

Eggleston George Cary

**The History of the Confederate  
War, Its Causes and Its  
Conduct. Volume 1 of 2**



**George Eggleston**  
**The History of the Confederate**  
**War, Its Causes and Its**  
**Conduct. Volume 1 of 2**

*[http://www.litres.ru/pages/biblio\\_book/?art=23146379](http://www.litres.ru/pages/biblio_book/?art=23146379)*

*The History of the Confederate War, Its Causes and Its Conduct, Volume I (of  
2) / A Narrative and Critical History:  
ISBN <http://www.gutenberg.org/ebooks/45609>*

# Содержание

PART I	4
INTRODUCTION	4
CHAPTER I	15
CHAPTER II	21
CHAPTER III	39
CHAPTER IV	61
CHAPTER V	74
Конец ознакомительного фрагмента.	109

**George Cary Eggleston**  
**The History of the**  
**Confederate War, Its**  
**Causes and Its Conduct,**  
**Volume I (of 2) / A Narrative**  
**and Critical History**

**PART I**  
**THE CAUSES OF THE WAR**

**INTRODUCTION**

**The Magnitude of the Confederate War**

During the years from 1861 to 1865, one of the greatest wars in all history was fought in this country.

There were in all three million three hundred and seventy-eight thousand men engaged in the fighting of it.

There are not that many men in all the regular standing armies

of Europe combined, even if we include the unpaid hordes of Turkey and the military myriads of the armed camp known to geography as Russia.

The actual fighting field of this war of ours was larger than the whole of western Europe, and all of it was trampled over and fought over by great armies.

The men killed or mortally wounded in our war numbered on the Northern side alone 110,000. The total number of deaths resulting from military operations on the Northern side alone was 350,000. The figures for the Southern side are not accessible, owing to the loss of records. But as the fighting was equally determined on both sides, and as other conditions were substantially equal, it is certain that the losses of life were relatively about the same on both sides. It is well within the facts, therefore, to say that this war of ours directly caused the death of more than half a million men. No other war in modern history has cost so many lives or half so many.

We hear much of our recent war with Spain. Let us take it as a basis of comparison. The total number of men even nominally called into the field in that war was less by nearly two to one than the deaths alone during the Confederate war. The number of men who were actually engaged in the Spanish war numbered only about one tenth as many as those who were buried as victims of the Confederate war's battle fields.

Again, the total number of men killed and wounded during the Spanish war – including every man who was touched by a bullet

or scratched by a sword or bayonet thrust or hurt by a splinter at sea – was only two hundred sixty-eight. That is fewer than the number who were stricken in each of many before-breakfast skirmishes of the Confederate war, some of which were deemed too insignificant to be reported to headquarters with precision.

Looking for higher standards of comparison, we find that 43,449 men fell killed or wounded at Gettysburg alone. That is almost double the loss of the allied forces at Waterloo and probably equal to the total losses on both sides at that greatest and most decisive of European battles.

There were more than a dozen other battles of the Confederate war which in slaughter fairly deserved comparison with Waterloo. These included the Seven Days' battle before Richmond, and the battles of Fredericksburg, Chancellorsville, Antietam, Shiloh, Chickamauga, the Wilderness, Spottsylvania, Cold Harbor, the Second Manassas (or Bull Run), Stone River, Petersburg, Franklin, Lookout Mountain, Nashville and several others.

Still another measure of the magnitude of a war is its duration. It is duration indeed that chiefly determines the amount of human suffering caused by a war, especially to the women and children who are war's chief victims.

Measured by this test of duration the Confederate war exceeded all other recent conflicts in the magnitude of the suffering it inflicted.

Its first gun was fired at Fort Sumter in April, 1861: its

last armed conflict did not occur until May, 1865. Thus for four years and a month the war endured. The Crimean war – one of the longest of nineteenth century conflicts – endured for less than half that length of time and the actual fighting of it lasted less than one fourth as long. The duration of the Confederate war was seven times as great as that of the stupendous Franco-Prussian conflict of 1870, which overthrew the second Napoleonic empire, consolidated Germany and made the republic an enduring fact in France. It was twenty-four times as long as that of the French-Austrian war, which set Italy free, or as the War of 1866 between Austria and Prussia which laid the foundations of the present German empire.

Measured by its enduring consequences the superior magnitude of our war in its influence upon national and human destinies is still more conspicuous.

It made an end of human slavery in the last civilized country on earth in which slavery was permitted.

It freed the nation from a reproach that sorely afflicted its citizens.

It ended a political conflict which had threatened the very foundations of the Republic from the hour of its institution.

It freed the Southern States of the Union from an incubus that their statesmen and their best citizens had for generations desired to be rid of, an incubus that had restricted their development and retarded their growth in wealth and population as no other evil influence had ever done in any part of our country.

Still more important so far as human history is concerned, this war of ours settled at once and forever, the vexed and vexatious questions of constitutional interpretation that had beset the Republic from the hour of its formation.

It revised the constitution upon new lines and reconstructed the Republic in ways that promise permanence.

As an exhibition of national military capacity and a revelation of our prodigious possibilities of armed resistance, it taught the world the advisability and indeed the absolute necessity of letting the United States alone, as the one unassailable and defensively irresistible nation on earth.

Finally it gave to the American people a realizing sense of their own limitless power, which has both strengthened and sobered the popular mind, revealing to it the nation's limitless ability to work iniquity, and awakening it to the Republic's nobler capacity – to work righteousness instead.

The conflict so far exalted and emphasized the power of the Republic as to inspire us with a new generosity of forbearance in our dealings with all other nations. It made it easy for us to follow General Grant's rule of right to "deal with other nations as enlightened law requires individuals to deal with each other."

Incidentally this war exhausted and impoverished the South as no other war ever exhausted and impoverished any fruitful land. It utterly destroyed the labor system of those states. It put out the light of their prosperity for a time and left their people blindly groping for sustenance. It destroyed a social fabric of



exquisite poise and picturesqueness which had endured from the beginning of American colonization. It set society upon its head in the South and replaced historic order with inexpressible chaos. For a time it substituted for a traditional government by the best, an actual and very lawless government by the worst elements of society, exalting ignorance above culture, vice over virtue, and setting a horde of half-savage and suddenly emancipated slaves to direct the destinies of a region to which the country had always reverently looked for exalted patriotism and the wisest statesmanship – the region which had produced Washington and Jefferson and Madison and Monroe; the region that had given to the Republic that greatest and wisest of the jurists of the modern world, John Marshall; the birthplace of Patrick Henry, and George Wythe and George Mason and Henry Clay.

Anarchy and chaos and an era of unspeakable disorder succeeded the war as its inevitable consequence and when at last a new order was wrought out of these disturbed conditions, all that was characteristic of the old South had completely passed away. A new era had dawned, coming as a posthumous birth of the conflict of arms.

A revolution had been wrought in the social, industrial and economic conditions of a fair land. It brought with it a new material prosperity greater than any that had ever been dreamed of in that region before. It led to the development of resources that had lain dormant for generations. In agriculture alone, the South produces now many times the wealth each year that had

been dug out of her fields under the old system. The very greatest cotton crop that was ever grown before the war amounted to 4,669,770 bales; since 1877 no crop so small has been grown in any year, while in recent years the crops have reached the stupendous total of more than 12,000,000 bales in each year.

Thus the old staple industry has doubled and trebled its productiveness under the influence of the new industrial conditions created by the war and by the social and economic revolution which the war wrought.

But this is a small part of the matter. Greatly as the yield of cotton has been multiplied under the new conditions, cotton has ceased to be king even in the land over which it once exercised undisputed sway. Other and humbler agricultural products – never thought of in the old planting days as money crops – have come, in their value to rival cotton itself as a source of enrichment to Southern agriculture.

More important still, the new conditions that were created in the South as a result of the war have led to the development there of resources of inestimable value which were wholly neglected under the old system. The little, local, loitering railroad lines of the older time have been combined and extended and upbuilt into great arteries of travel and traffic. Prairies that were scratched over for the sake of meager cotton crops of half a bale to the acre have been delved under for coal and iron. Industrial cities of importance have arisen where cabins remotely stood. Blast furnaces have replaced the breezes that once alone disturbed

the broom-straw grass. Iron foundries, steel mills, machine shops, coke ovens, rolling mills and the like employ men by tens of thousands where before only a few hundreds compelled the reluctant soil to yield them a precarious living. The still unsubdued pine lands are dotted all over with cotton mills which give work and wages to a multitude and the magnitude of their dividends strongly tempts capital to a like investment elsewhere in the country that was once abundantly content to produce a raw material and to buy back the finished products of it from factories hundreds or thousands of miles away.

The harbors of the South, once mere ports of call or refuge for a shipping that belonged elsewhere, have become the seats of great shipbuilding and ship-owning enterprises the productiveness of which is loosely reckoned by imperfectly counted millions.

Still again, under the new conditions resulting from the war, great industries have sprung up in the South which find both their profit and their reason for being in the utilization of things that were sheer waste under the old system. The manufacture of cotton seed oil and its rich by-products is the best illustrative example of this. It employs thousands of well paid workmen and millions of well remunerated capital in converting into very valuable products the cotton seed that was once utilized only as a fertilizer for half-exhausted soils.

In brief, the political and social revolution wrought by the war is matched and over-matched by the stupendous economic

revolution produced, a revolution whose rewards to industry, to capital and to enterprise are such as the wildest visionary would have laughed at as a futile dream when the South lay stripped and stricken and staggering under its burden of perplexities at the end of a struggle which had taxed its material resources to the point of exhaustion and which had well-nigh exterminated its vigorous young manhood.

It is to tell the story of a war thus stupendous in its causes, its events and its consequences that this book is written. There is nowhere in history a story more dramatic, more heroic or more intimately inspired by those emotions that control human conduct and work out the events of human life. The endeavor in these volumes will be to relate that story with absolute loyalty to truth.

The writer of these pages is persuaded that the time has fully come when this may be acceptably done; that the time has passed away when any American of well ordered mind desires the perversion or the suppression of truth with respect to our war history. There is certainly nothing in that history of which any part of the American people need be ashamed.

The great actors in the drama have all passed away. The passions of the war are completely gone. Even in politics, war prejudices no longer play a part worth considering. The time seems fully come when one may write truth with regard to the war with the certainty of a waiting welcome for his words. The time has come which General Grant foresaw in 1865, when he

predicted that the superb strategy and unconquerable endurance of Lee and the brilliant military play of Sherman, the splendid prowess of Stonewall Jackson and the picturesque achievements of Phil Sheridan, the extraordinary dash and enterprise of J. E. B. Stuart on the one side and of Custer on the other, would all be reckoned a common possession in the storehouse of American memory, a subject of pride and satisfaction wherever there might be an American to glory in the deeds of his countrymen.

The time has come when the prowess of the American soldier, equally on the one side and upon the other, his measureless courage, his exhaustless endurance, his all-defiant devotion to duty, his extraordinary steadiness under a fire such as few soldiers on earth have ever been called upon to face, his patience under long marchings, starvation and every circumstance of suffering, are subjects of justly indiscriminate admiration on both sides of a geographical line long since obliterated.

The story of Pickett's charge at Gettysburg may now be told to Northern ears as surely sympathetic with the heroism shown in that world-famous action as are any ears at the South. The heroic tale of the Federal assaults upon Marye's Heights at Fredericksburg where brave men, knowing the futility of their endeavors, obeyed orders and went to their deaths by thousands because it was their duty to do so may now be told to listening Southern ears with as absolute certainty of applause as if the story were related only to veterans of the Army of the Potomac.

"East is East, and West is West" writes Kipling in one of

his finest ballads in celebration of generous personal courage. Paraphrasing, we may say: "North is North and South is South," but courage, heroism, devotion and a generous chivalry belong to no time and no country exclusively. They are the common possessions of all worthy manhood. Like the gold beneath the guinea's stamp they pass current wherever coined because their value is inherent.

# **CHAPTER I**

## **A Public, not a Civil, War**

The war of 1861–65 was in fact a revolution. Had the South succeeded in the purposes with which that war was undertaken it would have divided the American Republic into two separate and independent confederations of states, the Union and the Southern Confederacy. The North having succeeded, no such division was accomplished, but none the less was a revolution wrought as has been suggested in the introductory chapter of this work.

Familiarly, and by way of convenience, we are accustomed to call this "The Civil war," in contra-distinction from those other wars in which the American power has been arrayed against that of foreign nations. But the term "Civil war," as thus applied, is neither accurate nor justly descriptive. In all that is essential to definition this was a public and not a civil war and it is necessary to a just understanding of the struggle and its outcome to bear this fact in mind. Otherwise the entire attitude and conduct of the Federal government toward its antagonist must be inexplicable, inconsistent and wanting in dignity.

The Southern States asserted and undertook to maintain by a resolute appeal to arms, their right to an independent place among the nations of the earth. In the end they failed in that endeavor. But while the conflict lasted they so far maintained their contention as to win from their adversary a sufficient

recognition of their attitude to serve all the purposes of public rather than civil war.

They instituted and maintained a government, with a legislature, an executive, a judiciary, a department of state, an army, a navy, a treasury, and all the rest of the things that independent nations set up as the official equipment of their national housekeeping.

Not only did foreign powers recognize their right to make war, not as rebels but as legitimate belligerents entitled to all the consideration that the laws of civilized war guarantee to nations, but the United States government itself made similar recognition of the South's status as a power possessed of the right to make war.

At the outset there was quibbling of course, and a deal of playing for position. But in view of the obvious facts all this quickly gave way to a perfectly frank recognition on both sides of the truth that there was legitimate public war between the North in the name of the Union and the South organized as the Southern Confederacy; that the struggle involved the question of the independence of the South on the one hand and the indissolubility of the Federal Union on the other; that the conflict was the result of an entirely legitimate appeal to arms for the decision of questions which no other arbitrament could decide; and that the contest must be fought out not as a struggle between constituted authority on the one hand and insurrection on the other but as a controversy between two powers, each of which



was legitimately entitled to assert its contentions and to maintain its attitude by every means known to civilized war.

All this was reflected, while the war lasted, in the treatment of men captured on either side as prisoners of war; in negotiations for the exchange of prisoners with full recognition of military rank on either side; in the issue, the observance and the enforcement of paroles; in safe conducts frequently granted and always honorably respected; in agreements for the immunity from arrest of medical officers and other non-combatants; in the humane and civilized arrangements made between opposing generals for the equal care of the wounded of either army by the surgeons of both, and in a score or a hundred other ways.

And when the war was over both sides fully recognized and emphasized its character as a legitimate public war and not in any respect as an insurrection. When the broken fragments of the organized armies of the South surrendered, there was an end of the controversy. The Southern people made no effort to prolong the struggle in irregular ways, as they easily might have done. They set their faces against all attempts to inaugurate a guerilla warfare, a thing which would have been easy to them. Under the advice of General Lee and their other great leaders the soldiers of the Confederacy accepted the surrender of the Confederate armies as a sovereign act that made an end not only of the war but of their right to make war. By their immediate return to ways of peace and by their sincere acceptance of the terms offered in Mr. Lincoln's promptly issued amnesty proclamation they marked

and emphasized their view that they had been engaged, not in a disorderly insurrection, but in a legitimate, public war, the military end of which marked the end of their right to carry on hostilities of any kind or character.

Equally on the other side, the public character of the war was recognized by every act of the government. There was not even one prosecution for treason. Congress imposed upon the Southern States definite legislative duties as a condition precedent to the readmission of those states to the Union, thus emphatically recognizing the fact that during the progress of the war they had actually been out of the Union, and could be readmitted to it only upon terms prescribed by a congress representing those states which had remained in it. In these and a hundred other ways – and especially by means of that long military occupation of the South which ended only under the Hayes administration – the national government recognized the fact that there had been a legitimate public war between the two sections and not merely an insurrection with the military operations necessary to its suppression.

A failure to recognize these things would have been absurd and ridiculous in an extreme degree. It would have been to ignore the most obvious facts in modern history and to substitute a lot of lawyers' quibbling prevarications for the modern world's greatest wonder story of war. It would have been to regard a dozen or twenty of the greatest battles ever fought on earth as the conflicts of a sheriff's posse with turbulent gangs of rioters. It would

have been to treat as merely disorderly outbreaks and operations for their suppression, the great military campaigns which have passed into history as superbly illustrative, on the one side and upon the other, of all that is most brilliant in strategy and all that is most heroic in endeavor and in endurance. It would have been to discredit the national defense by belittling the occasion for it. It would have been to rub off the tablets of human memory equally the achievements of Grant and Meade and Sherman and Thomas and Farragut and the rest, and the record of what Lee and Jackson and Beauregard and the two Johnstons and Stuart and Early and Longstreet had done. It would have been to rob the nation of the credit it had won in the most strenuous conflict in which it had ever been engaged and of the glory of the genius and the heroism manifested by Americans upon either side. It would have been a perversion of history, a degradation of great deeds, a reckless wasting of the Nation's accumulated store of cherished memories of heroism.

We must bear these truths in mind if we are rightly to understand the great struggle which for convenience and quite incorrectly we call the Civil war. We must remember that it was a struggle of giants; that it was a conflict between two powers, each of which was possessed of a tremendous fighting capacity; that it called forth the most brilliant strategy of modern times; that it was inspired on both sides by a heroism worthy of celebration in song by the most gifted of ballad-makers; that it involved the very vitals of republican self-government among men; that

it wrought a revolution more stupendous, more far-reaching and more lasting in its effects than any other in recorded history; that it overthrew old institutions and created new ones in their stead; that it reversed the history of a hundred years; that it wrote anew the fundamental law of the greatest nation of all time, that it created a new epoch and made a new national power the dominant force and influence in the ordering of human affairs.

Only by such appreciation of the nature, the magnitude and the significance of our war, shall we justly estimate its place in the record of human affairs or properly understand the meaning it is destined to carry with it into history.

It is with an abiding conviction that the story of this war is the most precious memory of all the American people, the record of their highest achievements, the supreme demonstration of their right to a foremost place among the peoples of the earth that this telling of that story is undertaken.

## **CHAPTER II**

# **The Growth of the National Idea**

The causes of the war of 1861–65 were deeply imbedded in the history of the country, in the peculiar manner of its development, in the complex interests of men, and in those primary instincts of human nature which account for everything but which are themselves often unaccountable.

It is difficult, indeed it is impossible to trace and unravel to the full the influences which in 1861 brought the North and South into armed conflict and created a war of stupendous proportions between men who had for generations rejoiced in a common heritage of liberty; men who had cherished alike the memory of Bunker Hill and Yorktown; men who had worshiped the same household gods and honored the same heroes as their national demigods; men to whom the history of the Republic was, to all alike on both sides, the story of their fathers' and grandfathers' heroic deeds.

Yet if the historical event of 1861 is to be at all adequately understood or interpreted, the historian must in some degree at least discover the conditions, near and remote, that gave occasion for the strange catastrophe.

There is a short and easy method of dealing with the matter as there always is a short and easy method of solving historical puzzles by referring them to some complex cause and treating

that cause as a matter of the utmost simplicity. It is easy to say that the war of 1861–65 grew out of slavery; that slavery existed and was defended at the South while it was antagonized at the North, and that the conflict arose out of that. But no reader of intelligence is satisfied with such a reference as a substitute for explanation. Every such reader knows not only that the great and overwhelming majority of Northern people in 1861 would have angrily rejected a proposal that the nation should wage a war for the extermination of slavery in the states in which it legally existed. Every reader who is in the least instructed in the history of that time knows that Mr. Lincoln himself was at the utmost pains to avoid even the appearance of such a purpose and that during nearly half the period of the war's duration he resolutely refused to commit the government to that cause by issuing a proclamation of emancipation, even as a measure helpful to the national arms.

Instead of this short and easy catechism of causes which has satisfied so many, especially those foreigners who have more or less ignorantly written as historians or critics of our war, it is necessary to go back to the early history of the country, to study there the conditions that laid the foundations of discord, to find in the fundamental characteristics of human nature and in the varying self-interests of men the explanation of events that are otherwise inexplicable.

The American colonies were separately founded. Their settlers were persons of very diverse mind and often of hostile

interest but they were all inspired by an abiding sense of the main chance. The minutely studious historians who have written in our later time have differed in many things but they are all agreed that the early settlers upon these shores, whether in Virginia first or in New York a little later or in New England still later, were not heroes of romance blown hither by adverse winds of fate or by the buffeting of the gods, but plain, ordinary and very commonplace men, ignorant for the most part, narrow-mindedly selfish, and altogether intent upon the bettering of their own fortunes as the chief end of human life. The higher inspirations which we are accustomed to attribute to them in our American Aeneid did not exist. Those things were born later of admiring imagination as higher aspirations usually are in the discussion of national beginnings.

The colonies were far more remote from each other than we can easily conceive. From Boston to Williamsburg in the seventeenth century was a journey more difficult, more toilsome and more dangerous than a circling of the globe is in our time. And even in the eighteenth century Charleston in South Carolina was farther removed from Charlestown in Massachusetts than either is to-day from Yokahama or Hong Kong.

This element of remoteness cannot be too much insisted upon as a cause of estrangement between the widely separated colonies. The means of communication between the several settlements of English-speaking people were few and meager and painfully uncertain. There were no railroads, no steamships, no

telegraphs, and in effect no mails. For not until Franklin near the revolutionary epoch laid the rude foundations of our postal system, was there any tolerably trustworthy post in this land. We find in old letters Abigail Adams in Boston apologizing to her statesman husband in Philadelphia for having allowed three weeks to elapse without a letter and offering as a sufficient excuse the fact that during those weeks she had "found no opportunity" to send a letter, no "trustworthy hand going from these parts to yours." And she and other correspondents of that time whose letters have been preserved as precious historical material, refer frequently to the public post as a means of communication to which no rational person would think of entrusting letters of any consequence.

In the same way Eliza Lucas, afterwards Eliza Pinckney and the mother of distinguished revolutionary personages, excuses her neglect to send letters from James island to her intimates on the Cooper river – twenty-five miles away – on the plea that she had no trustworthy opportunity and that the post was not to be thought of.

In still further illustration is the fact recorded by Franklin in his autobiography, that when his rival in the business of newspaper publishing had control of the posts, he seriously embarrassed Franklin by refusing to deliver his newspaper to its subscribers. And it was a source of pride to Franklin that when he, himself, became Postmaster General he generously refused to retaliate upon his rival by denying him in his turn the privileges



of the mails.

In these conditions it is not difficult to understand that even as the revolutionary times approached, the interchange of thought, opinion and sentiment among the people of the several colonies was infrequent and very meager and that during the previous, formative century it had scarcely at all existed.

It is true that the immigrants who founded the several colonies were mainly Englishmen. But during a century and a half of remotely separate development, they had had ample time for estrangement of mind and for the breeding of very radical differences of interest, aspirations and opinions. The really astonishing thing about their history is that after a hundred and fifty years or more of this diversely conditioned development there was left enough community of thought and interest among the colonists to make possible their alliance for revolutionary purposes.

That alliance was of the loosest possible character, marked in every detail of its terms by a jealousy almost phenomenal. The first agreement of the colonies to act together for the common defense was as loose as the hurrah of a mob bound together only by a temporary purpose in common. It was not until the Revolutionary war was well advanced that even the articles of confederation were agreed upon, and they were about the flimsiest, most inadequate and most inefficient bond of union that ever served to ally states for a common purpose. Those articles of confederation set out with a formal and emphatic

reservation to each state of its absolute, individual sovereignty and independence – that being at the time the one thing which each of the revolted states cherished with the most sleepless jealousy. They left to each of the states the unrestricted right to do as it pleased in all matters of sovereign concern.

The avowed purpose of the confederation was to create a national government but the articles of confederation distinctly denied to the central power every right and function necessary to governmental activity and independence. The so-called general government could not levy any tax, enforce any impost, or in any other way provide for the raising of money, the payment of national debts, the organization of armies, the enforcement of treaties or even the uniform validity of statutory enactments.

Even in the act of creating a central power for the sake of the common safety, the several states were so jealous of their separate independence that they resolutely refused to give to their general government any power whatever to control the individual states or the people thereof, even to the meager extent of enforcing the national agreements with other powers.

The Congress – there being no executive possessed of any power – was authorized to call upon the several states for contributions of men and money for the common defense. But it was a case parallel with Owen Glendower's ability to "call spirits from the vasty deep." The question remained "will they come?" And that question each state decided for itself.

If we would at all understand the history of our country

we must bear in mind this intense, this resolute, this utterly uncompromising insistence of the several states at the beginning upon their separate sovereignty.

It was in this spirit that independence was achieved and the independence thus won was not the independence of a federated republic, but that of thirteen individual and widely separated states, no one of which owed any sort of allegiance to any other or to all the others combined; no one of which was ready upon any consideration to yield one jot or tittle of its independent sovereignty to the will of any other or of all the others.

The states, indeed, were as jealous of trespass by each other as of trespass by Great Britain herself.

We are accustomed to think of them as closely united commonwealths, engaged in a long and painful struggle for the independence of the American Federal Republic. They were nothing of the kind. They were separate and diversely interested states each fighting for its own emancipation from a foreign yoke. They were allied in a common cause, but their alliance had no bond more obligatory upon themselves than is that which unites a mass meeting whose constituent members are possessed temporarily of a common purpose.

When the states had achieved their independence, they undertook to live together in the loosely formed union thus provided. They quickly found it impossible to do so. Not only was their central government powerless to fulfil its obligations to other countries, or to pay its debts at home, or to enforce its

authority, or to levy and collect taxes, or to provide securely and properly for the maintenance of an army, a navy, a postal service or anything else of a national character or to do with certainty and authority any other of the things which a nation that expects respect may and must do, but it could not in any effective way regulate trade either with foreign countries or between the states. Each state had the reserved right to interfere with the transit of goods across its borders in ways that threatened presently to render trade among the states impossible.

It was in view of these distressing conditions that the statesmen of Virginia appealed to those of the other states for a conference looking to the devising of a better way, "a more perfect Union." The conference thus called at Annapolis was attended by representatives from only five of the states. But it led to the calling of that Philadelphia Convention which, under Washington's presidency, and with the united wisdom of the most sagacious statesman in all the commonwealths, framed the Federal Constitution.

The task was one of extraordinary difficulty. The old jealousies of the states remained in scarcely abated force. Each feared to surrender any part of its sovereignty. Each dreaded the possible interference of the others with its domestic concerns. Each feared and dreaded a national power that might some day control a state's actions and coerce it into an obedience derogatory to its sovereignty. The less populous states feared the possible dominance of the more populous, and all of them alike

feared the possibly oppressive power of a national executive.

After months of such labor as statesmen have rarely given to the framing of a fundamental law, all these differences were adjusted and in a considerable degree, though not wholly, the individual apprehensions of the several states were allayed.

The equal representation of states as such, without reference to the numbers of their population, was provided for in the peculiar constitution of the Senate, in the organization of the electoral college which chooses the president and still again in the provision of the Constitution that in case of no election to the presidency the choice shall be left to the popular house of Congress, but with the express condition that each state's representatives in that body, however numerous or however few, shall have one and only one vote.

Again the Constitution reflected the jealousy of the several states for their sovereignty by providing specifically that all powers not delegated by the states to the general government by the terms of that instrument should be reserved to the states or to the people thereof.

Notwithstanding all these precautionary measures and notwithstanding all the reservations made, two of the states withheld their assent to the Constitution for a year or two after it was accepted by the rest, and in other states the vote by which it was ratified showed a very narrow margin in its favor. Even in Virginia, the state which had originally suggested the union under the Constitution, whose Washington had presided over

the convention that framed it, whose Jefferson and Madison and other statesmen had strenuously advocated it, the influence of the most potential statesmen of that period was barely sufficient to secure an affirmative vote by a slender majority in favor of the adoption of that Constitution which made the United States a nation and gave to their government a recognized place among world powers.

In brief the people of the original thirteen states very reluctantly surrendered a narrowly restricted part of the functions of sovereignty to the Federal Government. They very jealously reserved to themselves as individual states all the other functions of sovereignty and independence. And even with such restrictions and such reservations they gravely hesitated before making a grant of power which threatened the possible use of the Federal Authority in control of a state's action or in restraint of a state's sovereign independence.

This was the spirit in which the National Government was formed. It was intended to be a government for external and communal purposes only. By every provision which the ingenuity of statesmanship could devise the General Government was restrained from trespassing upon the sovereign right of each state to regulate in its own way and by its own devices all matters not distinctly delegated to the General Government by the express terms of the Constitution.

For half a century after the adoption of the Constitution, this view everywhere prevailed and was everywhere recognized as

authoritative. When, during the War of 1812–15, New England found that the course of the General Government antagonized the local interests of that region, the states in that quarter of the country opposed the national policy even to the extent of threatening a withdrawal from the Union – secession in other words, and nullification. It was Daniel Webster – afterwards the apostle of "Liberty and Union, now and forever, one and inseparable" – who drew and championed the Rockingham Memorial in 1812, in which his New England constituency formally protested against the war then existing with England and by unmistakable implication threatened secession and a separate peace with England on the part of the maritime states in the northeastern part of the country. And immediately afterwards Webster was elected to Congress where, with the approval of that part of the country, he opposed all measures designed to encourage enlistments at a time when the country was engaged in foreign war. He even went so far as to vote against the appropriations for the national military defense against the country's ancient foe, at that time engaged in an effort to undo and reverse the results of the Revolutionary war itself.

Senator Henry Cabot Lodge, writing of this incident, expresses the opinion that it was an extreme stretch of the liberty of legislative opposition to the administration in a time of war and public danger and that it carried the right of opposition to the utmost limit to which it could go without treason.

Yet at the time nothing very serious was thought of the matter

for the reason that at that time the individual state and not the National Government was regarded as the primary and ultimate object of men's allegiance.

The states felt themselves to be still only conditionally and tentatively members of the Union. They were still intensely jealous of their individual sovereignty, and they were still indisposed to make serious sacrifice of their own interests in behalf of the common weal of a union which they regarded doubtfully as an experiment. They still felt themselves entitled to reject the experiment and withdraw from the Union if at any time they should see fit to do so.

It would be easy to multiply historical illustrations of this attitude of mind, extending, though with diminishing frequency and force, to that time just before the outbreak of the Confederate war when N. P. Banks's cry of "Let the Union slide" was accepted as the slogan of the anti-slavery party. But the multiplication of such illustrations is unnecessary. Every instructed mind is aware of the fact that at the first the Union was regarded as a doubtful experiment into which the states had entered with misgiving and from which each state felt itself at liberty to withdraw whenever it should find the yoke of the Union a galling one.

Writing of Webster's replies to Hayne, Senator Lodge frankly admits that the historical argument was all against Webster; that there is no room for doubt that at the first the Union was held to be an experiment and withdrawal from it was everywhere



regarded as a reserved right of the states.

And even the right of a state while remaining in the Union to nullify a national statute obnoxious to its prosperity or to its moral sense was as directly asserted in the personal liberty bills with which, just before the war, many states sought to render the National Fugitive Slave Law inoperative, as it had been asserted by South Carolina in that state's attempt a generation earlier to annul and resist a law imposing tariff restrictions upon trade.

But there are some other historical facts that must be borne in mind if we would justly understand the war catastrophe of 1861.

It must be remembered that before the beginning of that year twenty new states had been created out of territories that at the time of the Union's formation were wildernesses. These new states had none of that jealousy of their sovereignty which gave pause to the original thirteen. They had entered the Union not reluctantly, as states hesitatingly surrendering a previously cherished independence, but eagerly as communities upon which the dignity of statehood and all the sovereignty that statehood implies had been conferred by gracious gift of the Union. Those communities had been suppliants for the favor of admission to the Union and not, as the original states were, the creators of the Union, surrendering to it with more or less reluctance some share of an absolute sovereignty previously enjoyed by themselves. These new states were not benefactors of the Union but its beneficiaries. They had surrendered no rights of self-government to it, but on the contrary had received from it as a

gracious gift all the rights and dignities of states, where before they had had no rights and dignities whatsoever.

These new states had grown populous and prosperous under that Union to which they had surrendered nothing of independence and from which they had received all they had of statehood and sovereignty. Very naturally, then, their attitude toward the Union was quite different from that of the older states. That Union which the older states had always regarded as their creature, owing its very existence to their grace, the new states looked upon as their creator to whom they owed all that they enjoyed of liberty-giving autonomy.

In the newer states particularly, but in the older states also, there had grown up a new conception of the dignity and permanence of the National Union. That which had been originally regarded as a doubtful venture had little by little come to be looked upon as a thing established and glorious. The national idea had taken a new and deeper hold upon men's minds and affections. Vast material and moral interests had grown into sturdy self-consciousness under its beneficent rule. That Union which had been entered upon with so much doubt and hesitation and with so many precautionary stipulations had become one of the great nations of the earth, strong at home and everywhere respected abroad. It had a history in war and peace which was a precious possession of all the people alike.

Proud, loving memories clustered about the story of its career. The victories of New Orleans, and Buena Vista, and

Chapultepec, the sea conquests of Porter and Perry and the rest, had been added to the stories of Lexington, Concord, Bunker Hill, Trenton, Camden and Yorktown, as fireside tales with which the grandfathers made the eyes of a younger generation of Americans glisten with patriotism. And achievements of peace equally notable – stories of what Morse, Henry, Fulton, Peter Cooper, Daniel Boone, Bowie, Kit Carson, Fremont, Sam Houston, General Gaines and a multitude of others had accomplished – were equally stimulating to the pride and patriotism of the youth of the thirty-three states.

And there were heroic tales told of Indian wars in which Andrew Jackson and William Henry Harrison, Sam Dale, the Mississippi Yagers, Col. Dick Johnson, and other veritable heroes of romantic daring had figured. All these and scores and hundreds of other tales of patriotic heroism were then familiars of the fireside as illustrations of American pluck and American achievement.

There was the country's expansion, too, to glory in. The Louisiana purchase had added an empire of vast extent and of inestimable productive possibilities to the national domain, the development of which, even before 1861, was a romantic wonder story of history. The Mexican war had brought with it another accession of incalculably rich territory such as no nation in all history except our own had ever added at a single stroke to its domain.

Where the Spanish gold-seekers had galloped for centuries in

search of the precious metal, finding it not, an American had quickly discovered a new Golconda, an Ophir, an Eldorado so rich in its productiveness as for a time to threaten the stability of gold as an accepted measure of values among men. Vast regions that had remained for generations the haunt of savages and wild beasts, with only here and there a mission station of adobe huts to offer hope of better things in some far distant future time, became, within a brief while populous territories ready to take their place in the Union as important American states. Better still, a new and matchless fruitfulness had been discovered in vast valleys and upon far-reaching mountain sides that had been previously typical of hopeless sterility and desolation.

All these things had mightily stimulated the American imagination and all of them had contributed incalculably to the strengthening of the national spirit and to the upbuilding of a new and controlling sentiment of loyalty to the Union under which all this actual greatness had been achieved and all this potential greatness was confidently promised.

In still other ways the sentiment of nationality had been strengthened. The orators of the land had for generations mightily exalted the horn of the Nation in eloquent speeches which all the schoolboys in all the states grew enthusiastic in declaiming. All the literary men of the land had celebrated the country's glories in prose and verse that filled the school books and set juvenile patriotism aflame with ardor.

All this patriotic awakening had for its object of worship the

glories of the Nation, and not at all the narrower achievements of particular states or sections. All of it referred itself to the Union as the commonwealth. Neither literature, nor eloquence, nor familiar household narrative concerned itself in the least with any of those jealousies which had prompted the original states to hesitate to enter the Union. None of them recognized even in the remotest way, those questions of conflicting powers and dignities, those anticipations of encroachment on the part of the central power, or those jealous guardings of the rights of individual states which had played so large a part in the settlement of the original problem of a Federal Union.

In brief, the people had outgrown and forgotten the doubts and fears of the earlier formative time. In the main they knew nothing about such things and cared nothing for them. They knew only that they were citizens of the greatest, freest and strongest nation on earth, and that its history was a heritage of glory to all of them alike.

Lawyers' quibblings, logic chopping, and all arguments drawn from history meant nothing to the great majority of a people who had been born and bred under the Union and had imbibed with their mothers' milk a sentiment of undying loyalty, not to any state or any doctrine or any theory, but to the Nation in whose history they regarded themselves as entitled to feel personal and ancestral pride and affection.

Thus while the historical argument was clearly with those who maintained the right of the states to assert their authority

as superior to that of the Union, that argument was addressed in large part to ears that had been rendered deaf to it by the echoes of the national glory. While the Union had indeed been at the first a hesitating experiment, it had become by time and by national achievement a nationality for the maintenance of which vast populations were ready and willing and even eager to risk their lives.

If we would understand the war and the conditions in which it came about, we must first clearly realize the change that had occurred in popular sentiment, and especially the growth of that national feeling which had slowly but surely replaced the old hesitation and jealousy of the states. Only the circumstance that slavery existed and was defended in one part of the Union and that it was antagonized in the other part on grounds of policy, conviction, and morality, kept alive the old sentiment of state sovereignty and made the war possible. That sentiment of the dominant right of the states was strongly asserted on both sides and insisted upon both in behalf of slavery and in antagonism to it until war resulted. The history of that controversy must be the subject of a separate chapter, in which its irritating character as well as the difficulties that statesmanship encountered in dealing with it, may be set forth without undue elaboration but with sufficient detail to render the result easily enough understood.

## **CHAPTER III**

### **The "Irrepressible Conflict"**

There is no possibility of doubt that, but for the slavery controversy, that growth of an intense national feeling which has been mentioned would have rendered the war of 1861–65 impossible.

That intensely patriotic feeling of nationality was all pervasive, except in so far as the slavery controversy impaired it as it did, both North and South. If that one cause of disagreement had not existed, if there had been no negro slaves in the United States, the sentiment of union and nationality which had grown with the Nation's growth and strengthened with its strength, would unquestionably have overborne all the quibbles and all the logical refinements of the earlier time. The decisions of the Supreme Court, especially those of John Marshall, which in effect rewrote the Constitution and successfully claimed for the courts the right to annul any and all acts of Congress that were not in accordance with the Constitution, had created a new and effective barrier against possible aggression by the Federal power upon the autonomy of the states and had at the same time established the Federal authority securely. When Marshall decided in *Marbury vs. Madison*, that an act of Congress assuming to do by national authority anything reserved to the states in the constitutional grant of power to the General Government, is no law at all but

an act null and void, which the courts will on no account enforce, there was an end of all danger of wanton Federal encroachment upon the reserved rights of the states. And, as we have seen, that fear died out of men's minds, except in so far as questions relating to slavery from time to time revived it. But for those questions it need never again have arisen to vex the Republic and set its people by the ears.

But slavery involved questions of prejudice, questions of passion, questions of morality, questions of labor, questions of principle, and questions of pride, of sentiment, of conscience, of religion, of conviction. It stirred the passions of men, excited their prejudices, and appealed to their interests as no other question of policy has done in our modern times. Incidentally it revived, as no other issue could have done, all the old jealousies between the Union and the several states which the progress of the Republic had so strongly tended to allay. It set the history of the formation of the Union against the history of the Union itself as implacably antagonistic historical arguments in behalf of conflicting contentions.

Let us see how all this came about.

When the colonies achieved their independence, slavery existed, in greater or less degree, in all of them. The negro was then nowhere regarded as a man, so far at least as the generalizations of the Declaration of Independence and other formal settings forth of human rights were concerned. There was a strong desire to be rid of slavery, a deep seated conviction of the



impolity of that institution, but, except among the Quakers and a very few others, there seems to have been no thought anywhere that the holding of negroes in bondage was a violation of that fundamental doctrine of human rights upon which the Republic had been established.

Indeed the desire to be rid of slavery seems at that time, and for a long time afterwards, to have been stronger at the South, where the institution was general, than at the North where it existed only in a scant and inconsequent way. As early as 1760, the South Carolina colony had sought to limit the extension of the system by passing an act forbidding the further importation of slaves, but the British Government had vetoed the measure. Twelve years later Virginia sought to protect her people against the black danger of slavery by imposing a prohibitory tariff duty upon imported slaves. Again the home government in London forbade the act to have any force or effect.

When Thomas Jefferson, a Virginian, wrote the first draft of the Declaration of Independence, one of the strongest counts in his splendid indictment of the British King was the charge that in these and other cases he had forbidden the people of the colonies to put any legal check upon the growth of this stupendous evil.

But when the Declaration was adopted by Congress and signed as the young Republic's explanation of its revolutionary action, rendered in obedience to "a decent respect for the opinions of mankind," the great Virginian's arraignment of the King for having thus fostered slavery in colonies that desired to be rid

of it, did not appear in that supreme document of state. We have Jefferson's own testimony that it had been stricken out in deference to the will of those New England merchants and capitalists whose ships and money found astonishingly profitable employment in the slave trade between the coast of Africa and the southern part of our country.

Thus while the holding of slaves in the more northerly colonies had proved to be unprofitable and had to a great extent ceased at the time of the Revolution, the traffic in slaves from Africa to the southern parts of this country was so profitable an industry that even the Declaration of Independence must be emasculated of one of its most virile features in deference to the greed of gain.

And this dominance of interest over principle continued for long years afterward. When the great convention that framed the Constitution was in session, it was at first proposed to put an end to the slave trade from Africa in the year 1800. An amendment was offered, extending the license of that infamous traffic to the year 1808, and this eight years' extension was adopted by a vote which included in the affirmative every New England state represented in the convention, Virginia voting steadfastly against it.

Those votes for the extension of the slave trade were given undoubtedly in behalf of the mercantile interest of the maritime states of the northeast, and they reflected no moral conviction whatsoever. For there was at that time no moral conviction of the wrongfulness of slavery anywhere in the country. The thought

that the negro was a man, endowed by his Creator with an unalienable right to "life, liberty, and the pursuit of happiness," had not yet been born in America.

And even after thirty odd years, and a dozen years after the constitutional prohibition of the African slave trade had gone into effect, that unlawful traffic in human beings was still so gainful an occupation to merchants and shipmasters, that Mr. Justice Joseph Story, himself a New Englander and a judge of the Supreme Court of the United States, was bitterly denounced by the New England press and public as a judge who deserved to be "hurled from the bench," because he had instructed grand juries that it was their sworn duty to indict the men who were still engaged in the nefarious business of transporting slaves, under conditions of unspeakable cruelty, from Africa to these shores. The offense of that great jurist lay in the fact that he regarded the demands of the constitution and the law as more binding upon his character and conscience than the demands of the New England slave traders whose very profitable business his insistence upon the rigid enforcement of the law threatened to embarrass and destroy.

As there are now no advocates of slavery in our free land; as all of us, North and South alike, are agreed that the institution was a curse the maledictions of which endure to the present day in vexatious "race problems;" it is possible and proper now to record all facts respecting it with impartiality and without controversial intent. It is of supreme importance to any clear

understanding of this matter to bear in mind the fact that our modern conceptions of human rights did not exist in the earlier times; that the recognition of the negro as "a man and a brother" is the birth of comparatively recent thought; that the traffic in black human beings, captured in Africa and brought hither for sale as laborers, excited no impulse of antagonism, offended no moral sentiment, and seemed to nobody in the earlier times a violation of those fundamental doctrines of human right upon which this Republic is based. All that has been a glorious after-thought, and it is solely with an expository purpose and not at all as a *tu quoque* that these facts of history are here set forth.

Surely the time is fully ripe in which men of the North and men of the South may sit together in an impartial study of the causes of a quarrel that brought them into armed conflict more than a generation ago and may calmly consider without offense the sins of their forefathers on either side, making due allowance for the lack of modern light and leading as a guide to those forefathers. We must do this in this spirit, if we would be fair. Still more imperatively must we do it if history is ever to be written.

The period of controversy is past. The time of reckoning has come. The time has come when the advocate holding a brief for the one or the other party to the controversy should give place to the historian intent only upon the task of discovering and recording fact. The circumstance that there was grievous wrong on both sides does not rob either of the credit due for the right that it supported.

After the revolution the great statesmen of our land manifested a determined eagerness to free the country from slavery. John Adams and Alexander Hamilton were not more energetic in this cause than were Jefferson and other Southerners. When Virginia ceded to the Federal Government all her claims to the territory northwest of the Ohio river, it was Thomas Jefferson, the Virginian slaveholder, who insisted upon writing into the deed of cession a provision that slavery should never be permitted in any part of that fair land which now constitutes the states of Ohio, Indiana, Illinois, Michigan and Wisconsin.

George Wythe, under whose tuition Henry Clay studied law, was by all odds the greatest jurist that Virginia ever produced, with the single exception of John Marshall. George Wythe was one of those whom Mr. Carl Schurz has in our own times characterized as "the Revolutionary abolitionists." They were the men of the South who regarded slavery as an imposed and hereditary curse to be got rid of by any means that did not threaten the social fabric with destruction and the country itself with chaos and black night. George Wythe absolutely impoverished himself – born to vast wealth as he was – in setting free the negroes whom he had inherited as slaves and in providing them with the means of establishing themselves in bread-winning ways. For, as he expressed it, "I have no right to set these people free to starve."

He gave them their liberty and with it a piece of land for each, on which with ordinary industry and thrift they could surely make

a living for themselves and their families. Then he set to work, a man stripped of all his ancestral possessions and impoverished by his own act of justice, to earn a living as a Virginian lawyer. So far from having offended his fellow Virginians by his act of emancipation, he had won their esteem and their reverence. He became their chancellor and the most honored judge upon their bench.

Thousands of other Virginians of lesser note than George Wythe did substantially the same thing, though less conspicuously. Under the law after a time they could not set their slaves free without sending them beyond the borders of the state. Many of them found this condition a paralyzing one. They must pay off the hereditary debts of their estates and they must buy in the West little but sufficient farms for their inherited negro slaves to live upon if they would set those slaves free. These things many of them did at cost of personal impoverishment, while many others, like-minded, found conditions beyond their control. If the whole story of that Virginian effort to be rid of slavery by individual and grandly self-sacrificing effort could be told here or elsewhere, the angels of justice and mercy would rejoice to read the page on which the wonder tale was written. But the heroes who did these deeds of self-sacrifice for principle were mainly obscure men of whose names there remains no record. Only here and there a great name like that of George Wythe appears. Among these is the name of John Randolph of Roanoke, – most insistently cantankerous of Southerners – who left a will freeing

all his slaves on grounds of human right. And though that will was defeated of its purpose by a legal technicality, it is immeasurably valuable as a fact in history which reflects the sentiment of that time among those who had inherited and who held slaves and even among those who, like Randolph, are commonly regarded as the special champions of slavery.

And this desire of Southern men to be rid of slavery did not cease until the very end. Very many Southerners whose consciences dominated their lives, deliberately and painstakingly educated their negroes for freedom in the hope and assurance that sooner or later, by one means or by another, freedom would come to them. There were planters not a few who used their authority as the masters of slaves to compel their negroes to cultivate little fields of their own and to put aside the proceeds thereof, as a fund with which to meet the surely coming freedom face to face, with no fear of starvation as a circumstance of embarrassment.

Henry Clay studied law under Virginia's great chancellor, George Wythe. From his distinguished Virginian teacher he learned the lesson that slavery – forced upon an unwilling people in the Southern part of this country by kingly and corporate greed, and still further forced upon those regions by the greed of merchants and shipmasters, even after the traffic that fed it had been prohibited by the Constitution and by the law – was an evil and a curse, a wrong to the black man and a demoralizing influence to the white. He saw clearly that it was the task of

all good men to exterminate that evil root and branch, by such means as might be found available, without the destruction of society as a necessary incident or consequence. In the young state of Kentucky Henry Clay began his political career as an advocate of rational and gradual emancipation, and to his dying day – involved as he was in all the strenuous controversies to which the slavery issue gave rise in national politics – he never lost his interest in this behalf or abated his efforts to secure its accomplishment. A plea for the extermination of slavery was the first plea he ever presented to the people whom he asked to support him for public office. A plea for the extirpation of slavery was well-nigh the last that he ever urged upon the people of his state after all that was possible of honor had been conferred upon him by their approving will.

So enduring was this sentiment at the South that John Letcher, the Democratic war governor of Virginia, the man who set Lee to organize the state's forces for the Confederate war, the man who created the Army of Northern Virginia and made possible all its splendid achievements, was in fact elected governor because of his abolitionist sentiments.

Mr. Letcher was strongly imbued with that conviction which had dominated the best minds of Virginia from colonial days, that slavery was a curse to be got rid of and not at all an institution to be defended upon its merits. He had publicly urged the necessity of getting rid of it. He had explained to his fellow Virginians, in public utterances, its demoralizing influence upon



the young white men of that commonwealth. Finally, so eager was he to rid his native state of the incubus that he deliberately proposed the one thing most offensive to the Virginian mind, namely, the division of the "Old Dominion" into two states in order that the western half of it at least might be free from slavery. When he stood as a candidate for governor in the last election before the war, all these facts were used against him to the utmost by the advocates of slavery and they undoubtedly deprived him of many thousands of votes east of the Alleghenies. The first returns indicated the election of his adversary, William L. Goggin, by an overwhelming majority. But when the figures came in from the western part of the state, where slavery scarcely at all survived, John Letcher was elected. Thus the anti-slavery sentiment gave to the foremost state of the Southern Confederacy its singularly earnest and efficient war governor.

But side by side with this anti-slavery sentiment in the South, there grew up a pro-slavery sentiment which was buttressed by every impulse of gain that it is possible for the human mind to conceive.

Near the end of the eighteenth century, Eli Whitney made slavery enormously profitable by his invention of the cotton-gin. Before that time slavery had been of more than doubtful profit to the people of the states that permitted it. It was not at all an economical labor system. It required the master to give to the laborer, in lieu of wages, such food, habitation, clothing, nursing in illness and care in infancy and old age, as no laboring

population in the world has ever before or since received in return for its labor. It involved pension as well as payment. It imposed upon the employer obligations such as no employer in all the world, before or since, has been willing to assume.

But Eli Whitney's invention of the cotton-gin made the payment of such wages possible and profitable. It made it possible for a plantation owner to grow rich while feeding, housing, clothing and caring for his negroes as no other employer has fed, housed, clothed and cared for his working people since the foundations of the world were laid.

Eli Whitney's invention made illimitable cotton a substitute for costly and narrowly limited linen and in a great degree for good. It made it possible for every man in all the world to put a shirt on his back, a pair of sheets on his bed, a case on his pillow, and to clothe his wife in calico and his children in cottonade where before all these luxuries were denied to him and his by inexorable laws of economics. But incidentally that invention made slavery enormously profitable, where before it had been doubtfully profitable. Eliza Lucas of South Carolina, afterwards Eliza Pinckney, had sought to find profitable employment for her slaves by cultivating indigo. Other enterprising experimenters had explored other avenues of earning, but not one of them had found a way of making profitable the ownership of slaves until Eli Whitney devised a machine by the use of which any ignorant negro could remove the seed from three thousand pounds of cotton in a single day, where before one negro man or woman

could remove the seed from only one pound or at the most a few pounds. From that hour forward, negro slavery became profitable in the South, and from that hour forth it stood as a "vested interest" with its influence as such in politics.

Let us not misunderstand. The cultivation of cotton by free labor has exceeded in its productiveness by more than two to one, that cultivation under the slave system. As has already been set forth in these pages, the greatest cotton crop ever grown before the war with which we here have to deal amounted only to 4,669,770 bales, while under free labor the annual production rose to an average of more than 11,000,000 bales in the closing years of the century which saw the extinction of slavery.

Yet there is no doubt or possibility of doubt that Eli Whitney's invention of the cotton-gin near the end of the eighteenth century made negro slavery profitable as it had never been before in this country. It enabled the planter to grow rich upon the proceeds of the labor of negro slaves whose industry had before produced scarcely more than enough to support themselves. It created a new era. It inaugurated a new epoch. It instigated a new sentiment in favor of slavery, where before the sentiment had been tending the other way.

In considering human affairs historically it is very necessary to bear in mind that men ordinarily have no opinions. If by "opinions" we mean well considered judgments, founded upon an orderly reasoning from accepted premises, then opinions are the very rarest of human possessions. If we are told that a particular

person was born and bred in Spain, we know without further inquiry what his religious convictions are. If we learn that he is a Turk we perfectly know his so-called opinions upon the subject of matrimony. We take for granted the views of the Puritans' sons and daughters concerning religion. We know, without asking, what the "opinions" of any American are with respect to the Declaration of Independence. We know that, with the exception of a very few men, all the people of the South were firmly convinced that the cause of the South in the Confederate war was a just one; that the National Government had no conceivable right to coerce recalcitrant states; that secession was an absolute right of the states, and all the rest of it. On the other hand we know that the Northern boy who had declaimed Webster's reply to Hayne was fully imbued with the conviction that "Liberty and Union" were "now and forever, one and inseparable."

In other words, with here and there an exception, men's opinions are determined by geography, tradition, circumstance, self-interest and the like.

Thus when New England's chief interest was maritime and commercial, Daniel Webster was the most radical of free-traders. He held up to ridicule and contumely Henry Clay's protective "American system" and showed conclusively that nothing in the world could be more utterly un-American. But a few years later, when New England's interests were centered in manufactures, Daniel Webster's opinions became those of an extreme protectionist. In the same way he opposed a national

bank so long as New England disliked that institution and favored it the moment New England desired its continuance. In like manner John C. Calhoun began by clamoring for the tariff protection of Southern industries and developed into the chief apostle of nullification as a means of escaping protective tariffs. Similarly Clay began by making so absolutely conclusive an argument against a national bank that Andrew Jackson afterwards quoted it as the best possible plea he could offer in support of his warfare upon that institution after Clay had become its chief apostle.

Men ordinarily have no opinions except so far as self-interest, geography, and circumstance determine them and in considering matters of history it is of the utmost importance to recognize that truth.

In the last analysis, therefore, Southern opinion was determined in behalf of slavery by the cotton-gin. And yet the greater number of Southern men were not slaveholders and so had no personal interest in the institution. Their opinions were merely a reflection of the sentiment that surrounded them. That sentiment was born of self-interest on the part of a small but dominant class and it drew to itself the sentiment of that much more numerous class – the white man who owned no negroes. Of the white men in the Confederate army, who made so unmatched a fight for Southern independence, not one in five had ever owned a slave or expected to own one.

And there was another influence at work all this while

to create a sentiment at the South in favor of slavery as an institution right in itself, where before it had been almost uniformly regarded as an entail of evil. The circumstances of the national life forced this question into politics and made of it an incalculably exasperating issue.

The Nation having acquired the vast Louisiana territory, invitingly fruitful as it was, the question arose "What shall we do with it?" Men from all quarters of the country wanted to go in and "possess the land." Those of them who came from the South very naturally desired to take their negro servants with them into the new territories, and at first they did so without let or hindrance. Even the Indians of Mississippi, Georgia, Tennessee, South Carolina, and Alabama, when removed, practically by compulsion, to the Indian Territory west of the Mississippi years later were freely permitted to take their negro slaves with them, nobody gainsaying their right. In like manner Southern men emigrating to Missouri took their slaves with them without so much as a question of their right to do so. And when Missouri, in 1819, became sufficiently populous to justify an application for statehood, a majority of the settlers in that region desired that African slavery should be permitted there.

In the meantime, the Northern states, now completely emancipated from slavery within their own borders, had more and more learned to detest the system. There had grown up in the North an intense moral sentiment in antagonism to the further extension of slavery. There had grown up also an intense

economic opposition to the system. It was felt that the very existence of slavery in any region tended to degrade free labor and to make of the laborer an inferior person not entitled to respect, a person not quite a slave but still not quite a freeman.

It was, nevertheless, not deemed reputable to advocate the abolition of slavery. The term "Abolitionist" was then, and for a generation afterwards continued to be, the most opprobrious epithet that one man could apply to another.

Nevertheless when Missouri sought admission to the Union as a slave state, the opposition was intense, determined, angry.

Then came Henry Clay with a compromise. Earnestly desiring the extinction of the slave system, it was that statesman's fate to do more than any other man of his era in behalf of the perpetuation and extension of the institution which he regarded as a curse and an incubus. There was one other thing for which he cared far more than he did for the extinction of slavery. In common with Webster and most others of the statesmen of that time he was more deeply concerned for the preservation and perpetuation of the Union than for any other matter that appealed to his mind. His attitude was identical with that of Mr. Lincoln while the war was on, when he declared his sole purpose to be the restoration of the Union and proclaimed his conviction that the question of slavery and all other questions were in his mind subordinate to that.

Clay saw grave danger to the Union in this Missouri controversy. In order to avert that danger, and regardless

of everything else, he brought forward his compromise and succeeded in securing its enactment into law.

Under that compromise Missouri was admitted to the Union as a slave state; but it was stipulated that no other slave state should be carved out of territory north of  $36^{\circ} 30'$  north latitude, that being the southern boundary line of Missouri.

In practical effect this compromise excluded slavery from all future states to be created out of the vast region embraced in the Louisiana Purchase, except the territory of Arkansas. Louisiana was already a state. Missouri was permitted by the compromise itself to become a state. The Indian Territory was forever set apart for a special purpose and, it was then held, could never become a state. There was no other acre of the Louisiana Purchase lying south of the line fixed by the compromise as the extreme northern limit to which the institution might extend. Texas, New Mexico, Utah, Arizona, California, Nevada, Colorado and the rest were still Mexican possessions which the great Republic had not then the remotest thought of acquiring. On the other hand there were all the vast, fruitful regions now known as Iowa, Kansas, Nebraska, Minnesota, the Dakotas and the states lying to the west of them into which by this agreement slavery might never go, from which it was supposedly as effectually excluded as it had been from Ohio, Indiana, Illinois, Michigan and Wisconsin by that clause which Thomas Jefferson – in his eagerness to make an end of the system – had written into the deed of cession by which the Northwest Territory became a



national possession.

Clay fondly believed that this Missouri Compromise of his devising had finally laid to rest the entire controversy with regard to slavery. Thirty odd years later he was still laboring to induce his own state, Kentucky, to adopt a system of gradual emancipation, but in the meanwhile history had written itself in another way and in direct antagonism to his views.

There had grown up at the North an intolerance of slavery which freely expressed itself in denunciation of those who supported or countenanced the institution. There had grown up at the South a sentiment in advocacy of slavery such as did not exist in that region in the earlier years of the Republic. Men whose fathers and grandfathers had diligently sought means by which to free their native land of a curse, had little by little come to regard that curse as a blessing. Men whose forefathers had regarded slavery as an inherited misfortune, came to regard the institution as right in itself and to defend it as the best, most generous, and most humane labor system in the world. In support of this contention they could point to the factory system of old England, and New England and argue with some truth that nowhere in the world was labor so generously rewarded as at the South.

Moreover, the antagonism to the system which had developed at the North had its very natural reflex effect. The offensive terms in which slave owners were habitually spoken of in Northern prints were well calculated to impel Southern men to the angry and intemperate defense of their system. Still more effective

in breeding a "thick and thin" pro-slavery sentiment at the South were the aggressive measures taken at the North for the annoyance of those who held slaves.

The laws for the rendition of fugitive slaves – not at that time so strict as they were afterwards made – were habitually set at naught. There existed a fairly well organized system called "the underground railroad" by which slaves were induced to run away and by means of which their flight was facilitated. All this was dictated by a profound conviction on the part of those who engaged in it that slavery was an institution so utterly wrong that any means by which its hold could be impaired were right in morals, no matter what the law might say.

All this was done in defiance of law, in violation of the statutes and in flagrant disregard of that compact of reciprocity upon which the Union was founded. We are not concerned in the twentieth century to discuss the question of the right or wrong of men's conduct in the first half of the nineteenth. But if we would understand the irritations that bred the war between the North and the South, we must recognize not only all the facts but equally all the refinements by which they were judged in their time.

For a time at least the Missouri Compromise took the sting out of the slavery issue as a cause of controversy between the North and the South. By that compromise the South had given up all claim further to extend its institutions into any part of the vast and immeasurably rich territory included in the Louisiana

Purchase, with the single exception of Arkansas. All the region that now constitutes Iowa, Kansas, Nebraska, Minnesota, the two Dakotas – and all the vast territories west of those states, – were foreordained by that agreement to be erected into free states. South of the dead line established by the agreement there remained the territory of Arkansas and nothing else. Arkansas was admitted to the Union as a slave state in 1836 and in the next year the balance of power in the Senate and the electoral college was restored by the admission of Michigan as a free state. There remained within the limits of our national domain no other acre of territory except in Florida, into which under the terms of the Missouri Compromise the southern emigrant could take his slave property with him, while to the northern emigrant there was opened a possession rivaling the greatest empires of earth in area and in prospective productiveness.

But for twenty-five years the compromise served in a great degree to allay the asperities of the slavery controversy. The anti-slavery sentiment at the North was for the time satisfied with the assurance that with the exceptions of Louisiana, Missouri and Arkansas, all the great domain embraced in the Louisiana Purchase was by that compromise forever devoted to the system of free labor; that perhaps a dozen prospective free states of inestimable wealth and incalculable population were destined in the near future to be added to the Union, while with the exceptions of Florida and Arkansas, no further slave states could be created. The South in its turn was satisfied with the

recognition which the compromise gave to slave property as entitled to equal protection in national law at least with other property.

## **CHAPTER IV**

### **The Annexation of Texas**

If matters had remained as they were, there is little room for doubt that the settlement reached in the Missouri Compromise would have endured for another generation at the least. It is true that, once raised, the issue between free labor and slavery was, as Mr. Seward afterwards said, "an irrepressible conflict." It is morally certain that sooner or later, in one way or in another, it was bound to lead to a decisive struggle either of war or of diplomacy between the North and the South. But we are dealing now with facts and not with probabilities; with events and not with conjectures; and the facts and events strongly suggest that if no new condition had intervened to disturb the settlement made by the Missouri Compromise, that adjustment of the vexed and vexing slavery question would have endured for at least a generation longer than in fact it did.

The new circumstance that intervened was the annexation of Texas. Texas was a vast territory, undefined as to its limits at that time, but covering an area eight or ten times greater than that of the largest state then in the Union. It included the present state of Texas, New Mexico, and a large area besides. It had been a part of Mexico, peopled chiefly by emigrants from the United States under whose inspiration it had revolted and achieved its independence as a republic.

Its desire for annexation to the Union was quite natural and inevitable and but for slavery that desire would have been reciprocated throughout the United States. It was easily foreseen, however, that the annexation of this vast territory, lying as it did south of the line that set the limit to slavery, would open to that institution an opportunity of expansion scarcely less than that opened to free labor by the Missouri Compromise.

The policy of annexation was bitterly opposed on this ground and additionally because of the practical certainty that annexation would involve a war with Mexico.

Years before that time, Henry Clay had severely criticized the administration for having failed to insist upon our right to Texas as a part of the Louisiana Purchase, but now, in his anxiety to keep the slavery question out of politics because of the danger it involved to the Union, he was strongly opposed to the annexation policy.

When, in 1844, it was deemed certain that Clay and Van Buren would be the rival candidates for president, those statesmen, being personal friends, met at Clay's residence at Ashland, and together planned to keep the Texan question out of the coming campaign. Their agreement was that each should publish a letter – at about the same time – opposing the annexation of Texas and the ratification of the treaty, which was then pending, to accomplish that purpose.

The letters were published, but their effect was precisely the reverse of that which was intended. The Whigs nominated Clay

by acclamation, but the Democrats of the South took offense at Van Buren's letter and nominated in his stead James K. Polk, an uncompromising advocate of annexation. Thus the painstaking effort that had been made by Clay and Van Buren to eliminate this annexation question from the presidential campaign had for its actual effect the making of that question the paramount issue of the contest.

Thus the slavery question became again dominant in national politics with a greater disturbing force than ever. For the agitation in politics of a question concerning which men's consciences or self-interests are strongly enlisted – and this question involved both – must always and everywhere intensify feeling, arouse passion and consolidate partisan activity.

The result in this case was to intensify the sentiment of hostility to slavery at the North and to break down the sentiment in behalf of emancipation which had previously been strong though decreasing at the South. The agitation of those years continued to the end, and in its course it slowly but surely changed the conditions of the problem. At the North it made anti-slavery endeavor respectable, where before it had been looked upon with frowning as an activity which threatened that Union which was the chief object of American adoration. At the South, by putting men on the defensive and filling them with a feeling that they were menaced in their homes, it slowly but surely broke down the old conviction that slavery was an evil to be cured and ultimate emancipation a national good to be sought by every safe

means that human ingenuity could devise.

At the North it gave birth to a party willing to sacrifice the Union itself, in behalf of the cause of anti-slavery. At the South it gave birth to a new party ready to defend and perpetuate slavery at all hazards and at the cost of a dissolution of the Union if that should become necessary.

In addition to this, as the years went on this new agitation of the slavery question revived with added intensity the old jealousy which the states had felt toward the national power. Of that we shall speak later. Let us first outline the course of events.

Texas was annexed. The Mexican war followed, ending in the additional annexation of an imperial domain including all that we now know as California, Utah, Colorado, Nevada and the neighboring states and territories. The question at once arose, What shall we do with these new lands? A large part of them lay south of the slavery dead line. Should that part be open to slavery? Texas, itself a slave state, was authorized by the terms of the contract of annexation to form itself into four states with eight senators and at least twelve electoral votes which a rapid immigration might increase to twenty or forty within a brief while. Arizona and New Mexico, claimed by Texas as a part of its domain, seemed practically certain to become independent states. California, – even now extending from the latitude of Boston to the latitude of Savannah and reaching inland half as far as from the Atlantic to the Mississippi – had at least one-half its area and the better half, lying south of the Missouri



Compromise line. Moreover the terms of the compromise did not forbid the extension of slavery even into the whole of the California country, a region that might easily be carved into ten or a dozen states, for the restrictions of the compromise applied only to territory acquired by the Louisiana Purchase.

Here surely was cause enough for controversy. And a new reason had arisen for intense obstinacy in controversy. Let us consider this a little carefully. The anti-slavery agitation at the North was growing more and more aggressively hostile. In common with the pro-slavery sentiment at the South it had begun to appeal to the old and dying sentiment of states' rights for the justification of its attitude, thus reviving a controversy between the national sovereignty and the independence of the states, which had been largely allayed by the progress of time.

Northern states refused to make themselves parties to slavery even at command of the Federal Government. They refused to lend their courts and jails and sheriffs to the work of returning to slavery negroes who had run away from bondage at the South. They enacted laws in assertion of their State sovereignty which in effect nullified the laws of the Nation and effectually obstructed their execution. We are writing now of the period from 1845 to 1860, and not of a particular year.

Here was that revival of the old states' rights controversy with the Federal authority, of which mention has been made before.

It was met on the other side by an equally determined assertion of states' rights. There was nowhere any question that every

state in the Union – except as forbidden by the cession of the Northwest Territory or by the Missouri Compromise – had full authority to sanction or forbid the institution of slavery within its own borders at its own free will. But there was a party at the North which contended that slavery was a wrong so enormous that it ought to be exterminated by the high hand of Federal force; that the disruption of the Union as an incident to such extermination of the system would be a small price to pay for an end so beneficent. The abolitionists denounced the Constitution itself as "a covenant with hell," because it permitted the several states to decide for themselves whether or not they would permit African slavery within their borders, and because it authorized laws compelling the rendition of fugitive slaves.

On the other hand there was growing up at the South a party that preferred the disruption of the Union to a longer continuance of existing conditions, a party weary of struggling for what it held to be the rights of the states under the Constitution and disposed instead to resort to the ultimate right of withdrawal from the Union which the South claimed then, as New England had claimed it during the war of 1812, as a reserved privilege of the states.

The slavery question had not only entered again into national politics, but had become well-nigh the only question of politics, state and national.

Congress was flooded with daily petitions for the abolition of slavery in the District of Columbia and for the prohibition of

the sale of slaves from one state to another. Southern and some Northern members opposed the reception of these petitions and endeavored to secure rules to lay them on the table without debate and without reference to any committee. This policy was stoutly opposed on the ground that it was in derogation of that "right to petition" which in all free lands is held to be inherent in the citizen. Debate ran high on this and like questions, and became intensely acrimonious.

When the peace settlement with Mexico was pending, a bill to authorize the rectification of boundaries by the purchase of a large territory from Mexico was presented in Congress. Mr. Wilmot of Pennsylvania, in 1846, moved as an amendment a proviso – known in history as "The Wilmot Proviso" – stipulating that slavery should never be permitted in any of the territory to be thus acquired.

This additionally intensified the controversy, and while the Wilmot Proviso, though adopted by the House of Representatives, was rejected by the Senate and never became law, its suggestion and the House's adoption of it were accepted by the South as an additional evidence of the uncompromising hostility of the anti-slavery party, and of a determination at the North to use the Federal power for the limitation, the restriction and the ultimate extermination of slavery.

In the meantime a sentiment against abolitionism had grown up at the North which was implacably intolerant of opinion. Owen Lovejoy was put to death by an Illinois mob for his offense

in publishing an aggressively abolitionist newspaper. Other men suffered persecution upon similar account. Newspaper offices were wrecked and their proprietors sorely dealt with by mobs in states which by their organic law forbade slavery and the people of which had no interest in the institution. They regarded all abolitionist movements as agitations seriously threatening the Union and recklessly risking the public peace. They were ready to resort to mob violence by way of repressing activities which they regarded as destructive of public order and seriously menacing to the Union, which had come to be an object of adoration to the great majority of Americans.

Thus the controversy involved violence and lawlessness at the North even more than at the South.

Again the anti-slavery propagandists at the North were men of shrewd intelligence as well as men of profound convictions as to the absolute righteousness of their cause. They believed without doubt or question that anything which might help to destroy slavery was right. To that end they were ready to violate law, to commit acts which the law – improperly as they thought – denounced as criminal, and even to destroy the American Republic if by that means they could extirpate the system of human bondage. They were devotees of a cause that admitted of no compromise or qualification. They were crusaders at war who regarded all means as righteous that might lead to what they believed to be a righteous end. This is not the place in which to question the correctness of their belief or to criticize their

conduct. Our concern is merely to record the facts and trace the consequences of them.

The mails offered an easy and convenient means by which these propagandists could address themselves to other minds than their own, or those in known sympathy with them. Accordingly they freely used the mails as a means of impressing their anti-slavery convictions upon black men or white at the South.

To them the literature which they sought thus to circulate in the South was nothing more than an appeal to reason and the sense of right. But to the Southerner, whose family was at the mercy of a multitude of slaves, it seemed a very different thing and one immeasurably more menacing. To him it seemed an incitement to servile insurrection in a region where such an insurrection could not fail to result in unspeakable horrors and calamities.

It is a fact imperfectly understood outside of the South that the average negro there was not at all such as the planter usually carried about with him in the capacity of body servant to himself or maid to his wife or daughter; not at all the "intelligent contraband" so dear to the newsgatherers of the war time; not at all a Booker T. Washington or a Frederick Douglass, or a Blanche K. Bruce or a Montgomery, but a hopelessly ignorant, passion-impregnated, half-savage, held to good behavior only by fear of the white man's superior power. On the coast of South Carolina and in other regions the negro was in many cases

even a whole savage – recently imported, clad in breech clout and ebonized nakedness and unable to speak or understand any language except the Congo gibberish to which he had been born.

Of course literature made no direct appeal to creatures of such sort. But there were many educated or at least literate negroes at the South – some of them slaves and some of them "free men of color" as the law phrase at that time ran. If incited thereto, these intelligent blacks might very easily have organized the physical force of the multitude of more ignorant negroes for an insurrection which would have involved the wholesale slaughter of white women and children and a servile war more horrible in its incidents and consequences than any that the world has known since time itself began.

It was altogether natural that the anti-slavery agitators who had made up their minds to destroy slavery at all hazards and at all costs and who held all other considerations to be but as dust in the balance in comparison with that one supreme desire of their souls, should seek by means of the mails to propagate their ideas in the South and among the slaves themselves. But it was equally natural that the white men of the South, whose wives and children as well as themselves and their property were menaced by such a possibility, should seek to avert it by any means within their grasp. Their impulse was dictated by the primal human instinct of self-preservation – an instinct that listens to no argument and stops at no act which may be necessary to avert the impending danger.

These people saw their hearthstones menaced by this use of the mails. They saw in the mails a certain socialistic use of the people's power for a common purpose. They paid taxes for the maintenance of those mails, and they could not see why a mail system which represented and was supported by all the people of all the states should be used for the destruction and desecration of the homes of a part of those people – for the instigation of a servile revolt which could not fail to result in horrors so unspeakable that we may not even suggest them, except vaguely, in this place.

Since that time it has become a commonplace of law to forbid the use of the mails to those who would use them for any purpose inimical to the public welfare; but at that time this thought had gained no place in postal administration, and the desire of the Southerners to purge the mails of incendiary literature which threatened to create a servile insurrection with all its necessarily horrible accompaniments, was put aside as an effort to "tamper with the mail." Contrary to all modern conceptions as to the mails it was held that they were sacred alike to good and to evil purposes and that any matter deposited in them must be delivered to the person to whom it was addressed in utter disregard of any question of public polity and in absolute indifference to the use which the person addressed might be disposed to make of the printed or written matter sent to him.

In our time, where the post office refuses even to rent a box to any man who cannot demonstrate to the postmaster his need

of it for legitimate business purposes, and when the delivery of men's mail is deliberately and quite unquestioningly stopped by the postal authorities upon the mere suspicion that their business may be in some way detrimental to the public welfare, we find it difficult to understand why the Southern objection to the distribution of dangerously incendiary matter through the mails – matter which threatened those American citizens with massacre for themselves and something immeasurably worse than massacre for their womankind – should not have received respectful attention.

In the light of our modern postal practice it is difficult to understand the anger and resentment with which the demand of the Southerners was received for the exclusion from the mails of matter the circulation of which threatened themselves, their homes and their families with calamities too horrible to be contemplated with complacency.

But it must be remembered that on the other hand the extirpation of slavery was confidently believed to be an end so righteous as to justify any means that might be employed for its accomplishment; that the holding of men in bondage, whether willingly or unwillingly, whether by virtue of an inheritance that carried other and controlling obligations with it, or by the speculative purchase of men's labor, was a crime deserving of any calamity that might fall upon those who participated in it in the process of its extinction.

In other words there was intolerance on both sides;



misunderstanding on both; an utter failure on each side to grasp the considerations that controlled the acts of men on the other side; a fanatical dogmatism on the one side and upon the other that was open to no argument, no consideration of fact or circumstance, no reasoning of any kind.

Thus came about the "irrepressible conflict." These were the influences that created it and forced it to an issue of politics. How it resulted in the most stupendous war of modern times must be related in other chapters.

## **CHAPTER V**

### **The Compromise of 1850**

The Mexican war and the subsequent negotiations added a vast territory to the national domain. Much of it lay south of the Missouri Compromise line, and into that part of it at least the advocates of slavery confidently expected to extend their labor system.

The introduction of the Wilmot Proviso and its passage by the House did not indeed result in the exclusion of slavery from those territories, for the reason that the proviso, failing in the Senate, did not become law.

But it alarmed the South. By the Southerners of the more radical pro-slavery school it was accepted as a notice to quit; a notification that so far as Northern anti-slavery sentiment could control the matter, there was to be no further addition of a single acre to the slave territory of the Union; that so far as that sentiment could influence national politics, the power of the Federal Government was thenceforth and forever to be exercised to prevent the extension of slavery into any new territory acquired or to be acquired by the Union north or south of the Missouri Compromise line, and in the end to abolish the system altogether.

Let us clearly understand this situation. The Wilmot Proviso and all the attempted legislation, by which it was sought to confine slavery within the boundaries prescribed for it by

existing conditions, seemed to the opponents of slavery merely a legitimate effort to emphasize the fact that free labor was national, while slavery was a permitted evil within prescribed limits permitted solely because within those limits the national power was not authorized to exert itself for the extermination of the system. On the other hand, all these things seemed to the Southern mind to be an utterly unjust discrimination against a part of the people. The territories involved in the controversy had become national possessions, they contended, largely through the activities of Southern men and Southern statesmanship. It was felt to be a grievous wrong that Southern men should be forbidden to emigrate to those territories on equal terms with other citizens of the Union or that thus emigrating they should be forbidden to take with them their slave property, which represented in part their industrial system but in far greater part their domestic life.

The very proposal thus to exclude them from an equal participation in the opportunities and the privileges opened to other citizens of the Republic by the acquisition of these new territories seemed to them a threat, a notification that henceforth they were to be treated not as citizens of the Union entitled to the same protection and the same privileges that were extended to other citizens, but as inferior and offending persons, persons graciously permitted to exist, but persons to be excluded, because of their offenses, from an equal participation in the conquests and land purchases of the Nation and from the enjoyment of a

share of the benefits resulting from the addition of a great and immeasurably rich territory to the national domain.

It is true that the proposal of their exclusion had failed to become law. But it had failed by a margin so narrow that its success might easily be anticipated as an event of the near future. It is true that neither the Wilmot Proviso nor any other legislation suggested at that time sought to forbid Southerners to migrate into the new territories. But it was proposed that they should be forbidden by law to take with them into those territories the slaves upon whose services they relied not only for agricultural work, but even more for that domestic service to which they had been accustomed all their lives to look for comfort. To tell them that they might remove their households into the new territories, but at the same time to say to them that they must leave behind all that had before contributed to their prosperity and to the comfort of their domestic arrangements, seemed to them something worse than a mockery.

Out of the agitation of these questions arose very important events.

The old sentiment at the South in favor of a gradual emancipation of the slaves, though it survived in some degree to the end, gave place, in large measure, to a new sentiment in behalf of slavery as a thing right in itself, a sentiment born of the instinct of self-preservation.

The manifest disposition to exclude slavery from the newly acquired Southern possessions prompted the men of the South

to question the Missouri Compromise itself. The spirit of that compromise had been that slave property might be taken into territories south of  $36^{\circ} 30'$  north latitude, with the assurance that such territories might become slave states, in return for the stipulation of the South that all territory lying north of that line should be forever exempted from slavery. When the new territory was acquired from Mexico, a large part of it lying south of that line, it was naturally expected that in those regions the people of the slave states were to find an outlet for emigration as freely as those of the Northern states found a like outlet north of that line. When a determined effort was made, with every prospect of success, to deny even this to them, they began seriously to question a compromise by which they had surrendered so much and seemed now destined to gain so little. They had secured Arkansas and Missouri as outlets for their superfluous, discontented, unfortunate or specially enterprising population; they had surrendered all claim to an equal opportunity in Iowa, Kansas, Nebraska, Minnesota, the Dakotas and all the rest of the rich regions embraced in the Louisiana Purchase. Obviously, it seemed to them, they had made a bad bargain, and now that they were threatened with a denial of their share in the benefits of it, so far as the territory acquired from Mexico was concerned, they were disposed to repent them of it or at the very least to question the extent to which its terms were binding on themselves.

The compromise, they reflected, was merely a matter of statutory law. It had no constitutional obligation back of it. It had

been enacted by one congress. It could be repealed by another. In answer to the threat to disregard its spirit in dealing with the new territories, the Southerners made the counter-threat to repeal the compromise itself. It was all very natural, very human, but to the Republic it was very dangerous.

The lands that lay north of the dead line were still territories and still for the most part unoccupied. Nothing more binding than an easily repealable statute forbade Southerners to migrate into those territories with their negroes and in due time, by out-voting Northern immigrants, to make slave states of them. The essence of the compromise they held to be, that in return for the prohibition of slavery north of  $36^{\circ} 30'$  north latitude, slavery should be freely permitted in all regions lying south of that line if the people settling there should so decide. If the contract was to be repudiated on the one hand, why, they asked, should it not be equally repudiated on the other? If the Missouri Compromise was to carry with it none of the benefits it conferred on the South why should it be held binding upon the South for the benefit of the North?

This seems to have been the thought and attitude of the South at that time, and it soon found expression in legislation and in attempted legislation.

The discovery of gold in California quickly resulted in such a peopling of that region as made its admission to the Union as a state a necessity. The settlers there were mainly from the North and they naturally had no desire to make a slave state out

of the territory. Without waiting for an enabling act they adopted a constitution in 1849 and knocked at the doors of the Union for admission as a free state.

Instantly the South took alarm. Quite half of California lay south of  $36^{\circ} 30'$  north latitude. Apart from its gold, the region promised harvests of grain and fruit of incalculably greater value even than all the output of all its mines. There was nothing in the Missouri Compromise or in any other legislation to forbid the whole of California to become a slave state. There was only the decision of the people in that part of the country that they wanted the state to be free and that decision was not by any means unanimous. On the contrary it was believed to be at least possible that if the territory were divided into two substantially equal parts the southern half of it would elect to become a slave state.

This added enormously to the acrimony of the slavery controversy. There had from the beginning been accepted in the country a half formulated theory of the necessity of maintaining a "balance of power" between the opposing systems of slavery and free labor so far at least as the Senate, representing the states as such without regard to population, was concerned. From the beginning slave and free states had been admitted to the Union in effect in couples. Thus Vermont, admitted in 1791, was balanced by Kentucky, admitted in 1792. Tennessee came in in 1796 with no free state comrade till 1803, when Ohio was admitted. Louisiana, admitted in 1812, was offset by Indiana which became a state in 1816. Mississippi was admitted in 1817

and Illinois in the following year. Alabama, admitted in 1819, was balanced by Maine in 1820. Missouri came in in 1821 by a compromise that more than offset the omission to create a corresponding and compensatory free state. But when Arkansas was admitted in 1836, Michigan was thrown into the other scale in 1837. Florida and Texas, annexed in 1845, were balanced by Iowa in 1846 and Wisconsin in 1848. But for California as a free state there was no peopled region that could be carved into a compensatory slave state and for that reason, as well as because of the rise of the anti-slavery agitation to fever heat, the controversy about 1850 took on an angrier tone than ever, and one more seriously threatening to the Union.

The people of the country at that time might justly have been divided into three classes, viz:

1. Those extreme opponents of slavery who were ready and eager to sacrifice the Union itself and the Constitution to the accomplishment of their emancipating purpose;
2. Those extreme pro-slavery men who were equally ready to wreck the Union in order to perpetuate and extend the system of slave labor;
3. Those intense lovers of the Union, North and South, who were ready to put aside and sacrifice their convictions for or against slavery in order to save the Nation from disruption with all its horrible consequences of civil war.

This last class was at that time a dominant majority and for long afterwards it exercised a controlling and restraining



influence over all the rest. It included men at the South who earnestly desired the extinction of slavery, and other men at the South who were sincerely convinced that the slave system was absolutely necessary to the cultivation of Southern fields and that its perpetuation was justified by the incurable inferiority of the black race, and the hopeless incapacity of the negro for freedom and self-government. At the North the class of those who cared more for the perpetuity of the Union than for either the extinction or the perpetuation of slavery included men of every shade of belief as regarded slavery itself, except the extreme opponents of the system. It included such men as Abraham Lincoln who, even after the war was on, persisted in holding to his heart as his supreme desire the perpetuity of the Union in order, as he splendidly phrased it in his Gettysburg speech, that "Government of the people by the people and for the people might not perish from the earth."

It was a magnificent conflict of human forces. Incidentally it brought into play passion, prejudice, malice, groveling self-interest and brutal disregard of others' rights and feelings. But in large part it was dominated, on the one side and upon the other, by a love of liberty, an instinct of justice and an exalted patriotism that did honor to those who were so inspired.

All these sentiments and aspirations were variously directed, giving rise sometimes to contradictory courses of action. But he who would understand and interpret the events of that time must fully conceive the fact that the inspiring impulses of the

great majority were essentially and fundamentally the same on both sides, however variously they may have been interpreted into conduct. Only thus shall we understand how it was that men on opposite sides of a geographical line, men equally loving liberty and equally holding in reverence the traditions of the American Union, fell a-fighting in 1861 and for four years waged the bloodiest and most devastating war of which modern history anywhere makes record.

The controversy with respect to California and the territories was only a part of the disturbing influences of the middle of the nineteenth century.

The Constitution of the United States, in Section 3 of Article IV, distinctly imposed upon the states and upon the people thereof the duty of returning to their masters all fugitive slaves who might escape from one state to another. That provision of the Constitution was resented, even to the point of violence by the antagonists of slavery; it was insisted upon by the advocates of slavery – in the North as well as in the South – to the border-land of crime. It was defeated of its purpose, not only by the acts of individuals banded together with express intent to nullify it in practice, but still more by laws enacted in many states at the North to facilitate its nullifications. The law officers of many states either refused to exercise their authority for the enforcement of this law or going further, employed their authority to prevent its enforcement.

Let us frankly recognize the fact that these men were in

effect disunionists, and the further fact that they were such upon conscientious conviction. All this was done in full faith that it was right and in response to the requirements of conscience. But it was done in flagrant violation of the constitutional compact. We may sympathize with the impulses of the sheriff or other officer who refused to aid in the return of an escaping negro to slavery, and still more easily we may sympathize with those unofficial persons who fed and housed and expedited escaping slaves, in their refusal to aid a system of human bondage of which they were conscientiously intolerant, but on the other hand we may not justly blink the fact that all this was in disobedience of the fundamental law of the land, in violation of that compact on which alone the Union rested, and in derogation of property rights which the compact of union pledged all the states to enforce and all the people to respect.

The whole trouble lay in the fact that there was an "irrepressible conflict" between the ideas that were dominant North and South and that laws and constitutions, and compacts, and agreements were powerless to enforce themselves or to get themselves enforced in opposition to intense conviction and strongly felt sentiment.

The feeling on both sides ran high and was intensely intolerant. It was heedless of reason or argument. It scoffed at compacts and agreements. It made of legal obligations a mockery and of constitutional requirements a laughing stock.

It entered also into every relation of life and mischievously

disturbed every such relation. It divided families. It disrupted churches, producing divisions in them, some of which – most of which indeed – have not been healed even in our present time when the war and slavery and all things pertaining to them are matters of history.

Along the line of the Ohio river, where one brother had gone across the narrow stream to Indiana in search of fortune while another had remained behind in Kentucky, the specter of this implacable controversy wrought an estrangement that was at once cruel and unnatural. Skiffs lined the opposing shores. Intercourse was easy and the waterway between was of trifling width; but the skiffs were not used, and the intervening waterway was left uncrossed, because between those who dwelt upon the one side of the stream and those who lived upon the other there arose the black shadow of the irrepressible conflict. They were friends and near relatives. Their homes confronted each other with only a placid stream between. Their shores were far less than a mile apart, and their old loves for each other were uncooled, so far as they realized. But they gradually ceased to visit each other. Those courtships and marriages which had been the frequent occasions of rejoicing among them became of the very rarest occurrence and finally ceased to occur at all. And all this in spite of the fact that in northern Kentucky slavery was scarcely more than a name while the people on the other side of the river had, for the major part, been emigrants from Kentucky, accustomed in their childhood to such mild mannered slavery as still survived

beyond the stream.

Here was the line of cleavage. Here was the barrier between men's minds and hearts and lives. On the one side slavery was permitted and, in self-preservation chiefly, was defended. On the other side there were softening memories of slavery as an institution that had surrounded the childhood of those concerned with the loving care and the affectionate coddling of negro mammies and negro uncles. But the issue between slavery and antagonism to it had become so sharply accentuated that even family affection and memories of childhood and the influences of near neighborhood and the ties of close kinship could not break down the barrier.

Still further, there had begun to grow up at the North a political party whose sole bond of union was antipathy to slavery. It was not at all respectable, for even yet it was not deemed respectable in many parts of the North to be an Abolitionist, and this was distinctly an Abolitionist party. Its sole reason for being was its purpose to abolish slavery in the United States. It was still a feeble party, so far as the number of votes it could command was concerned, but it was prepared to ally itself with any others whose purposes might tend even in the smallest degree in the direction in which it wished the Republic to go. It was ready to join in any effort that might help toward the extirpation of slavery, but its avowed purpose was not to assail slavery where that institution legally existed, but to prevent its extension to any new lands.

In that purpose many thousands sympathized who would scornfully have resented the imputation that they were Abolitionists.

This new "Free-soil" party had no less a personage than Ex-president Martin Van Buren as its candidate for the presidency in 1848 and while its following and its poll of votes were small its menace seemed to men of the South very great, a seeming that was destined to be confirmed ere long. In 1840 the Anti-slavery candidate, Birney, had received only 7,059 votes in the whole country, scarcely enough to be recorded in the election returns. In 1844 the same candidate received 62,300 votes – a great increase, but still not enough to be reckoned seriously. In 1848 Martin Van Buren, as the candidate of this Free-soil party, received 291,263 votes, thus greatly more than quadrupling the highest directly Anti-slavery vote previously polled. In 1856 the Free-soil party under the name of the Republican party, was in effect the only serious antagonist of the Democracy, the only party that seriously disputed with it the control of the National Government. In that election the new party polled 1,341,264 votes, against 1,838,169 for the Democratic candidate. It carried no less than 114 electoral votes out of a total of 296, its successful antagonist carrying 174.

All this occurred after the time which we are now considering, but the facts are presented here because their coming was anticipated in 1850 and because they serve to illustrate the rapidity with which the "irrepressible conflict" grew in intensity

and fervor.

In 1850 the country was on the verge of a revolution.

The Southerners were exasperated to the point of armed revolt by the proposal to deny to them what they deemed their fair participation in the fruits of the Mexican War; by the increasingly active antagonism of the North; by the aggressive opposition there to the enforcement of property rights in fugitive slaves; by the condemnatory tone of the Northern press, pulpit and platform; by the insistent use of the mails for the circulation of literature which the South deemed dangerously incendiary; by the continual inflow of petitions to Congress for the abolition of slavery in the District of Columbia; and by a score of other annoyances which were ceaseless in their aggression.

The feeling grew in the South that there was no longer any place in the Union for those states that permitted slavery; that there was no longer any tolerance for their people; that a war upon them had begun which would stop at nothing short of the forcible abolition of their institutions, with all of chaos and insurrection and servile revolt which they believed to be the necessary sequences of such abolition.

They were affronted, offended and alarmed. States' rights had been freely invoked against them as a means of evading and defeating such laws as then existed for the rendition of fugitive slaves. They, in their turn, looked to states' rights as perhaps affording to them a way of escape from their difficulties and tribulations.

"If the Union can no longer protect us," they asked themselves, "why should we remain parties to that compact? If we are to have no share in its benefits or even in its territorial conquests and purchases, why should we go on bearing our share of its burdens and obligations? If it cannot or will not fulfil those duties which it has assumed towards us, why should we not repudiate those obligations which we have assumed in return for its pledges of protection? If we cannot be members of the Union upon equal terms with other members of the Union, why should we continue to be members of the Union at all?"

There was nowhere in the South the slightest doubt of the right of any state in the Union to withdraw from the compact and resume those attributes of sovereignty which, in creating the Federal Government, the several states had delegated to it. Indeed up to that time there had been scarcely any doubt anywhere, North or South, of the existence of this right of the states, as a right reserved in the formation of the Federal Union.

Accordingly there grew up in the South a distinctly "disunion" party, a party which favored the withdrawal of the slave states from a confederacy which, they contended, had failed to render them the protection or secure to them the equality of rights and privileges which it had been instituted to render and secure.

This impulse of withdrawal was very strong, but like the radical impulse of disunion at the North for the sake of abolition at all costs or hazards, it was for a long time overborne by the dominant sentiment of devotion to the Union and loyalty to



the traditions of the Republic. The majority at the South were unwilling to give up the memory of Bunker Hill, Lexington, Concord, Saratoga and Trenton, as a national heritage of glory and likewise the majority at the North were reluctant to forget the victories of Marion and Sumter, or to relinquish the glorious memory of Yorktown.

Thus in 1850 there was a party at the North eager to sacrifice everything, including the Republic itself with all its traditions, in order to secure the extinction of slavery; and there was also a similarly radical party at the South ready and willing to destroy the Union in order to be rid of what it regarded as the unreasonable and intemperate hostility to the South within the Union.

Both these radical parties were in an apparently hopeless minority each in its own section, but each manifested a tendency to growth which boded ill for the future. Nevertheless the overwhelming majority of men on the one side and upon the other intensely detested and bitterly resented every suggestion to sacrifice the Union for any imaginable cause or upon any conceivable occasion.

It was to this great majority, North and South, that Henry Clay at that critical time appealed. The dominant passion of that statesman's soul was his love of the Union and his desire that it might endure during all time. To that one god of his adoration he had made sacrifices from the beginning. In its behalf he had put aside his lifelong desire for the gradual emancipation of the

slaves. In its behalf he had sacrificed the supreme ambition of his life – the ambition to be president. In behalf of the Union he had made himself *anathema maranatha*— at the North as a slaveholder and at the South as an abolitionist. He was in fact both at once. He held slaves under a system of which he could not rid himself without arming them, in Jefferson's phrase, "with freedom and a dagger." He wanted them emancipated and was ready to make sacrifice in that behalf, but on the other hand he desired beyond all other things the preservation of that Union, to the perpetuity of which his whole life had been devoted, and to the perpetuity of which he looked for the enduring memory of whatever was worthy of remembrance in American history.

In an extraordinary degree Clay rose above the passions of the hour, as did Webster and certain other statesmen of that time, – though certain other statesmen of the time did not.

He saw the situation clearly. The Union had been formed in candid recognition of the fact that slavery existed in full force and effect in certain of the states, while in certain other states, chiefly by reason of its unprofitableness, it was slowly passing away at the time of the Constitution's framing. He perfectly understood that the Constitution was a compact between states that could ratify or reject it at will, and that but for concessions made on the one side and on the other, the Constitution could never have become the fundamental law of the Republic. He clearly understood that the dealings of the Constitution with this question of slavery constituted a compromise to which the moral

sentiments and the material interests of both sides were parties.

But as has been explained, there had grown up at the North and at the South two parties of extremists who cared little or nothing for the Union and everything for their opposing purposes: the Northern party for the abolition of slavery at all costs, even at cost of the destruction of the Union itself; and the Southern party organized for the perpetuation and extension of slavery regardless of everything else, regardless of the Union and of all that it signified of human liberty and of the practical realization of the doctrine of self-government among men.

Neither party represented the people in whose behalf it professed to speak. The abolitionists, whose petition for the dissolution of the Union we shall hereafter present, certainly did not represent the thought or desire of the great majority of the Northern people. In the same way the Southern disunionists who sought the disruption of the Union in order that slavery might "have free course to run and be glorified," did not represent the great body of Southern citizens, many of whom deprecated slavery and longed for its extinction by some safe process of gradual emancipation. But in both cases the extremists were accepted on the opposing side as representatives of the general thought; the extravagant opinions and demands of fanatical persons on the one side or the other were interpreted as the settled convictions of the great body of the people on the side thus misrepresented to its hurt.

Among the extremists on both sides the disruption of the

Union was jauntily contemplated as a ready remedy for ills complained of.

As early as 1844 the Legislature of Massachusetts had resolved "That the project of the annexation of Texas, unless arrested on the threshold, *may tend to drive these states into a dissolution of the Union.*" Again, in 1845, the Legislature of Massachusetts passed and the governor of that state approved, a resolution asserting a right of nullification and declaring that the admission of Texas as a state in the Union "would have no binding force whatever on the people of Massachusetts." That resolution could mean nothing less than that Massachusetts would withdraw from the Union in the event of the admission of Texas, for otherwise laws enacted by virtue of the vote of Texas senators must have "binding force" upon the people of Massachusetts as upon those of all the other states.

There were other resolutions of similar purport adopted by the Legislature of Massachusetts that it is not necessary to set forth in a history which is not an indictment but merely an expository setting forth of facts by way of accounting for events.

On both sides disunion was constantly and freely threatened if either side could not have its way. A convention of Southerners held at Nashville, Tennessee, distinctly recommended the secession of the South and called for a Southern congress to consider and adopt that policy. About the same time Mr. Hale of New Hampshire introduced in the Senate (Feb. 1, 1850) a petition deliberately calling upon the national legislative body to

adopt measures for the dissolution of the Union.

The petitioners were citizens of Pennsylvania and Delaware, but they constituted only a small fraction of the people of those states and unquestionably their proposal, if put to a vote in Pennsylvania and Delaware, would have been buried under a mountainous majority of adverse ballots. Yet the petitioners deliberately assumed to be and to speak for "the inhabitants" of those states, and their petition was undoubtedly accepted at the South as representing popular opinion in the region whence it came, if not indeed in the entire North. It was the mischief of such things that, while they were the work of a fanatical few, they managed to pass themselves off as utterances representative of public sentiment in the quarter from which they emanated.

The petition was as follows:

We, the undersigned, inhabitants of Pennsylvania and Delaware, believing that the Federal Constitution, in pledging the strength of the whole nation to support slavery, violates the Divine Law, makes war upon human rights, and is grossly inconsistent with republican principles; that its attempt to unite freedom and slavery in our body politic has brought upon the country great and manifold evils, and has fully proved that no such union can exist but by the sacrifice of freedom and the supremacy of slavery, respectfully ask you to *devise and propose, without delay, some plan for the immediate, peaceful dissolution of the American Union.*

Daniel Webster fitly exposed the character and significance of this petition by moving that it be prefaced with a preamble

as follows:

Whereas, at the commencement of the session, you and each of you took your solemn oaths, in the presence of God and on the Holy Evangelists, that you would support the Constitution of the United States; now, therefore, we pray you to take immediate steps to break up the Union, and overthrow the Constitution of the United States as soon as you can.

So repulsive was this proposal of disunion that only three senators voted even to receive the petition embodying it and in the House a like refusal was made. But those three senators were Mr. Seward, of New York, Mr. Chase of Ohio, and Mr. Hale of New Hampshire – three great leaders of Northern thought who were destined soon to become three men of dominant influence in the new party of Free-soil and leaders in antagonism to the Southern claim to a share in the new territories.

There might have been a score of other votes for the petition which would have had far less significance. The votes of these three senators meant clearly that the Free-soil party looked upon disunion just as the extreme pro-slavery men of the South did, as a legitimate and always available remedy for existing ills or a prophylactic against evils anticipated.

As early as 1847 Mr. Calhoun had set forth the Southern contention with regard to the territories in a series of carefully worded resolutions which read as follows:

Resolved, that the territories of the United States belong

to the several States composing this Union, and are held by them as their joint and common property.

Resolved, that Congress, as the joint agent and representative of the States of this Union, has no right to make any law, or do any act whatever, that shall directly, or by its effects, make any discrimination between the States of this Union, by which any of them shall be deprived of its full and equal right in any territory of the United States, acquired or to be acquired.

Resolved, that the enactment of any law which should, directly or by its effects, deprive the citizens of any of the States of this Union from emigrating, with their property, into any of the territories of the United States, would make such discrimination, and would, therefore, be a violation of the Constitution and the rights of the States from which such citizens emigrated, and in derogation of that perfect equality which belongs to them as members of this Union, and would tend directly to subvert the Union itself.

Resolved, that it is a fundamental principle of our political creed, that a people, in forming a Constitution, have the unconditional right to form and adopt the government which they may think best calculated to secure their liberty, prosperity, and happiness; and that, in conformity thereto, no other condition is imposed by the Federal Constitution on a State, in order to be admitted into this Union, except that its constitution shall be republican; and that the imposition of any other by Congress would be not only in violation of the Constitution, but in direct conflict with the principle on which our political system

rests.

Here we have from the South a threat of disunion, a trifle more disguised, perhaps, than the threats that had come from the North, but not less positive. The resolutions were intended especially to cover the new territories which the country was then acquiring from Mexico by conquest and treaty, but they covered with equal effect all of that territory which had been added to the Union by the Louisiana Purchase, and the greater part of which had been set apart by the Missouri Compromise to be formed into free states. They were a challenge to the Missouri Compromise, and the assertion of a doctrine which afterwards greatly vexed the country and contributed in an important way to the bringing about of war. They constituted a plea for that repeal of the Missouri Compromise which was to come a very few years later.

This was the condition of things which Congress had to confront on its assembling in December, 1849. Disunion was everywhere in the air and on each side there was a party openly advocating it as the only remedy for existing and threatened ills. Both in the North and the South this party of disunion was in a hopeless minority, but by reason of its ceaseless and aggressive activity it had managed to make itself seem the authorized exponent of public opinion for each side.

The questions before the country were many, but they all related, directly or indirectly, to slavery. Should California be admitted to the Union as a free state? If so with what boundaries?



for California then included Utah, Nevada and adjacent territory. Or should California, limited to the present boundaries of that state, be divided into two commonwealths, so that the Southern half might come in as a slave state to offset the Northern half in the Senate and the electoral college? Texas had already been admitted as a slave state, but its boundaries were still vague and undefined. It claimed jurisdiction over all that we now know as New Mexico and Arizona. Should that vast region – the sterility of which was at that time wholly unappreciated – be added to the domain of slavery, or should it be set apart in the hope that it might be erected presently into two or three or possibly half a dozen free states?

There were also two complaints of arrogant aggression from the opposing sides. At the North there was complaint that the "slave power," as it was called, sought and threatened to make itself dominant and supreme in the Union by its demands for the rendition of fugitive slaves. At the South there was complaint that the homes and firesides of the Southern people were menaced with servile insurrection by the activities of those who sought to breed discontent among the negroes and spread among them sentiments dangerous to public peace and order. There was complaint at the North that the constitutional and statutory provisions for the rendition of fugitive slaves exacted of Northern people an obligation which many of them could not conscientiously fulfil, making them unwilling parties to a system which their consciences abhorred, or, if they refused

obedience, condemning them to the condition of lawbreakers and denouncing them as criminals because of their refusal to do that against which their very souls revolted. On the other hand the people of the South complained that their Northern brethren, or many of them, not only assisted runaway slaves to escape but deliberately incited them to that course and that the constitutional compact upon that subject was not enforced by any adequate statutory law.

On both sides discontent was rampant and threatening. On both sides dissatisfaction had begun to look to the dissolution of the Republic as the readiest remedy available.

There were statesmen like Senator Benton who laughed to scorn the idea that any considerable part of the people could ever seriously contemplate an assault upon the integrity of the Federal Union, but that the Union was truly and very gravely in danger subsequent events conclusively demonstrated.

It was to save the Union from disruption at the hands of Northern or Southern fanatics – all of whom were threatening that disaster – that Clay framed, Webster supported, Congress adopted, and the President approved the compromise measures of 1850.

Those measures covered substantially all the points in controversy. The bills were five in number.

The first provided for the separation of New Mexico from Texas, with compensation to Texas, and for the admission of that territory to the Union as a state when it should become populous

enough, with or without slavery as its own people should at such time determine.

The second set off Utah from California and provided in a precisely similar manner for its ultimate admission to the Union as a state.

Neither of these two measures ever resulted in anything practical. Even unto this day New Mexico has remained too sparsely populated for statehood and Utah was not admitted to the Union until long after the Constitution of the United States had been so amended as to prohibit slavery in any part of the Republic.

The third of Clay's compromise bills provided for the admission of California to the Union as a state under the Constitution which it had adopted, which made no provision for the existence of slavery within its borders.

The fourth of the bills was a new and more strenuous fugitive slave law than any that had ever before existed. It was intended to carry out the provision of the Constitution of the United States on that subject and it was supposed to be offset to Northern sentiment by the fifth of the compromise measures which forbade the slave trade within the strictly national domain of the District of Columbia.

It had long been a grievance to Northern minds that this peculiarly national territory, governed as it was exclusively by a Congress representative of all the states in the Senate and of all their people in the House, and wholly without any expression of

the will of its inhabitants, was made a slave mart, into which the slave-trader from Maryland or Virginia could take his chattels for sale on the auction block to other slave-traders who were there to buy speculatively that they might sell again to the owners of cotton and rice fields at the South.

In the North and South there had always been a radical distinction in men's minds and consciences, between slavery and the slave-trade; between the holding of men in hereditary bondage under a system essentially patriarchal and kindly, and the deliberate traffic in human beings for purposes of speculative profit.

There were two distinct questions with respect to slavery in the District of Columbia. To have abolished the institution there root and branch, as multitudes of petitioners prayed, would have been to menace the two states, Virginia and Maryland, which had given the District to the Union.<sup>1</sup> It would have been to establish within their borders and by national authority a little Canada into which fugitive slaves from either of those states might escape with the certainty of thereby achieving freedom; for in the temper of that time no fugitive slave law could by any possibility have been enforced there after once Congress had decreed the abolition of slavery within the District.

But the abolition of the *slave-trade* within this peculiarly national domain was quite another matter. It left to all Southerners summoned thither on one or other sort of

---

<sup>1</sup> Virginia's portion had been receded to that State in 1846.

governmental business, or removing thither to reside, the right freely to bring then domestic servants with them without fear of molestation; but it made an end of that traffic in negroes as mere merchandise which was even more offensive to the better people of the South than to those of the North – which was socially as severely frowned upon in the one part of the country as in the other and concern with which made the slave-trader as completely a social outcast in Virginia as it might have done in Massachusetts.

Mr. Clay's five bills were framed and introduced in pursuit of his dominant purpose to preserve the American Union at whatever sacrifice of principle or of interest, and in like spirit they were enacted by both houses of Congress. They had the strong support of Daniel Webster in one of the ablest orations he ever delivered in behalf of the Union; a speech made, as Webster's biographers contend, in full knowledge of the fact that its delivery must cost him his very last hope of election to the presidency; a speech which brought upon him the odious accusation of having "sold out to the slave power."<sup>2</sup> They had the support also of men on both sides of the danger line of cleavage who strongly disapproved of some of them but who voted for all in the firm conviction that together they constituted a compromise necessary to the preservation of the Union.

That object was still supreme in the minds of the great

---

<sup>2</sup> Unhappily for his reputation Mr. Webster gave color to this charge by accepting a large sum of money from Mr. Corcoran as a scarcely disguised reward for the speech.

majority, North and South alike. It was felt on both sides – in spite of personal convictions, personal interests, and the irritating friction of political agitation – that after all, the cause of human liberty, human progress, and the system of self-government among men was dependent upon the perpetuity of the union of these states. It was felt that the enslavement of the negro, now that the Constitution, the statute law, and the public sentiment of the country had robbed it of its most repugnant feature – the African slave-trade – was a matter of minor consequence in comparison with the perpetuity of the only government on God's earth which had ever rested its right to be upon the twin theories of unalienable rights and the consent of the governed.

To the two disunion parties, the one aggressively active at the North in behalf of abolition and the other equally aggressive at the South in behalf of slavery, these compromise measures were intensely offensive. But to the great majority of the American people their passage seemed imperatively necessary to the preservation of the Republic, and this sentiment found expression in the action of both houses of Congress upon them.

All of them were enacted by decisive majorities and all by the votes of statesmen from North and South, acting together and putting aside their sectional prejudices in behalf of the Union.

The bill for the admission of California as a free state, against which the strongest opposition was made from the South, had thirty-four senators in its favor against only eighteen in opposition, four of the votes in behalf of it being cast by the four

great Southern leaders, Bell of Tennessee, Houston of Texas, Benton of Missouri, and Underwood of Kentucky – a list to which Mr. Clay, as the author and sponsor of the bill must be added as a king of men. In the House, – more directly representative of popular sentiment – the vote in favor of the bill was no less than one hundred and fifty, with only fifty-six against it. This was the bill most offensive to the South and so the vote upon it reflected the strength of the Southern desire for the perpetuity of the Union.

On the other hand the Northern desire for the accomplishment of that end was reflected in the vote upon the Fugitive Slave Law which constituted a part of Clay's compromise scheme, – a part of it intended to offset to the South the admission of the whole of the present state of California as a free state.

This Fugitive Slave Act was passed by a vote of twenty-seven to twelve in the Senate, and by a vote of one hundred nine to seventy-six in the House. Three Northern senators voted for it and one other, Mr. Dickinson of New York – who wished to vote for it, was paired with his colleague Mr. Seward. In the House thirty-two members from Northern states voted in favor of the Fugitive Slave Law.

But the discussion of these compromise measures lasted for eight months, and it was by no means confined to the halls of Congress. There was the fourth estate – the newspaper press – to be reckoned with, and behind that were the people. The people themselves and the newspaper representatives of popular opinion

took a free part in the discussion, and both were unrestrained by parliamentary etiquette or by any of those considerations of polity and statecraft to which members of either house of Congress made obeisance. There was a great devotion to the Union it is true among press and people, but it did not take statesmanlike form or consider those nice questions that statesmen were bound to take into account.

On either side the popular desire for the preservation of the Union was complicated with the conviction that only the iniquities and injustices of the other side imperiled the Republic. On each side there was a profound conviction that if the other side would behave itself as it should, there would be no shadow of danger to the Union. Again on either side there was an intemperate press, representing an utterly intolerant party of extremists, and, shut their eyes as they might to facts, the statesmen of that time were aware that these extremists on the one side and upon the other, were daily adding to their numbers and daily becoming more and more nearly representative of popular sentiment.

The matter was complicated with partisanship, also, and with personal ambitions. There was the question of supremacy in the Nation, between the Whigs, who were then in power by virtue of Taylor's election in 1848, and the Democrats who, with one other brief interval, had been dominant in national affairs during the entire preceding half century. At the South the two parties, laying aside the questions of polity that had previously separated them,



vied with each other in such support of slavery as should win the good will of the extreme pro-slavery party. At the North they were rivals as suitors for the favor of the new Free-soil faction – for at that time it was only a faction which Know-Nothingism was destined presently to relegate temporarily to the background.

But at the North the new Free-soil party drew more heavily on the Whigs than on the Democrats for its support, although its early leaders and presidential candidates, John P. Hale and Martin Van Buren, were distinguished Democratic statesmen.

Accordingly there arose in the country a contest between the two old parties for the favor of the two new ones. It became in fact a scrambling auction, in which each party in each section and each state and each district bid its convictions and its principles, without scruple, for votes. Each party sought to be more intensely pro-slavery than the other in those states and districts in which the pro-slavery sentiment was strong, while in those states and districts in which the anti-slavery sentiment was manifestly dominant, each party rivaled the other in its courtship of the prevailing dogma and its representative voters.

Quite naturally, men ambitious of political preferment trimmed their sails to catch these varying winds, and for the first time in the history of the country political conviction and principle very generally gave way to questions of self-interest. If the politician of that time was not quite "all things to all men," he was at any rate all things to the men who could cast the larger number of votes for his elevation to office.

The accusation of such selfish sacrifice of principle and conviction for the sake of personal aggrandizement was openly made against the foremost statesmen of the time, including Clay and Webster, and the President himself. Whatever any one of these did that was displeasing to one part of the country, was freely attributed to a desire to "curry favor," as the phrase went, with "the slave power" in the one case, or with "the abolitionist sentiment," in the other.

Without questioning the motives of the greater men, who offered their dominant devotion to the Union as the only and amply sufficient explanation of their actions and their votes, it is safe to say that the attitude and course and eloquence of a multitude of minor men possessed of ambition for political preferment were determined, on the one side or the other, chiefly by a consideration of votes.

Mr. Clay, Mr. Webster and the statesmen who aided them in adopting the Compromise of 1850, confidently believed that by their action in that matter they had laid the slavery question to rest for at least a generation to come. They had in fact, as the event proved, succeeded only in opening it anew and adding virulence to its discussion. Their very debates, preparatory to the passage of the compromise bills, had stirred the country to a discussion of the question, angrier than any other that had been known since the Constitution was framed. The measures themselves, so far from allaying excitement and controversy, intensified both. The South felt that it had been cheated in a bargain which gave

one free state certainly and two, three or four prospectively, to the North, with absolutely no certainty and little probability of the admission of any slave state in compensation – for from the first the people of Texas resented and resisted the proposal to divide their great domain into the four states provided for at the beginning. On the other hand the Northern States felt that the new Fugitive Slave Law was an enactment with which they could not comply without such a sacrifice of conscience and conviction as could in no wise be made by honest and sincere men.

From the very first many of the Northern States set their legislative machinery at work to defeat the operation of this Fugitive Slave Law by the most effective counter legislation that legal ingenuity could devise. In so far as these devices succeeded in preventing the execution of that law they in effect nullified a national statute which the National Government was entirely competent to enact.

More important still from the point of view of history, is the fact that the compromise which was intended to allay all sectional feeling and work a pacification in behalf of the Union, directly and immediately wrought an opposite result. It additionally inflamed passion in all parts of the country. It strongly accentuated those differences of opinion which alone threatened the Union with dissolution and the country with devastating war.

The North set itself to nullify the Fugitive Slave Law. The South set itself to undo the Missouri Compromise.

On the one hand it was contended that the Fugitive Slave Law made slavery a national instead of a state institution – a thing to which Northern sentiment and Northern conscience could in no wise consent. On the other hand it was stoutly insisted that the equality of the states under the Constitution was openly violated, not only by the personal liberty laws enacted by Northern States in order to nullify the national statute on the subject of fugitive slaves, but still more aggressively by the practical exclusion of slaveholders from the territories, so far at least as their slave property was concerned; and further by the decree of the Missouri Compromise that, whatever the will of the settlers in new regions might be, there should be no new slave states carved out of that portion of the Louisiana Purchase which lay north of the southern line of Missouri. This prohibition – taken in connection with the admission of California as a free state – amounted in effect to a provision that there should be no more slave states created anywhere; for, as Mr. Webster had clearly pointed out, there was no other part of the territory conquered or purchased from Mexico, into which slavery could be practically or profitably extended.

# Конец ознакомительного фрагмента.

Текст предоставлен ООО «ЛитРес».

Прочитайте эту книгу целиком, [купив полную легальную версию](#) на ЛитРес.

Безопасно оплатить книгу можно банковской картой Visa, MasterCard, Maestro, со счета мобильного телефона, с платежного терминала, в салоне МТС или Связной, через PayPal, WebMoney, Яндекс.Деньги, QIWI Кошелек, бонусными картами или другим удобным Вам способом.