

can be taken or imprisoned, or deprived of his freehold, liberties or privileges, or out-lawed, or exiled, or be deprived of his life, liberty or property, but by the judgment of his peers, or by the law of the land. And it is proposed to add to these words, the limitation that the article should not be considered as applying to the free colored population of the State.

It is said that this is proper, because an occasion may arise for sending this people beyond our limits, and that it is wisest to provide for such a contingency. If this be the only reason, the addition is unnecessary. Under the old Constitution there seems to have been no difference in the quality of citizenship between freemen of whatever color; but in 1809 the political power of the State was vested in free white male citizens only, and the whole subsequent history of our legislation, demonstrates that the free colored population have been regarded as denizens only, who are entitled to no other privilege, or domicile, than such as the law of the State accords. The words in the article contained in the bill of rights, as reported from the committee, confer no new civil powers—but provide only, that they shall not be deprived of those which they have obtained, under the sanction of the public law, by other means than the law itself shall prescribe. And if it be adopted, one, or all of the class referred to, can be separated from the community, and sent beyond its limits, by the formal exercise of the power of the State. It is but the retraction of a privilege, which was a gift only, and not the result of any compact, expressed or implied; for this people bear no relation to the government, except in being subject to its laws.

The free colored population of the State is, indeed, already a great inconvenience, and may soon become a serious evil. This result was long ago foreseen, and the Legislature, with benignant care, has established a colony which, among other uses, is opened as an asylum to them. It has been the policy of the State to encourage emigration by promoting a kind relation between ourselves and this people in order that they might feel we had their good at heart, and thus enter, cheerfully, into our plans. There was reason, no less than humanity in such a course; and their history confirms it. Because, although their presence is a disadvantage, they are not with us of their own choice; and the very liberty which they enjoy, or misuse, was given under sanction of our public law.

The period is now at hand when a just regard for the interests of our white population will compel us to remove a class, who compete with them in many of the walks of labor, and yet can have no share or interest in our government. But we owe it to ourselves to perform this task with humanity and gentleness, and we should keep around them the protection of the law, until we are prepared to remove them to another land. Their fathers have served our fathers,—and our justice, stern as its requirement will ultimately be, should be tempered with charity and moderation.

This right to remove them, is a power in the

State to preserve itself, and is no novelty in doctrine. It does not consist only in the making and enforcement of general laws, nor are its processes limited to the arraignment or conviction of individual offenders. Whenever classes, sects, or races grow up in a commonwealth, whose habits of life, or practices endanger the general interest and prosperity, the Legislature in virtue of its supreme power in the State, ought to, and can by the formality of law, and the use of the civil power, regulate their conduct, limit their privileges, and provide for their gradual removal. There are in history many such instances of the exercise of power. Most have been tyrannical; as was the statute banishing the Jews from England in the time of Edward I., but where the right is calmly and dispassionately exercised, with an eye single to the public good,—its existence and propriety cannot be questioned. A nation is in as much, and more, danger of slow corruption than of sudden out-break; and self-preservation as imperatively demands the use of the power of the State in seasons of apparent tranquility, as in times of impending revolution. And if it should appear to any Legislature, hereafter, that the free colored people of this State paralyze the industry of our white population,—promote discontents, or disorder among the slaves,—or corrupt the springs of public morality,—it will be necessary to take all steps which may accomplish their peaceable removal. But the responsibility should be assumed and borne by the Legislature. They ought not to look to us for a sanction. And when that period arrives, they will owe it to themselves, while they perform their duty with unshrinking hands, to make the Exodus of this people a season of charity and forbearance, which will justify the necessity to themselves. That the period is not remote at which this necessity will occur, the commonest observer may determine. The walks of labor are becoming thronged. The white and black races jostle upon our thoroughfares. And there can be no question that the power of the State must be, and ought to be, ultimately used in the upholding of its white population, and in the removal of the free blacks.

But, in the mean time, since this power is undeniable it is unavailing to parade it on our statute book. While they remain, let there be no inference even that their labor and property are placed without the shelter of the law. For, although their physical power in the State is beneath apprehension, yet, as a class, if outlawed by our statutes, they would become a source of perpetual mischief; crowding our prisons with petty offenders, who seek their daily bread by thefts and violence.

Some allusion has been made in this debate to the vote given by this Convention on the article withholding from the Legislature all right to alter the relation between master and slave. The cases bear no analogy. Slavery has existed in this State, almost ever since its foundation, with its benefits or evils, as a mode of culture, we have nothing to do. If it was injurious, the harm recoiled in the first instance upon the proprietors and complaint would proceed, naturally, from