

which slavery is a component part certain privileges, and confer them on one part of the slaves while the other portion is retained in slavery.

But the answer is made by some that it is not a privilege conferred on the slave but that it is a grant to the master who gives the freedom or unequal advantages. This is doing indirectly what cannot be done directly, and if it could not be given directly to the slave, because unconstitutional, it could not be given through an agent.

But again it is answered that every man has a right to do what he pleases with his own property. This is true, if he violates no social or legal or constitutional right of another. But no man can so dispose of his property, as to grant exclusive benefits to one class, while they are denied to another. There is another aspect of the question, however, which makes it still more conclusive. No man shall so deal with his property as to injure that of his neighbor, and it is not in the power of government to grant such a right. Our government from its free constitution cannot give the power to one class to use property to the injury of another class. In this case the manumission effected by legislative enactment, have proved an injury to the slave, for the example and condition of the free negro is directly calculated to impair the efficacy and weaken the bond of slavery, and by this process the free negro by manumission, is working a continual injury to slave property. This legislature could not grant the power to any one to dam up a stream of water, so as to injure another and even if a general law should work such consequences it would be unconstitutional. If a general privilege of which all if they saw fit could avail themselves were given, and only a few should use it and the result of the use was a clear injury to others who did not use it would be palpably unconstitutional. This is too clear for argument.

Thus those rights which now exist as to slavery are primary or constitutional rights, founded in fundamental compact, and when there are privileges given which conflict with the fundamental right as founded in compact, such privileges must give place to the fundamental, though such privileges should be the fruit of a general law; because you cannot force citizens holding rights by virtue of the constitution to yield them to mere legal rights. Thus the institution of slavery is a constitutional right and that of the free negro is a legal right, and in a conflict the latter must yield to the former, and the idle existence of the free negro is doing an injury to the slave, the constitutional *property* of the master.

An unconstitutional act may be tested as well by the consequences as by its direct conflict with the constitution. You cannot compel every citizen to comply with the provisions of an act, although it is general, if there are rights held by the constitution contrary to the consequences of the general act. Thus slavery is a constitutional right, and where you pass an act allowing manumission, every man is not bound to manumit, nor indeed coul