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*To the People of Missouri Territory.*

FELLOW CITIZENS—In the two preceding numbers, I think it is clearly demonstrated that the enactment of a constitution must be the work of a sovereign independent power; and that admission into the union of the state presupposes absolute independence in the state admitted; and consequently that any attempt to control a new state in the formation of its government is against the spirit of the constitution. And that the success of such an attempt would prove the new state state unfit to be admitted into the union, because not independent, but subject to foreign dictation.

It is now my purpose to remark upon the nature of the conditions attempted to be imposed upon us, and to shew that they strike at one of the main objects for which society was instituted, and that they are an usurpation as well on the rights of the United States as on our own. In doing this it will not be necessary to repeat the arguments already advanced, which prove the unconstitutionality of these specific conditions, because it has already been shewn, I hope, to the satisfaction of all who can reason or read, that congress have no power to impose any condition whatever. On this branch of the subject suffice it to add that an act of congress empowering the people of a territory to form a convention and organize a state government is not alone sufficient for the admission of such state into the union, because the act is but a preliminary measure; and the new state is not then in being, so as to give assent to the compact. And as in principle there ought to be, so in practice there always is a subsequent act done by congress, expressing their assent to the accession of the new state. This last act is done after the state is organized and its representatives at the doors of Congress with credentials in their hands; and it is in this act, if at all, that congress have any right to talk about conditions.

But let us come at once to the subject of this number—and first I will consider that part of it which in my opinion affects the main object of society. "Government (says one of our greatest constitutional lawyers) is instituted no less for protection of the property than of the persons of individuals." And surely a slave is as much the property of his master as any other article he can possess. For although in one light he is considered a moral agent, and is made amenable to the criminal law, yet in every state where slavery is permitted, the laws give to the owner the same absolute power to control, use and dispose of the slave, as is given over any other species of property; and the constitution of the United States expressly declares that no man's property shall be taken for public use without just compensation. The defenders of this usurpation say that congress do not attempt to take from the owners slaves now in being, but only to take away the right to the services of unborn children; and that no property can exist in things not in being. This is the way in which they whip around a constitutional principle which they dare not openly controvert. But in steering clear of the rock of the constitution, they run on a quicksand still more dangerous. Knowing that congress have no power to take away our property, they are reduced to the dilemma of giving up the question, or of denying a principle without which the idea of property in any thing would be absurd—a principle coeval with civil society, which has stood with increasing strength in every age and under every modification of government, and must have been introduced when the first notion of permanent property was conceived. That is, that every power or faculty inherent in a thing which is an object of property, and which forms one of its natural and essential qualities, giving it additional value, is as much the object of property as is the thing itself. The subversion of this principle, which is the very root and life of property, would render nugatory the constitutional guarantee of all such rights, would destroy the received opinions of the world as to the very nature of property, and would carry us back to the incipient state of society when occupancy was its only criterion. Suppose, for the sake of argument, the above-named principle destroyed, and the doctrine established (according to the will of the usurpers) that, although the master has the absolute right of property in existing slaves, yet he has no right of property in their natural increase, because that is a matter *in expectancy*, and may or may not happen. It would lead to this; that a master has no right to the future services of slaves he now has; for the service the slave might render next year is equally in expectancy, and it is just as likely as in the case of increase, that his future service will not happen.

Nay, congress might go farther, and say to us "certainly your lands are your own, and we have no right to take them from you, but what those lands will produce hereafter is altogether uncertain, and is not in your possession; we therefore enact that although the land is yours, we will take the issue—that after the adoption of the state constitution, you may still keep the land, but you shall not touch one blade of grass, or one ear of corn, or any of its productions spontaneous or artificial." Do you not feel, fellow citizens, the monstrous iniquity of such a doctrine? Do you not see that it strikes at the very object for which society was instituted, and cuts asunder the bond of union which all of us should cherish and strive to make indissoluble? If the preposterous ground assumed by our enemies be tenable, I cannot imagine why they are so solicitous to drag you into a constitutional acknowledgment of it; for supposing the master has no right to the children born of his slaves, such children must of course be free, without the usurping interference of congress, or the servile acquiescence of a cringing state convention. But it is in this, as in all similar cases, wherever an improper & illegal object is to be attained, its supporters are driven to improper and illegal means for its attainment.

Here I should dismiss this branch of the subject, were it not that language has been held on the floor of congress inconsistent with the general reason and practice of the world as it is hostile to the federal constitution and to the leading principles of the various state governments in our union. A member (a certain Mr. Taylor of New York) with much florid declamation and a great deal of impertinent zeal, declares that no man can have a right of property in any human being; and that slavery is incompatible with the constitution and the genius of our government. I shall not now discuss the propriety of admitting slavery here, for that is not the question—whenever it comes before the people of Missouri, who are alone competent to decide it, I hold myself pledged and prepared to meet the investigation. As to Mr. Taylor it need only be said that slaves have been found in almost every country of the world, since society began; and no where in greater numbers than under governments called republican, whose citizens were freer than the inhabitants of any other countries in the then known world. The assertion that slavery is incompatible with the constitution and the genius of our government, I quote, not to argue against it, for it is unimportantly essential, but merely to show the foolish extraneous to which an intemperate zeal will carry its votaries. Who established the state governments and made the federal constitution? Slaveholders, almost without exception. At the adoption of the constitution, all the states south of Pennsylvania had a numerous slave population; and Pennsylvania, New Jersey and New York (and perhaps all the rest) had, and I believe still have, slaves among them, held in bondage *by law*. Is it not incredible to our common sense, to be told that a constitution not only permitting, but partly based on domestic slavery, should make it the duty of those who live under it to suppress and destroy themselves and their government? But it is just such a doctrine as I should expect to hear from a man who can say without a blush of shame, that congress has power to make laws to bind the territory in all cases whatsoever.—This, Mr. Taylor says almost in terms. It is a power which the wisest and best of British statesmen always denied to parliament over the American colonies; and the assertion of which in any part of the United States, in the days of the revolution or in twenty years after it, would have drawn upon Mr. Taylor universal and well merited abhorrence and contempt. And yet it was not denied by the sternest republicans of the revolution, that, until the declaration of independence, Great Britain was lawfully possessed of all the authority over her North American possessions that can lawfully result from the relation of colony and mother country. What greater authority can the United States have over us? Yet they have said, and sealed the declaration with blood, that it did not involve the right to bind in all cases whatsoever. Parliament too, is said to be omnipotent—Congress has no powers but such as are expressly delegated.

Let us now enquire if these conditions do not infringe on the rights of the several states. It cannot be denied that every citizen of the United States has the right to remove to any of the territories, and take with him his property, of whatever kind it may be provided there be no previous legal prohibition. Slavery existed under the Spanish and French authority before the acquisition of Louisiana, and the right to hold slaves has never been restrained since the cession. Under these circumstances, thousands have migrated from the southern states and brought their slaves along with them; and if they who are still citizens of their parent states (not yet being members of a different sovereignty) can be free to possess and hold slaves in any territory, is it not a violation of the rights and dignity of the states to which they belong? Besides, Louisiana was purchased of at common expense, for the common benefit—to be sold for local purposes—could be enjoyed by individual purchasers who should receive it in with their property. It is unjust and unwise to exclude the citizens of slave holding states from the means of enjoying it with out a sacrifice to other property.

These arguments, standing alone, possess strength and solidity, but they shew too comparative feebleness when we view the full extent of the design as compared to better reasons—our certain present and future danger to the southern and western states, and hearing about them indubitable signs of a dissolution of the union. The tyrant of a country, when he forces the design to subjugate and break the spirit of his people, selects some obscure individual, whose rights are not respected, and whose wrongs are not thought of by the public, and in his person, established a precedent which brings the most bold of his subjects to bow in humble submission to his will. Thus it is with Congress; they select a obscure, frontier territory, unknown to speak, and young in political life, and expect from her ignorance, timidity or weak-

ness, to establish a precedent that will sap the foundation of state authority and make this federal government a consolidated nation. If ever the principle should be established that Congress can prescribe a constitution to a new state, the boasted sovereignty of the states is gone forever; for in principle there is not a shadow of difference between the dictation of a constitution to a new state, and the alteration or abolition of that of an old state. And with precedent staring us in the face, in vain shall we appeal to the spirit of the constitution, in vain shall we invoke the genius of the government to stop the career of successful usurpation. The intriguing faction that is now laboring against us, if they succeed in this single instance, will have gained their point—They will have erected a barrier beyond which slaveholders cannot go—They will have thrown around the southern states, lines of circumvallation which would confine them forever within their present limits. Having thus secured to themselves the possession of this extensive region, the fairest and best portion of the continent, they will grow rapidly in wealth and power and a spirit of domination, while the scale of southern influence will gradually rise, till the balance of power is totally lost, and no alternative is left but unconditional submission on the one hand, or resistance and disunion on the other.

HAMPDEN.