

slaves, the Constitution speaks of them as *persons*—which they cannot possibly be if they are solely and exclusively *property*. If they are persons, they have personal rights: they are subjects of moral law:—they have certain spiritual powers and faculties of which no laws can divest them, and which no human power can ignore or disregard without committing a moral wrong. *Property* has no such rights,—no such faculties. The owner of a hog may fatten, kill and eat him if he pleases:—the owner of a slave cannot. A slave may be held accountable for his acts,—may be punished for theft,—may be guilty of murder:—a horse cannot. It is perfectly absurd to speak of the two as being alike *property*.—as holding to the law and the State precisely the same relation, in the same sense and to the same extent. The very terms—*person* and *property*—exclude the idea that they can be identical. A person cannot be property,—nor can that which is property possibly be clothed with the attributes and rights which are inseparable from personality. There may be property in certain *faculties* of a person,—property in his labor, property in the products of his genius,—property in his time, his services and his earnings;—but personality itself cannot be owned.

This is the view of Slavery which is apparent in the Constitution of the United States. No man has ever designated but three clauses in that instrument which refer to Slavery, directly or indirectly; and in each of these, slaves are spoken of distinctly and deliberately as *persons*. The clause which permits their importation until 1808, simply forbids the prohibition of “the migration or importation of such *persons* as any of the States now existing shall think proper to admit.” The clause which fixes their ratio of representation, merely declares that, to the whole number of *free* persons shall be added “three-fifths of all *other persons* ;” and the clause which provides for the return of fugitive slaves, declares, with equal precision, not that fugitive *property* may be seized and reclaimed, but that “no *person* held to service or labor in one State” shall be discharged therefrom by the laws of any State into which he may escape. In each and every one of these clauses special care is taken to designate slaves as *persons*, and thus necessarily to exclude the idea that they are *property*. Their service, their labor, is due to—is owned by—others; but they do not, therefore—because they cannot—surrender any of the rights which always, from the necessity of the case, belong inalienably to persons everywhere.

In this sense the great mass of the Northern people concede the legal existence, and the Constitutional immunity of Slavery. They regard slaves as *persons* owing service and labor to their masters, by virtue of local laws or usages, which are recognized as valid by the Constitution of the United States. But they do not regard them, nor does the Federal Constitution regard them, as being thereby divested of the rights of persons—as being merely property, like Mr. WIGFALL’S “horses, lands, mules, and hogs.” They are still persons—men and women, having rights and owing duties—with moral responsibilities and immunities, of which no law can deprive them, without being itself an outrage upon the law of universal humanity.

The North does not regard slaves as merely property, and can never be brought to do so under any circumstances; for such a concession would be to surrender their own control over Slavery within their own limits—to annul their own prohibitions of it, and to establish the law of Slavery, like the law of property, as the immovable basis and foundation, not only of the Federal Government, but of every State and every community in the Union. The claim of the South, so far as the South sanctions Mr. WIGFALL’S view,—as it seems inclined to do more and more every day,—is extravagant, and will never be conceded. It really marks the line of division between the two great parties and sections of the Union; and so long as it is persisted in and pressed, it is folly to hope for compromise or peace on this vexed question. It indicates a purpose on the part of the South to abdicate its most important duties toward the slaves,—to abandon all thought of treating them as persons, of respecting their rights, of recognizing any moral obligations towards them—and to place them in all respects upon the same level with their horses, lands, mules and hogs. Such an endeavor is unworthy of Southern men, and ought to be at once resented and resisted by them from a feeling of self-respect. Practically, thousands of them—the great mass, indeed, in our judgment—will never act upon such a doctrine; but they should never assent to its theoretical establishment or promulgation. Slaves are *persons*—in the view not only of the Federal Constitution, but of the laws and usages of the Southern States; and Mr. WIGFALL’S assertion that the South “draws no distinction between them and any other property” is a slander upon the Southern people, which they themselves should be the first to resent.

# **Slaves as Property—The Question Really at Issue.**

Mr. WIGFALL, the new Senator from Texas, in one of his recent speeches in the Senate, said he denied that “we at the South draw any distinction between slaves and any other property. We ask simply,” said he, “that *that property shall be put upon the same footing as every other species of property*. We ask that, and we ask *nothing more*.”

Mr. WIGFALL seemed to be under the impression that he was speaking in the spirit of moderation and forbearance. This “simple” demand of the South evidently struck him as the merest trifle in the world;—and no language can picture his disgust and horror at finding that the people of the North were unwilling to make this slight concession. But neither Mr. WIGFALL nor those Pro-Slavery ultraists who are fond of dwelling upon the same point, are quite as simple as they would be thought. They know very well that if they can establish this point, in the law and public sentiment of the country, they will have everything they could possibly desire. In fact, there will be left nothing more to be conceded. All the planks in all the platforms of both parties—all the contests about Territorial sovereignty, the extension of Slavery, the limits of Federal power, &c., become utterly empty and useless. If slaves are property, in the same sense and to the same extent as “lands, horses, mules and hogs,” as Mr. WIGFALL, in another part of his speech, declared that they are—if they are to be thus regarded and treated by the Legislatures, Courts and people of the Union—if this is the *status* upon which they are placed, and upon which they are to be maintained by the Constitution of the United States, any further controversy on the subject is either the idlest of shams or the most flagrant injustice. In that case, Mr. WIGFALL need resort to no elaborate argument to prove that neither Congress nor the Territorial Legislatures can exclude Slavery from Federal territory. It cannot be excluded anywhere, by any power, or from any jurisdiction—State or territorial. What would Mr. WIGFALL say to a law of South Carolina—or a clause in the Constitution of that State—which should declare all title to property in land, in horses, in hogs and mules utterly invalid and void? No State, no society, has any right thus to confiscate property—thus to destroy that which rests upon an older and more solid basis than any form of government—without which, indeed, there can be no such thing as government anywhere.

It is easy to see that the Pro-Slavery Party have selected this principle as the Malakoff of their peculiar institution. That the Federal Constitution recognizes slaves as property appears to be a plausible and comparatively innocent proposition. It has been repeated so often—its truth has been so generally assumed, and even Northern men have so frequently conceded it as a matter of fact, that Southern politicians, not without reason, count upon establishing it as a point of Constitutional law. When they have done this, they have done everything. They have access both to Territories and to States. They have established their right to carry Slaves into Federal Territory, and to hold them there in spite of Congress, in spite of Territorial Legislatures, and in spite of Constitutions. They have virtually annulled the laws and the action of all States which have abolished Slavery, and will have made their institution and its code just as universal, just as permanent, just as completely out of the reach of hostile legislation, as that general law of property which lies at the basis of all government, and, indeed, of all society. Mr. WIGFALL says, “we ask *that* and we ask *nothing more*!” What a pattern of forbearance—what a model of moderation Mr. WIGFALL is!

The Constitution of the United States does not recognize slaves as property at all. There is not a solitary section, phrase or syllable in it which countenances the assumption that slaves are property precisely as lands, horses, mules and hogs are property—to use the words of Mr. WIGFALL. It does undoubtedly recognize Slavery; but it does even that only silently and by implication. But it gives not the slightest color or countenance to the doctrine that slaves are *only* property—that they are to be governed solely by the laws, which govern property—and that they have none of the rights which belong to persons. On the contrary, with studied and deliberate purpose, in each and every allusion which it makes to