

**SLAVERY IN THE UNITED STATES OF
AMERICA; ITS NATIONAL RECOGNITION
AND RELATIONS, FROM THE
ESTABLISHMENT OF THE CONFEDERACY,
TO THE PRESENT TIME. A WORD TO THE
NORTH AND THE SOUTH**

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HENRY SHERMAN

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A WORD TO THE NORTH AND THE SOUTH.

BY HENRY SHERMAN,
COUNSELLOR AT LAW.

—“Then I thought that Conciliators were but ignorant men, that were willing to please all, and would pretend to reconcile the world by principles which they did not understand themselves; I have since perceived, that if the amiableness of peace and concord had no hand in the business, yet greater light, and stronger judgment, usually are with the Reconcilers, than with either of the contending parties.”—RICHARD BAXTER'S *review of his early opinions.*

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TO
THE FRIENDS OF
THE SUPREMACY OF OUR NATIONAL SOVEREIGNTY,
AND
OUR NATIONAL SOVEREIGNTY IN ITS SUPREMACY,
THE
TRUE FRIENDS OF
THE UNION, OF FREEDOM, AND HUMANITY,
THIS VOLUME
IS FRATERNALLY INSCRIBED BY
THE AUTHOR.

PREFACE

I HAVE long thought that the more modern controversies on the subject of Slavery, which have obtained in this country, have originated mostly in the absence of a just and proper understanding and appreciation of the Theory of our Government in its National, State, and Territorial relations, under the Constitution, and the changes which these have undergone by the extension of our National domain and jurisdiction beyond the anticipations and calculations of its framers. In preparing this work for the press, I have endeavored to develop these relations and changes in their complicity with this agitating topic, with a view to a more general understanding of it, and a more harmonious acquiescence in the privileges, as well as the restraints, of which it has been made the subject.

The Earl of Chatham, standing in his place in the British House of Lords to oppose the aggressions of Ministry upon the rights of the American Colonies, in 1775, made the memorable and truthful declaration—"In every free State it is the Constitution, and the Constitution only, which limits both Sovereignty and Allegiance. This doctrine is

no temporary doctrine taken up on particular occasions, to answer particular purposes. It is involved in no metaphysical doubts and intricacies, but is clear, precise, and determinate. It is recorded in all our Law books. It is written in the great Volume of Nature."

In this country, there are those who say with General Walker, in his letter of resignation, addressed to Secretary Cass,—“The Constitution is not Sovereign because it is created by Sovereignty. With us Sovereignty rests exclusively with the people of each State.—The National Government is not Sovereign, much less any department of that Government, for the same reason.”

And again, there are those whose views are expressed by General Lane, in a letter from the Territory of Kansas, January, 1858, wherein he says—“I suppose you know that the feeling here is strong against any Congressional Enabling Act. We want no interference with our affairs by Congress; feeling that we are fully competent to settle these matters ourselves. We want to be let alone.”

And again, there are others still, who cherish the sentiment of Lord Chatham. Now, exclusively of all partizan feeling on the subject, it is evident that the doctrine enunciated by the latter, is directly at variance with that maintained by either of the other class of thinkers. Yet it contains that great principle of freedom, the violation of which caused the Revolution of 1688, in England, whose results were the overthrow of the doctrine of the Divine Right of Kings, the recognition of the people as a source of Sovereignty in the State, and the establishment of the Crown on the heads, and the succession in the line, of

William and Mary, Prince and Princess of Orange, by act of Parliament, by Law, in 1690. In other words, it gave birth to the Free Constitution of Great Britain, to which the Earl of Chatham refers.

Just one century after this, the American Revolution inaugurated the greater triumph of the same principle of Freedom, in the establishment of a freer Government and Sovereignty, called the United States of America, under a freer Constitution, which was finally ratified by all of the States in 1790.

Both of these Constitutions were founded upon the principle that there can be no allegiance where there is no Sovereignty. And that where there is Sovereignty, there must of necessity be allegiance. If then "with us, Sovereignty rests exclusively with the people of each State," where rests allegiance? Does the State owe allegiance to the people, or do the people owe allegiance to the State? Do the people owe allegiance to the Constitution, or the Constitution to the people? Or do the people, in their exclusive Sovereignty, owe allegiance only to themselves?

With us, there is a National Sovereignty, and there is also a State Sovereignty. There are State Constitutions which limit both Sovereignty and Allegiance in the State; And there is a National Constitution which limits both Sovereignty and Allegiance in the United States. Each has its particular, appropriate, and necessary sphere of action. Either may claim and enforce the particular, appropriate, and necessary Allegiance which is its due. With us there are no Territorial Constitutions.

Allegiance in a State, is submission to the Supreme