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KANZAS

Paied

AND

THE CONSTITUTION.

BY "CECIL."

Sidney George Fisher
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Boston, September 15, 1856.

KANZAS AND THE CONSTITUTION.

"The present time 's so sick,
That present medicine must be ministered,
Or overthrow incurable ensues."

KING JOHN.

In the fortunes of nations, as of individuals, it is requisite for enjoyment, that every good should have the quality of security, of permanence. The sword of Damocles spoils the zest of any feast, and fear of change takes away the sweet uses of prosperity.

In the great experiment of democratic government that we are making, there is so much of good and evil; so many destructive forces to cause alarm, and so much conservative power to inspire hope; so much license given to ignorance, falsehood, error, and selfish passion, and so much intelligence and virtue to resist them, that the mind wavers as it contemplates the varied picture, hesitates to form a judgment, and ends in doubt as to the future; a painful and depressing feeling when related to a subject of so much magnitude and interest. It is obvious to all, that our happiness and prosperity depend upon the Union, that this is the arch which supports the structure of our national greatness; yet this support is the very point that seems weakest, which gives signs from time to time that it is not able to bear the stately fabric that has been built upon it.

The diversity between the Northern and Southern States in climate, soil, character, pursuits and manners, to one unacquainted with the history of the country, would seem a powerful cause of safety and durability. Agriculture is the chief business of the South; the North has also commerce and manufactures, and the productions of each can be exchanged without impost or restriction. The South is in some respects a landed aristocracy; the North is a democracy, so that it might be hoped that rash innovation and popular license would be restrained by conservative steadiness, love of order and respect for established usages and rights. The South is impulsive and enthusiastic, the North prudent and energetic; the South loves ease, enjoyment and leisure, the North loves enterprise, work and

accumulation. Each has what the other wants, each requires the other to complete its attributes and supply its needs, and the harmonious blending of the two would make a grand and noble whole. Unfortunately, the South has one peculiarity which satisfies no want, which excites no sympathy in the North, and thus from the South comes the danger that menaces both.

The South is not wholly American, it is largely African. Its wealth and greatness are founded on the industry of an alien and inferior race, and which must always remain such. In the South the laboring class forms no portion of the people; in the North it forms the great body of the people. In the South the laborers are slaves; in the North they govern. In the South labor is degraded and despised; in the North it is respectable and respected. African slavery therefore creates a difference between North and South that reaches the very central cause of the working of society. A community in which the laboring classes are slaves, and one in which they are masters, do not differ merely — they are broadly contrasted.

The negro race exists in such vast numbers in the South; it is so degraded; so incapable, from its nature, of any but very limited mental and moral improvement; so fitted for servitude, and so contented and thriving in servitude; so wholly unfitted for liberty, or self-government, or self-care, that slavery is an institution absolutely essential to the South. Its preservation is the condition on which the South holds its tranquillity, its safety, its existence. For this reason the South, when the Constitution was made, claimed and obtained from the founders of our government what was then deemed ample protection for slavery.

It could not be long before a difference so radical between the two sections of the country would produce very marked results. One result has been the great and rapidly increasing inequality of wealth and population. Of wealth, because free, intelligent labor is far more productive than slave-labor, especially in commerce, manufactures and the mechanic arts, which are the most profitable, and to which slave-labor cannot be applied. Of population, because free laborers themselves are citizens.

Another effect of this difference of social, industrial and political condition, must be and has been, difference of opinion on the subject of slavery gradually growing into positive hostility. Slaves are not mere property. Human nature rises against and refutes that dogma. Slaves are men, with moral and spiritual life, with sentiments and affections. They are persons, not things, and out of this fountain — truth flow all these troubled waters. Whenever man, his happiness

and destiny, becomes the subject of dispute, a thousand religious, moral and political questions arise, which stir to their depths those powerful convictions and passions, whose strife resounds through all the history of the past, and has decided heretofore, as it must hereafter, the fate of nations and the progress of humanity.

The growing strength of the North, and the menacing attitude which a part of it has taken against slavery, produced the Kansas bill. Alarmed for its safety, the South has sought means of protection greater than the law afforded. It wishes to guard not the present only, but the future. It is now outnumbered in the House, and equality in the Senate seems to it the only resource left that can afford a legal barrier to the dreaded encroachments of the North. To obtain this equality, it is necessary to have new Slave States, and the infant territory of Kansas is the only one that there is now any hope of gaining. Hence the importance of the contest going on in Congress, and the excitement it creates.

The Missouri Compromise stood in the way of this project. It was therefore repealed. The probable majority in the House against the extension of slavery was another obstacle. How was this to be overcome? By the Constitution, and the uniform construction of it and practice under it, Congress has supreme power over the territories; has the same power to prohibit slavery in a Territory that the government of one of the States has to prohibit it in a State. The South then could not trust to the usages and received construction of the Constitution, to the regular and legal action of the federal government. Unless the Territories could be got beyond the power of Congress, there was danger that, not in Kansas only, but in all future Territories and States, slavery would be prohibited, and thus the South be placed irrevocably in a condition of inferiority and dependence. If the interference of the general government could by any means be prevented, there would be at least a chance that slavery might be introduced into Kansas; and that, once there, it would increase and become a controlling influence in the future State.

To accomplish this object, the plan determined on was boldly to deny that the government of the Territories belongs to Congress; to assert that all previous construction and all previous practice of the government in relation to them have been mistakes; that the words of the Constitution, from which this power has been derived, are ambiguous, and the meaning put on them erroneous; that such a power is a violation of the rights of the South, because the Territories are a common possession, and the Southern people have the same right as the Northern to go into them with their

property; that the settlers of the Territories are the only rightful government of the Territories, and that any other construction of the Constitution is a violation of the principle of self-government, on which our institutions are founded.

These arguments are very well suited to the popular taste, because they have the appearance of advocating popular power. They are, however, in conflict with the language of the Constitution and with the constant construction that language has received. Now, the uniform construction of a law and the practice under it are part of that law. They are even the most important part, forming in time that prescription, common law, or law of custom, which is more valuable and less liable to doubt or uncertainty than any written law can be, because it is old, because it has been tried, because it is familiar and associated with the recollections, habits and daily life of the people. If every President and every Congress can go behind the uniform construction given to the Constitution by the courts, and by the practice of the government, we are at sea indeed, on the billows of change, and the law of the land ceases to be a "rule of conduct," but becomes merely the arbitrary decree of any party that happens for the time to be uppermost.

The principle that Congress is the government of the Territories, is the only one consistent with their condition and with their relations to the whole country. Are the settlers an independent nation, or are they American citizens? Do they owe no allegiance to the general government? Are they not entitled to its protection from foreign invasion or domestic violence? How can they claim that protection unless they form part of the nation, and are subject to its government, either as a State or a Territory? These new doctrines of constitutional law set up by the South, are so transparent a sophistry, cloaked with false pretences, to gain a special object not avowed, and obviously devoid of substance, either of sound principle or common sense, that to state them clearly is to refute them.

Nevertheless, these doctrines, by Southern influence, have been adopted and embodied in the Kansas bill. As this bill commenced with a breach of faith, bore on its face a falsehood, and violated the law—so its consequences have harmonized with its origin and nature, and have vindicated the wisdom of the Constitution. By giving to settlers in Kansas the power to decide the question of slavery, the Territory has been thrown open to excited parties as an arena for conflict. As the question to be settled was national, and affected the interests and hopes of North and South, it was idle to expect that it would be treated as local, that those parties would not in some

way participate in its decision. The result has been that combined efforts were made on both sides. Associations were formed in the North to send settlers in favor of freedom; the same thing was done in the South in favor of slavery. All this was not illegal, and might well have been expected. Unfortunately, however, the South has been so rash as to determine to carry its point, not by fair and peaceful voting, but by fraud and violence. Bands of armed men from the adjoining Slave State, not settlers in Kansas, were enrolled and invaded the Territory with the express purpose, which they accomplished, of driving by force *bona fide* settlers from the polls and depositing illegal votes. To such an extent was this carried, that only one-fifth of the votes by which the legislature of Kansas was elected were legal. These outrages were aided, abetted and supported by the President of the United States, with all the influence of official power.

By these means a legislature was chosen—a spurious legislature, with no other than usurped power, whose acts were wholly void, but which proceeded to make laws for the purpose of introducing slavery into the Territory and keeping it there. These laws are at variance with every principle of free government—are disgraceful to the American name—and such as no portion of the American people can or ought to submit to. They destroy liberty of thought, of speech, of the press—liberty in all its forms. They are worthy only of Russian or Austrian despotism; yet the President of the United States has endeavored to execute them with the whole force of the government. He has executed them promptly, eagerly, cruelly; he has clothed the very ruffians by whose illegal and violent acts this legislature was elected, with official authority, and carried fire and sword through every part of the territory.

Exasperated by this gross violation of right and justice, the real settlers assembled at Topeka and elected another legislature. It was in favor of free labor. It also was illegal, and its acts void. The ident dispersed this legislature by an armed force.

Three bills have been presented to Congress, in order to settle these dangerous troubles. They may be called the House bill, the Senate bill, and Mr. Clayton's bill.

The first proposes to recognize the Topeka legislature and its acts, and to admit Kansas at once as a free State. To this there are two objections. The Topeka legislature wants legal sanction. It is revolutionary; and though it is not easy to imagine stronger provocation to a revolutionary movement, yet it cannot, without violating important principles, be supported. No government can recognize

acts that deny or resist its own authority. Another objection is, that this bill proposes the immediate admission of Kansas as a State. A State composed of a vast territory, but with only 30,000 or 40,000 inhabitants, without wealth, art, civilization, yet clothed with all the power and influence of a member of this confederacy, is an absurdity. It is contrary to the settled practices of the government, which are violated to suit an emergency, and is a confession of weakness out of which such a proposal could alone arise. It would be unjust to give to the representatives of such a community in the Senate, power equal to even the smallest State in the Union. The future of such a country as Kansas, the destined home of a numerous people, is too important to be left to the decision of a handful of illiterate settlers. The infant State requires for its protection and guidance the guardian care of a real government, during its period of pupilage. Such guardianship the Constitution has provided in confiding to Congress the government of the Territories.

Whilst the House bill has for its object to make Kansas a Free State, the Senate bill is intended to make it a Slave State. This last is open to the same objections as the first. It also contemplates the immediate admission of Kansas as a State. It also recognizes an illegal legislature and its acts, a legislature elected by fraud and violence, and therefore without authority, and whose acts, destructive of civil liberty, should receive the signal rebuke and condemnation of government. That even in the excitement of party contests, such laws have met with support and approbation, have been treated with anything but derision and scorn by any portion of the representatives of the American people, is one of the most gloomy signs of the times. It shows a fearful decline of public virtue, and reveals dangers unlooked for in this country and this age. Vain, indeed, the dream of freedom, wasted the blood of heroes shed in its cause, useless the labors of the wise devoted to its vindication, if principles such as these can prevail among the people, or rule the counsels of the nation.

The difference between these two legislatures, the one recognized by the House, the other by the Senate, one in favor of liberty and the other in favor of slavery, is, that one has passed Russian and Austrian laws, destructive of civil rights, and the other has passed English and American laws, enlarging and extending civil rights. If obliged to choose either, the representatives of the American people should prefer the latter.

These, however, are not the only objections to the Senate bill. It forms part of a skilfully prepared plan to introduce slavery into

Kansas, not fairly and honestly, but by violence and fraud. It is the result of a conspiracy, made for this purpose by the leaders of Southern politics and the President of the United States. The plot and the duties of the several parties to it, now stand revealed by the progress of events. The armed bands marched into the Territory; their invasion of the election grounds; their illegal votes; the intimidation of the settlers before an overwhelming and unexpected force; the active concert and assistance given to that force by officers appointed by the President; the election of a pretended legislature; the atrocious laws immediately passed by that legislature for the purpose of irrevocably fastening slavery upon the Territory; the eager, zealous interference by the President to enforce those laws upon an indignant and resentful people, with all the enormities that followed, the burning of towns, the fighting, the plunder, the bloodshed and murder, are disgraceful and deplorable events quite unexampled in the history of the country.

Such is the first part of this drama—the second is yet to be performed. The settlers opposed to slavery have been driven from the Territory. Bands of armed men have been stationed at the steamboat landings to prevent others from coming in, and are now engaged in this work. This then is the auspicious moment to strike an effectual blow, and the leaders in the Senate are not wanting to the occasion. Their bill provides for the calling of a Convention, the election of which is placed virtually under the control of Commissioners appointed by the President. This Convention is to make a Constitution, and Kansas is to be immediately admitted with that Constitution as a State. A State of some 30,000 inhabitants, scattered over a wilderness, with a Constitution made by a Convention elected in the midst of alarm and confusion, under the auspices of men appointed to accomplish one purpose only, and by a people from whom all persons not uniting in that purpose have been driven by violence,—such is the measure of peace and justice offered to Congress and the country by the majority in the Senate.

The third proposition comes from Mr. Clayton. It is marked by the statesmanlike ability he has often displayed, and by the still higher qualities now so rarely seen in our public men, of moderation, fairness, justice and patriotic regard for the interests, the feelings and just demands of all parts of the country. He and Mr. Crittenden seem to be now almost the only men in Congress who know that there are both a North and a South, and that they are the representatives of both; that there still exists a Union, with common rights, hopes and destiny; that the Constitution has not been repealed, but still remains, in theory at least, the supreme law of the land.

The object of Mr. Clayton's proposition is to give effect to the Kansas bill, according to its declared meaning and intention—to enable the people of Kansas, by a free expression by their will, unawed by coercion or intimidation, and uninfluenced by the corrupt arts of executive officers, to admit slavery or exclude it, as the majority may decide. It does not contemplate the admission of Kansas as a State until it shall have attained the population required by the present ratio of representation for a representative in Congress. It provides that the power of any former legislature shall cease on its passage. In justice to those who, on the faith of existing laws, have brought slaves into the territory, those laws are left untouched by this bill. It authorizes the *Secretary of State* to appoint four Commissioners, "*established settlers and permanent residents of the territory,*" whose duty it shall be to make an enumeration of the inhabitants and appoint officers and judges of elections.

The difference between the plan of Mr. Clayton and that of Messrs. Toombs and Douglas is at once apparent. In the former, the selection of Commissioners is given to the Secretary of State, and not to the President,—a severe but merited rebuke to General Pierce. Those Commissioners have merely the power to make a census, and appoint judges of elections. In the Senate bill the Commissioners appointed by the President have power to decide on the qualifications of voters, and are themselves sole judges of elections; the Convention thus elected is to make a Constitution *for a State*, which when made is to be final, and is not to be submitted to the people for their approval; thus, in fact, giving to the nominees of the President, and to the settlers now in the Territory, the power to decide irrevocably the question of slavery. How this power would be used and with what result, the recent history and present condition of Kansas clearly show.

The bill of Mr. Clayton contemplates not a Convention to form a Constitution for a State, but a legislature to make laws for a Territory. The acts of such a body are not organic and final, but may be modified and repealed by a subsequent legislature. The question of slavery would thus be left open to be decided, not suddenly, in the midst of civil war and its alarms, by a few settlers, acting under partisan influence or armed intimidation, but by a real people who have gone or may hereafter go to make that region of fertility their home; by a people who will thus have a permanent interest in its prosperity, and whose numbers, constantly increasing, will entitle them to respect and influence; who will have time, during their years of territorial life, to form a mature judgment of the wants and resources of

the country and of its fitness for slave labor or free labor; above all, who will be able to form this judgment after free deliberation and discussion during a period of peace, security and order. This alone is self-government that is either safe or possible. The self-government of the Senate bill, to be exercised in haste, under executive influence and partisan dictation, amid violence and terror, at a crisis artfully prepared for a purpose, is a falsehood, a fraud and a mockery, designed to disguise tyranny and injustice.

All these plans, however, are open to the fatal objection that, like the Kansas Bill, on which they are founded, they are, in principle, a departure from the spirit and meaning of the Constitution as settled by the opinions of those who made it, and by uniform practice under it. This is enough to condemn them all. The federal government is the government of the Territories. These very bills impliedly recognize this principle, because they are acts of government over the Territories. The state of things out of which they grew proves the wisdom of this principle, because they are they result of the denial of it.

The repeal of the Missouri Compromise, and the introduction of these new doctrines of constitutional law, are consequences of a struggle for power between the North and the South. The South is afraid to trust the protection of slavery to the Constitution. It thinks that slavery can only be protected by extending it, by gaining new States for it, and thus securing more political power for it. By the regular constitutional action of the government, the South cannot do this without the consent of the Northern States, which it cannot be sure of obtaining. Southern politicians have, therefore, determined to alter the Constitution or disregard it, by force of votes, and it seems now, also, to seize on new territory by force of arms. Whether they are likely by these means to secure the safety they seek, is worth considering.

There is one great fact out of which this controversy has arisen, and which must govern it to its end, whatever that end may be, and that is the superior power of the Northern States. The difference between the North and South, in all the elements of power, now so vast, is growing greater every day. This is a stern, inexorable fact, remediless, irresistible, but which does not seem to have its due influence upon the minds of our Southern neighbors. Power has certain qualities and laws, sure and punctual in their action, which cannot with safety be disregarded, and which, therefore, it is wiser to study and obey, than to deny and resist.

This is a government of the people. The Union is a Union, not

of the States, but of the people. The great fundamental principle of our institutions is, that the majority of the people shall govern the country by their representatives, in accordance with the provisions of the Constitution. On what ground, then, can the South claim political equality with the North? Political power is the consequence of superior numbers, and the North has the majority of the population by six millions. As a consequence, it has a majority of votes in Congress. It is entitled, then, not to equality with the South, but to superiority over it. In all questions about which there is disagreement between the North and the South, *the North is entitled to govern the country*. Slavery is one of those questions. The North cannot interfere with slavery in the States where it exists, because it is there protected by the Constitution. But the Territories belong to the whole people, and Congress represents the whole. The government, the absolute control of the Territories, for this reason, is in Congress. If the North has the majority in Congress on any question relating to the Territories, as to that question, the North has rightful power over the Territories. This power, moreover, is trust power; it is coupled with duty and responsibility of the most solemn nature, which concern not the present only, but a wide and mighty future. If, therefore, the people of the North, having rightful power over this question, believe slavery to be an industrial, social and political evil, they are bound to interfere and prevent this evil from being imposed upon any portion of the country under their control. They owe this duty to their own convictions of right, and they owe it to humanity; for the power to do good implies, from its very nature, the obligation to do good, and the greater the power, the stronger the obligation.

Political power results, necessarily, from superiority of numbers in a government where a majority rules. Something more, however, than mere numbers is wanting, to add moral sanction and influence even to legal power. If the North has superiority of population, it has in even greater degree the superiority in wealth, in intellectual and moral culture, in diffused knowledge and comfort, in all industrial arts and improvements, in every thing that constitutes civilization. What measure the South really has of these things no American surely should wish to deny. All that it is and all that it has, and it is and has much that is great and worthy, are part and parcel of our country. But in arguing questions like the present, arithmetic and statistics cannot be omitted, and as facts will rule in practice, they must not be disregarded in speculation. The superiority of the North, not merely in numbers, but in every other

element of national strength, is beyond dispute. It is only necessary to ask, where are the chief seaport cities, the great inland towns; where are the factories and ships, the machinery and merchandise, and money capital; where the thriving villages and cultivated farms; where the colleges and schools of literature, and art, and science; where the leading journals, the great publishing houses, the writers who influence the mind of the nation, and give it literary reputation abroad? As well compare Spain or Italy with England, as the South with the North. If any one wishes to appreciate Southern weakness, let him read Mr. Olmstead's *Tour through the Seaboard Slave States*. It is an interesting book, written with graphic power and evident truthfulness, in a lively, animated, dramatic style, is full of anecdote and adventure, and contains a series of deeply instructive daguerreotype pictures, painted by the light of a clear intellect, from real life. The view of Southern society given in this work is not a pleasant one for a catholic American to look at. It reveals a state of things very surprising, hitherto unsuspected by most persons in the North, probably by most in the South. It would be well for Southern people who wish to understand their real position, to read this book, if its circulation has not been prohibited by some Kansas law or Lynch law, by General Pierce or Mr. Brooks.

There is another element of moral power in the Northern States, also positive and real, undeniable and unchangeable, which cannot be evaded or resisted, and which must always influence this question, whatever aspect it may assume. That element is the opinion of the civilized world on the subject of slavery. In morals, in religion, as in literature and the arts, there are no national boundary lines. Scientific truth, the productions of genius, political reforms, social ameliorations, nobler and higher views of life and duty, wherever they originate, are a common property. Opinion rules the world, and opinion is modified by advancing culture, so that the maxims and habits of one age become barbarisms in the next. Thence the progress of civilization; thence the difference between Christian Europe to-day, with its liberty, its social security, its wealth, its literature, its arts, its intellectual culture and activity, its elegance and refinement, and the Europe of former ages. Of that Christian European civilization, we form a part. We are in daily contact with it, are joint heirs of all it has done, copartners of all it is doing. Its opinion is part and parcel of our opinion, and its suffrages, though not put in our ballot-boxes, do, and must of necessity, influence our action and our destiny. That opinion has condemned slavery—those suffrages have been given unanimously in sympathy with the

anti-slavery party in this country. Whether right or wrong, the superior mind of the most enlightened countries of Europe has declared this institution to be inconsistent with the present state of civilization, and to belong to the barbarism of the past. This opinion, therefore, influencing, as it must, opinion here, giving support, encouragement, intellectual aid and moral weight to Northern sentiment and purposes, is an important element of Northern power.

It is with this power, so founded on numbers, wealth and intelligence, so guaranteed by law, so buttressed and sustained by the opinion of the civilized world, that the South claims equality, and claims it by reason of the very cause which has produced weakness in the South and strength in the North. It claims equality of representation where there is no equality in the thing represented. It claims equality of power where it has a minority of votes. It claims the right to gain this equality by fastening upon vast regions of boundless resources, and the unborn millions to inhabit them, the very institution that has withered its own energies and retarded its own progress. Such a claim is founded neither in the law of the land, nor in justice, nor in the nature of things. It cannot permanently succeed, and its triumphs will not endure. Whatever shape it may assume, of thought or act, of argument or practice, of revolutionary doctrine or revolutionary deed, it is destined to be confronted and defeated by the controlling fact of Northern power, which must in the end prevail, because it is an inherent attribute of power to govern.

There is only one sort of equality that it is wise for the South to desire or possible for it to attain, and that is, what it has already—equality before the law. This is the great maxim of free society. Equal rights to unequal things. This is the only principle that can protect wealth from poverty, or poverty from wealth; the mental cultivation of the few from the brute force of the many, or the ignorance of the many from the superior intelligence of the few. All other kinds of equality are impossible, because contrary to the laws of man's nature, and this alone enables all other kinds to live together side by side, in harmony and order, uniting all talents, labors and powers, for the common good. This principle can and does give security to the South. It is one of the great principles of our Constitution and our Union, and only under its guardianship can Southern weakness find safety in the neighborhood of its *inseparable* companion—Northern strength.

The South has for its protection, for the protection of the institution on which its repose, its prosperity, its existence depend, — but

against which is banded, in formidable array, the opinion of civilized nations, and of a large and increasing portion of the North—the provisions and guaranties of the Constitution. These have proved so far an efficient protection. The sphere of slavery has not been narrowed, but enlarged. The South has greatly influenced, not to say controlled, the legislation of the country, and still does so. But whether sufficient or not, the Constitution is the only protection that slavery has in the world. Take away that, and the whole world is united against it. Whilst the Constitution lasts, this great Northern strength, which is and *must forever remain* the close neighbor of the South, is also its brother and friend. Party arrangements, commercial interests, family ties, easy intercourse, above all, love for the Union and a sense of its benefits, combine to make the relations of North and South safe for the South and a blessing to both. But destroy the Union and the Constitution, then Northern strength becomes at once the enemy of Southern weakness, and with the North for an enemy, where will the South find a friend?

Is it not madness, then, in this passionate and foolish South thus to kick against the pricks, to resist facts which are like rocks and mountains, steadfast, immovable, and which shatter all opposition into spray and foam? Was it not unwise in Southern politicians to violate the Missouri compact, which, if it was a barrier to them, was also a barrier to their enemies? Is it not imprudent in them, by ingenious quibbles, and subtle repinings, and false constructions, and insincere pretexts, to undermine the plain, well-settled principles of the Constitution, when that Constitution is their only protection; to make a breach in their only wall of defence? Is there no danger that such arts may return to plague their inventors? Are there no constitutional provisions for their safety, whose plain meaning may be tortured and twisted, and explained away by these attorney-like tricks? Above all, is it not infatuated folly in the South to alienate the feelings and rouse the indignation of its powerful neighbor, by Kansas invasions, and burnings, and slaughter; by tampering with weak Presidents, in whose official authority the North has an equal share and interest; by Brooks assaults in the Senate House; by threats and insults and violence; by open avowed violations of law, and the rights secured by law? The time may come when it will invoke in vain the defences of the Constitution it is now attempting to cast down; when it will ask in vain for Northern votes to resist Northern majorities; when it will look in vain for Northern help to save it from dangers more terrible than Northern majorities.

There is one plain path out of these present troubles, and that is

to go back to the Constitution. If Mr. Clayton's plan had provided for the repeal of the Kansas Bill, had set aside entirely the spurious Kansas legislature, and all its deeds of darkness, reenacting such of its laws as are necessary for the moment, including those protecting Slaves now in the Territory; then, under his bill, the future legislature of Kansas might immediately or hereafter refuse or accept slavery as part of their system, and such action would be subject, as it ought to be, to the revision and control of Congress. Should the result prove that the majority of the people of this country solemnly refuse to sanction the further extension of slavery, it would still have the Constitution for its protection where it now exists, and it would be the duty of the South to submit, because obedience to the law is always a duty, and its policy also, for its only safety would lie in submission. Rebellion would be treason, and Northern strength can put down and punish treason. Even successful rebellion, after civil war, ending in disunion or treason consummated, would not help the South. Would slavery be safe during civil war? Would it be safer after disunion, with this great Northern strength still by its side, but no longer as a brother?

Thus this great fact of superior and rapidly increasing Northern power, governs this question, looming up from the horizon like some towering Chimborazo mountain, meeting the eye from whatever point it looks. That there is danger to slavery in these days it is vain to deny. It is behind the age; it is an isolated institution; it is inconsistent with any high standard of national civilization and culture. It is doomed to recede, not to advance; and, finally, to be greatly modified or to perish. Whether this fate is to arrive peacefully and gradually, or suddenly and violently, depends wholly on the action of the South. There is security for the South, living as it must always do by the side of Northern strength, only in the Constitution and the friendship of the North. The Constitution is wise, and every departure from it proves its wisdom. It has shown itself hitherto sufficient for the protection of slavery. The Northern people are loyal to the South. The vast majority yield willingly, zealously, all the constitutional rights of the South. They love the Union and the Constitution and their country, and the South as part of their country. They are slow to wrath, and easy to be entreated; they will endure many things, but not all things. Kansas massacres, General Pierce, and Mr. Brooks, are among the things they will not endure.

OCEIL.