door against themselves. They persevered in their conspiracy against public law until emancipation became an imperative measure of self-defence. They persevered until public opinion, revolutionized, demanded that measure as the only sure guarantee in the future for national safety and national peace. They, the slaveholders, became the abolitionists of slavery. Let us not take credit to ourselves for generous philanthropy. The south, reckless and blind, was herself the unwilling agent. And thus, in the providence of God, the very effort by armed treason to perpetuate an abuse has given us the will and the right to effect its eradication.

The time has come when it is constitutional to redress that abuse. No law restrains us. Henceforth we are responsible, if in the race for human freedom we lag, with Spain, behind the rest of the civilized world. Henceforth we are responsible, before God and man, if, having at last become free to carry out in practice the noble declaration of our forefathers that life, liberty, and the pursuit of happiness are among the inalienable rights of man, we basely refuse or neglect to do so.

We have a greater responsibility still. We are as one having an oath upon his soul. The maxim is well known, that he who legally acts by another is himself the actor. The legal acts of the President of the United States on the first day of January, eighteen hundred and sixty-three, set free three millions of men. The deed is done; lawfully, righteously done. Its validity is as well established as that of any other public act.

But to establish its validity is to establish the status, as freemen, of every person that was held as a slave in the insurrectionary districts named on the first day in the year eighteen hundred and sixty-three, whether he shall have physically escaped from bondage or not. "All persons held as slaves" within these districts, are the words. Is the deed valid? The words stand. Is it invalid? It cannot free a single slave.

The argument, therefore, is unavailing, that many of these people are still worked as slaves by persons setting at defiance the constitutional jurisdiction and the national will. A law set at defiance for the time is not thereby abrogated. In disturbed times cases of illegal detention frequently occur. Such are these cases. But, in the eye of the law, the persons thus illegally detained have the rights of freemen, and the radical bayonet must enforce these rights.

Equally unavailing is the allegation, that as the proclamation was but a war measure, and therefore of force and virtue commensurate only with the war, its

operation will cease when the immediate necessity which caused and justified it ceases; that is, when peace is restored.

The exigency is as great in peace as in war. There are moral and national, as well as physical necessities. "America," said the great Earl of Chatham, during a memorable debate in the House of Lords in 1770, "was settled upon ideas of liberty."* In these ideas it was that our fathers founded the republic. In these ideas alone can we, their descendants, maintain it.

The political necessity that never more, within these United States, shall life-long claims to service and labor be held by inhabitants thereof, will be as great when peace returns as it is now while war rages. Always morally unjust, this property has shown itself to be nationally dangerous. But a species of property that endangers the safety of a nation must not be left in the hands of its citizens, whether in peace or war.

Nor can it be pleaded that the taking of this property, vast as is its amount, is an act committed regardless of mercy to the vanquished, an act of harsh severity, much less a deed of plunder; no, nor yet a measure of punishment. Far from offending against any principle of humanity in destroying such property—in other words, in cancelling life-long claims to service and labor—the in humanity would have been to refrain from destroying it.

Nor do we harm the slave claimant, but greatly benefit him, by cancelling these claims. In point of fact it is incalculably to his advantage, socially, pecuniarily, politically, to be without them. While he retains them there will be between him and us a lack of the conditions necessary to a true union; there will be no legal concurrent sentiment of citizenship. But a forced union of States, without the conditions under which alone concurrence of ideas and affections is possible, would be a measure unworthy of a statesman. Slaveholders and freemen can never, in these States, act together in friendship again. Therefore, for his own sake, the slaveholder must cease to be such.

Are we impertinently interfering in his business, arrogantly and improperly assuming to judge what is best for him, when we determine this? Not at all. The business is emphatically our own, for it intimately concerns our national existence. In deciding it as we see fit there is neither impropriety nor arrogance, but proper precaution and prudent foresight. If he had refrained from levying war against his government he would have had the undoubted right to judge and to act in this affair. As it is, he has lost it; and we have now the right and the power to decide this matter, not he.

But, in the second place, our power is restricted to the abrogation of these claims, and it ceases there. As a trust for a special object is exhausted with the execution of that object, so is the authority of the President, being in the nature of a trust, in this case. His object was to restore and render stable the national unity. To effect that great object—to preserve from permanent dismemberment the country over which he presides, he enfranchised three millions of its inhabitants. Under this act of his, third parties took vested rights. Under the inducements of this act of his, third parties took refuge within our lines, enlisted in our armies, fought in our battles. We had a right to confer these vested rights; we had a right to present these inducements; we had a right to accept their aid. But having done all this, we have no right to resume what we have granted. We had a right to act; we have no authority to revoke our action. To enslave is not a power under the Constitution. No officer or department of the government can exercise it. From that stain, at least, we are free.

* W. S. Johnson's report of Chatham's speech, in his letter to Governor Trumbull, of Connecticut, January 10, 1770, quoted by Bancroft in his *History of the United States*, vol. 6, p. 323.

Were it otherwise our government would be the scorn of the age, a disgrace to christendom.*

We have lost, by our own solemn act, the right henceforth to talk of re-construction with the "peculiar institution" of the South left intact. Such language is now but a mischievous mystification. If the South conquer, she may, by a superior force, hold as slaves those who, by our laws, are freemen. But for us there is no longer, in any of the insurrectionary States, a peculiar institution to be left intact. We may build up anew that institution, in violation of law, it is true, for neither the President, nor Congress, nor any judicial tribunal in the land, has any more authority to consign a freedman to slavery than they have to hang him without crime or trial; but we may build it up if we have power enough, or connive at it if we are shameless enough; just as a highwayman may seize a purse, or a burglar carry off a basket of silver ware.

Whether, when we shall have suffered vanquished treason to dictate her own terms; whether, when we shall have stooped to purchase—not peace, for God's best blessing cannot so be purchased—but a worthless truce, as brief as treacherous, by an act of usurpation that assumes to assign away the liberties of three millions of free people; whether, when we shall have done this one great thing, we shall have any right to set up for more honest or more virtuous than the felon trader who makes a midnight descent on the Congo coast, and steals thence three or four hundred wretches to crowd the hold of his slave-ship; that will be a question to be settled, at our leisure, with our own consciences.

"The way of the transgressor is hard." It is better to lose fortune than fair fame; and national disgrace is worse than national disaster. A convict, where he is known and remembered as such, may, because of the stain that attaches to him, toil faithfully through half a life-time, ere men take him again by the hand. And a people, stamped by their own public records as lawless and fore-sworn, may travel a long and a weary road, a reproach the while, and a by-word among nations, ere they can take an honored stand once more among the civilized powers of the earth.

In concluding this branch of the subject, we briefly group together the propositions that have been advanced.

The inhabitants of the insurrectionary States are, in contemplation of law, without exception, public enemies.

Property belonging to an enemy may, by the law of nations, be seized by the proper military authority and appropriated or destroyed.

In like manner, claims or debts due by a public enemy to an inhabitant of this country may be seized and cancelled.

The claims to service or labor upon which rests negro slavery are, in contemplation of the Constitution, in the nature of debts or *choses in action*, and may, when held by an enemy, be declared null and void.

These claims, because of the labor which they command, constitute a chief resource of the insurgents for carrying on the war, and therefore essentially tend to protract it; for which reason it is the duty of the commander-in-chief to take and cancel them.

The interests growing out of these claims have been the cause of the present insurrection, and there can be no sufficient guarantee for peace while they exist, for which reason also it becomes a duty to declare them null and void.

These claims involve a great moral wrong, which the insurrection has made

* That the Supreme Court of the United States has no right to sit in judgment upon, or to reverse, a great measure of national policy, is as certain as that the powers of that court are judicial and not legislative. We do not argue this point at length here, because it comes up more appropriately in the section treating of the constitutionality of emancipation in the loyal slave States. There the argument will be found at length, with references to the decisions of the court itself which bear upon this subject.

it legal to redress; and we are now responsible, as a nation, if we fail to redress it by their abrogation.

The President's proclamation of emancipation was legal and righteous; it was the act of the nation, and cannot, lawfully, nor without violating the national faith solemnly pledged, be revoked.

Therefore the emancipation of all the slaves in the insurrectionary portions of the Union was an act legal and irrevocable.

The constitutionality of emancipation in the loyal slave States.

As the slaveholders of the insurrectionary States, now at war with the United States, are public enemies, while the slaveholders of the border or non-insurrectionary slave States are friends entitled to all the rights of citizens, the question touching the right to confiscate and cancel the claims to service and labor held by the former is essentially a different question, based on different principles, from the question whether we have a constitutional right to take and cancel the same class of claims held by the latter.

In the preceding pages it has been shown that slavery was the cause of the present insurrection; that if slavery be suffered to continue its existence, it will remain a constant menace to the integrity of our government, and an inevitable source of future war; and that, therefore, prudence and foresight require that, for the sake of the national unity and national peace, slavery be forever abolished throughout these United States.

Though the military necessity be more urgent in the insurgent States, seeing that every slave taken or escaping from bondage is one laborer less to supply the enemy's commissariat, yet the general proposition is as true of the border States as of those in rebellion. Indeed fugitive slave law difficulties, of all others the most likely to bring on a war, would chiefly arise through refugees from border States.

The slaves of disloyal owners in these States have already been emancipated by act of Congress. There remain in bondage under State laws certainly less than three-quarters of a million, scattered over a long, narrow border strip, bounded on the north by free States, and on the south by States whence slavery has been legally banished, or else dotted in isolated parishes or counties intermixed with enfranchised slaves.

Can we maintain in perpetuity so anomalous a condition of things? Clearly not. At every step embarrassments innumerable obstruct our progress. No industry, no human sagacity, would suffice to determine the ten thousand conflicting questions that must arise out of such a chaos. Must the history of each negro be followed back, so as to determine his *status*, whether slave or free? If negroes emancipated in insurrectionary States are sold as slaves into border States, or into excepted parishes or counties, can we expect to trace the transaction? If slaves owned in border States, or in excepted parishes or counties, are sold to loyal men in insurrectionary States, are they still slaves, or do they become free? Are we to admit or to deny the constitutionality of border State laws, which arrest and imprison as vagrants, and sell into slavery to pay expenses of arrest and imprisonment, free negro emigrants from insurrectionary States? * But why multiply instances? The longer this twilight of groping transition lasts, it will be only confusion the worse confounded.

To respect and to protect such a straggling remnant of slavery, would be practically impossible, if it were desirable; and aside from its being an old

* If hereafter Attorney General Bates's decision, that a free negro is a citizen, be sustained by the Supreme Court, then, should the question come up before it, the State laws above referred to will be declared unconstitutional. But meanwhile they have not been so declared, and are in force.

The negro-excluding laws of Indiana and Illinois are in the same category.

root of bitterness left in the ground to sprout and bear fruit in the future as it has borne fruit in the past, no freedman can be assured of his liberty while there remains a spot within the Union where he can be held as a slave.

If we would act as statesmen, having in view the peace and safety of our country through all future time, we must meet the great difficulty before us broadly, effectually, honestly, and in accordance with the dictates of Christianity and civilization. The demands of honor coincide with the conditions of safety. To satisfy both, we have a great duty to perform. It is to follow the noble example of England and France, and Sweden and Denmark, and Portugal and Russia, and Holland. It is to enact, not merely that all persons held as slaves, who happened on the first of January, 1863, to be within certain insurrectionary limits, shall be free—thus leaving a narrow belt of slavery to divide our country in two, and to separate the freed States of the south from the free States of the north—it is not merely to carry out this fragmentary and imperfect scheme; it is not to do for the cause of humanity, only what we cannot help doing; it is not merely to deprive the enemy in this present war of the means that augment his strength, and enable him to protract the contest; it is by taking a brave, bold stand for human liberty, irrespective of race or color, to lay deep and firm the foundations of that domestic tranquillity which endures from generation to generation, only for those nations whose people walk in the paths of justice and mercy, approved in the sight of God and man.

It is to enact once and forever the emancipation of every slave that treads the soil of the United States. In the progress of this insurrectionary upheaval, we have reached a point at which there is neither honorable nor prudent alternative left.

Does any constitutional difficulty stand in the way?

The law or custom of all civilized nations, based on considerations of public utility, authorizes the taking of private property with just compensation for public use, when important public interests demand it. We are familiar with the operations of such a rule. When a conflagration in a city threatens to spread far, houses in the line of its progress may be seized and destroyed by the authorities in order to arrest it; and the owners are not held to have been wronged, if they are paid for such losses under an equitable appraisalment. The opening of a street in improving a city, the running of a railroad, are held in this and other countries to be objects of sufficient importance to justify what the French law calls "*Appropriation forcée pour cause d'utilité publique.*"

This principle is expressly recognized by the Constitution. In that instrument there is an admission of the right to take private property, with just compensation made, for public use.* And it will not be argued that a claim for one inhabitant of the United States to the service of another, whether for a term of years or for life, is a species of property which has been constitutionally exempted from such appropriation. It is evident, that if a claim to the service of a slave cannot constitutionally be so taken and cancelled, neither can the claim to the service of an apprentice.

Thus the right to declare compensated emancipation in the United States is clear, provided important public interests demand it. But we have already shown that the public interests demanding such a measure in this case are the highest and the most vital that ever presented themselves to the councils of a nation.

The right referred to is vested in the national legislature. If technical proof of this be demanded, it is to be found in a few brief propositions.

1. The Constitution (section 8) confers on Congress certain essential powers; as to collect taxes, without which no government can be supported.

2. The Constitution (same section) authorizes Congress to "make all laws that shall be necessary and proper for carrying into execution" these powers.

* Amendments to the Constitution, Art. 5.

3. An insurrection extending over eleven of the United States prevents, throughout a considerable portion of the Union, the possibility of carrying into execution the essential powers thus granted to Congress.

4. Because of the resistance offered by the insurrectionary States to these constitutional powers, it becomes the duty of Congress to pass all laws that are necessary and proper, not only, by successfully terminating the war, to enforce these powers in the present, but to secure their supremacy in the future; in other words, to insure permanent obedience to the laws; thus averting anarchy.

All this will be conceded; but a question remains, who is to judge what laws are necessary and proper to carry into execution the powers expressly conferred on Congress by the Constitution, and which are thus obstructed and defeated?

Or, to put directly the case in point, if Congress, showing the deep conviction that has come over the nation as this contest proceeded, should reach the conclusion that there is no effectual means to secure, throughout the future, peaceful obedience to the laws, except the eradication of slavery, and should act accordingly, is such action constitutional and final? In the selection of the means to effect this constitutional object, is Congress the sole judge of their propriety and necessity? Or is the question as to the fitness of these means a judicial as well as a legislative question?

We must discriminate here. It would undoubtedly be competent for the Supreme Court, if the question came legitimately before it, to decide in a special case whether Congress has the right, under the Constitution, to take private property, with just compensation, for public use. That is a judicial question. But when a vast system of claims is to be thus taken for a great political end—when this is done as the only effectual means to preserve the integrity of the Union, or to bring a war to a successful issue, or to establish lasting peace, and when the matter to be decided is, whether this taking is the most wise or appropriate means to secure these all-important objects—that is a question of statesmanship, of governmental discretion, of political expediency, and, therefore, purely legislative. It is not competent for the Supreme Court to sit in judgment on the wisdom of a great measure of national policy.

Whenever the judicial branch of the government assumes, and is permitted to exercise, such a power, the government itself will be in the hands, not of the representatives of the people, elected by the people, but of a few men, (at the present ten only,) nominated by the President, confirmed by the Senate, and holding their offices for life. The trust which, by the Constitution, is committed to the personal judgment and discretion of the national legislature, and for which the members of that legislature are responsible only to their constituents, the people, will have been usurped by another branch of the government to which the Constitution assigns no such trust, grants no such discretion.

Nothing would be more radically subversive of our institutions than such a usurpation of jurisdiction. If it were consummated, we should be living under an oligarchy, not under a republic.

But we need be under no apprehension that it ever will be. The Supreme Court itself, speaking by the mouth of one of its most distinguished presiding officers, has expressly disclaimed the possession of any such authority.

In the well-known case of *McCulloch against the State of Maryland* * Chief Justice Marshall delivered the decision of the Supreme Court; and by that decision the following principles were established:

1. The construction of the words "necessary and proper," as employed by the framers of the Constitution in the above connexion. The Chief Justice says:

"The term necessary does not import an absolute physical necessity so strong

* February term, 1819; 4 Wheaton's Rep., 316. Unwilling here to multiply words, I pray reference to the decision itself.

that one thing to which another may be termed necessary cannot exist without that other."

2. As to the degree of the necessity which renders constitutional a law framed to carry a constitutional power into execution, the rule by this decision is :

"If a certain means to carry into effect any of the powers expressly given by the Constitution to the government of the Union be an appropriate measure, not prohibited by the Constitution, the degree of its necessity is a question of legislative discretion, not of judicial cognizance."

3. But still more explicitly is the question answered, who is to be the judge of the appropriations and necessity of the means to be employed, thus :

"The government which has a right to do an act, and has imposed upon it the duty of performing that act, must, according to the dictates of reason, be allowed to select the means."

Thus, then, the matter stands: The powers to lay and collect taxes, to exercise authority over forts and arsenals of the United States, to suppress insurrection, and various others equally essential, are expressly given by the Constitution to Congress. It is the right and duty of Congress to carry these powers into effect. In case of obstruction or defeat of existing laws framed to that intent, it is the right and duty of Congress to select such means and pass such additional laws as may be necessary and proper to overcome such obstruction and enforce obedience to such laws. These means must not be prohibited by the Constitution; but whether they are the most prudent or the most effectual means, or in what degree they are necessary, are matters over which the Supreme Court has no jurisdiction. As Chief Justice Marshall has elsewhere in this decision expressed it, for the Supreme Court to undertake to inquire into the degree of their necessity, "would be to pass the line which circumscribes the judicial department and to tread on legislative ground."

There must, of course, be congruity or relevancy between the power to be enforced and the means proposed to enforce it. While Congress is to judge the degree of necessity or propriety of these means, they must not be such as to be devoid of obvious connexion with the object to be attained.

In this case, the objects to be attained are the enforcement of the laws, the suppression of the rebellion, the restoration and preservation of peace, and the maintenance of the national unity.

But these laws are resisted, and this insurrection prevails, and the national unity is violated in those States, and in those States only, in which the life-long claims to the service or labor of persons of African descent are held under State laws. In States where these claims are comparatively few, as in Delaware, Maryland, Missouri, disaffection only prevails; while in States where the number of slaves approaches or exceeds that of whites, as in South Carolina, Alabama, Georgia, insurrection against lawful authority is frequent and outspoken; the insurrectionary acts of these States being avowedly based on the allegation that slavery is not safe under the present constitutionally-elected President, and that its permanent preservation can be insured by the disruption of the national unity alone.*

All this is matter of history. And there would be as much propriety in denying the connexion between the sun and the light of day as that between slavery and the rebellion.

This point settled, nothing remains to be determined except the question whether, under existing circumstances, emancipation be, or be not, the policy most fitting and wise—the policy best calculated to assure, in the future, the peaceful execution of the law. And this, "according to the dictates of reason," (to repeat Chief Justice Marshall's words,) must be left to Congress to decide. If Congress believes that emancipation is no longer a question of sectional in-

* The official proof of this assertion has already been furnished.

terference, but of national preservation, it has the right to judge and the constitutional right to act upon that judgment. If Congress believes that, in order to enforce law and suppress insurrection, it is necessary and proper to take and cancel all claims to life-long service or labor held in the slave States; and if claims to service or labor, whether for years or for life, held by one inhabitant of the United States against another, be a species of property not specially exempted by the Constitution from seizure for public use, then an act of compensated emancipation is strictly constitutional.

In proceeding to consummate this measure it is evidently fitting and proper that, in the preamble to such an act, there should be plainly set forth the causes and considerations which impelled to so solemn and momentous a decision.

The substance of the argument here made amounts to this—that, as to the claims to service or labor by persons of African descent, held by inhabitants of insurrectionary States or by disloyal inhabitants of other States, it is lawful to confiscate and cancel them without compensation; while, as to such claims held by loyal men in non-insurrectionary States, it is legal to take them, making just compensation.

In other words, in the former case uncompensated emancipation; in the latter, compensated emancipation, is in accordance with law and permitted by the Constitution.

That is the legal aspect. In a humanitarian view, emancipation is one of the highest duties of Christian civilization.

CHAPTER III.

THE FUTURE IN THE UNITED STATES OF THE AFRICAN RACE.

Among the problems connected with the future destiny of our country, this is one of the most important. And on no other great national question have more erroneous ideas prevailed, both among ourselves and among those who have looked on, even with favoring eyes, watching the progress of our republican experiment.

There are evils so vast and radical that nothing short of a bloody revolution has hitherto been found sufficient to extirpate them. So, the eradication of slavery throughout a country containing four millions of slaves, estimated by their masters as property worth twelve or fifteen hundred millions of dollars. So (a difficulty greater still) the eradication of that prejudice of race and color which first suggested to the cupidity of white men the exaction of forced labor from negroes, and has ever since been fed and fostered through the influence of the abuse to which it gave birth.

Such a revolution may bring about changes of national opinion and national condition which wise and philosophical writers had pronounced to be beyond the limits of possibility. Thus De Tocqueville, when, in his work on American Democracy, he said: "To induce the whites to abandon the opinion they have conceived of the moral and intellectual inferiority of their former slaves the negroes must change, but as long as this opinion exists they cannot change."*

This would make the future of the American negro, free or slave, absolutely

* "Democracy in America," by Alexis de Tocqueville, Cambridge edition, 1862, vol. 1, p. 459.

De Tocqueville's chapter on the black population of the United States is one of the saddest and dreariest ever penned by a statesman. How just his observation, (p. 457,) that "of all the ills which threaten the future of the Union, the most formidable arises from the presence of a black population upon its territory." He saw the impending danger. Is it strange that, living when he did, he could not see the way out?

hopeless; but no absolutely hopeless future exists, under the economy of God, in this world of progress.

There never were good reasons for saying this. But to say it to-day would be far more inexcusable than to have said it when De Tocqueville wrote. We have gathered, during the vast upheavals of the last three years, such experience as ages of undisturbed monotony might fail to furnish. Events have occurred which no human foresight could anticipate. Contingencies have arisen which not only convulse our political world, but stir to their foundations the social elements of society around us.

The whites have changed, and are still rapidly changing, their opinion of the negro. And the negro, in his new condition as freedman, is himself, to some extent, a changed being. No one circumstance has tended so much to these results as the display of manhood in negro soldiers. Though there are higher qualities than strength and physical courage, yet, in our present stage of civilization, there are no qualities which command from the masses more respect.

But De Tocqueville could never have imagined, even as a remote possibility, the raising and equipping in the United States of a hundred thousand negro troops.

His anticipations turned in a different direction. He did not look forward to an insurrection of the whites against the government; he predicted an insurrection of slaves against their masters. He predicted further, that emancipation itself would not avert this catastrophe; but this last prediction was based upon the assumption that, free or slave, the whites would never accord to the blacks their civil rights. He says: "I am obliged to confess that I do not regard the abolition of slavery as a means of warding off the struggle of the two races in the southern States. The negroes may long remain slaves without complaining, but if they are once raised to the level of freemen they will soon revolt at being deprived of almost all their civil rights."*

If De Tocqueville's premises were just, we might admit his conclusion. We cannot expect, in a democratic republic, to maintain domestic tranquillity, if we deprive millions of freemen of their civil rights.

Public opinion may not, at the present time, have reached this conviction, but it is fast approaching it. Three-fourths of the States might not to-day, but ere long they will, pass some such amendment to the Constitution as this: "Slavery shall not be permitted, and no discrimination shall be made, as to the civil or political rights of person, because of color."

Whenever we shall have so amended the Constitution the path before us will be plain and safe. But short of entire justice there is no permanent security.

In the immediate exigencies of our present situation is to be found strong additional motive for such an act. In withholding from the freedman his civil and political rights we leave disfranchised, at a critical juncture, four millions of the most loyal portion of our population. Besides the essential injustice of this, its political results might be of a serious and disastrous character. We need the negro not only as a soldier to aid in quelling the rebellion, but as a loyal citizen to assist in reconstructing on a permanently peaceful and orderly basis the insurrectionary States.

In view of such considerations the commission regard it of great importance that, before receiving back into political fellowship the insurgent portions of the Union, it should be legally established as one of the principles imperative in reconstruction, that, in the Constitution of the States when taken back, all freemen shall be secured in equal rights; thus practically carrying out the section of the Constitution which provides that the United States shall guarantee to every State a republican form of government.

Aside from any special consideration, however, what, in a general way, may we expect from the freedman, if we assure to him his rights? We repeat here,

* "Democracy in America," vol. 1, p. 486.

as fully confirmed by all our subsequent experience, what we said nine months since in our preliminary report :

"The observations of the commission in the sections of country visited by them, together with the evidence obtained from those having most experience among freemen, justify the conclusion that the African race, as found among us; lacks no essential aptitude for civilization. In a general way the negro yields willingly to its restraints, and enters upon its duties, not with alacrity only, but with evident pride and increase of self-respect. His personal rights as a freedman once recognized in law and assured in practice, there is little reason to doubt that he will become a useful member of the great industrial family of nations. Once released from the disabilities of bondage, he will somewhere find, and will maintain, his own appropriate social position."^{*}

What that precise position will be, whether we shall find a fair proportion of our colored population worthy competitors with whites in departments of art and science and literature, we have, at this time, no means of determining. The essential is, that the enfranchised negro is as capable of taking care of himself and his family as any other portion of our people. On no one point have the commission found more convincing testimony than on this.

In the cities of New Orleans, Washington, Baltimore, Louisville, St. Louis, and elsewhere, the commission found a numerous free colored population supporting themselves, under grievous and depressing disabilities, without any aid whatever even from those legal sources appointed for the relief of indigent whites. They are not admitted to almshouses. They obtain no county or parish relief. Scarcely any beggars are found among them. Like the quakers, they maintain their own poor. When a case occurs in which a family is unable to meet the expenses of sickness, or perhaps the cost of a funeral, it is among themselves alone that a subscription paper, usually called a "pony purse," passes in aid of the sufferers. A most striking incident illustrative of this peculiarity among them came to the knowledge of the commission when visiting St. Louis. At the commencement of the war there were about five thousand free colored people in that city. During a portion of the years 1861 and 1862, in consequence of the disturbed condition of Missouri and the frequent raids that desolated that State, great distress prevailed, and many persons from the country, both white and colored, took refuge in St. Louis. Wages fell to twenty-five cents a day, and even at that rate labor was scarce. Under these circumstances the suffering was so general that great exertions were made for its relief. For many months throughout these two years the city expended two hundred dollars a month to keep the unemployed from starving, and in the winter season from freezing. The "Provident Association" spent five thousand dollars; the "Society of St. Vincent de Paul" ten thousand. Private individuals contributed largely. In the management of these various charities no discrimination was made as to color. The total number relieved was about ten thousand, and out of that number two persons only were colored. There were but two *applications* for relief from colored persons, both women; one bed-ridden, the other a cripple. These facts were communicated to the commission by the register of the city of St. Louis—a gentleman who was himself one of the managers in the distribution of the relief funds referred to. The testimony of all the gentlemen concerned in the management of the various relief societies was, he said, to the same effect: that "the colored people asked for nothing." The same was found true among the free negroes in Canada West, as will be seen by examining the supplementary report of one of the members of the commission, who visited that country and took voluminous testimony as to the character and condition of the refugees who have settled there.

It would be difficult to find stronger proof of the ability and willingness of

* "Preliminary Report of the Commission," p. 34.

poor blacks to maintain themselves than is shown in cases where they "hire themselves," as it is called, and still pay their way. We have given two examples of this in this chapter on "slavery," (see page 68, *et seq., ante*;) and they but represent hundreds of similar cases to be found in all the chief cities of the south. In the one, it will be remembered, a mother paid two hundred and sixty dollars a year to be allowed the privilege of supporting herself and two children by washing. What white washerwoman would like to undertake that? In the other case a man and his wife paid three hundred and seventy-two dollars a year, throughout eleven years, for permission to labor and to feed and clothe their children until they were old enough to work; and then they were taken from them. How few white laborers would stand up at all under the burden of such a capitation tax? How few, under circumstances of such cruel discouragement, would have maintained, as these two slaves did, a comfortable home, tidily kept, and children clean, well clad, and thriving?

One hears current among slaveholders the assertion that negroes emancipated and left to themselves are worthless and helpless, and are sure in the end to become a burden on the community. But the commission has not found in a single locality occupied by numbers of free negroes proof that there is any truth in such an opinion; on the contrary, the actual facts are all against it. In many free States colored emigrants are required by law to give bond that they will not become a county charge. There is no class of day-laborers from whom, with equal justice, the same demand might not be made.

There came to the knowledge of the commission in New Orleans a fact which, more strikingly perhaps than any other they have met with, bears testimony to the ability of the colored population, when emancipated, to take care of themselves.

The commission ascertained that the free colored people of Louisiana, in the year 1860, paid taxes on an assessment of thirteen millions. But by the census of 1860 the free colored population of that State is put at 18,647. This would give an average for each person of about seven hundred dollars of property.

It is probable, however, that the actual average is considerably less than this. Those best informed on the subject expressed to a member of the commission who visited New Orleans the opinion, that the census return was below the truth, and that, in 1860, there were probably in Louisiana twenty-five thousand free colored persons. Assuming this to be the actual number, then the average wealth of each is *five hundred and twenty-five dollars*.

But the average amount of property to each person throughout the loyal free States is estimated at four hundred and eighty-four dollars only. It follows, that the free colored people of Louisiana are, on the average, richer by seven and a half per cent. than the people of the northern States.* And this occurs, it should be remembered, under many civil disabilities, which are a great pecuniary injury—seriously restricting the means of accumulating property.

It is not only as individuals, but, so far as they have had opportunity to show it, in a collective capacity, that these people appear to manage well. We have the following testimony from a well known and respected citizen of Louisville:

Question. "Throughout the State do the colored people manage their own church affairs?"

Answer. "Entirely. Nobody has anything to do with them but themselves. Here is a curious fact to show what their capacity is. A great many of the churches now owned by them had been failures in the hands of white people. The negroes bought and paid for them, and have improved them very much since the purchase. Mr. Adams's church is a much finer one now than when we

* See also, for the above estimate of average wealth and population, "National Almanac" for 1863, pp. 147 and 309. The average wealth in Great Britain and Ireland is *seven hundred and seven dollars* for each person.—*Same almanac*, p. 146.

sold it to them. Mr. Smethern's church was built by white people who were not able to pay for it, and was then bought by the negroes. Nobody would suppose it now to be the same house, its appearance is so much changed for the better. And that is very common. 'They have much taste about such things.'

Upon the whole no fear is more groundless than that the result of emancipation will be to throw the negroes as a burden on the community.

There is another popular idea in regard to the effect of emancipation, which has been used for political effect. This idea is based on an imaginary state of things, which happens to be the very reverse of the truth. It is alleged that so soon as the negroes are freed they will swarm to the north in search of work, and thus become the competitors of the laboring whites. Beyond all doubt they have a right to do this; and if they did, no just man would complain of it. But, in point of fact, no such thing will happen, *unless emancipation be denied.*

We repeat here, as applicable to the entire negro population of this continent, what we predicted in our preliminary report of the freedmen of South Carolina:

"There is no disposition in these people to go north. General Saxton, who has had eighteen thousand freedmen under his care, offered them papers for that purpose, but not one availed himself of the offer. They are equally averse to the idea of emigrating to Africa.* These feelings are universal among them. The local attachments of the negro are eminently strong, and the southern climate suits him far better than ours. If slavery be re-established in the insurrectionary States the north will indeed be flooded with fugitives fleeing from bondage, and the fears of competition in labor sought to be excited in the minds of northern workmen will then have some plausible foundation. But if emancipation be carried out the stream of emigration will be from the north to the south, not from the south to the northern States. The only attraction which the north, with its winters of snow and ice, offers to the negro is, that it is free soil. Let the south once offer the same attraction, and the temptation of its genial climate, coupled with the fact that there the blacks almost equal the whites in number, will be irresistible. A few years will probably see half the free negro population now residing among us crossing Mason and Dixon's line to join the emancipated freedmen of the south."† This is a practical illustration of an important principle, to wit: that a primary law governing the voluntary movements of peoples is that of thermal lines.

The commission found overwhelming evidence as to the truth of the above opinion in Canada West. Among the refugees there there is not a single feeling so strong, or so nearly universal, as their longing to return to the southern land of their birth at the earliest moment when they shall be assured that it is purged from slavery. One of the commission says, in his supplemental report already referred to, "If slavery is utterly abolished in the United States no more colored people will emigrate to Canada, and most of those now there will soon leave it." There can be no doubt about this. Among the hundreds who spoke about it, only one dissented from the strong expression of desire to "go home." In their belief, too, they agreed with the Rev. Mr. Kinnard, one of their clergy, who said to us: "If freedom is established in the United States there will be one great black streak reaching from here to the uttermost parts of the south." Even those who by years of toil have obtained comfortable, well stocked farms, worth ten or twenty thousand dollars, avowed their deter-

* Since writing the above, the following testimony was taken by the commission in Louisville:

Colonel Hodges, who had lived all his life among slaves, deposed: "The State of Kentucky has appropriated five thousand dollars a year for several years to aid the Colonization Society in sending off the free blacks, but they have never been able to get *more than two* to apply."

† Preliminary Report, pp. 13 and 14.

mination to abandon all—to sell out and depart as soon as they could do so without imperilling their personal freedom.

Emancipation will directly tend to denude the north of its negro population. One circumstance that will materially hasten this result is, that the personal prejudice against negroes as a race is stronger in the northern than in the southern States, and at least as strong in Canada as in any portion of the Union. Of this our commission had abundant proof.

Mr. George Brown, a member of the Canadian Parliament, deposed before the commission: "I think the prejudice against the colored people is stronger here than in the States."

Mr. Sinclair, of Chatham, Canada West, said: "Many of the colored people, even in this town, say, that if they could have the same privileges in the States that they have here, they would not remain here a moment." * * * "In this county there is one township (that of Orford) where no colored man is allowed to settle." The colored people of Canada themselves testified to the same effect. Mrs. Brown, of St. Catharine's, deposed: "I find more prejudice here than I did in York State. When I was at home I could go anywhere; but here, my goodness! you get an insult on every side."

Mrs. Susan Boggs, (colored,) also of St. Catharine's, said: "If it was not for the Queen law we would be mobbed here, and could not stay in this house. The prejudice is a great deal worse here than it is in the States."

A colored woman living in a cabin near Colchester said "she was from Virginia, and the prejudice was 'a heap' stronger in Canada than at home." "The people," she added, "seemed to think the blacks weren't folks anyway." She was anxious to go back. The home of the American negro is in the southern States. Let it be made a free home, and he will seek, he will desire, no other.

Whether, as a freedman, in a southern home, the negro will live down the cruel prejudice which has followed him, increasing in virulence, to a British province, some, with De Toqueville, will continue to doubt. But powerful agencies are at work in his favor, some of terrible character. Such were the New York riots. Such, more recently, were the atrocities committed at Fort Pillow.

We have found ourselves called upon to interpose in favor of the outraged and the unprotected. But such interposition tends to create, even in minds of ordinary sensibility, good will and sympathy towards the sufferers whom we interpose to protect.

It will have a tendency to increase harmony between the two races, if the colored people, whether in the north or the south, refrain from settling in colonies or suburbs by themselves; for such separation tends to keep up alienation of feeling, and to nourish the prejudices of race. They will do well, therefore, to mingle their dwellings or farms with those of the whites; for the effect of this will be to take off the edge of national prejudice, and weaken the feeling which regards them as a separate and alien race.

Some may believe that the effect of such commingling will be to introduce amalgamation between the races; others, that such amalgamation is the natural and proper solution of the problem. We believe neither the one nor the other.

In the first place, such evidence in this matter as the commission have obtained goes to show that, at least in a northern climate, the mixed race is inferior, in physical power and in health, to the pure race, black or white. A member of our commission carefully investigated the condition of the refugees of mixed blood in Canada, and took evidence as to their health, physical stamina, and power of increase. He found them mostly of lymphatic temperament, with marks of scrofulous or strumous disposition, as shown in the pulpy appearance of portions of the face and neck, in the spongy gums and glistening teeth. There is a general prevalence of phthisical diseases.

Dr. Mack, of St. Catharine's, testifies: "The mixed races are the most un-

healthy, and the pure blacks the least so. The disease they suffer most from is pulmonary. Where there is not real tubercular affection of the lungs, there are bronchitis and pulmonary affections. I have the idea that they die out when mixed, and that this climate will completely efface them. I think the pure blacks will live."

General Tullock, of the British army, one of the authors of four volumes of military statistics, writes to one of the members of our commission: "The mulatto race are seldom employed in our army, chiefly owing to the want of that physical stamina which render the pure negro better fitted for the duties of a soldier or a laborer."

Dr. Fisher, of Malden, Canada, thinks that the mulattoes of Canada cannot maintain their numbers without assistance from emigration.

This is in accordance with the census returns of the free colored population in some of the northern States, where most of them are of mixed blood. A member of the commission gives, in his supplemental report, a table of the births, marriages and deaths among the colored population of Boston for eight years, namely, from 1855 to 1862, both inclusive. It shows 304 births, 316 marriages, and 500 deaths. In every one of these years the deaths exceeded the births, and in 1855, 1858, and 1860, the births were less than the marriages. This is the more remarkable when we take into account what the register of the city, in furnishing the above table, states, namely, that the number of marriages among the colored people was fifty per cent. more in proportion to population than among the whites; being among the former 1 in 58, and the latter only 1 in 87.54.

The United States census for 1860 shows, in several of the other States, similar results. In Providence the deaths among the free colored are over four per cent. a year. In Philadelphia, during the six months preceding the census, there were, among these people, 148 births to 306 deaths; the deaths being more than double the births.* The same census shows that the total free colored population of the Union has increased about one per cent. a year during the last decade; and this includes slaves liberated and slaves escaped from their masters during that period. The actual rate of natural increase is certainly less than half that of the slaves, which, from 1850 to 1860, was 23.38 per cent., say two and a third per cent. annually.

It is sometimes inferred from this that the slaves live in greater comfort than the free colored people, and that the latter cannot take as good care of themselves as masters take of their slaves. But the facts which have come to our knowledge touching the actual condition of these two classes, the slave and the free colored, are wholly at variance with any such conclusion. We believe the chief reason of the small rate of increase to be, that the proportion of mulattoism among the free colored is much greater than among slaves; and that the mulattoes, certainly in northern latitudes, are less healthy and prolific than the pure blacks.

In support of the opinion that the same may be predicted of these two classes in southern States, it may be alleged that a cold climate is, in all probability, as little suited to the pure blacks originally from the torrid zones of Africa as to the mulatto, with a cross of Anglo-Saxon blood; and that if, in such a climate, the mortality among the mixed race is greater than among purer blacks, the climate is not likely to be the sole cause.

It is certain, however, that, both as regards blacks and mulattoes, their mortality, as compared with whites, essentially depends upon the climate. As this is an important matter the commission has spent considerable time and labor in collecting reliable statistics which throw light upon it.† The following table,

* Preliminary Report on the Eighth Census, 1860, p. 6.

† In this they have been greatly aided by Dr. Edward Jarvis, of Boston. That gentleman not only kindly opened to the commission the treasure of his valuable statistical library, but has personally superintended some of the researches touching this matter.

the most exhaustive summary, probably, that has yet been made public in connexion with this subject, was carefully made up from the materials obtained.

Table of comparative mortality among white and colored persons in eleven cities of the United States.

Place.	Period.	No. of years.	Summary of annual population.		Number of deaths.		Population to one death.	
			White.	Colored.	White.	Colored.	White.	Colored.
Boston.....	1725 to 1774; 1855 to 1859; 1861 and 1862.	57	689,000	59,500	23,750	1,000	29.10	14.90
New Bedford....	1861-62-63.....	3	1,188,452	15,620	27,522	500	43.18	31.24
Providence.....	1840 to 1863.....	24	65,259	4,746	1,550	179	42.09	26.51
New York.....	1821-24-29-31-36-38-62.	38	958,028	35,349	20,744	1,306	46.25	27.06
Buffalo.....	1821-24-29-31-36-38-62.	38	15,427,466	531,544	479,879	20,428	32.14	25.39
Philadelphia....	1854-58-62-63.....	7	530,582	5,466	14,013	120	37.86	45.55
Baltimore.....	1821 to 1862.....	42	12,466,457	750,996	269,824	26,397	46.22	28.45
Washington....	1818-24-25-27-29-33-34-36-63.	39	4,294,476	859,025	107,623	26,551	39.90	32.34
Charleston.....	1849 to 1860.....	12	455,754	126,305	8,869	2,723	51.38	46.36†
New Orleans....	1828 to 1857.....	30	457,756	523,536	13,945	16,868	32.83	31.03
Memphis.....	1849-50-56, and 2 of 1855; 1860.	4‡	547,523	121,343	32,143	6,277	17.03	19.51
Eleven cities... Total.....		3	24,126	8,043	1,406	128	17.17	18.79
			37,101,879	3,031,473	1,001,268	106,217	37.57	28.54
							<i>Percent</i>	<i>Percent</i>
							2.699	35.03

The total sum of white lives upon which the above calculations are based is, as will be observed, upwards of thirty-seven millions; of colored lives upwards of three millions; while the deaths among whites are over one million, and among the colored over a hundred thousand. The general inference from records on so large a scale may be taken as substantially correct, even if we admit the probability of partial inaccuracies in some of the returns.

Thus we reach several interesting facts. The rate of annual deaths among the whites is less than two and three-quarters per cent., or about one to every thirty-seven of the living; among the colored about three and a half per cent., or one in every twenty-eight; [or, exactly, 1 in 37.57 whites against 1 in 28.54 colored.]

We remark, further, that the mortality diminishes as we approach our own time, in Boston especially. In that city, between 1725 and 1774, the average annual mortality was, among whites 1 in 29.10, and among colored 1 in 14.9; whereas, from 1855 to 1862, it was but 1 in 43 among whites, and 1 in 31 among colored. This accords with the well-known fact that the average length of life in the United States is greater in this century than it was in the last.

Again, the table shows that the mortality among blacks in the northern cities is considerably greater than among whites, while in the southern cities it averages about the same.

As the returns from which this table is compiled do not distinguish between blacks and mulattoes, it gives us no information as to the relative mortality among these two classes. On that point it behoves us to abstain from confident generalizing in the absence of more exact and more extended statistical data. This,

* This being the sole exception, among northern cities, to what seems the general rule, to wit, that the mortality among blacks is much greater than among whites, we may reasonably suppose some inaccuracy in returns.

† The great apparent salubrity among both classes in Washington is not, probably, to be ascribed either to the climate or the mode of life, but to the fact that a large proportion of the population are mere sojourners there, for a few years, during the working period of life when the rate of mortality is lowest.

however, we may say : It would appear that there are certain races of men, the cross between which produces a race quite equal to either of the progenitors. This is said to be true of the Turk and the African. It may be that the Anglo-Saxon and the African, extreme varieties, are less suited to each other, and that the mixed race degenerates. Indeed, so far as a limited range of facts go, there seems a probability in favor of the opinion expressed by a member of the commission that "the mulatto, considered in his animal nature, lacks the innervation and spring of the pure blacks and whites," and that "the organic inferiority is shown in less power of resisting destructive agencies; in less fecundity and less longevity."

If this be so, then amalgamation of these two races is in itself a physical evil injurious to both; a practice which ought to be discouraged by public opinion, and avoided by all who consider it a duty, as parents, to transmit to their offspring the best conditions for sound health and physical well-being. Like other evils of the kind, however, this is beyond the legitimate reach of legislation.

The commission believe that the effect of general emancipation will be to discourage amalgamation. It is rare in Canada, and public opinion there, among blacks as well as whites, is against it.

Bishop Green, of the Methodist church, Canada, deposed: "You do not see any of our respectable people here marrying any persons but their own associates."

John Kinney, an intelligent colored man, said: "The majority of the colored people don't like the intermarriage of colored and white people."

Colonel Stevenson said: "The colored people don't like to have one of their color marry a white woman." Such marriages do occur in Canada, but they are rare.

De Tocqueville had already remarked that emancipation, which might be supposed to favor amalgamation, does, in point of fact, repress it.*

Amalgamation, in its worst form, is the offspring of slavery. The facts seem to indicate that with the abolition of slavery it will materially diminish, though it may be doubted whether it will ever wholly disappear.

Aside from this apparently injurious mingling of blood, the social influence of the two races on each other, so soon as their reciprocal relations shall be based on justice, will, beyond question, be mutually beneficial. There are elements in the character of each calculated to exert a happy influence on the other.

The Anglo-Saxon race, with great force of character, much mental activity, an unflagging spirit of enterprise, has a certain hardness, a stubborn will, only moderate geniality, a lack of habitual cheerfulness. Its intellectual powers are stronger than its social instincts. The head predominates over the heart. There is little that is emotional in its religion. It is not devoid of instinctive devotion, but neither is such devotion a ruling element. It is a race more calculated to call forth respect than love; better fitted to do than to enjoy.

The African race is, in many respects, the reverse of this. Genial, lively, docile, emotional, the affections rule; the social instincts maintain the ascendant. Except under cruel repression, its cheerfulness and love of mirth overflow with the exuberance of childhood. It is devotional by feeling. It is a knowing rather than a thinking race. Its perceptive faculties are stronger than its reflective powers. It is well fitted to occupy useful stations in life; but such as require quick observation rather than comprehensive views or strong sense. It is little given to stirring enterprise, but rather to quiet accumulation. It is not a race that will ever take a lead in the material improvement of the world; but

* "Democracy in America," vol. 1, p. 462.

it will make for itself, whenever it has fair play, respectable positions, comfortable homes.*

As regards the virtues of humility, loving kindness, resignation under adversity, reliance on Divine Providence, this race exhibits these, as a general rule, in a more marked manner than does the Anglo-Saxon. Nor do we find among them a spirit of revenge or blood-thirstiness, or rancorous ill will towards their oppressors.† The exceptions to this rule, notwithstanding the great temptations to which the race have been exposed, are very rare. No race of men appears better to have obeyed the injunction not to return evil for evil, or to have acted more strictly in the spirit of the text: "Vengeance is mine, I will repay, saith the Lord."

With time, as civilization advances, these Christian graces of meekness and long suffering will be rated higher than the world rates them now. With time, if we but treat these people in a Christian spirit, we shall have our reward. The softening influence of their genial spirit, diffused throughout the community, will make itself felt as an element of improvement in the national character.

And, on the other hand, they will learn much and gain much from us. They will gain in force of character, in mental cultivation, in self-reliance, in enterprise, in breadth of views and habits of generalization. Our influence over them, if we treat them well, will be powerful for good.‡

If we treat them well! But everything depends upon that. There depends upon it not alone the future of four millions and a half of people, native born, and who will remain, for good or for evil, in the land of their birth, but also, looking to the immediate present, there depends, to a certain extent, the likelihood of thoroughly and speedily putting down the present rebellion. In this connexion we deem it useful here to repeat what we already suggested in our preliminary report:

"Every aggression, every act of injustice committed by a northern man against unoffending fugitives from despotism, every insult offered by the base prejudice of our race to a colored man because of his African descent, is not only a breach of humanity, an offence against civilization, but it is also an act which gives aid and comfort to the enemy. The report of it goes abroad—penetrates into the enemy's country. So far as its influence there extends, the effect is to deter the slave from leaving his master—therefore to secure to that master a bread-producer, and, by the same act, to deprive the Union of a colored soldier, and compel the government, by conscription, to withdraw a laborer from a northern farm. The practical effect, therefore, of abuse and injury to colored people in these days, is not alone to disgrace the authors of such acts, but to compel conscription, and to strip the north, already scant of working hands, of the laborers and the artisans that remain to her. Thousands of fields owned by white men may remain untilled—thousands of hearths owned by white men

* "The surest sign of their thrift is the appearance of their dwelling-houses, farms, stock, tools, and the like. In these, moreover, we find encouraging signs for the negro, because they show that he feels so strongly the family instinct, and the desire to possess land and a dwelling place."

† Canada is full of men and women who, in the first half of their lives, were witnesses and sufferers of such indignities and wrongs as would burn into most white men's souls, and make them pass the last half in plotting vengeance. Not so these people. They cherish no spirit of vengeance, and seem to have no grudge against their oppressors. The memory and recital of their wrongs do not arouse such bitter feelings and call out such maledictions as would certainly be heard from white men of similar experience. A single instance only is recollected in which a feeling of unsatisfied vengeance was manifested; but many are recalled where the old master and mistress were spoken of with kindness, and regret expressed that they would not be seen again.

‡ Mr. McCullum, principal of the high school, Hamilton, Canada, said: "Colored people brought up among whites look better than others. Their rougher, harsher features disappear. I think that colored children brought up among white people look better than their parents."

may be made desolate—all as the direct result of the ill treatment of the colored race.

“Such a spirit is not treasonable in the usual sense of that term; yet its results are the same as those of treason itself.¹ It becomes, therefore, in a military point of view, of the highest importance that all wanton acts of aggression by soldiers or civilians, whether against refugees, or against free negroes heretofore settled in the north, should be promptly and resolutely repressed, and the penalties of the law, in every such case, vigorously enforced. A prudent regard for our own safety and welfare, if no higher motive prompt, demands the taking of such precaution.

“We have imposed upon ourselves an additional obligation to see justice and humanity exercised towards these people in accepting their services as soldiers. It would be a degree of baseness, of which we hope our country is incapable, to treat with contumely the defenders of the Union, the men who shall have confronted death on the battle-field, side by side with the bravest of our own race, in a struggle in which the stake is the existence in peace and in their integrity of these United States.

“We are unjust to our enemies if we deny that this struggle has been a hard-fought one, contested bravely and with varying success. A people with an element of semi-barbarism in their society, giving birth to habits of violence and of lawless daring, are, in some respects, better prepared for war than one which stands on a higher plane of Christian civilization. Add to this that our task is the more arduous, because to quell the rebellion we have had to become the invaders. Under these circumstances, can we overlook the fact that several hundred thousand able-bodied men, detached from the labor ranks of the enemy and incorporated into the army of the north, may essentially influence the decision of the issue!

“There is an additional reason why a considerable portion of the Union armies should be made up of persons of African descent. The transformation of the slave society of the south into free society, no longer properly a question, has become a necessity of our national existence. Reflecting men have already reached the conclusion, and the mass of our people are attaining to it day by day, that the sole condition of permanent peace on this continent is the eradication of negro slavery. But the history of the world furnishes no example of an enslaved race which won its freedom without exertion of its own. That the indiscriminate massacres of a servile insurrection have been spared us, as addition to the horrors of a civil war, is due, it would seem, rather to that absence of revenge and blood-thirstiness which characterizes this race, than to the lack either of courage or of any other quality that makes the hardy combatant; for these the negro appears, so far as we have tried him in civilized warfare, to possess. And in such warfare it is fitting that the African race seek its own social salvation. The negro must fight for emancipation if he is to be emancipated.

“If, then, emancipation be the price of national unity and of peace, and if the people to be emancipated must draw the sword in their own cause, then is the future welfare of the white race in our country indissolubly connected with an act of justice on our part towards people of another race; then is it the sole condition under which we may expect, and, if history speaks truth, the sole condition under which we shall attain domestic tranquillity that we shall give the negro an opportunity of working out on those battle-fields that are to decide our own national destiny *his* destiny, whether as slave or as freedman, at the same time.”

The commission have been instructed to report how colored freedmen “can be most usefully employed in the service of the government for the suppression of the rebellion.” The above remarks may suffice as the record of their profound conviction that no more effectual aid can be had in the speedy suppression

of the rebellion and the restoration of permanent peace than is to be obtained by inducing the hearty co-operation of these freedmen, and by giving full scope to their energies as military laborers and soldiers during the continuance of the war.*

But to give full scope to their energies in war we must not treat them as step-children. It is so manifestly just, to say nothing of the evident expediency for the benefit of the service, that no discrimination should be made either as to wages or in any other respect, between the white and the colored soldier, that the commission would deem it unnecessary, but for recent indications, to express, as they now do, their convictions, that of all petty schemes of false economy such discrimination against the colored soldier is the worst. Performing the same duties, subjected to the same fatigues, marshalled on the same battle-fields side by side with the white soldier, and exposing, like him, his life for his country, one would think that the innate sense of right would preclude the necessity of a single argument on the subject. What probability of future harmony between the races, if we begin our connexion with the new-made freedmen by such an act of flagrant injustice?

Let us beware the temptations to treat the colored people with less than even justice, because they have been, and still are, lowly and feeble. Let us bear in mind that, with governments as with individuals, the crucial test of civilization and sense of justice, is their treatment of the weak and the dependent.

God is offering to us an opportunity of atoning, in some measure, to the African for our former complicity in his wrongs. For our own sakes, as well as for his, let it not be lost. As we would that He should do to us and to our children, so let us do to those whose dearest interests are, by His providence, committed for the time to our charge.

As regards the question, what amount of aid and interference is necessary or desirable to enable the freedmen to tide over the stormy transition from slavery to freedom, we have chiefly to say, that there is as much danger in doing too much as in doing too little. The risk is serious, that under the guise of guardianship, slavery, in a modified form, may be practically restored. Those who have ceased, only per force, to be slaveholders, will be sure to unite their efforts to effect just such a purpose. It should be the earnest object of all friends of liberty to anticipate and prevent it. Benevolence itself, misdirected, may play into the hands of freedom's enemies, and those whose earnest endeavor is the good of the freedman may, unconsciously, contribute to his virtual re-enslavement.

The refugees from slavery, when they first cross our lines, need temporary aid, but not more than indigent southern whites fleeing from secessionism, both being sufferers from the disturbance of labor and the destruction of its products incident to the war. The families of colored men, hired as military laborers or enlisted as soldiers, need protection and assistance, but not more than the families of white men similarly situated. Forcibly deprived of education in a state of slavery, the freedmen have a claim upon us to lend a helping hand until they can organize schools for their children. But they will soon take the labor and expense out of our hands, for these people pay no charge more willingly than that which assures them that their children shall reap those advantages of instruction which were denied to themselves.

For a time we need a freedman's bureau, but not because these people are negroes, only because they are men who have been, for generations, despoiled of their rights. The commission has heretofore, to wit, in the supplemental report, made to you in December last, recommended the establishment of such a bureau, and they believe that all that is essential to its proper organization is contained, substantially, in a bill to that effect reported on April 12, from the Senate Committee on Slavery and Freedmen.

* Preliminary Report of the Commission, pp. 35 to 39.

Extensive experience in the West Indies has proved that emancipation, when it takes place, should be unconditional and absolute. The experiment of a few years' apprenticeship, plausible in theory, proved, in practice, a failure so injurious in its effects that the provincial legislatures, though they had been opposed to the abolition of slavery, voted, after trial, for the abolition of apprenticeship.

The freedman should be treated at once as any other freeman. He should be subjected to no compulsory contracts as to labor. There should not be, directly or indirectly, any statutory rates of wages. There should be no interference between the hirers and the hired. Nor should any regulations be imposed in regard to the local movements of these people, except such regulations, incident to war, relative to vagrancy or otherwise, as apply equally to whites. The natural laws of supply and demand should be left to regulate rates of compensation and places of residence.

But when freedmen shall have voluntarily entered into any agreement to work, they may at first usefully be aided in reducing that agreement to writing, and, for a time, we may properly see to it that such freedmen do not suffer from ill treatment or failure of contract on the part of their employers, and that they themselves perform their duty in the premises.

It is of vital importance that the leasing and supervision of abandoned real estate in insurrectionary districts should be intrusted to the same persons who have it in charge—the interests of the freedmen who are likely to cultivate the lands in question. Between two sets of agents, one having in charge the lands, and another the interests of the freedmen, jarrings and conflicts of authority would be sure to ensue.

The commission is confirmed in the opinion that all aid given to these people should be regarded as a temporary necessity; that all supervision over them should be provisional only, and advisory in its character. The sooner they shall stand alone and make their own unaided way, the better both for their race and ours.

The essential is that we secure to them the means of making their own way; that we give them, to use the familiar phrase, "a fair chance." If, like whites, they are to be self-supporting, then, like whites, they ought to have those rights, civil and political, without which they are but laboring as a man labors with hands bound.

• There will for some time to come be a tendency on the part of many among those who have heretofore held them in bondage still to treat them in an unjust and tyrannical manner. The effectual remedy for this is, not special laws or a special organization for the protection of colored people, but the safeguard of general laws, applicable to all, against fraud and oppression.

The sum of our recommendation is this: Offer the freedmen temporary aid and counsel until they become a little accustomed to their new sphere of life; secure to them, by law, their just rights of person and property; relieve them, by a fair and equal administration of justice, from the depressing influence of disgraceful prejudice; above all, guard them against the virtual restoration of slavery in any form, under any pretext, and then let them take care of themselves. If we do this, the future of the African race in this country will be conducive to its prosperity and associated with its well-being. There will be nothing connected with it to excite regret or inspire apprehension.

All which is respectfully submitted.

ROBERT DALE OWEN,
J. MCKAYES,
SAMUEL G. HOWE,
Commissioners.

OFFICE OF THE AMERICAN FREEDMEN'S INQUIRY COMMISSION,
New York City, May 15, 1864.