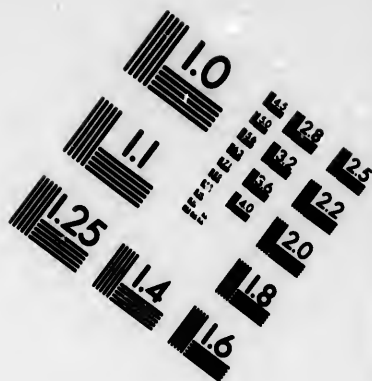
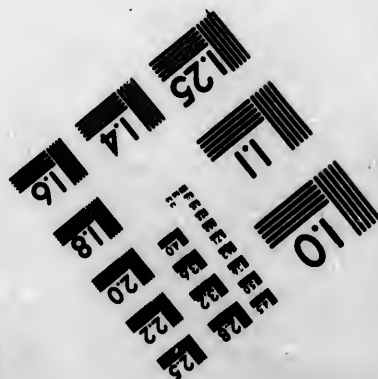




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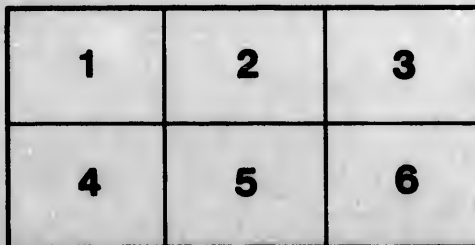
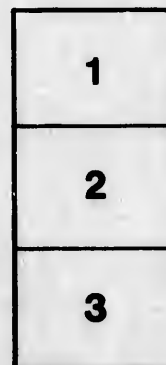
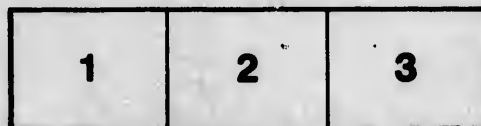
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THE
AMERICAN WAR :
WITH
SOME SUGGESTIONS
TOWARDS EFFECTING
AN HONORABLE PEACE.

BY THE AUTHOR OF THE PRIZE ESSAY ON NOVA SCOTIA
AND HER RESOURCES.



HALIFAX, N. S.
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1864.

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THE AMERICAN WAR.

I.—GENERAL OBSERVATIONS.

WAR is the most deplorable evil that afflicts society. In the mixed condition of human affairs, from the conflicting interests and uncontrollable passions of men, to promulgate a theory professing to be a remedy for the evil would be deemed quixotic ; we must wait the predicted era of universal peace. But when the subject of war is viewed in the abstract, how the mind revolts from the spectacle of multitudes of intelligent beings arrayed one against the other in deadly conflict like the beasts of the forest ! How cutting a reproach to the boasted perfection of modern civilization, that the differences which arise between nations or states cannot be adjusted without a resort to arms ; that the happiness and wealth of the civilized world must be diminished by the withdrawal from the fields of industry of so many millions of the most stalwart of the male population, whose profession it is to invent and use implements with which they may destroy their fellows !

Standing armies have long been acknowledged as a fixed institution amongst the older communities of Europe ; but the untried, though hopeful-born American Republic, included amongst other peculiar and novel characteristics, an exemption from the cost of maintaining numbers of armed citizens to protect their country from invasion or to prosecute schemes of conquest. The latent disease which slumbered in the embryo Republic very soon, however, began to infect it, and to embar-

ness its rulers. The determination to abolish slavery, though by gradual means, necessarily excited opposition from slave-holding States. Concessions for a while repressed the spirit of discontent ; but its suppression only increased its intensity, until the slave-states have at length assumed a position of sectional hostility to the free-states, and the once prosperous Republic is convulsed through nearly its whole extent in the throes of civil war. The free states, deeming the defection of the slave-holding states to be an act of rebellion, lament that like the nations of Europe, they had no standing army with which they might have subdued the insurgent states at the very outset. This idea is more plausible than rational, because an army organized when peace prevailed, must have been largely composed of citizens of the South, who, when the crisis arrived, would have taken side with their compatriots, the Confederates. The most sagacious foresight could not have prevented the catastrophe, nor, except in a slight degree, could have mitigated its distressing circumstances. If what is alleged be true, that the secession began before the attack upon Fort Sumter, by treasonable acts in the cabinet ; it proves a want of penetration and watchfulness in the statesmen of the North. It is asserted that " Mr. Toucey, in the navy department, had dispersed the fleet, and Mr. Floyd, in the army department, had transferred military stores to Southern arsenals, appropriated public monies, and put Southern partizans into offices of trust."

It is not the intention of the writer of this pamphlet to discuss the question of the American war in its legal features. It were useless. There are neither maxims nor precedents which are applicable. It is a conflict entirely novel in its circumstances and aspects. Arguments cogent enough, might be adduced to prove the sovereignty of individual States, as granted by the Constitution and tacitly recognized by the Executive. In other words, that had South Carolina alone, or in conjunction with her neighbours, sought by petition to

Congress to be allowed to withdraw from the Federation, there was nothing in the principles of equity or examples of analogy to have justified a refusal, with the proviso that due indemnity must have been made for any loss to accrue to the Federal community from the withdrawal of such state or states, i. e. as regards national property. But so long as any state is a member of the Confederation, and has not thus petitioned for separation, (which it must be admitted is not contemplated by the Constitution), "any agreement or compact with another state, or to engage in war,"* is clearly defined as a treasonable offence. It may be urged in contraverting this view of the subject, "The Americans have an empire of which they may well be proud, so vast in area, so varied in its productions, so inexhaustible in wealth, so unparalleled in its progress. They have special motives for preserving it one and indivisible. If divided, there will be greater difficulty in settling territorial limits. Commerce may be injured by varying and hostile tariffs. The principle of disintegration may develop until there are numberless rival republics. There would be frequent strife between themselves, and peril from foreign foes. Standing armies would be required, and heavy taxation to maintain them."† Without attempting to combat the difficulties here enumerated in the event of a separation, and entertaining from the beginning of the war a like opinion with the author just quoted, respecting its *expediency*; as well the expediency of reunion, were it practicable—that, "the North and the South are so incompatible in character and interest that a permanent union between them is impossible. . . . Although every Southern port be blockaded, and victory crown the Federals in every fight, they can never hold the South by force of arms, and if they could, such enforced union would be worthless," the writer would suggest the apparent right of a populous state or com-

* Constitution of the United States, Art. I. Sec. X.

† Newman Hall, L. L. B.

munity to seek separation from a larger community or nation, if the general policy of the government should be found adverse to their local interests and progress. This is not to be understood as affirming that the policy of the Union was in the main hostile to Southern interests. If the principle be sound, the seceding States would assume all the risk of such uncertainty.

II.—ORIGIN AND CHARACTER OF THE STRUGGLE.

It has been already intimated that where there is no guiding principle of international law, nor any precedent to meet the case, we must resort to analogy. In first view, the most simple illustration presented to the mind, is that of a partnership in any industrial or commercial undertaking. This, be it understood, is based on the admission that the States before and at their union, were sovereign and independent. If a partner in such a concern, finds that it is not to his interest to continue therein, and is desirous to withdraw, it would appear unreasonable to present any obstacle to his retirement, or to attempt to coerce him into a continuance of partnership. This analogy however does not meet the case. One, more applicable may be adduced, if we compare the Constitution of the United States to a treaty between two or more independent nations. The treaty is binding *in perpetuum*, until modified or cancelled by the consent of all. What then does history point out to us as the mode in which such a treaty is invaded or broken? A dissatisfied party to the treaty, if powerful enough alone, or if not, by uniting himself with others who are alike interested, releases himself from the obligation by declaring war, and the issue is determined by a new treaty, with such modifications or changes as the new circumstances may have necessitated. This is exactly the position of the belligerents, who are designated the Federals and Confederates. Conflicting interests have arisen. An appeal

to arms has been made. The struggle is pending. Hostilities are carried on with the greatest determination, and with unrelenting animosity ; and the issue is uncertain.

Though a sincere denunciator of the system of slavery considered in itself, one may at the same time be reasonably convinced of the impracticability of complete emancipation, under certain circumstances. This dubiousness is forcibly pressed home to the judgment, in the consideration of South American slavery. This difficulty has confronted every scheme which has been devised by moderate men, for emancipating the slaves of the South. The ignorance of the slaves ; their want of self-directing intelligence ; their thriftlessness ; and last of all, their great number ; combine to render the subject one of appalling complexity. However unpalatable it may be to those who believe that slavery is the first and only cause of the war, the assertion that it is not the proximate cause must in justice be made. The immediate causes are on the one side, the detriment of a specified commercial policy embracing the whole Union, on the other the check which secession must give to its wide operation, and the consequent necessity of maintaining the integrity of the territorial union. The cause of the continuance and earnest prosecution of the war by the Federal States is likewise influenced by the praiseworthy sentiment of patriotism ; a reluctance to witness the dismemberment of the wide-spreading Republic, embracing nearly half a continent, and a determination that it shall not be disintegrated.

If the fact of the diversity of the resources of different countries, could be eliminated from the complicated and confused theories of political science, and were applied in its broad and obvious meaning, when discussing the subject of the commercial policy of any country, as an all important condition of its progress in wealth and influence, it would dispel much of the illusion which pertains to the theory of an universal system of commerce ; and while it would in a great

degree, equalize the distribution of industrial wealth between the producer and non-producer, or the artizan and the merchant, would at the same time aid in conserving the independence of the countries in their political character. It is irrational to suppose that any one country is to *manufacture* for the whole world ; because, the comparative equal distribution of raw products is a self-evident proof of the design of the Creator that the progress and wealth of nations is to be secured by multifarious industrial pursuits. The law that regulates national prosperity which may be assumed to be of universal application is the rather, that the inhabitants must not only till the soil to procure sustenance, but explore the earth that out of the raw products of nature they may manufacture necessary commodities, and create wealth. And no nation will ever attain independence and influence, until the mine has been explored, the mineral been wrought and fashioned, the fibre spun and weaved, as well as the soil thoroughly tilled and made fruitful. This digression will indicate what is believed to be the proximate cause of the calamitous conflict in the American States. The Southerners have been extensive producers of the most valuable staple that is used in manufacture, as well as of the most useless, if not pernicious vegetable of modern commerce, but have not been themselves to any important extent manufacturers. Hence, it becomes their interest to buy manufactured goods at as low rate as they can, which was prevented them by the commercial policy of the Union. Under a high protective system, the manufactories of the North have not only found a market in the South, but have found their way into the B. N. A. Colonies, where manufacture has scarcely begun. The peculiar condition of Southern industry, as well as from climatic causes, gives predominancy to cultivation of the soil as a source of wealth, but these States must have paid the penalty which neglect of the law of diversity in industrial pursuits will inevitably bring. Their misfortunes have tended

to stimulate manufacturing industry to an almost inconceivable degree.

That slavery is not the immediate cause of this war, is a proposition that requires no elaborate argument. It is well known that the two great political factions, the Republicans and Democrats, have ever been united on the platform of the continuance of slavery, if by such a policy alone the integrity of the commonwealth may be secured ; and such was their bond of union after the beginning of the war. President Lincoln's well-known manifesto proves this. The recent Emancipation Proclamation might be considered as a *coup de guerre*, nothing more. Does he, does any man appreciate the condition of things, were four million of slaves thrown upon the country, a large proportion of whom are the aged, the sick, and helpless children, uncontrolled, unprovided, uncared for ? It would be the last, the most deplorable act of cruelty. The causes which have been assigned, have particular reference to the origin of the war. Its continuance is of course to be attributed to the determination of President Lincoln to crush the insurrection or to depopulate the South. Now, all modern writers on political economy acknowledge the right of a people to resist authority if it is found to be tyrannical and oppressive. The South cannot argue this plea in its legitimate meaning, and therefore from the premises which are advanced by the advocates of Federal action, to which it will be already seen the writer demurs, the conduct of the South is insurrectionary. The difference of opinion which exists on this phase of the subject, must exist until the issue is decided ; and never perhaps will the staunch admirers of the American Constitution think otherwise. President Lincoln is sustained hitherto by the sentiment which has been already adverted to ; the reluctance to witness the immense territory embraced in the Union in any degree diminished, the fear that thereby the growing influence of the United States amongst the nations of the world

must be seriously retarded. It might be added, without offence, lest the darling schemes of the section who are infected with the lust of territory should fail to be realized.

The contest has been marked by singular vindictiveness, and in some instances has been characterized by acts of unparalleled ferocity. Vindictiveness was considered by the warlike nations of antiquity as the most exalted virtue, and is a prominent trait in the character of the savage ; but it is a vice which ought to have no place in the code of Christian nations. The manifestations of this satanic spirit, might deserve some palliation from the infirmity of human passion, aggravated as it ever is, by the demoralizing influence of war. The crisis which has culminated in this terrific contest has been slumbering for many years, and it is not surprising that it has been marked by passion and violence. War is a fearful demoralizer. Writes a late distinguished American author* : " War may call forth in those whom it assails an indignant patriotism, a fervent public spirit, a generous daring and heroic sacrifice, which testify to the inborn greatness of human nature ; just as great vices, by the horror with which they thrill us, and by the reaction they awaken, often give strength to the moral sentiments of a community. These, however, are the incidental influences of war. Its necessary fruits are crime and woe. To enthrone force above right is its essential character ; and order, freedom, civilization, are its natural prey."

THE WAY TO PEACE INDICATED.

It may perhaps appear to the readers of this *brochure*, that temerity must have dictated the attempt to offer suggestions on so momentous a topic, and one in which we, as British subjects, are remotely interested. The only reply that an ingenuous mind would make to such a criticism is the sentiment of

* Dr. W. E. Channing.

the Roman poet, "*Homo sum et humani a me nil alienum puto*,"—I am a man, and nothing which concerns mankind is indifferent to me. The writer is not insensible to the fact that truth is seldom recognized when it comes forth from obscurity and retirement ; but when decked in the trappings of wealth, and uttered by the tongue of power, it is heralded by the huzzas of the multitude. He might have well hesitated to pronounce an opinion, when the pens of influential journalists have been paralyzed in the consideration of the difficult problem.

The only manner of interference which has been seriously mooted is to recognise the South. This course we need scarcely affirm would inevitably involve the country in war with the Federal States ; and British statesmen foreseeing this, have wisely resisted the importunities of those who have urged recognition. The American character is peculiar. Democratic institutions, while they impart a feeling of independence and self-reliance, inspire the people with a sensitiveness to foreign interference. The republican believes in a kind of omnipotence that disdains the call of assistance from others. The difficulty to contend with here is, that the natural disposition is even stronger, while the circumstances of the nation have become widely altered. He does not perceive this. He does not see that the machine is dislocated, while the power has lost none of its force ; and unless timely aid is afforded, it must be dashed in pieces. It may not be the fault of the guide, but may be owing to the imperfection of the mechanism. The natural reply of an American, then, to any proposal of interference, if it came from the highest source of delegated authority, would be, "Better wait till you're asked." But might not a proposal made in the spirit of peace and good-will hope for a better answer ?

What appears to be the most unaccountable feature of this terrible war is its isolation ; the indifference regarding it which is manifested in the States that are remote from the scene of

blood. Industry appears to be but little affected by it ; and were it not from the embarrassment occasioned by a bloated currency, it could hardly be believed that the nation was at war. This indifference is even more palpable in countries commercially related to the American States, but at a distance from them. In England, and in France, public opinion has been moved by the successive occurrences inasmuch as they have impeded commercial progress ; but the astounding spectacle of fraternal bloodshed, of human slaughter, seem not to have affected any hearts. Contrast the accumulated sufferings of the afflicted slaves for generations, with the carnage and woe of a single combat, and they seem light in the comparison. How can Britain discharge her duty to humanity, if she selfishly enjoys the blessings of order and peace within her own dominions, and lifts not up the voice of expostulation against a crime so terrible. Some may rant about the war being an act of Divine retribution, and that it is to terminate in the ultimate emancipation of the slaves ; but do they know what emancipation means ? And is it a just conception of the character of our merciful Creator, to pronounce him to be a blood-loving Moloch, who must inaugurate his designs of human deliverance, by the sacrifice of myriads of redeemed souls, whom He has made immortal, and endowed with capacity for reason and virtue ?

What, then, is the course here contemplated ? To state it boldly and broadly, it is this : *That Great Britain, by virtue of her possessions in the Continent of America, propose to the other powers occupying, or having possessions in the Continent of North America, that a Convention or Congress of Plenipotentiaries be holden, for the consideration of the questions of PEACE AND COMMERCE.* But will Great Britain do this ? Afraid of the violence of exasperated pride, does she lack the courage to proffer words of reconciliation ? On the other hand, will the Federal and Conservative States consent to submit their course to a mutual arbitrament. Let

us suppose that ignorant of this humble appeal, the course of events should dictate some such mode of procedure. If the Convention were assembled, the questions for consideration would thus appear in order :

1. The suspension of hostilities.
2. Some well devised proposal for the amelioration of the condition of the slaves, consistent with the spirit of the XIX Century.
3. The line of separation between North and South.
- 4, 5, 6, &c., might include important questions of commerce and international relations.

Art. 2 of the Treaty thus proposed, would be the one on which a diversity of opinion would inevitably arise ; and the consideration of this subject will conclude the essay now submitted to the public.

It has been shewn that emancipation, in the present condition of the slaves would not only be impolitic but inhuman. Attribute as you may their ignorance and degradation to the system which enthrals them, it cannot affect the true aspect of the case. They must be dealt with, not as they ought to be, but as they really are ; and we may safely affirm that by far the majority of the slaves of the Southern States are unfitted for any other position. Hedge them around if you will, and as you should, with the most humane laws for the protection of life and domestic peace. Restrain by the most stringent enactments the cruelty of their overseers. Provide for their education and their spiritual enlightenment. Preserve inviolate the tender relations which exist in as active exercise as in races of the whitest hue. Abolish the *traffic* in slaves, but do not, do not liberate them, as you pity them. Let us suppose that the subject were under discussion by the parties interested, before the existing war rendered it more complicated. The first measure of amelioration which philanthropy would dictate would be, that these unfortunate beings

should not be bought and sold at the shambles like the cattle of the fields ; that their humanity, degraded as it is, should be respected. It would not be enough that husband and wife should not be driven into adultery, but that families should not be violently sundered ; and this could be accomplished only by a total cessation of the slave traffic. If in addition to these ameliorations, their testimony is taken in evidence under certain restrictions, which under the present system is not permitted, how changed their condition ! They would have nearly all the advantages of freedom. They would suffer no greater bondage than the force of circumstances inflicts on the lowest laboring class of non-slavery countries, and slavery would be little more than a bug-bear of the imagination. Their social position would be somewhat analogous to that of the Russian serf, appanages of the soil ; not chattels.

As the American slave is the victim of the selfishness and avarice of our British ancestors, so the Russian serf owes his condition of restraint to the opposition of the Russian nobles. What has been proposed to ameliorate the condition of the slave, is not unlike what is described as a feature of the Russian *villanage*. "The power of the master is not wholly arbitrary and unlimited, but the servitude is reduced to a certain method regulated by the civil law." The law amongst other things provides that,* "when the husband becomes free by law, or by manumission, or by contract, his wife share his freedom *ipso facto*, but not the children ; they must be emancipated by a special act." "In criminal matters, the serfs are judged by common criminal tribunals, before whom, they likewise can appear in the character of accusers and witnesses." "In case of insubordination, disobedience to the master or overseer, the serfs are punished by a military commission, and pay the expense thereof." "A serf cannot change his master, leave him, or enter any corporation. For all these the consent of the owner is necessary." "Runaway

* "Russia as it is," by Count A. de Gurowski.

serfs are returned to their owners at the cost of those who had kept or secreted them." "The master can, at his pleasure, hire his serfs to mechanics, manufacturers, and to any labour whatever. He is the supreme judge in all civil contests between his serfs. He can punish them corporally but not cripple them, or put life in jeopardy. In case of a criminal offence, the master must abstain from any punishment, but deliver the offender to the law. The master gives to the serf a passport, and furnished with this, he can move freely in the whole empire."

"Families cannot be separated by sale. The family consists of the parents and the unmarried children even of age. Serfs cannot be brought to market, but are to be sold only together with the estate." "If there be any abuse of power by the master, the law takes from the owner the administration of the estate and puts it in the hands of guardians, or of a board selected for this purpose in each district from among the nobility. Such masters cannot acquire new estates by purchase, and in aggravated cases can be given up to the criminal courts." Enough has been cited to show the prevailing features of the serf system. These extracts are not supposed to be applicable in all cases to the circumstances of the American slaves. Some might be too stringent, others too lax. The civil power seemingly should have the *sole* right of punishment, although wilful indolence, which is a prevailing vice amongst slaves, might render it impracticable from the frequency of the offence. The serf who with the consent of his master, engage his services in trading or other employments away from the estate to which he appertains, may accumulate movable property, but all houses or lands are the property of the master. He may lend out money on legal terms, but not take mortgages on land.

The serf system is, however, drawing to a close. By a *ukase* of the Emperor, of 5th Dec., 1857, the serfs are to be finally liberated, twelve years after settling terms of liberation

with the proprietors. The intervening period is considered needful to prepare them for the coming change in their position. "The reign of Alexander II, who is pledged to the measure, will be immortalized by a glorious act that can but be contrasted with the barbarous one that reduced the peasantry, two hundred and fifty-eight years ago to their present condition."* It may be a longer period ere the slaves of America will be fitted for emancipation ; but the day must and will come. If the sentiments of humanity do not avail, self interest will convince the slaveholder that he might as well pay money wages, and let his labourers provide themselves, as to find them in food and clothing ; that they will work as hard, and with more alacrity ; and that after all, the value of a slave is only his power to labour, for when he is unfit to work he is worth no dollars.

It is not intended in the reference to the serf to apply the regulations of a decaying system to the institution of slavery, but to show that a plan of amelioration must be similar to a system acknowledged to be essentially milder and more humane. The Southern slaveholder, how fearlessly soever he may enunciate his principles, and his purpose to perpetuate the "peculiar institution," will find that he must yield to the force of international sentiment, if he attaches any importance to international respect and consideration. The views of the ultra-abolitionist is tinged with fanaticism. He is obliquitous to the great law of social progress which history has defined and illustrated, that abstract principles are not universally applicable to a mixed condition of society. Wisdom instructs us to take matters as we find them ; to ameliorate as we can. Any violent disturbance of things long existing, invariably produces a reaction, which is often more calamitous than the evil itself.

* Encyc. Britt.

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