

THE SPEECH

OF

HENRY BERRY,

(OF JEFFERSON,)

IN THE

HOUSE OF DELEGATES OF VIRGINIA,

ON THE

ABOLITION OF SLAVERY.

E445
V8
B6
1832
EAGE
E445
V8
B6
1832

It is due to MR. BERRY to state that his speech on the abolition of slavery, has been published in its present form, by gentlemen favorable to the views which he has advocated—not by himself.

HOUSE OF DELEGATES OF VIRGINIA.

WEDNESDAY, JANUARY 11, 1832.

MR. GOODE of Mecklenburg, rose to move the following resolution.

Resolved, That the select committee raised on the subject of slaves, free negroes, and the melancholy occurrences growing out of the tragical massacre in Southampton, be discharged from the consideration of all petitions, memorials and resolutions, which have for their object, the manumission of persons held in servitude under the existing laws of this commonwealth, and that it is not expedient to legislate on the subject.

MR. RANDOLPH moved the following substitute, to be inserted after the word "Southampton:"

"be instructed to inquire into the expediency of submitting to the vote of the qualified voters in the several towns, cities, boroughs, and counties of this commonwealth, the propriety of providing by law, that the children of all female slaves, who may be born in this state, on or after the 4th day of July, 1840, shall become the property of the commonwealth, the males at the age of twenty-one years, and females at the age of eighteen, if detained by their owners within the limits of Virginia, until they shall respectively arrive at the ages aforesaid, to be hired out until the next sum arising therefrom; shall be sufficient to defray the expense of their removal, beyond the limits of the United States, and that said committee have leave to report by bill or otherwise."

MONDAY, JANUARY 16, 1832.

MR. BRODNAX, from the committee on the colored population, presented the following report:

The select committee, to whom was referred certain memorials, praying the passage of some law providing for the gradual abolition of slavery in the commonwealth, have, according to order, had the same under consideration, and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That it is inexpedient for the present legislature to make any legislative enactment for the abolition of slavery.

MR. PRESTON moved that the resolution reported from the committee, be amended, by striking out the word "inexpedient," and inserting the word "expedient."

FRIDAY, JANUARY 20, 1832.

MR. BERRY rose and addressed the house. Mr. Speaker—Coming from a county in which there are about 4000 slaves, being myself a slave-holder; and I may say further, that the largest interest in property that I have in Virginia, lies about 100 miles east of the Blue Ridge, and consists of land and slaves—under these circumstances, I hope I shall be excused by my eastern brethren, for saying a few words on this important, and deeply interesting subject. That slavery is a grinding curse upon this state, I had supposed would have been admitted by all, and that the only question for debate here, would have been, the possibility of removing the evil. But, sir, in this I have been disappointed. I have been astonished to find that there are advocates here for slavery, with all its effects. Sir, this only proves how far, how very far, we may be carried by pecuniary interest; it proves what has been said by an immortal bard—

That man is unco weak,
And little to be trusted,
If self the wavering balance shake,
'Tis rarely right adjusted.

Sir, I believe that no cancer on the physical body was ever more certain, steady, and fatal in its progress, than is this cancer on the political body of the state of Virginia. It is eating into her very vitals. And shall we admit that the evil is past remedy? Shall we act the part of a puny patient, suffering under the ravages of a fatal disease, who would say the remedy is too painful, the dose is too nauseous, I cannot bear it; and who would close his eyes in despair, and give himself up to death? No, sir; I would bear the knife and the cautery, for the sake of health. I would never despair of the republic. For myself, I would abandon hope on this subject, and the state together. But, sir, as long as there is a hope that this evil will be removed, I will stick to the good Old Dominion; and I believe there are thousands in the state, who feel as I do on this subject. If we do not give it up, what shall we gain by the delay? Is the evil being diminished? No, sir. Like a mighty avalanche, it is rolling towards us, accumulating weight and impetus at every turn. And, sir, if we do nothing to arrest its progress, it will ultimately overwhelm and destroy us forever. The gentleman from Mecklenburg, who opened this debate, seemed to think that great excitement, and strange delusions had been produced by the action of this house, before this debate began. I think the gentleman was entirely mistaken. Whatever excitements or delusions may have existed among the people, before this debate began, were produced by causes anterior to any motion on the subject in this house. The tragedy of Southampton had aroused the people of Virginia, from a fatal lethargy on this subject; and I ardently hope it may produce some as glorious results for this state, as did some of the tragedies recorded in the annals of antiquity, for ancient Rome. If the gentleman from Mecklenburg, is not entitled to the merit of producing this debate, he is certainly entitled to the merit of accelerating it; and, probably of giving to it a much more expanded and discursive character, than it would have received had it

been deferred until the committee had reported. I, for one, am grateful to him for it. I believe it is high time that this subject should be discussed and considered, by the people of Virginia. I believe that the people are *awakened* on the subject, but not *alarmed*; I believe they will consider it calmly, and decide upon it correctly. Sir, I have no fears now, for any general results, from any efforts at insurrection, by this unfortunate class of our population. I *know* that we have the power to crush any such effort at a blow. I know that any such effort on their part, at this day, will end in the annihilation of all concerned in it. And I believe our greatest security now, is in their knowledge of these things, in their knowledge of their own weakness. None but the most ignorant and fanatical, will attempt it *now*—the better informed knowing the effort is hopeless, desperate, will not make it. The Southampton affair, was the work of the most ignorant, deluded wretches on earth. That was a small affair, as it affected the general safety of the state; but it was a most horrible tragedy. The attitude of the citizens of this state in relation to this danger, is one of the most distressing insecurity individually. We are like a crowd of people, towards whom a single man should point a loaded gun, with the apparent intent to fire upon them. They know he cannot kill them all, but each feels that his own life is in peril. So here, we know not when, how, or where, this evil may assail us.

I admired the philosophy (not to use a harsher term) of the gentleman from Brunswick, which enabled him to turn the whole Southampton affair into ridicule. He told us he had witnessed that tragedy—or a part of it. Sir, had I witnessed that tragedy, I am sure I could never have thought of it and smiled. But, sir, although I have no fears for any general results from the efforts of this class of our population *now*, still, sir, the time will come, when there will be imminent, general danger. Pass as severe laws as you will, to keep these unfortunate creatures in ignorance, it is in vain, unless you can extinguish that spark of intellect which God has given them. Let any man who advocates slavery, examine the system of laws that we have adopted (from stern necessity it may be said,) towards these creatures, and he may shed a tear upon that, and would to God, sir, the memory of it might thus be blotted out forever. Sir, we have, as far as possible closed every avenue by which light might enter their minds; we have only to go one step further—to extinguish the capacity to see the light, and our work would be completed; they would then be reduced to the level of the beasts of the field, and we should be safe; and I am not certain that we would not do it, if we could find out the necessary process—and that under the plea of necessity. But, sir, this is impossible; and can man be in the midst of freemen, and not know what freedom is? Can he feel that he has the power to assert his liberty, and will he not do it? Yes, sir, with the certainty of the current of time, will he do it whenever he has the power. Sir, to prove that the time will come, I need offer no other argument than that of arithmetic, the conclusions from which are clear demonstrations on this subject. The data are before us all, and every man can work out the process for himself.—Sir, a death struggle must come between the two classes, in which one or the other will be extinguished forever. Who can contemplate such

a catastrophe as even possible, and be indifferent, inactive? Sir, the right of property in the colored class generally, has been brought into this debate, and I am sorry for it; it is not to be treated in the abstract. But I think our eastern brethren are to blame for it; they rather arrogantly advanced their right of property, as an insuperable barrier to our doing any thing for the removal of the evil of slavery, and rather challenged an investigation of their title, and it has been rather rudely handled in this debate. Yet, sir, I am for maintaining the bonds by which we hold this property *now*, with firmness and with vigilance; because it is necessary to the public safety that we should do so, and because there are vested rights to this property, under the law as it now is. Sir, I should be glad that this house should declare unanimously, that the relations between master and slave should not now be disturbed, that none of the present generation should be removed, except those who may be given up voluntarily. But, sir, the plea of *necessity* will not answer in bar to a scheme for the future gradual emancipation and removal of this class—that measure is within our power. The evil was gradually entailed upon us, and can only be gradually removed. I admit that we are not to be blamed for the origin of this evil among us; we are not to be blamed for its existence now, but we shall deserve the severest censure if we do not take measures as soon as possibly, to remove it. Sir, every obligation of justice and humanity demands—the safety of the republic demands the adoption of a system which shall produce the certain, gradual emancipation and removal of this whole class. To liberate the after-born, is obviously *practicable*; it has been recommended by the immortal Jefferson, whose counsels we have followed in so many things, with such signal benefits, but have totally disregarded in this. It has been done by our sister states; and the only objection of any force, that I have heard urged, is the constitutional one, founded upon the attenuated, contemptible right of property in these after-born children, which is placed in competition with the lives of our sons and daughters, to the remotest generations, in competition with the very existence of this republic. Sir, I am sick with the clamor in this debate, about this property, this wealth. I consider it all as mere trash, when weighed against the public safety. The right of property in slaves, is entirely the creature of the positive law; all our rules of property are under the control of the legislature; our law of descents, distribution, &c. can be altered by the legislature whenever it shall seem expedient; and *a fortiori*, can the legislature alter the rule with regard to property in slaves, because the right is purely the creature of the legislature. The law now is, that the children of slaves shall be slaves to the owner of the mother; but will it be contended that this law can never be altered—is it to be perpetual—will no necessity justify a change? The idea is ridiculous. Sir, there is an important difference between *vested* rights and rights not *vested*, between *prospective* and *retrospective* legislation. If a child be born of a slave, under the law as it now is, the right becomes vested in the owner of the mother; and we could not, consistently with the constitution perhaps, take the child from the master, without compensation. Why not? Because it is a vested right under the statute. But can we not legislate *prospectively*, on this sub-

ject? Can we not declare that the children of slaves born ten, twenty, or fifty years hence, shall not be slaves, but shall be free? If we cannot do this, then indeed our statute is perpetual, and the present owner of a female slave has an indefeasible estate in her descendants for one hundred generations to come—in fact, forever. This is absurd. The right to slaves *now* in being, is vested; the right to those *to be* born, is a mere possibility; if the law remain as it now is, the right may vest; if it is altered, the right will not vest. How could you compensate a slave owner for the possibility of increase, ten years hence?—

What would be the measure of value? Sir, in abolishing the law of primogeniture, we could not have taken from the oldest son, an estate which had vested in him, and have divided it equally among his brothers and sisters and himself. Why not? Because the right had vested. But we could pass a law altering the rule of property prospectively, directing that instead of all the land going to the eldest son, it should pass to all the children equally. The expectancies of all the eldest sons in the state, were cut off by a measure of policy—the abolition of the law of primogeniture. The use and enjoyment of all property, is always controlled by a regard for the safety of the public, as the paramount law of every state. Cannot the legislature prevent the raising of animals that will endanger the public safety? Some of the citizens of this state might be engaged in raising young tigers, and it might be a very *lucrative* business; but, sir, it probably would be very dangerous to the public; and will it be pretended that the legislature could not check it? And, sir, it is probable that the raising young slaves will become equally dangerous. The gentleman from Fauquier seemed to think that a man might raise what he pleased on his own land, and enjoy whatever he did raise; but here too, sir, we are controlled by the same rule. No man would be permitted to raise any thing on his own land, that would be deleterious to the public—he might be engaged in raising the far-famed Upas tree, but he would certainly be checked in this too. I will give another familiar illustration of the supremacy of this rule, in regard to the public safety. If a man builds a valuable mill on his own land, and has a pond annexed to it which happens to infect the whole neighborhood with disease, as is very often the case, what is the consequence? The mill-pond must come down, even though all the owner may be worth may be vested in the mill, and *he* gets not a cent of compensation. What are the laws against usury, and many of the laws with regard to slaves themselves, but illustrations of the control which the legislature exercises over all property, for the public safety? It might be said with plausibility, that a man is *entitled* to the *increase* that any sum of money he may have will bring him; if it will yield him 20, 30, or 50 per cent. he ought to have it; having the capital stock, he ought to have the *increase*; but we know that all persons in this state are prohibited under severe penalties, from receiving more than six per cent. And I presume it will be admitted that the legislature might prevent the taking of *any* increase or interest on money. In this the use and enjoyment of property are controlled by what is deemed the public weal. Suppose we declare that all the children of slaves which shall be born after the year 1840, shall be entitled to their freedom on their birth, subject to

the following conditions: that they shall serve the owners of their mothers for 20 or 25 years, or such length of time as may be deemed necessary to remunerate them for the expense of nurture; then to be hired out for such length of time as may be necessary to raise money to transport and settle them; and lastly, that they shall leave the state in some short time after all these things are done. Here the owner of the females will not lose any thing; he will only be prevented from making gain by the raising of slaves, which would endanger the public safety. Here we prevent a right from vesting, because it is dangerous to the public; we do not divest a vested right. Sir, slaveholders may object to such an enactment, because it will prevent them from making gain by the raising of slaves; but, in my humble judgment, there is no sound constitutional objection to such an enactment. If slave-owners should not choose to hold female slaves thereafter, subject to such conditions, they could sell them before or after the commencement of the operation of the rule. I do not believe that the adoption of such a plan would lessen the present value of slaves. We secure to the present owners the whole of the present stock absolutely; it certainly would not lessen the value of the males in the least. All the children of the females for eight years to come, would be slaves forever; and those born after that, must remunerate the master, by service, for their nurture. The adoption of such a system would give stability and security to this property; it would tranquilize the public mind; even the colored classes, seeing that a settled policy was adopted towards them, would become more quiet and reconciled, and would abandon all vain hopes and imagination of any general or immediate emancipation. This process would remove the evil gradually and certainly, and would produce no shock to society; the places of the slaves would be gradually filled by freemen, and the habits of the people would be gradually adapted to the change. Our posterity will be most interested in this matter; and think you, sir, they will regret the adoption, by us, of such a system? No, sir—it will be the best legacy that we can possibly leave them. Had this been done 30 or 50 years ago, would we now regret it? No, sir—we should now be the happiest people on earth. Sir, I am sorry I have not confidence in the scheme of the gentleman from Dinwiddie, to remove this evil from among us. He states the annual increase of the colored population, bond and free, now, at about 6,000, and he proposes to raise the sum of \$200,000 annually, to defray the expense of removing and settling this number in Africa. He estimates the annual increase of slaves, now, at 4,500, and he seems to flatter himself that this number will be given up annually by their owners, to be colonized. What will these slaves be worth at the time they will be fit to be colonized? It will not do to take the very old or very young. They will be worth at least one million of dollars; and if I may judge from the tone of this debate, I cannot believe that property of this value will be given up gratis, annually, by the slave-owners. But this would be only taking off the annual increase—it would leave the capital stock about stationary. And I cannot believe it will even do this. Yet, sir, I am for adopting the scheme of the gentleman from Dinwiddie; it will do some good. Sir, I believe that the annual increase of slaves in Vir-

ginia, will be in a few years, much greater than it is now. The annual increase of slaves throughout the United States, is about three per cent.—it may be inferred that the increase is as great in Virginia as elsewhere. The gentleman from Petersburg estimates the whole stock of slaves in Virginia, at about 470,000—at that rate, the actual annual increase in Virginia, would be 14,000; but this has been kept down by exportation, so as to leave it about 4,500. The southern states are gradually imposing restrictions upon the importation of slaves, and by that policy our exportation of them must be considerably reduced in time to come. The consequence will be, that the actual increase of slaves within this state, will be not less than 10,000 per annum—and if we have to buy up all these, and colonize them, it will not cost less than \$2,300,000 per annum. I ask, where is this treasure to come from? And this, mark you, will not diminish the capital stock perceptibly. Sir, I am firmly convinced that there is no other system that is practicable, and will be efficient for removing this evil, than that of liberating the after-born children. The gentleman from Petersburg estimates the value of the present stock of slaves in Virginia, at upwards of \$100,000,000, and asks, rather triumphantly, what equivalent shall we receive for all this wealth? I answer, the security of life, liberty, and happiness; we shall be rich in these blessings, if we have not a slave in the land. But the slaves will be removed so gradually by this system, that the loss will not be felt; the reduction of the number of slaves will enhance to the owners those that remain. Another objection of the gentleman from Petersburg is, that when this system takes effect, slaves and freedmen will be growing up together, and that the disposition to revolt, will be thereby increased. I do not perceive the force of this objection. The freedmen will be so many abstracted from the mal-contentis; they will have no sufficient motive to risk their lives for that to which they will be entitled already, and our security then as now, will be in our superior power. Those living at the time this plan would take effect, would be the only class from whom any danger need be apprehended. All who might be born afterwards, would be entitled to their freedom on the same terms, and would have no sufficient motive for revolt; the danger would be continually decreasing. But, sir, suppose we do nothing in our day, as the gentleman would seem to desire, will not the danger be infinitely greater, and increasing continually? The gentleman gave us a long statistical statement, the object of which was to prove that slave labor is more productive than free labor. I presume that the exports from the city of New Orleans, formed a part of the estimate he gave us of southern exports. And sir, the fact that New Orleans is the shipping port for the western part of Pennsylvania, the western part of Virginia, the states of Ohio, Kentucky, Indiana, in fact, for almost the whole of the young and mighty west, destroys the whole force of his statement. But, sir, will any gentleman maintain the proposition, that a given district of country can sustain in comfort and prosperity, a larger slave population than free population? Sir, it will be very hard to convince me of this. I have seen too much of the practical effects of slavery, to believe this. As a general rule, the slaves only half work, and the masters do not work at all. The

