CHAPTER THREE

“Partus Sequitur Ventrem”

In December 1831, when the delegates assembled in Richmond, they anticipated a debate on slavery. The public mood, made evident by the numerous petitions, assured the topic a spot on the session’s agenda. Among the delegates a variety of opinions prevailed on which course the legislature might and ought to take. Many opposed any legislative action, fearing that it might inspire further insurrection. At the opposite end of the political spectrum, many delegates desired the abolition of slavery in Virginia. Others searched for a middle course that would mitigate, if not eradicate, the evils of slavery. Most, at least initially, invoked the Jeffersonian legacy and proclaimed slavery as a necessary evil. The comments of Robert Powell, a slaveholding delegate from Spotsylvania County, reflected the sentiments of most delegates. “I can scarcely persuade myself that there is a solitary gentleman in the house who will not readily admit that slavery is an evil, and that its removal, if practicable, would be a consummation most devoutly wished.”

The delegates were also aware that the Virginia legislature had addressed the issue of slavery before. Three decades earlier, in the wake of Gabriel’s slave rebellion, lawmakers had debated the means to avoid similar occurrences in the future. These talks primarily centered on the subject of colonization. In January 1802, a House resolution requested that Governor James Monroe correspond with President Thomas Jefferson to discuss the establishment of an overseas colony. This colony would serve as a place “to which free negroes or mulattoes, and such negroes or mulattoes as may be emancipated, may be sent or choose to remove as a place of asylum.” Until 1832, this resolution had been the most serious attempt at general emancipation in Virginia.

This previous legislative attempt to avert further slave insurrection had obviously failed and now, in 1831, Virginia lawmakers faced an identical predicament. In this legislative session, a more radical course gained momentum. The content of Governor Floyd’s message had led to the creation of a special committee to address issues relating to the black population. During the month of December, the committee met in secret sessions. Their initial discussions focused on removal of the free black population and not on the abolition of slavery. The Committee Chairman, William Brodnax, believed that removal of free blacks was a precondition to any plan of abolition. On January 2, 1832, however, delegate Charles Faulkner submitted a proposal for

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1 Richmond Enquirer, January 31, 1832. The slaveholding status of Powell and all the delegates subsequently mentioned is taken from Robert, Road from Monticello, 113-118.

2 Douglas Egerton, Gabriel’s Rebellion: Virginia’s Slave Conspiracies of 1800 and 1802 (Chapel Hill: University of North Carolina, 1993), 147-155. This resolution was proposed by Abraham Venable.

3 The Speech of William H. Brodnax (of Dinwiddie) in the House of Delegates of Virginia, on the Policy of the State with Respect to the Colored Population (Richmond: T.W.
gradual emancipation to the committee. Word of Faulkner’s proposal leaked to the newspapers, and public discussion of emancipation schemes, which had been going on already, began to dominate Virginians’ daily discourse.

On January 11, proslavery delegates led by William Goode, fearing that such public discussion incited rebellion, submitted a motion to discharge the select committee from its responsibilities. Thomas Randolph, a delegate from Albemarle, responded with a substitute motion that amended Goode’s and proposed a plan for emancipation post nati. Discussion on the future of slavery, which had been confined to the committee, was now debated in public on the floor of the House of Delegates. For two weeks, delegates debated the issue of slavery. A faction of young delegates, mostly from the western counties, led the anti-slavery crusade, while the defense of slavery was conducted by “old guard” easterners from the Tidewater and Southside.

On January 16, in the middle of the House debate, the select committee submitted a resolution stating that any action by the legislature on abolition was inexpedient during this session. William Ballard Preston, speaking for the emancipationist faction, proposed an amendment to the committee resolution that called for the legislature “to pass enactments for the abolition of slavery.” The debate became increasingly heated, and some feared that it would lead to the dissolution of the Commonwealth. On January 25, the House moved to vote on the committee resolution and on Preston’s amendment. Both motions were defeated. Archibald Bryce, a delegate from Goochland County, proposed amending the proslavery committee report

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4 Richmond Enquirer, January 7, 1832; Robert, Road, 17.

5 House Journal, 93.

6 Generally the debate has been seen along the lines of Eastern delegates (proslavery) versus Western delegates (anti-slavery). As discussed below, sectional allegiances manifested themselves as the debate over slavery became more heated. Yet the schism was not exclusively a regional one. For a more subtle and accurate examination of geographic voting tendencies see Alison Freehling, Drift Toward Dissolution. Still, for purposes of clarity, the East-West theme is used here.

7 House Journal, 99. The committee report read: “Resolved as the opinion of this committee, That it is inexpedient for the present to make any legislative enactments for the abolition of slavery.” Preston’s amendment read: “Resolved as the opinion of this committee, That it is expedient to adopt some legislative enactments for the abolition of slavery.”

8 Charles Ambler, ed., The Life and Diary of John Floyd: Governor of Virginia, an Apostle of Secession, and the Father of the Oregon Country (Richmond: Richmond Press, 1918), 175.
to include an anti-slavery preamble. Bryce’s amended resolution expressed a desire for the eventual abolition of slavery in Virginia and then incorporated the committee findings that it was inexpedient to legislate on abolition in this session. This compromise resolution was approved by a vote of 65 delegates in favor and 58 delegates opposed.\(^9\)

The rhetoric of the legislative debate focused largely on conceptions of property rights. This predominance of the property rights theme reflected the immediate concerns of both proslavery and emancipationist delegates. These concerns were aggravated by the early political maneuvering that brought the debate prematurely onto the floor of the House. The initial speeches in the debate, therefore, related to Goode’s discharge motion and Randolph’s substitute, the proposal for emancipation \textit{post nati}. The motivations for Goode and Randolph’s actions, however, can not be understood without first analyzing the concurrent public discussions carried on in the newspapers.

\textit{The Debate in the Newspapers}

In earlier legislatures, all debate on slavery took place in secret committee discussions. Even the correspondence between Monroe and Jefferson was confidential. Except for the brief debate over the petitions, initial discussions in the 1831-32 session also took place behind closed doors in committee. But unlike before, the newspapers now openly speculated on the intentions of the legislators and zealously solicited comments from the public.

The \textit{Richmond Enquirer} proclaimed “the seals are broken, which have been put for fifty years upon the most delicate and difficult subject of state concernment.”\(^10\) The paper called slavery a “dark and growing evil, at our doors,” and implored that “something must be done.”\(^11\) The \textit{Norfolk Herald} charged that “our state has too long shrunk from the agitation of this

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\(^9\) \textit{House Journal}, 110. Bryce’s preamble read: “Profoundly sensible of the great evils arising from the condition of the coloured population of this commonwealth: induced by humanity, as well as policy, to an immediate effort for the removal in the first place, as well of those who are now free, as of such as may hereafter become free: believing that this effort, while it is in just accordance with the sentiment of the community on the subject, will absorb all our present means; and that a further action for the removal of the slaves should await a more definite development of public opinion.” The preamble had been accepted by a vote of sixty-seven in favor to sixty opposed. The question then recurred and the preamble was incorporated with the committee report. The vote on this combination of Bryce’s preamble and the committee report was originally recorded as sixty-four in favor and fifty-nine opposed, but Thomas Marshall subsequently changed his vote claiming he had misunderstand the issue. See, Robert, \textit{Road}, 32.

\(^10\) \textit{Richmond Enquirer}, January 19, 1832.

\(^11\) \textit{Richmond Enquirer}, January 7, 1832.
important subject, and the evil of slavery had increased upon us with fearful rapidity.” The Lynchburg Virginian took a less enthusiastic tone, but still mentioned the “mountainous difficulties” in order to “wipe the blot of slavery from our national character.” Even the Enquirer’s competition, Richmond’s Constitutional Whig, endorsed the emancipationists’ invocation of their rival and solicited, from their readers, ideas for removing the black population. Even though some of this editorial attention may have been instigated by western reformers, it was still truly remarkable for Virginia newspapers to take a public stand against slavery.

Toward the end of November, particularly in the Richmond papers, letters to the editor consistently appeared that discussed the controversial issues surrounding emancipation and removal. During the first week of January, discussion in the newspapers culminated. From the time that the Whig reported Faulkner’s emancipation proposal, discussion on slavery and emancipation dominated the editorial columns of the Richmond papers. In many respects, these public editorials mirrored the sentiments expressed in the legislative petitions. Many letters called for the removal of the free black population. But the editorials also foreshadowed the rhetoric in the legislature. A letter from “Old Virginia” cited the inordinate expenses to be incurred in any removal scheme and charged the Colonization Society with culpability in the Southampton insurrection. Emancipationists replied. They blamed slavery for the state’s economic woes and the lack of European immigrants. One anti-slavery writer even discussed confiscating slave property in the face of crisis, while another encouraged soliciting financial assistance from the Federal Government.

Not everyone was enamored with this public discussion. Nathaniel Alexander, state senator from Mecklenburg, canceled his subscription “to a paper so reckless in its course, and so regardless of the safety and property of others.” Alexander, not content with his own action, also addressed a letter to his constituents in the Constitutional Whig, advising them “to take into

12 Norfolk Herald, December 9, 1832
13 Lynchburg Virginian, January 12, 1832.
14 Constitutional Whig, January 9, 1832.
15 See the entry for January 9, 1832 in Ambler, Diary, 173.
16 Richmond Enquirer, November 25, 1831.
17 Ibid., December 10, 24, 1831.
18 Ibid., January 12, 1832.
consideration the propriety of discontinuing the use of that paper [Enquirer].” 19 Thomas Ritchie, the editor of the Enquirer, struck back. In addition to publishing Alexander’s cancellation letter and reprinting his letter to the Whig, Ritchie questioned Alexander’s authority to speak for “eastern Virginia.” Ritchie defended the action of his newspaper, admitting that “silence indeed was the dictate of prudence - - but . . . there was such a thing as Conscience, whose ‘small, still voice’ we must hear.”

The public confrontation between Ritchie and Alexander revealed the highly charged nature of the debate. Alexander was concerned that any public discussion, or any legislative debate, would “only have a tendency to stimulate the blacks to fresh acts of violence, with the hope of obtaining their freedom by exciting the fears of the timid and by the aid of modern philanthropists.” 20 In this manner, Alexander’s concerns mirrored those expressed by William Goode during the December debate over the petitions. They also reflected a consistency with Lockean ideas on slavery. Both Alexander and Goode feared that any public discussion threatened the absolute dominion of slaveholders. To them, discussion on emancipation in the wake of an insurrection was not simply absurd, it was dangerous. Accordingly, defenders of slavery sought to avoid any discussion of slavery. If they could not control the newspapers’ activities, they believed they could at least suppress debate in the legislature. 21

Yet events seemed to conspire against them. During the first week in January, while the newspaper debate reached a crescendo, reports of an attempted slave insurrection reached Richmond. On January 8, in Dinwiddie County, seven slaves were arrested for “conspiring to Murder the white people of this commonwealth.” 22 Three days later, the Governor reported the incident to the Council who advised him to “take such measures as he may consider sufficient . . . for the public security.” 23 Alexander and Goode’s prophecies appeared to be coming to fruition.

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19 Constitutional Whig, January 9, 1832. See also the Lynchburg Virginian, January 19, 1832 for comments on a meeting of the citizens of Mecklenburg condemning the Enquirer.

20 Richmond Enquirer, January 12, 1832. Ritchie justified his newspaper’s publication of such controversial materials on the basis of freedom of the press. Ritchie argued that the public awareness, provided by his newspaper, engendered discussion and protected democracy from the oligarchic tyranny of slaveholders.

21 Constitutional Whig, January 9, 1832.

22 Ambler, Diary, 174. For analyses of the relationship between slave revolts and rifts between factions of the white ruling class see Egerton, Gabriel’s Rebellion, x-xi, 4-17; W. Freehling, Prelude, 49-65.

23 John B. Floyd, Executive Papers, January 9, 1832, Library of Virginia.

Under such portentous circumstances, Goode believed that the issue could no longer be avoided. Slavery must be discussed by the legislature and the issue of emancipation finally put to rest. And so ironically, Goode now initiated the very debate that, a month ago, he had so adamantly opposed.

**Goode’s Motion to Discharge the Committee**

By January 11, the Select Committee on the Coloured Population had been meeting for just over a month. While newspaper reports indicated that the committee might recommend a plan for gradual emancipation, such an action was highly unlikely. From its inception, the select committee had been dominated by proslavery delegates. Initially, only three members of the commission represented western counties. The chairman of the committee, William Brodnax, was himself a slaveholder, as were eleven of the twelve initial members. After two weeks, the house endorsed Brodnax’s proposal to enlarge the committee by eight members. Of these new members, only one did not own slaves, and most represented Piedmont counties. This predominantly eastern, proslavery majority on the committee easily blocked any plan for abolition. Charles Faulkner’s gradual emancipation proposal had been tabled, without discussion. But, at least in theory, the select committee considered emancipation along with proposals for the removal of free blacks.

Yet, following the rebellious events in Dinwiddie, the proslavery composition of the select committee did not assuage William Goode’s fears. The mere existence of a committee considering emancipation seemed to incite unrest. Goode complained that “every thing that had been done by

25 William Henry Brodnax Papers, Virginia Historical Society; *Fifth U.S. Census*; and the *House Journal*, 15. In addition to Brodnax (Dinwiddie), the original members included: Fisher (Northampton), Cobb (Southampton), Wood (Albemarle), Roane (Hanover), M’D Moore (Rockbridge), Campbell (Brooke), Gholson (Brunswick), Stillman (Fluvanna), Newton (Westmoreland), Smith (Frederick), Brown (Petersburg), Anderson (Nottoway). According to the 1830 census, Campbell was the only member who did not own a slave. See Robert, *Road*, 117, fn29, for the uncertainty of this status.

26 *House Journal*, 74. New members were: Witcher (Pittsylvania), Booker (Amelia), Keller (Washington), Faulkner (Berkeley), Bryce (Goochland), Smith (Gloucester), Bruce (Halifax), and Marshall (Fauquier).

27 Only four of the seventeen committee members voted for Preston’s amendment calling for enactment of emancipation legislation. Only three others, including Bryce himself, voted for the compromise resolution that combined Bryce’s moderate anti-slavery preamble with the committee report. The break down of votes is found in Robert, *Road*, 113-118.
this Legislature had been calculated to increase, instead of [allaying], the feelings of fear and anxiety which pervaded certain sections of the State.”  

28 He warned that “the slaves themselves were not unconscious of what was going forward here . . . . On the contrary, they are an active and intelligent class, watching and weighing every moment . . . . They saw . . . that their murderous acts had inspired the very Legislature of the State with fear.”  

29 Believing himself negligent if he failed to act, Goode proposed to discharge the select committee “from the consideration of all petitions . . . which have for their object the manumission of persons held in servitude under the existing laws . . . and that it is not expedient to legislate on the subject.”  

30 Goode justified his motion “because he believed that the Legislature of Virginia was now considering whether they would confiscate the property of the citizens - - a question which it had no right to act upon or consider.”  

31 Just by discussing the subject, the committee impaired the property value of slaves. Goode feared that slaveholders, anticipating emancipation, would suddenly flood the domestic slave market in a preemptive maneuver. “Their owners . . . would be induced to make sacrifices of their property; and purchasers . . . would not be disposed to incur losses by engaging in a doubtful traffic.”  

32 But this was not even the worse possible scenario. Other states, fearing an influx of slaves from Virginia, might prohibit the introduction of new slaves into their territory. Goode provided portentous examples of Louisiana and Kentucky where efforts at such legislation had already happened.  

33 Goode’s speech revealed a defense of slavery based primarily on two components of the necessity argument. He invoked elements of the social dependence article and the inviolability of slaveholders’ property rights. Goode’s argument that any discussion of emancipation threatened the security of society paralleled John Taylor’s proslavery justifications. Unlike Taylor, however, Goode did not proclaim any merits of slavery. Furthermore, his speech principally focused on the protection of the slaveholders’ property. In this manner, Goode’s comments represented continuity with the traditional defense of slaveholding. Still, Goode’s expressed ideas concerning slavery represented a catalyst for subsequent proslavery arguments. Most delegates considered Goode as a hard-liner during this early stage in the debate because he was much more zealous in his defense of slavery than most. The convincing defeat of his motion to reject the Friends’
petition, and the consistent criticism he received for this second motion to discharge the select committee, serve as evidence of Goode’s radicalism. Ultimately, however, it was an intellectual position very similar to Goode’s that defenders of slavery rallied around when they were threatened by radical emancipationist proposals.

Randolph’s Amendment and the Emancipationist Argument

Before Goode had provided an explanation for his discharge motion, Thomas Jefferson Randolph proposed an amendment to the motion. Randolph, the grandson of his namesake, was the newly elected representative from Albemarle County. He proposed altering Goode’s motion antithetically. Randolph’s substitute mandated that the committee “be instructed to inquire into the expediency of submitting to the vote of the qualified voters . . . 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 nett sum arising therefrom, shall be sufficient to defray the expence of their removal, beyond the limits of the United States.”

Randolph had resurrected the emancipation post nati idea of his grandfather. He believed his plan upheld slaveholders’ property rights while simultaneously circumventing requisite compensatory payments for freed slaves. Slaveholders would not forfeit any of their existing slaves. Nor would they lose any slaves born within the next eight years. And the proposal encouraged slaveholders to transfer or sell their slaves out of state prior to the mandated emancipation date. The gradually diminished supply of slaves would, hypothetically, be replaced by an increased supply of white immigrant laborers. Furthermore, the state would assume responsibility for the slaves who were waiting to be deported. These slaves could be used to complete work in the public sector such as internal improvement projects.

The design of Randolph’s plan reflected the strong influence of the necessary evil defense. Emancipation would occur on grounds, Randolph believed, that were favorable to slaveholders. It conditioned emancipation upon the adequate resolution of the economic, societal, and ideological dependencies that formed the necessity apologia. Yet, Randolph’s proposal diverged from Jefferson’s post nati plan in some fundamental ways that represented a discontinuity with traditional emancipationist sentiments. As noted by proslavery delegates, especially James Gholson and William Brodnax, Randolph abandoned any consideration of compensation to the slaveholders for the losses of prospective slaves that they would forfeit under the post nati aspects

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34 Goode’s political maneuvering to bring the slavery debate onto the floor prematurely was subject to criticism in the speeches of Bryce, M’D Moore, and Bolling of the same day. Goode’s motion continued to be berated throughout the debate.

35 House Journal, 93.
of the proposal. Secondly, Randolph proposed that emancipated slaves should work as the state’s property until sufficient funds for their deportation were raised. Jefferson had simply spoke of slaves being raised “at the public expence.” Under Randolph’s plan, the state government would be much more active in the emancipation process. It would serve as an intermediary between slavery and freedom. This assertion for pro-active government was an original and consistent element of the anti-slavery argument in the legislative debate.

The idea of post nati emancipation was not original, and many delegates were already familiar with the merits and the shortfalls of this proposal. The perceived shortfalls tended to outweigh the merits. Jefferson himself had only given the idea a luke-warm endorsement saying that he had “never yet been able to conceive any other practicable plan.” And he had never actually submitted his plan to the legislature for consideration. Randolph actually submitted the proposal but was no more enthusiastic. Speaking to the delegates, Randolph explained that the amendment “was not intended as a fire-brand . . . but designed to put the subject quietly off from our consideration to that of the people . . . . This amendment, I had hoped, was free from most leading objections to all propositions upon this most complicated and embarrassing subject.”

Randolph’s hopes were in vain. His proposal solicited a series of objections over the next several days, specifically regarding the right of property not yet in existence. Initially, however, Randolph’s proposal received some well articulated support from two ardent anti-slavery delegates, Samuel M’D. Moore and Philip Bolling. Their speeches were important because, like the motions made by Goode and Randolph, they established the framework for subsequent debate. Those parameters focused arguments on the right of property. The speeches of Moore and Bolling engendered this focus by forcefully nullifying the previous proslavery arguments of economic and social dependence. Their speeches connected the state’s economic malaise to its dependency on slavery and asserted that popular fear and unrest would continue as long as slavery remained.

Speaking against Goode’s proposal, Moore contended that slavery was responsible for “the evils and dangers arising . . . among us.” He declared that “recent events had opened the eyes of the whole people to the magnitude of these evils, and to the imminence of the danger which is impending over them.” Yet Moore carefully specified that the evils, of which he spoke, were

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36 Notes, in Peterson, 186. Jefferson does not address the expense of removal in his proposal. In his letter to Jared Sparks, February 4, 1824, Jefferson comments that the money for removal should come from the money paid by the Federal Government for the ceding of Virginia’s western land claims.

37 Letter to Jared Sparks, February 4, 1824 in Slaughter, 56-58.

38 Richmond Enquirer, January 19, 1832.

39 Ibid.
largely those that “affect the white population exclusively.” His remarks should thus be seen as a criticism of slaveholding and are consistent with the traditional discourse over slavery in Virginia. However, to Moore’s credit, he was one of the few delegates who publicly argued for the natural liberty of slaves and against the gross injustice of denying them that right. In his speech of January 11, Moore first decried “the irresistible tendency” that slavery had “to undermine and destroy every thing like virtue and morality in the community.” He then focused his attention on slavery’s detrimental effects upon the economy. In an incisive criticism, Moore charted the relationship between slavery and its affectations upon the work ethic of the white laborer. He spoke of “the prevalent, and almost universal indisposition of the free population, to engage in the cultivation of the soil . . . . That being the species of labor in which slaves are usually employed, it is very generally regarded as a mark of servitude, and consequently as degrading and disreputable.” Moore continued his jeremiad charging that slavery was also detrimental to the defense of the country from foreign invasion. The slave population would always ally itself with an invader and require the militia to put down rebellion while simultaneously repelling invasion. He concluded his argument by citing ominous statistics that reflected a rapidly increasing black population. He hoped that the select committee would not be discharged “until they have enquired into the practicability of removing the great and insupportable evil of slavery, from our beloved country.”

Philip Bolling continued the anti-slavery crusade on that first day of legislative debate. Bolling called slavery “a great and an appalling evil,” and “he dared believe no sane man would or could deny” this conclusion. According to Bolling, “the confidence of the people was utterly lost.” The legislature was compelled to act in order to restore confidence and tranquility. Dependency upon slavery was destroying the foundations of the society. Slaveholders had become slaves to the system. “So exhausted is our soil - - so depressed our markets, and so dear is slave labor, that it is as much as the master can do to clothe and feed his slaves - - nay, Sir, often more than he can do; for if you go into the credit stores . . . you will find that, with very few exceptions,

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40 Ibid.
41 Ibid.
42 Ibid.
43 Ibid.
44 The Speeches of Philip A. Bolling (of Buckingham). In the House of Delegates of Virginia, on the Policy of the State with respect to Its Colored Population. Second Edition (Richmond: T.W. White, 1832), 3. This citations and the others in this passage are from Bolling’s speech of January 11, 1832. The italics are Bolling’s.
45 Ibid.
the slave-holder has there become very deeply entangled - - the embarrassment mainly incurred to clothe and feed his slaves . . . . Thus, Sir, the master of the slave absolutely belongs to the merchant . . . . He is literally their bondsman.\textsuperscript{146}

The speeches of Moore and Bolling accentuated both the perception of economic decline and the climate of popular unrest. They related both of these symptoms to slaveholders’ persistent reliance upon slavery. The perception of decline that they decried was not unusual. But their placement of blame solely upon the institution of slavery was unique. By effectively arguing that slavery was the principal cause of Virginia’s malaise, Moore and Bolling undermined the idea that slavery was necessary. They demonstrated that the economic and social dependencies upon slavery seemed to be more of a hindrance than an assurance. Furthermore, they ominously hinted at confiscating property that was harmful to the state.\textsuperscript{17} Accordingly, the proslavery response to these early arguments concentrated largely on the ideological dependence that Virginians had upon slavery and especially the inviolability of the right of property.

\textit{The Proslavery Response - - The Speech of James Gholson}

Resting slavery’s defense exclusively upon the right of property fundamentally influenced the nature of the proslavery argument. This alteration can effectively be viewed in the speech of James Gholson. Gholson owned sixteen slaves in Brunswick County and was serving his sixth term in the House of Delegates.\textsuperscript{48} He represented the extreme proslavery position, which was grounded on property rights, and often foreshadowed the assertions of subsequent proslavery ideologues. As was the case with William Goode, Gholson’s position, at this juncture of the debate, was considered immoderate. Still, his argument reflected the traditional necessary evil defense in that he framed his argument along the conventional articles of economic, societal, and ideological dependence. His justifications claiming economic and societal necessity, however, appeared hollow following Moore and Bolling’s declarations. Gholson primarily focused his defense, therefore, on the ways in which Randolph’s emancipation proposal violated the sanctity of property.

Gholson began by rebuking the delegates for their impropriety in openly discussing

\textsuperscript{146} \textit{Ibid}, 5.

\textsuperscript{17} \textit{Ibid}. Bolling stated in closing that “property was secured by the laws of society, and that the same society which secured property, had a natural right to destroy it, whenever it should become a dangerous nuisance to that society.” Moore spoke of seizing and selling by “officers of the Commonwealth.”\textit{Richmond Enquirer}, January 19, 1832.

\textsuperscript{48} \textit{Bicentennial Register}, xxx, 323-363. Gholson represented Brunswick consecutively from November 1824 to March 1828. He was re-elected for the 1830-31 session and served in the House until he was elected to the U.S. House of Representatives in 1833. Reference to sixteen taxable slaves is found in Robert, \textit{Road}, 115.
emancipation. Such activity was “unmindful and regardless of the prudence and circumspection which mark the better days of the Republic.” Following a brief recapitulation of recent events, Gholson directed his attention at Randolph’s “monstrous and unconstitutional” proposal. Gholson charged that the amendment “proposes the confiscation of property, without crime - - the appropriation of private property to public uses, without just compensation.” In a direct attack of the post nati aspects of the proposal, Gholson exclaimed “that the owner of land had a reasonable right to its annual profits; the owner of orchards, to their annual fruits; the owner of brood mares, to their product; and the owner of female slaves, to their increase . . . . the master foregoes the service of the female slave, has her nursed and attended during the period of her gestation, and raises the helpless and infant offspring. The value of the property justifies the expense; and I do not hesitate to say, that in its increase consists much of our wealth.”

Gholson supported his argument with ample references to the Virginia Constitution and the Fifth Amendment to the Federal Constitution, both of which, he maintained, explicitly protected private property rights. But Gholson extended his argument beyond the sanction of the charters. He argued that “this sacred principle of meum et tuum . . . is the very ligament which binds society together . . . if they once sever it, society itself is no longer worth preservation - - nay, a state of nature would be desirable . . . . Without this principle, there is no civilization - - no government.” Gholson explained that the sanctity of property could only be temporarily suspended by the necessities of war, pestilence, or famine. “And when the necessity ceases, it springs up again, with demands of indemnity for the past and the assertion of its usual prerogatives for the future.”

In this respect, Gholson anticipated the property arguments of emancipationist delegates Charles Faulkner and William Ballard Preston. Gholson’s statements testified to his subscription to Lockean ideas regarding the centrality of property in a contractual government. He charged that emancipation post nati, without just compensation, violated these Lockean principles. Gholson challenged emancipationists to prove that the necessity existed to enact Randolph’s proposal. “Show me, sir that the salvation or existence of this society depends on the adoption of this substitute [Randolph’s], and, with submission, I will cry ‘Salus populi Suprema est Lex.’ Show me that the horrors of insurrection are gathering round us, and this is our only refuge, and promptly will I exclaim ‘inter arma silent leges.’” Gholson’s challenge would eventually be met, but that time had not yet arrived. Here, in the first week of the legislative debate, thoughts of moderation still prevailed. It was in this spirit of moderation that proslavery delegates, led by William Brodnax, offered their first and only compromise.

49 Richmond Enquirer, January 21, 1832.

50 Ibid. Meum et Tuum; mine and yours.

51 Ibid. Salus populi Suprema est Lex; The welfare of all the people is law. Inter arma silent leges; Call out the silent legions.
William Henry Brodnax commanded the respect of the other delegates. As chairman of both the Select Committee on the Coloured Population and the Committee for Courts and Justice, he was a recognized leader of the 1831-32 session. Brodnax was first elected into the House in 1818. He had represented his Southside district during the recent Constitutional Convention. Within the past year, Brodnax had been appointed a Visitor to the University of Virginia and, perhaps most significantly, had commanded the local militia in suppressing the Southampton insurrection.\(^52\)

More than any other delegate, William Brodnax represented the Jeffersonian proslavery position. During the legislative debate, Brodnax articulated the intellectual dilemma that had characterized Jeffersonian Virginia. He declared “that slavery in Virginia is an evil, and a transcendent evil, it would be ... more than idle, for any human being to doubt or deny.” Yet, in prefacing this indictment of slavery, Brodnax remarked that he regarded “the right to our slaves, as perfect and inviolable as that to any other property we possess.”\(^53\) He thus represented the moderate approach to slavery, which preferred the rights of slaveholders to the rights of slaves, that Virginians claimed as their legacy. Brodnax, himself, recognized his middle position between the two extremes and his representativeness.\(^54\) His comments on emancipation and the ultimate choices he made by his votes, therefore, mirrored the general intellectual shift in the defense of slavery wrought by the debate.

As made evident in the preliminary debate concerning the petitions, Brodnax disagreed with William Goode over the propriety of legislative debate on slavery. In the finest Jeffersonian tradition, Brodnax endorsed a rational and dispassionate public discussion of the issue. But, he also believed Randolph’s proposal was too radical. Brodnax argued that prudence and reason should dictate their course of action. Such prudence was mandated by his belief that any action by this legislature “involves not only the vital interests of Virginia . . . but . . . the free citizens of all America.” Under these conditions, “the humblest member in this hall may now well feel that, like another Atlas, the weight of the world . . . rests on his shoulders.”\(^55\)

Brodnax justified his moderate position in regards to the two motions that had been proposed by Goode and Randolph. “This subject [slavery] . . . has long been one, with me of anxious and painful reflection; and it is my misfortune to be unable . . . to concur with either of

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\(^{52}\) Papers of William H. Brodnax, Virginia Historical Society. Also the House Journal, 8; Bicentennial Register, 294, 353-363; Governor’s Papers, Letter from William Brodnax, August 17, 1831.

\(^{53}\) Speech of Brodnax, 10.

\(^{54}\) Ibid., 6-8.

\(^{55}\) Ibid., 5-9.
the extreme parties in this house; either with those who hold that the existence of slavery is not an evil, or that nothing can or ought to be done to abate . . . lessen its effects: and still less with those who propose, as a remedy, a plan fraught . . . with incalculable mischiefs.” He believed these mischiefs “would tear up by the roots, all the ligaments which bind society together, subvert principles which have been constructed by the wisdom of ages, and break down every barrier with which our constitution and laws have fenced the security of private property.”

He explained his philosophy that “any scheme for the gradual diminution, or ultimate extermination of the black population of Virginia, should be based . . . on certain great cardinal principles of justice, morality, and political expediency. Accordingly, Brodnax advanced guidelines that delineated the essential conditions to be met by an acceptable emancipation proposal. The first stipulation argued “that no emancipation of slaves should ever be tolerated, unaccompanied by their immediate removal from among us.” Second, “that no system should be introduced, which is calculated to interfere with, or weaken the security of private property, or affect its value.” Finally, “that not a single slave, or any other property he possesses, should be taken from its owner, without his own consent, or an ample compensation for its value.” These conditions served as a basis for a proslavery compromise.

Brodnax provided a detailed justification for these compromise conditions. His subsequent rhetorical dialogue connected his defense of slaveholding with his philosophy on government. He asked “if such a measure as this [Randolph’s] can receive the sanction of legislature, what will become of all our constitutions, and most respected laws? What, sir, are constitutions, and charters, and bills of rights, ever made for? Are they not devised to protect the rights of the few, against the aggressions of the many?” Answering himself, Brodnax declared that “they are necessary to secure to minorities their privileges and their property - - to stay the lawless hand of public violence. Majorities need no protection; they can protect themselves.” Furthermore, this justification emphasized Lockean principles of slavery and property. Sanctioning the property rights inherent in slaveholding, Brodnax spoke of “the charter by which we hold our slaves is antecedent to either [constitutions or bills of rights]; it is founded on the immutable principles of justice, which existed before the formation of political societies.” This universal principle was specifically incorporated into the philosophy of the Revolution. Brodnax asserted that “under our constitutions and laws, it [slavery] has acquired exactly the same guarantee . . . as any other property, and it can now be regarded in no other light, legally or morally.” He continued this Lockean theme in conclusion. “Moral justice and political justice are always the same . . . the government . . . can take from not one of the humblest of its citizens, the smallest particle of his private property, in a case in which an individual could not morally or legally exercise the same right.”

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56 Ibid., 6.

57 Ibid., 12.

58 Ibid., 13.
Brodnax acknowledged that a government can assume private property in “but a single exception, and that is founded in absolute necessity . . . When the public safety and prosperity, obviously require the deprivation of private property, the sacrifice must be submitted to.” But at this point, Brodnax clarified previous arguments that acknowledged eminent domain. “In such a case, the state possesses an acknowledged right to appropriate the private property of the citizen, to the general good. But upon what condition? The answer . . . is to be found, not only in our federal constitution, but in various bills of rights, and constitutions of all the states in our union -- on making ‘just compensation.’ -- So that whether the public necessities require the surrender of our property or not, it comes to the same conclusion. It cannot be taken against our consent, but on paying to us its value.”

In Brodnax’s mind, Randolph’s emancipation proposal did not meet these compensatory conditions. Instead it flagrantly violated the property rights of slaveholders. Brodnax referred to the proposal as a plan of “confiscation” and echoed James Gholson in pronouncing “the whole of this plan monstrous in its features.” He acquiesced, however, that “there is certainly some plausibility in the idea, that we cannot claim property in that which is . . . not yet in existence. But this plausibility is dissipated by the slightest reflection on the subject. The maxim, *partus sequitur ventrem,* is not more emphatically a rule of common law, than it is a dictate of common reason, and of common sense . . . . is not the probability of increase, an essential constituent in the value of the female slave?” Furthermore, even though Randolph had invoked his grandfather’s name in submitting this emancipation plan, Brodnax argued that “were Mr. Jefferson now alive, I cannot for a moment believe, that he would approve . . . such a proposition as this.” Brodnax justified this assertion. “The plan which he [Jefferson] proposed in his writings . . . contained features essentially different from this. I do not understand him to recommend that the off-spring of slaves should be torn from their owners without compensation.”

Like Jefferson, Brodnax professed a desire to abolish slavery in Virginia. Yet, he also was unable to reconcile the dilemma between facilitating the natural rights of slaves and protecting the rights of slaveholders. He echoed Jefferson’s sentiments remarking that “unless some plan can be struck out . . . with these essential principles, dreadful as would be the alternative, I will sit down in silent despair, and fold my arms with desperate resolution, of letting the evil roll on to its horrid consummation. It may not attain it in my time, but it may in that of my children.” But, unlike Jefferson, Brodnax refused to “sit down in silent despair” and simply watch his society destroyed.

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60 *Ibid.* *Partus sequitur ventrem*; literally means the parts naturally follow the trunk, here it refers to the condition of the offspring naturally following the condition of the progenitor.


by racial warfare. Brodnax saw an alternative, a means of adopting “measures of incalculable benefit . . . entirely consistent with those great principles which I have assumed.” He advocated that “much may be done if not to remove this evil, at least to abate its extent -- to limit its effects - - and to take from it, its most dangerous and most fearful tendencies.”

Brodnax proposed deporting the equivalent to the annual percentage of increase of black Virginians, about six thousand people, to the colony of Liberia. An annual deportation at this rate would initially stabilize the growth of the black population and then eventually diminish it. Removal would begin with the free black population and in this respect avoid any conflict over property rights. Slaveholders could, at their own discretion, manumit slaves who would then be deported. Brodnax estimated that such an operation would cost around thirty-three dollars an emigrant. If such funds could not be obtained from the Federal Government, as compensation for ceded lands, then a twenty percent increase in the state’s taxes could raise the required funds. According to Brodnax’s calculations, this twenty percent tax increase would mean a thirty cent increase on the annual tax on every white inhabitant of Virginia. Such a burden could easily be met in a single day by “abstinence from two or three glasses of toddy.”

In proposing this action, Brodnax abandoned his expressed desires for abolition and, instead, embraced the proslavery argument of John Taylor. Taylor had believed that slavery was an evil that could not be eradicated, but that it could at least be palliated. Still, Brodnax’s intellectual shift away from abolition was, like Jefferson, caused by his uncompromising desire to maintain continuity with his republican philosophy, based on the sanctity of property. He advanced this proposal only because his compromise conditions could not be met by emancipationist delegates. William Brodnax chose to move beyond the apologia of the necessity defense and act to mitigate the evils of slavery. Others would follow. Yet, Brodnax differed from subsequent proslavery ideologues in two principle areas. First, he continued to hope that his plan of removal would induce a method of gradual abolition. Some people endorsed the colonization of free blacks as a means to consolidate slavery; William Brodnax did not. Second, he continued to argue that slavery was evil and as such, it was harmful to society. This intellectual position became increasingly difficult for defenders of slavery to maintain in the face of a more radical assault on slavery and property from a group of young, western delegates.

63 Brodnax Speech, 12.

64 Ibid., 26-34. Brodnax’s proposal represented the contents of the Removal Bill, which was passed by the House, but was postponed in the Senate and finally dismissed. The Removal Bill included a stipulation for $35,000 in 1832 and $90,000 in 1833 to cover the expenses of colonization. The Removal Bill passed by a 79 to 41 margin in the House. House Journal, 1831-32. Thomas Roderick Dew and other proslavery advocates took issue with Brodnax’s claims that a tax increase was a practical solution. Dew demonstrated that as taxes increased, the emancipation of slaves would diminish the tax base.
Summary -- The Speech of James C. Bruce

James Bruce, proslavery delegate from Halifax County, was the sole speaker to follow Brodnax’s two hour speech on that day of legislative debate. His speech summarized the proslavery argument against Randolph’s emancipation post nati proposal. His rhetoric exemplified the ideological dependence article of the necessary evil defense. Bruce began by announcing, “that I do not stand here as an advocate for slavery. I see ... the evils of the system. I justify it on the grounds of necessity.” Still, Bruce considered Randolph’s plan “the most extraordinary doctrine that has ever broached this Hall,” because it denied slaveholders the natural increase of their property. He explained the theoretical predicament caused by this emancipationist assumption. “If we have no property in the future increase of our slaves, we certainly have none to those now in being, for the property in both must necessarily be derived the same way .... The right is there clearly ascertained and defined; ‘children born of slaves, shall be slaves,’ and the maxim of partus sequitur ventrem, is repeated and reiterated.”

Accordingly, Bruce entertained no hope for emancipation. Emancipation post nati, which Randolph believed was a moderate proposal that circumvented the slaveholder’s arguments for necessity, was inadequate because it failed to compensate slaveholders. “Its glaring and palpable defects serve to show us the difficulty, or rather the impossibility, of devising any scheme of emancipation which shall be practicable, and not [be] at the same time in direct violation of the rights of property.” If the Virginia legislature was going to abolish slavery, it would have to transgress the property rights of slaveholders.

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65 Richmond Enquirer, January 26, 1832.

66 Ibid.