

THE PRESIDENT'S EMANCIPATION PROCLAMATION.

THE President's proclamation of the twenty-second of September has informed the nation, that on the first day of January, 1863, 'all persons held as slaves within any State, or any designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then thenceforward and for ever free;' and that he pledges the Executive Government of the United States, and the military and naval authority, to recognize and maintain their freedom — nay, will do no act 'to repress' them 'in any efforts they may make for their actual freedom.' There is now before the country a limited number of days during which the bosom of every sincere patriot must be agitated with anxieties, with hopes and doubts. Will the people of the South in revolt accept the provisions which shall save them from the effects of this decree? Will they, upon the coming New-Year's Day, have representatives once more duly elected to speak for them beneath the domes of the Capitol? God grant that such may be the affirmative result of this proclamation upon the first day of January, 1863. There would then be reflected a brightness over the world which could not fail to rest upon the altars of every sanctuary, and within the unnumbered homes of humanity. Such are the feelings which well up in the popular heart; but they are not unmingled with doubts, with fears, ay, with the unqualified conviction that it will not produce so great a boon. Indeed it would be absurd to expect it.

We have a high respect for President Lincoln; and since his nomination for the chair he fills, we have silently and carefully watched his career. We care nothing for the grace of rhetoric in comparison with that other grace which we believe he possesses in an eminent de-

gree — we mean honesty of purpose. 'What I do about slavery and the colored race,' said he, in his letter to Horace Greeley of August twenty-second, 'I do because I believe it will help to save this Union.' This, without doubt, was one of the moving causes to his late manifesto — although some outside pressure, as it is termed, for aught we know might have been an additional weight in turning the scale. The position which he occupies is no sinecure. There is an immense responsibility about it, and it is very easy to criticise the acts of those in office by those who are out of it; but we have an opinion, independent and without political bias, which we may be permitted to express.

We sincerely love our country, and looking back to the resolution of Congress, (twenty-second July, 1861;) we remember how the blood leapt in our veins, reminding us as it did of the spirit and tone of '76 — a period which, amid a thousand trials, still retained the most noble and generous sentiments. We repeat it here: 'That in this national emergency, Congress, banishing all feelings of mere passion or resentment, will recollect only its duty to the whole country; that this war is not waged on their part in any spirit of oppression, or for any purpose of conquest or subjugation, or purpose of overthrowing or interfering with the rights or established institutions of these States; but to defend and maintain the supremacy of the Constitution, and to preserve the Union, with all the dignity, equality, and rights of the several States unimpaired; and that as soon as these objects are accomplished the war ought to cease.' (Yeas, 117; Nays, 2.)

We will go still further back — to the fourth of March — when the President-

elect was solemnly invested in the capital of the nation with the responsibilities of his great office, and there in his inaugural reiterated his purpose: 'It was neither directly nor indirectly to interfere with the institution of slavery in the States where it exists.' And further, he read and confirmed the resolutions made by those who nominated and elected him, as a law to both: 'That the maintenance inviolate of the rights of the States, and especially the rights of each State, to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of power on which the perfection and endurance of our political fabric depends.' When the President further said, that 'Current events and experience may show a modification or change (in his views) to be proper, it was not for a moment to be presumed as intended to lessen the completeness of his preceding statement touching the organic law.' This, then, was the platform on which the President and his party stood. The language is fair and plain. It is explicit. It confirmed the original doctrines respecting the Constitution.

In the progress of a war it frequently happens that the initial cause is forgotten, and that entirely different questions come to be introduced. The motives to this change may be various. The first movement may have been insufficient to justify hostilities, the real objects may have been concealed, or the plea of military necessity may be put in proof. The present aspect of affairs induces us to look again at the origin and nature of our national power.

The old Confederation was weak. The General Government was little more than a shadow without the substance. 'The United States in Congress could declare every thing, but do nothing. It was therefore considered indispensable to the happiness of the individual States, that there should be lodged somewhere a supreme power to regulate and govern the general con-

cerns of the Confederated Republic, without which the Union could not be of long duration. It was evident that there should be a National Government laid upon deeper foundations than the mere sanction of delegated authority. The fabric of American empire ought to rest on the solid basis of the consent of the people.' After protracted deliberations, by a Convention held for the purpose, a plan was agreed upon. It was laid before the United States in Congress assembled, accompanied by the opinion that the plan should be 'submitted to a Convention of delegates chosen in each State by the people thereof, under a recommendation of its Legislature for their assent and ratification.' It was so ratified. The people breathed upon the instrument. Through a concert of soul it was created, and to the world there was thus presented a living Union. Its powers were granted by them, and are to be exercised directly on them and for their benefit.

During the formative process of this fundamental law, one may distinctly see the caution and jealousy with which the people of the several States viewed certain privileges. That part only was given up which had to be given up, in order to secure the integrity of the whole. Certain rights were ceded to a Central Power for the good of all—but not all rights. The Government of the United States went into active existence under the express agreement of a concession to it of entire control for specified objects, and the people of the respective States reserved to themselves within their own limits, entire control of other objects. Neither that which was given, nor that which was retained, was conditional. Neither can transgress these relations without violence.

What then are the questions which have given rise to this war? The term rebellion is one which is ignored in the South because too clearly criminal, and a new term, although a political equivalent, is made to cover a novel

doctrine of right — that of State sovereignty — the secession of a State at pleasure. It is against this armed faction of the South that the Government is understood to be acting. We may be told they have a Chief and the appliances of government. Nevertheless it is a usurped power. All rebellion must have some organization. The leaders of this faction have made themselves the directors of the popular will, and suppressed every expression under risk of life and property, adverse to this assumed power. Their soldiers were enlisted under a mistaken idea of patriotism; and in some cases through false appeals. It was the thought of endangered rights, invaded homes, freed slaves, and subjugation to tyranny, that roused the enthusiasm of the Southern masses, and nerved the timid to arms. The rest were forced levies.

The Government has then a duty to perform. There is nothing equivocal in its nature. It is loyalty or disloyalty to its legitimate authority. Both exist throughout the South. The first is borne down by force. Surrounded by soldiers, loyalty is compelled to be silent. There is a giant faction which has to be crushed. After an existence of eighteen months it still retains a bold and defiant attitude.

Since the outbreak of the rebellion it has been clear that the Government has struggled between two opinions; or rather, while in the performance of an imperative duty, it has desired to pursue those methods which would exhibit more the spirit of leniency than of vindictiveness. This result we have supposed was the effect in part of progress and liberal ideas, and partly of those mixed conditions of loyalty with disloyalty which are found in the Southern States. It cannot be said to have proceeded from any pusillanimity of purpose. Another policy, it seems, is to be inaugurated. It is stated to result from military necessity, and to receive its sanction from the right of war — from the war-power.

This war-power is, indeed, a tremendous one — if it be, as John Quincy Adams more than twenty years ago declared it to be — such that it 'breaks down every barrier so anxiously erected for the protection of liberty, of property, of life.' Let us consider well this view of the case.

Whatever might have been the license of former times in respect to the violence growing out of a state of war, Christianity — especially since the age of Grotius — has tended materially to modify it; and Wheaton, in his 'Elements,' remarks with great justice: 'That we are authorized to use against an enemy such a degree of violence, and such only, as may be necessary to secure the object of hostilities.'

Now what was the object of hostilities on our part? It was to maintain the Constitution, the Union — to put the rebellion down. These were the avowed objects. It is claimed by many that the incitive cause of this rebellion is slavery. Years ago it was thought that the tariff or some other interest would be the cause of armed domestic strife. Chancellor Kent observed, that if ever the tranquillity of this nation is to be disturbed, and its peace jeopardized by a struggle for power among themselves, it would be upon this very subject of the choice of a President. 'This is the question that is eventually to test the goodness and try the strength of the Constitution.'

It is true this giant trouble of ours has sprung from that part of our Republic over which a Upas shadow has been hanging; working a greater evil to the master than his black dependent. But slavery is not altogether responsible for the treason of placing a part as coequal and in opposition to the sovereignty of the whole. This is the rebellion against the fundamental law, which the history of our country proves may be engendered in the free as well as in the slave States. This is a doctrine which it is imperative to defeat. We believe that slavery has

had much to do with the cause; but it will be well if this idea indicates for us a much wider significance than the negro bondage. The whole result of the world's history becomes resolved into a few simple elements. The conduct of men is of infinite value; and however perfect may be the form of government, however great the freedom enjoyed by the subject, if they or their chosen rulers become the slaves of passion, of prejudice, of ambition, of party, it will be found that true liberty is then insecure.

If a freeman would retain his freedom, he must be vigilant—first in the choice of a representative, and secondly during the term of representation. It is then a vigilance which is life-long; nor does it cease with the grave. The effect is perpetuated after him. When apathy causes the loss of happiness, it is remembered.

We believe, as we have already stated, that Slavery has had much to do with this rebellion. In order to crush it, the right of war appears to be invoked upon the former. A strange light is dawning upon us. We have always supposed that Slavery was a local law, over which the Government of the United States never had, and could not have any jurisdiction in the States where it exists. This we have been taught by the Constitution itself, and by all the debates and writings upon it. It would seem, however, that we have another and a stern power before us, which does assume it. The war-power, we repeat, is invoked as a means of quelling the rebellion. But before we can reach this new means it is clear that the revolt must be greatly weakened—almost crushed—therefore the slave cannot be made free until the military necessity which induced the Proclamation has nearly ceased; and it is at that precise juncture, when it would have been wise to have had those very means left to us, which would not only have secured the gradual Emancipation of the slave, but have reaped from clem-

ency the utmost advantage. It is in this way we would have made the question of Emancipation conserve the terms of peace.

But the object of hostilities was not only to quell the rebellion and maintain the Constitution. It was to preserve the Union. The United States is a national unity. Any partition or dissolution of it would inaugurate, or rather would revive here those incessant conflicts, the results of which may be traced in the histories of other countries. The idea of union for the American is then something more than territorial power. We are certainly not without motives to be generous. A forced political as well as social compact is rotten at the core, is always a source of trouble and of weakness. How shall we avert this? The vindication of the rights and prerogatives of the Government is not enough. The well-being and harmony of the Union is our object. Many laugh at any exhibition of magnanimity, and so they would at every other virtue. It is well that there remains in the country some conservatism. Let us not be misunderstood. War, as we do, or should feel, is a rough affair. The days of battle are not gala-days. The conservatism of which we speak is not of past errors, but of those grand principles of truth, of justice, and of liberty, which have been the burden of orations innumerable, from the foundation of our Independence. We have loved to regard the genius of our institutions, as inspired by the most noble and exalted conceptions of humanity which the world had ever seen. It cannot be that this country, in rising with fresh vigor to the task before it, shall depart from the right, or yield itself up to the impulses of passion. Christianity, be it remembered, is the spirit which has enabled us to win from the ages the rights we possess. With this conviction before us, let us be so governed in the very midst of the strife, that when this rebellion shall be utterly dead we shall not have to contend with a spirit which

has been fostered by any acts of loyal Americans. The idea is to be scouted from the breast of every honest patriot, that in order to show his abhorrence of treason it is needful to imitate the barbarities or language of its supporters.

Union, indeed, in a body politic, is a very equivocal term. True union is such a harmony as makes all the particular parts, as opposite as they may seem to us, concur to the general welfare of society.* It is to this effort we have ultimately to direct our attention. We cannot shut from our view, nor escape from expressing it, the great fact, that the security of our Union in this fearful crisis, depends no less upon keeping a Christian temper and our constitutional faith unimpaired, than upon a firm and energetic prosecution of our duty in subduing the revolt. If the former is broken, our difficulties can only be increased in respect to the latter. We are bound to look far beyond this civil war. The Constitution is not so thoroughly weak that it must be suspended, in order that it may be supported. And we, therefore, regard the Emancipation Proclamation as an unfortunate mistake. That it is unconstitutional, Mr. Lincoln himself would be the last to deny; and any other man in the United States had doubtless just as much right to issue such a document as the President had, in his civil capacity. But if called upon to defend it, he would not attempt to do so upon pretence of authority as President, but as Commander-in-Chief of the United States forces, acting under military necessity; but even in this light it can only be regarded as an unwarranted stretch of power, calculated to work considerable mischief. There was no military necessity for it whatever. Other nations have been more sorely pressed in war than this country at the present time, and yet have never ventured upon measures so extreme and indefensible. It can be defended only

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on one supposition, namely, that it will drive the rebels to submission before the date fixed for it to come into operation. But will it tend in the least to induce this desirable result? It certainly guarantees to the rebellious States the continuance of slavery indefinitely, if they are only willing to return to the Union, within the time fixed for its coming into operation; but will this bait tempt the rebels? We see no reason to think so; but about its effect after the first of January, should the rebellion still continue, there can be no doubt whatever. It would be to aggravate the South ten-fold, and make the whole population of the seceded States a unit against us, and fire with fresh enthusiasm the entire rebel army. The war would become a life-and-death struggle, and the Proclamation in all probability a dead letter.

Hitherto during this war we have more than emulated international usages. We have acted worthy of our high mission. Although an extraordinary ferocity has been exhibited, and permitted, human nature is not altogether extinct in the South. Shall we imitate those nations who suffocate their enemies in the caves of the earth? or blow their subjects from the cannon's mouth? Nations that profess to be touched with feelings for the cause of humanity. But for the credit of the English people be it said, that they received the intelligence of the terrible military cruelties practised by British officers in India with indignation and horror. America shudders at such conceptions. Do we not all look to a restoration of peace? of a legitimate peace? Let us then so act that when it shall be proclaimed, Justice can be pointed to as having kept her eyes closed to the dictates both of passion and of partiality. It is no chimera, then, that the constitutional charter of our rights shall be kept and brought safely through the terrible storm which rages, and presented in peace to the sovereign people who framed it, to be by them amended in peace. Is this for-

bearance too much? It would prove a mighty power in the furtherance of Liberty, individual and national, when that great assertion of the capacity of man for self-government shall receive a bright confirmation in the fact, that the most fearful trials cannot warp the people from an inexorable justice, and its merciful dispensation.

These are attributes which the enemies of popular governments have always boldly declared could not exist in them. They avow it now with exultation, and point to historical evidence for their support—that in great moments they become swayed by passion. We repeat it, there is a result produced by forbearance, or a mutual concession upon human nature, which it is always high wisdom to regard. We speak not of concessions to a wrong principle, but of magnanimity and charity, politically as well as morally. It is in those assemblies where it is exercised that the warmest admiration is elicited. There is a thrill of pleasure in the soul, there

is an involuntary burst of applause, when we observe those noble tokens of our higher nature, amid all the fervor of debate, or in the most trying exigencies. We may win battles and whole campaigns, but if we throw away the advantages which fortune places in our hands, what shall we gain by our heroism and our sufferings? Let, then, Truth, Liberty, and Justice triumph, and the Union and the Constitution be unimpaired. But withal the rebellion must be extinguished; and then whatever of political abuses, whatever of social errors the war has made apparent, let the people proceed to reform. A result like this will be for free institutions and for man a crown of glory which cannot easily be removed. It will be a victory lasting, and always increasing in its fruits. But otherwise we shall have ruin, anarchy, and confusion; and we shrink from contemplating the prospect which presents itself to the imagination.