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Emancipation of the Slaves of Rebels

37th Congress, 2nd Session, Report #150.

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EMANCIPATION OF THE SLAVES OF REBELS.

[To accompany bill H. R. No. 472.]

JUNE 17, 1862.—Ordered to be printed.

Mr. NOEL, from the committee on confiscation and emancipation of the slaves of rebels, reported the following as

THE VIEWS OF THE MINORITY.

The undersigned, from the select committee to whom was referred the House bill No. 472, for the emancipation of the slaves of rebels, with instructions to report a substitute, being unable to agree with the majority of the committee in supporting said substitute, begs leave to submit the following minority report :

The substitute treats slaves as *persons* owing service to certain other *persons*; not as *property* belonging to them. The theory of the substitute is that there are certain relations existing between two classes of persons in the States, by virtue of the local laws thereof. I do not believe that any power exists to repeal, alter, or modify, by federal legislation, such local laws so as permanently to change those relations. By virtue of the local laws, mutual obligations are created or implied between the *persons* who owe the service and the *persons* to whom the service is due. It is not in the power of Congress to impair the obligations of this express or implied contract. Confiscation seizes and condemns *property as property*, but does not change the legal status of *persons* in a State, which legal status results from *local* and not from *federal* laws. Emancipation changes the status of persons from the condition of slavery to the condition of freedom, thereby changing the local, political, and social organization. The question of war or peace cannot affect the power of Congress over the subject. The exigencies of war end with the war.

Prisoners may be taken in war and held during the war; but when peace is restored the prisoner must be released and remitted back to his original condition. Why is this? It is because the exigencies of war require his capture in the first place, but do not require his detention when the war is over. So the military authority may, if necessary for military purposes, suspend the right of the master to the service of his slave, but a return of peace removes the necessity and the slave is remitted to his original status. If we treat slaves as property, I have no doubt of our right to confiscate them as other

property. But we cannot ignore their character as *property*, and then alter their status as *persons*.

The inconsistency in such a proposition is to my mind too manifest for comment.

I object to the substitute, also, because it involves the punishment of loyal men. It is not the loss of slaves set free that does the injury. It makes but little difference with the loyal man whether he is to be submerged by his own freed slaves or those of his neighbors. The ruin will be wrought upon the loyal and the disloyal, the white and the black man, by the turning loose in community of these vast numbers of ignorant, improvident, and helpless people, without capacity to provide for themselves.

I also object to the substitute because of the pecuniary ruin which will fall upon the northern and western States if it is carried out. Nothing but the great skill with which our finances have been conducted, together with the self-sacrificing patriotism of the people, have sustained us through the greatest financial trial with which any nation ever before had to contend. Shall we now rashly adopt a policy that will double our difficulties in that respect, and double the burdens of the people? If this proposition becomes a law, it is fair to suppose that one-fourth of the slaves in the south will be freed. This makes one million, at the lowest calculation. What is to be done with them? Let them stay where they are, say some.

If that be the policy, then experience has already proven that each one will cost the government at least fifty cents per day for the next ten years. But put it down to the lowest possible point—say twenty-five cents per day—to provide for them: this would make the daily expense two hundred and fifty thousand dollars, or ninety millions two hundred and fifty thousand dollars per annum. In ten years, with the accruing interest, it would run up to twelve hundred millions, on the top of our large war debt, to pay the interest on which will overdouble our annual direct tax. This vast sum would, in my judgment, be much better applied in providing for our maimed and disabled soldiers and the widows and orphans of those who have fallen in battle.

I object, also, because this sudden and unnatural process of emancipation would put an end for the next twenty years to the production of cotton, sugar, rice, and tobacco in the southern States; deprive us of the foreign and domestic commerce of which these articles constitute the basis, and cut off from the west and the north their great market for their products and manufactures. Northern manufacturers, having then to seek markets in foreign countries, would have to come down to the low wages systems of Europe, under which the laboring man would be ground to powder by the double operation of low wages and high taxes.

My last objection is that it would prolong the war, and change it to a war of extermination, the cruelties of which, perhaps, on both sides, would furnish an excuse for peremptory interference by foreign nations. I am not wise enough to foresee the result of such an interference. We may be able to defy the world in arms, yet it

seems to me that common prudence would suggest that nothing but the direst necessity can justify us in taking such risks. Slavery *let alone* by the federal government, can never again be an element of political power in national affairs. If we undertake, in a rash and unnatural way, to destroy it, and the results I have attempted thus briefly to describe should follow, it may become in the north and the west, among the free States rather than the slave States, a most potent element of political power.

The people reach conclusions always by a short process of reasoning. If, through our rashness now, a change should be wrought in our present triumphant march of success in putting down this gigantic rebellion, and untold burdens and sufferings should be brought upon them, we may prepare ourselves to give way to a new set of men, whose public policy will more nearly harmonize with the sober second thought of the great American mind and the pulsation of the great American heart.

JNO. W. NOELL.