

# *William Ballard Preston and the Politics of Slavery, 1832–1862*

Peter Wallenstein

William Ballard Preston (1805–1862) resided his entire life at “Smithfield” in Montgomery County, Virginia, west of the Blue Ridge and not far from the New River.<sup>1</sup> Going east of the Blue Ridge for his higher education, he graduated from Hampden-Sydney College in Prince Edward County in 1824 and then attended law school at the University of Virginia in Albemarle County in 1825. In 1839 he married Lucinda Staples Redd, and they raised a family. But Preston himself spent many weeks, even months, far away from home, in Richmond in 1830–32 and 1840–45, in the nation’s capital in 1847–50, and even in France in 1857–58.

Preston spent the most visible portions of his public life wrestling with questions related to slavery, the great public issue of his time and place. Whatever his private feelings or personal interests, the state he lived in was also home to more slaves than any other. However, since his part of the state, the half that lay west of the Blue Ridge, held relatively few slaves, especially in his younger years, he could not be counted on to be an apologist for the institution. Whatever the specifics of his biography and geography, to watch him dance with the devil of slavery is to watch the recurrent dilemma that many public men encountered in the Old South.

This essay recounts William Ballard Preston’s role in events at three critical junctures between 1832 and 1862. In 1832 he gave a speech on the floor of the Virginia House of Delegates in support of a measure designed to bring an eventual end to slavery in Virginia. In 1849 he gave a speech on the floor of the United States House of Representatives designed to bring to closure the dangerous debate over the expansion of slavery into American territories west of the Mississippi River. Finally, in 1861 he again represented the voters of his part of Virginia when he attended a convention to deliberate the question of secession, to which he brought his customary energy, experience, leadership, and counsel.

Much of what follows is not narrative but, rather, large portions of his speeches on various facets of what he referred to in 1849 as “the

great question of the age." His speech in 1832, important as it was, has previously appeared only in an 1832 newspaper, aside from a brief excerpt in *The Road from Monticello* by Joseph Clarke Robert (1941). His speech in 1849 is nestled in the pages of the *Congressional Globe*, predecessor to the *Congressional Record*. He gave a lesser speech in 1852 to a Fourth of July crowd in Montgomery County, in which he commented on the politics of slavery; I have included it here. Among his speeches at the 1861 convention, one appears here as it was reported, in the third person, in an 1861 newspaper; one major speech, never reported, cannot appear here; others were reported in his own words. I have edited Preston's speeches because I have limited space and because some portions seem to me less important than others in portraying this representative public man as he articulated his considered thoughts on various facets of the great issue of his time. A learned man, a connected politician, and an accomplished orator, he had much to say in his troubled time, and he said it. We get to listen.

## **Part One. The Great Debate over Slavery in Virginia: 1832 The Virginia House of Delegates, Richmond**

In April 1830, Virginia voters went to the polls and publicly voiced their support for one or another candidate for the state legislature. William Ballard Preston, twenty-four years old at the time, gained the approval of his fellow citizens in Montgomery County for a seat in the House of Delegates. Only later that year, days before the legislature convened, would he reach the age (twenty-five) that the Virginia Constitution of 1830 required. In December 1831 he went to Richmond to begin his second one-year term in the legislature.

Meantime, in August 1831, another young man, thirty-year-old Nat Turner, led a slave rebellion in Southampton County, Virginia, far to the east of Montgomery. Such was the shock of that rebellion that members of the next legislature debated whether it was advisable, even imperative, that they inaugurate a gradual process of emancipation in Virginia. The 1831-32 legislative session met barely three months after the uprising and only days after Turner's capture, trial, conviction, and hanging. After a break for Christmas, debate in the lower house began in earnest.

At no time did the legislature consider any measure that might have brought an immediate end to slavery in Virginia. Nor did the legislature consider the option of bringing slavery to an end and yet permitting former slaves to remain in their native state. Nor indeed did the legisla-



*William Ballard Preston, born November 20, 1805; died November 16, 1862. Son of Governor James Patton Preston and his wife Ann Taylor Preston of "Smithfield," Montgomery County, Virginia. Member United States Congress 1847–49, Secretary of the Navy of U.S. 1849–50, Senator, Confederate States of America from Virginia 1861–62. From the original oil portrait by Harvey Mitchell.*

ture have in mind any expansion of the limited definition of black freedom in Virginia. Finally, most of the rhetoric regarding the evils of slavery focused on the dangers, costs, and inconveniences it posed for white Virginians. Nonetheless, as Preston displayed when he spoke on the

question, delegates sometimes also appealed to the costs that slavery imposed on black Virginians.

Reflecting western restiveness at the East's refusal to concede greater legislative representation to the West during the state's constitutional convention two years earlier, as well as eastern representatives' assertion that westerners had no interest in the matter, Preston exclaimed, "We will be heard." He attacked the proslavery position that sanctified property ownership even in slaves, and he attacked as well the notion that slaves were content with their lot. He rejected a proposal that called only for the removal from Virginia of all free black residents while, though ostensibly supporting the enactment of a gradual emancipation law at some indefinite time in the future, would have taken no further action in the present.

Preston spoke instead in support of a measure that, had it passed, would have inaugurated a process of gradual emancipation in Virginia. While mostly ignoring the question of free blacks in a post-emancipation Virginia, Preston took a radical stance on the question of whether the legislature could redefine property so as to deny the right of property in slaves — at least those not yet born.

The measure being considered for action at the 1832 session called only for all slaves born at least eight years later — beginning July 4, 1840 — to get their freedom at adulthood. That is, any female slaves still in Virginia (not having been sold South) at the age of eighteen (or beginning in 1858) would be declared free at that age. They then would be hired out to earn money sufficient to pay their transportation out of the state. Young men would remain slaves until they reached the age of twenty-one (or until at least the year 1861) before they began the process of emancipation and deportation. Delegate Preston spoke for the West in support of that gradual emancipation measure.<sup>2</sup>

Mr. Speaker, I am admonished by very many considerations, that on this occasion I ought not to obtrude myself upon this House, or join in the discussion of this momentous and all-absorbing question. . . . But, Mr. Speaker, in disobedience to all these considerations, I feel that, as the individual on whose motion the proposition which is now before you was submitted, I would not be in discharge of that duty which I owe to myself, to this House, and to those whom it is my honor to represent on this floor, were I not to submit to them the views and opinions which have impelled me to action on this occasion.

It has been said by the gentleman from Brunswick, that the fact that the Virginia Legislature were now gravely discussing the question of an abolition of slavery, with open doors, and to a crowded gallery, was one

of the most remarkable events in the records of her history. — That in the better days of the republic, this question could not and would not be tolerated; that a solemn silence would have pervaded this hall; that our doors would have been closed, and the voice of every man suppressed, in a debate so startling in its results and so unusual in its character, in this hall.

[¶] Sir, I admit, with the gentleman from Brunswick, the result is most astonishing and miraculous. I admit, that for near 200 years, the thoughts, words and actions of Virginians have been suppressed, and that a solemn silence has closed the mouth and stifled all investigation on this subject. But, Sir, I will not concur in the opinion, that those were better days of the republic. But, thank God, Mr. Speaker, the spell is broken, and the scales have fallen from our eyes. These open doors, that attentive audience, prove to me that I am at liberty to speak any and every opinion, which I entertain on this subject.

[¶] This question of slavery, Mr. Speaker, is one which seems in all countries and ages in which it has ever been tolerated, either directly or indirectly, to have called to its aid a mystic sort of right, and a superstitious sort of veneration, that has deterred even the most intrepid mind from an investigation into the rights, and an exposure of the wrongs on which it has been sustained. ...

[¶] I esteem, Mr. Speaker, the exhibition now before our eyes, and the aspect which this hall at this moment presents, as the grandest revolution of the age, a great moral revolution, in which our minds and opinions have triumphed over error and interest, and left our judgment free to decide, and our tongues free to speak the principles of justice, and the voice of humanity. ...

[¶] I know full well, Mr. Speaker, that many of the opinions which I entertain and intend to announce, are new, and startling to the ears of many gentlemen. They are however, my deliberate opinions. They are opinions which I conceive are founded in truth and in justice, and lead to results imperatively demanded by the public exigency.

[¶] We have been told, Sir, by many gentlemen, in the course of this discussion, that it was a subject in which the West were not interested. That we ought to surrender this whole question into the hands of our Eastern Brethren. Nay, Sir, that we had by the declaration of one of our Western Representatives, already declared that it was a matter in which we did not intend to concern ourselves. — Mr. Speaker, it was not necessary that we should be reminded on this floor of the fact, that we were not and ought not to be heard on this question. The most casual observer of passing events had long since been convinced that the West, if possible, should not be heard. In the organization of the Select Committee, raised on this subject, we clearly foresaw that we were not considered as being parties to this transaction, and that our course was one of

perfect submission to the voice and will of those who claimed to be more deeply interested, than they asserted we were.

[¶] But, Mr. Speaker, with all due deference to those opinions and indications, we claim to be heard. We will be heard.

[¶] A voice has already been heard from the West — a voice which I shall never forget while memory holds her seat: the voice of the gentleman from Berkeley. Nor, Mr. Speaker, do we come unbidden into the discussion: the gentleman from Hanover has called on us for aid. He invites all portions of this Commonwealth to join in this sacred cause, to relieve them from the impending danger. In the language of his venerable ancestor, he might have said, deliver us from that danger which while we hold the delusive phantom of hope to our bosoms, permits our enemies to bind us hand and foot.

We believe that as members of this Legislature; as the representatives of Virginia; of the whole Commonwealth at large, we ought to be heard. As the representatives of the Western portion of the State, we think that there are reasons and causes operating upon us, which give us a most vital and absorbing interest in this question.

[¶] It has been said, Mr. Speaker, and repeatedly said, during this discussion, that the West was producing the excitement which is here showing itself; that this is a sectional question; that it is a struggle between the East and West, for party purposes. Let us, Mr. Speaker, examine this matter. What Sir, has been the history of this discussion? When the petitions from various counties of this Commonwealth were presented, a motion for their reference, was opposed by the gentleman from Mecklenburg, (Mr. Goode,) on the ground that the object which they had in view, was one which it was improper to legislate on; that its reference was calculated to alarm and disturb the public mind, when no earthly good could result from such a course: that the very reference of the matter to a Committee, endangered the tranquillity and safety of Eastern Virginia. On that occasion, Sir, all that the West said or did was, that as the question was one of the greatest delicacy, they were disposed to give the East a *carte blanche* on the subject. But, Sir, on that occasion, the gentleman which is at the head of that Committee—the gentleman from Dinwiddie, (Gen. Brodnax,) assured this House that in the section of the State he represented, “the sense of security was gone, and that the interest of the State emphatically demanded that something should be done:” that some effort should, and ought to be made, to quiet the alarms, and remove the evil from amongst the people: other Eastern gentlemen maintained the same opinion, and sustained the same course. The result was, Sir, as you will remember, that but twenty-seven gentlemen voted against the reference of the petitions. The West, Sir, has done nothing to produce this result, and can do nothing of herself; but assuredly she will be permitted to decide this question in accordance with her interest and principles; a question made by Eastern gentlemen;

a danger felt by Eastern gentlemen; and a relief asked for by Eastern gentlemen.

Mr. Speaker, two questions present themselves at the threshold, and upon their decision depends the success of any scheme which may be devised, either now or hereafter.

The first is, whether or not there are any constitutional restrictions or protections thrown around this kind of property, which will protect it from any system of emancipation, which does not amply remunerate the owner for his property; and, therefore prevents the Legislature from passing any enactment on this subject.

The second, whether the necessity of the case is sufficiently great and imperative, to demand that resort should be had to the supreme law of necessity; and if, on investigation, the first question shall be found to oppose no barrier, and the second to demand a decisive action, I myself will not hesitate in the course which my duty prescribes to me.

The gentlemen on the other side all admit that slavery cannot be justified on principle. They say that no man will defend the principle of slavery. But what do they mean, when they say that the Constitutions, both State and Federal, protect them in their right to this property?

[¶] Neither the State or Federal Constitution, Sir, protects them in such right to this property as they assume. They have neither of them thrown any such defense around those rights which are claimed here, as gentlemen would fondly imagine. The poetical gentleman from Brunswick (Mr. Gholson,) whose brilliant imagination and glowing fancy saw wealth and happiness in our worn out fields, ... told us that the Federal Constitution guaranteed the right of property in slaves. He refers us to the 5th article of the amendments of the United States Constitution, by which it is provided, that "private property shall not be taken for public uses, without just compensation."

[¶] I admit, Mr. Speaker, that it is true, that private property cannot be taken without adequate compensation, if taken from an individual here for this use of that Government. But it is a provision solely applicable to those cases in which the Federal Government, in the exercise of her powers, and within the sphere of her constitutional rights, is compelled to take the property of the citizens of the States for her uses. It is a rule prescribed to her, by which the States and the people of the States are to be protected against the Government—certainly not one by which the rights of property of individuals are guaranteed to them, against the laws or municipal regulations of that particular State of which they may be members. It is a rule of action for that Government, not a charter of rights to citizens of the States, in the mode, and manner, and tenure by which they hold their property in the State.

[¶] The gentleman farther supposes, that the admission of representation upon the Federal ratio goes to sustain the guarantee of prop-

erty under that Constitution. The precise contrary is the result, to which my mind is led by this fact. It seems to me, Mr. Speaker, so far from recognizing them as property, and guaranteeing the right in them as such, it clearly and conclusively proves that they are recognized as persons—persons entitled to a representation for three fifths of their numbers.—It does not, Mr. Speaker, require that we should recognize them as persons. It only limits the extent to which they will recognize them as persons: beyond which we shall not go, but up to which we are not required to advance. That compact, Mr. Speaker, was not one in which this principle was neither directly nor indirectly settled and established; it was, in the language of a gentleman once on this floor, nothing more nor less than a “well driven bargain” — a bargain in which we of the South demanded and obtained from our Northern friends, a privilege for our slaves, which we in our own representation (until the era of our new Constitution [of 1830]) never had conferred either on them or their owners.

[¶] It does, Mr. Speaker, seem to me that the aid which the gentleman from Brunswick invokes from the Federal Constitution to sustain and protect his right to this species of property, entirely fails him. He must, therefore, look to some other point for that constitutional sanctity which he hopes and believes sustains him in this right of property. The gentleman betakes himself to his State Constitution. He asserts, that under its phraseology which is in the very words of the Federal Constitution, there is an insurmountable barrier to our objects and designs on this occasion. He says, that under the 11th clause of the 3rd article of the Constitution, the Legislature is prohibited from passing “any law whereby private property shall be taken for public uses without just compensation.”

[¶] I deny, Mr. Speaker that under this paragraph, slaves are protected as property—they are not made property by this Constitution. I admit that they are property, but they are property under the Statutes of Virginia. The gentleman from Brunswick, Mr. Speaker, says that the framers of the Constitution were slave holders and slave owners, and that they considered them property under the Constitution, and entitled to its protection: that a different construction proved that they were either knaves or fools. I, Mr. Speaker, beg leave to differ with the gentleman, if he should arrive at either of these conclusions.

[¶] The gentleman from Rockbridge referred this House to that clause in the Bill of Rights in which it is asserted that “all men, by nature, are equally free and independent.” What, Mr. Speaker, is meant by this declaration? Unquestionably as human beings, Mr. Speaker—they are embraced with the bounds of this broad, extensive, and eternal truth—one that is laid down as the cornerstone of all free Governments. But, says the gentleman, they were slave holders, and therefore could not have meant to declare them men. ...

Sir, Mr. Jefferson, whose hand drew the preamble to our Bill of Rights, has eloquently remarked that we had invoked for ourselves the benefit of a principle which we denied to others. He saw and felt that slaves, as men, were embraced within this principle. And as one of the heaviest grievances of which we complained in our separation from Great Britain, in the Declaration of Independence he declared, that they had violated our rights by "prompting our negroes to rise in arms against us—those very negroes, whom, by an inhuman use of his negative he has refused us permission to exclude by law." In the original draft of that instrument, in his own hand writing, he alleges that Great Britain had ["waged cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people, who never offended him, captivating and carrying them into slavery in another Hemisphere, or to incur miserable death in their transportation thither—this piratical warfare, the opprobrium of infidel powers, is the warfare of the Christian King of Great Britain, determined to keep open a market where MEN should be bought and sold."

[¶] They were then, Mr. Speaker, considered as men under the principle invoked, but they were property under Statutes made by ordinary Legislatures. "The objects of dominion of property are things as contradistinguished from persons;" and I conceive that that provision in the Constitution which guarantees property to the citizen, refers exclusively to this common law definition of property. Sir, there is no Statute by which your horse or your ox is declared to be property. They are so under this definition. They are property per se, and the declaration which guarantees property to the citizen embraces them, as the natural legitimate objects of property.

It was, therefore, that slaves which were not property by the common law, were made so by statutory enactments—a statutory enactment which, by the operation of mere law, has erected, as they suppose, an insurmountable barrier to those natural and unalienable rights, which we cannot divest ourselves of, or of which none others can divest us. The slave has a natural right to regain his liberty — and who has as high a right to reduce them to slavery again?

[¶] In two of the States of this Union, Massachusetts and New Hampshire, the declaration in the Bill of Rights, has, of itself abolished slavery. Not that I would abolish it here, under the authority of that declaration.—They were made property here by the statute—they are property under the statute, and they must remain property until that statute is repealed; that statute was the result of a necessity, imposed upon us by the British Throne; but it is such a statute as can be repealed by this Assembly.

[¶] The power which this Legislature possessed of declaring what shall be property, also enables it to declare what shall not be property. All that I claim on this question, is that when the public necessity de-

manding their emancipation is greater than the necessity for their retention as slaves, that then it is in the power of this or any subsequent Legislature to repeal this statute. My friend from Berkeley (Mr. Faulkner) might have gone farther in the principle which he advanced, than that the post nati were not such a property as the owner of their parents could not be divested of. It seems to me to result from the power inherent in this body, of declaring what should be considered property, and repealing any laws which have heretofore declared what property is. The gentleman from Dinwiddie (Gen. Brodnax) told us, the other day, that it was not the value of the property involved in this question that made him tenacious of it — that it was the principle for which he contended. He adopts the language, “millions for defence, not a cent for tribute.” What is the principle for which he contends? Is it the right to this property, which, he says, is higher than all constitutional power, above all law, anterior to all civil society — a right which he derives from God? He told us, in another part of his two hours’ speech, that something must be done to relieve us from this greatest of all evils. He admits that the salus populi [the safety of the people] is the supreme law of all governments — and when we attempt to show that this supreme law demands that something should now be done on this question, he answers us with the declaration, “millions for defence, not a cent for tribute.” — Sir, I concur with the gentleman in the belief that something should be done. I think that it should be done now. The voice of thunder predicted the other day by the gentleman from Brunswick, has already been heard. We have already heard the sound and seen the smoke.

[¶] The people demand that something shall be done. Does that gentleman suppose that the time will ever come when a general emancipation will take place within this Commonwealth on the plan which he proposes? Does he believe that the efforts of the Colonization Society will be able to effect this great work? or can it be done by gratuitous contributions? No, Sir, all such views are futile. — The moment the Society has decreased the numbers to that point, at which safety is felt to the persons and lives of the people, and at which the value of the slave has been increased by the removal of many, then, Mr. Speaker, the scheme will fall to the ground — there will be no more voluntary contributions. But, Mr. Speaker, the idea of the gentleman is, that all are to be restored to their much-injured continent. How will he proceed in his enterprize? Will he then resort to law and to this body, for the means of proceeding in the work? ...

[¶] I repeat again, Mr. Speaker, that no emancipation can take place either now or at any future time without an infringement upon the rights of property, if they are such as assumed on the other side — a right both to those now in existence and to those hereafter to be born, which is superior to all law and above all necessity. I see, Mr. Speaker, by indications that I cannot be mistaken in, that I have uttered a sentiment

---

that gratifies those who are opposed to me. They are ready to accuse me with attacking their Constitutional rights. I do attack them openly, boldly; and if they ask me by what right I attack them, I answer by the right which is given me by that great law of necessity — self-preservation; which even by the gent. from Dinwiddie, (Gen. B.) is said to be the supreme law of the land. The gentleman from Mecklenburg, (Mr. Goode,) shakes his head. I attack his property boldly, openly—let him defend it if he can.

[¶] My old friend from Halifax, (Mr. Bruce) told us that the Virginia slave was happy and contented — that his situation was preferable to that of the laboring classes in Europe, and that no danger was to be apprehended. Mr. Speaker, this is impossible: happiness, is incompatible with slavery. The love of liberty is the ruling passion of man; it has been implanted in his bosom by the voice of God, and he cannot be happy if deprived of it.

[¶] That gentleman referred us to Europe, as affording an example of more revolt, disquietude, and danger both to persons and property, than had been experienced or need to be apprehended here. — The examples, Mr. Speaker, are widely different. — Their[s] are revolutions which are brought about by the operation of that liberal principle which is diffusing itself over the whole face of the habitable globe — a revolution in the moral condition of man, which tells them everywhere that they ought to be free. I rejoice, Mr. Speaker, in such revolutions — we all rejoice in them. — We hail the knowledge of them with joy, with speeches and songs, and dancings, and merry meetings — we all feel that they are revolutions, in which those who have rights have dared to assert them, and that those who have committed wrongs are made to feel them. The peasant of yesterday is the lord of to-day. The lower class of one day is the higher class of the next. Look, Sir, to France. Though we may deplore the scenes through which she has passed, are there any here who does not rejoice at her revolution? I rejoiced, Mr. Speaker, when her oppressed people tore down every monument of their former Kingly greatness. ...

[¶] And, Mr. Speaker, if those who are slaves here, were not what they are; if, Mr. Speaker, they were white men in oppression and bondage, I would rejoice in revolution here. It is in the line which God and nature has drawn between us in their color, that the appalling consequences of such a result are so deeply to be feared, so solemnly to be deplored, and so decisively to be provided against.

[¶] Who, Mr. Speaker, can bear the thought of seeing a black Speaker occupy that chair in which you are now seated? — That result has been predicted in this Hall; and the gentleman from Dinwiddie has declared that “unless something was done, either the whites would cut the throats of the blacks, or they would ours” — Sir, that will be the result — and

Mr. Speaker, to avert such a crisis, what is there that ought not to be done?

[¶] If we follow the example, (and it is the only one by which we are guided from the lights of history on this subject) of the deluded planters of Saint Domingo, we can see a mournful lesson, to whose truth we cannot be blind. If we shut our eyes against those truths, if we permit our interests to control our judgments, it is obvious to all, that the day will never come when we will accomplish that work of desolation; while it is equally sure, from their rapidly increasing number, it will come when they are able, from their physical strength to accomplish it on us.

[¶] And where then will you look for your security? Will it be in that love, which the gentleman from Halifax says, the slave bears his master? Trust it not, Sir. The day must and will come when the results in this hall will prove the correctness of the forebodings of the gentleman from Campbell, unless something is done. Mr. Speaker, gentlemen say, that the country is tranquil, that no danger is apprehended, even in the East, and that the West have felt no alarm on these subjects.

[¶] I, Sir, represent a county which, by the last census, contained about 12,000 persons, of that number, there are but about 1100 slaves.<sup>3</sup> We were in safety, amid our mountains, and too secure that but few felt or acknowledged the sensation of fear at the present time. But, Sir, we tremble for the future. We foresee, that the day will come when we will be beset by those dangers, which surround you, and many of our most valuable citizens will flee to lands where they and their posterity will escape the danger forever.

[¶] What, I ask you, Sir, will be the result to Western Virginia, when every State which has heretofore afforded this immense drain to your black population amounting to 85 thousand decennially, shall have closed her market, when every State South of us, shall stand sword in hand to guard their country against the importation of our slaves into their borders? When the great South Western world refuse to permit the sale of our slaves there? When this whole redundant population shall be thrown back on the Eastern portion of our state?

[¶] I ask you, what will be the fate of the West? Those mountains, amid which our security has been felt, will no longer be secure; our tall forests will fall before the stroke of the Eastern slave; our rich soil will be filled by the hands of slaves; and our free and happy country will become the home of the slave. Our country, though less inviting to slave labor than the country of the Mississippi, is still, when that is forbidden, more alluring than the exhausted soils of the lowlands, and he must and will be introduced amongst us. The gentleman from Brunswick, (Mr. Gholson) after depicting in glowing colors the prosperous character of our country, the beauty of our daughters, the high and manly chivalry of our sons, concludes by telling us that the only wealth of Eastern Virginia

was in the increase of their slaves. In the name of God, Mr. Speaker, has it come to this? Does the wealth and beauty and the chivalry of Virginia derive its support and owe its existence to the increase of our slaves? — If it be so, Mr. Speaker, I would gladly relieve them of so heavy a reproach. . . .

The gentleman from Campbell, (Mr. Rives,) said that the non-slaveholders were the most deeply interested in this question — I concur in the opinion — if indeed it be true, as announced by my friend from Halifax, that with the evil incurable — “that no human ingenuity can devise a scheme for their removal” — that therefore they must content themselves and enquire the evil. Then indeed, Mr. Speaker, we are the most deeply interested — we are at that point at which a remedy can be devised, their[s] is one at which it is hopeless. We are within the sphere of hope — they are in a situation of despair; and we are the more strongly admonished by this fact, to prevent their introduction amongst us.

The gentleman from Brunswick, (Mr. Gholson,) said this slave question was not “the bone of contention” between the East and West — That it was internal improvements. I have always, Mr. Speaker, been a friend to internal improvements — I have always felt that it would bind us together by an indissoluble chain of interests. But, Mr. Speaker, deeply as I feel its importance, and sensible as I am of its advantage, I would not vote for any system of canals or rail roads — which, while it afforded an outlet to our produce, is to be made an inlet for the curse of slavery.

Mr. Speaker, I offered a motion this morning to change the aspect of this question, but because I feared “to see the rays of truth, playing upon the features of the amendment offered by the gentleman from Albermarle” — not because I looked on that proposition, as the gentleman from Westmoreland (Mr. Newton,) does — not because I feared that “its adoption would overturn the democracy of the country” — not because I feared that the gentleman would write the “name of the mover of that proposition on that wall” for the slow finger of scorn to be pointed at. It was for no such reason. The gentleman need apprehend no such dangers as he suggests from that source. It sprang from the same source from which that gentleman derives his right to be heard in this House, as a representative of the people. It sprang from that source which secured to that gentleman the right to worship that God whom he adores.

[¶] It was the twin thought of our Declaration of Independence. The gentleman from Dinwiddie says, that although that scheme originated with Mr. Jefferson, he might not now advocate it, if alive — time might have changed his opinions of its practicability. In 1814, Mr. Jefferson says, that it was a task, which he himself, was deterred from, only by the infirmity of his age, — “that it would have been buckling Hector’s armour on the limbs of old Priam.” He has bequeathed it as a legacy to the young and patriotic who are to come after him.

One word more, Mr. Speaker. They say the West want works of Internal Improvement and that the slave property is alone able to supply the means — they say now that we desire to destroy that very property. The arguments surely, Mr. Speaker, destroy each other. We attack that property, because it is dangerous — we attack it, because it is subversive of the well being of society — we attack it on principles of necessity and policy—we wish to remove the danger from the East, and to prevent its existence in the West ...

In the end, Preston's oratory did not sway enough delegates to the emancipationist side. So numerous were legislators from the slaveholding East, and so vehemently did many of them oppose any action against the institution, that even a gradual program, a very gradual one, could not muster a majority.

Preston would serve in the legislature in later years, too — in the Virginia Senate in 1840-44 ( a four-year term) and again in the House of Delegates in 1844-45 (one last one-year term) — but never again would he have occasion to debate the future of slavery. Virginia remained committed to the institution. Preston would have ample occasion to recognize that he had failed either "to remove the danger from the East" or "to prevent its existence in the West."

## **Part Two. Slavery in the Western Territories: 1849 The U.S. House of Representatives, Washington, D.C.**

William Ballard Preston won election as a Whig member of the United States Congress for the 1847-49 term. Thus he was in Congress when the question arose as to how to organize the vast territories just acquired from Mexico after the Treaty of Guadeloupe Hidalgo was agreed to in 1848. Even during the war, the House had passed, though the Senate had rejected, the Wilmot Proviso, according to which slavery would never be permitted in the lands acquired from Mexico. Proslavery spokesmen, by contrast, insisted that slavery be expressly permitted in all such territories. The two sides — the North and the South — and the two houses of Congress — the House and the Senate — were at an impasse. The future of the Union hung in the balance more than did the future of the West.

On February 7, 1849, Preston offered a solution, a measure mostly supported by southern Whigs like himself. The bill he supported would bypass the territorial stage, admit the entire region as one large new state, and thus remove from political debate the divisive question — he called it "this most pernicious question" — of slavery in the Mexican Cession. He sought to navigate his way between — counter the cries of —

what he termed "extremes to be found both north and south." He insisted that his proposal offered a divided nation "the only door through which these Territories can be safely incorporated into our system." His lengthy speech follows.<sup>4</sup>

Mr. Chairman: Those who have listened to the reading of the bill will unquestionably concur with me in the fact, that the proposition which I propose to discuss is one of great gravity and of vast interest to this whole nation. ... I began to be apprehensive that I might not have the opportunity I desired to offer the bill just read as a substitute for the Territorial bills; and I felt that it was proper that I should avail myself of this, the first opportunity I have had to present the views I entertain on this great and momentous question.

I suppose I need not offer any apology for appearing before this House to-day. I have rarely troubled them in the short period during which I have been honored with a seat here. I have listened attentively and patiently to the discussion of this slave question — a question which deeply involves the interest and feelings of the country which I represent, and of the whole country which I love. I have listened day after day, calmly and carefully. I have not in anywise attempted to foment or increase those feelings which parties, and sections, and personal aspiration and ambition, have thrown around it. I have not heretofore, and shall not, upon this occasion, go into the consideration of the question which gentlemen have discussed here so long, so ably, so patiently, as to the merits or demerits of our peculiar system in the South, or the merits of those principles which gentlemen of the North propose to lead in by Congressional legislation here upon us. I shall not go into the question as to who have produced the evils, and who are responsible for the difficulties which surround us: I shall address myself to the remedies which suggest themselves to my mind, for difficulties and dangers acknowledged by all. It has been called the great question of the age: I will attempt to try it by the great principle of the age. Having taken my stand deliberately and determinedly on this question, on this day and this hour, I stake myself upon the principles of this bill.

[¶] I stake myself upon the principle which I propose now to explain and illustrate; and I hope and believe that the good men and the calm men and the wise men of all parties, will forget the section and party questions which divide them, and come forward upon a remedy that commends itself by every principle which lies at the foundation of that Government which we have made, or which, I should rather say, our fathers have made for us, and that we should apply that very rule to the Government of that country which fortune, arms, and conquest, have brought within our control.

I might make another remark. In the great calamity, and in the great embarrassment which have overclouded the land, I feel what all

men feel in adversity and distress — that the very emergency, the very exigency which is upon the country takes from us the general responsibility which attaches to all, and fixes upon each and all of us an individual responsibility that makes me, humble as I am, feel that I have the burdens of all.

The proposition which I offer, I offer as a substitute for the territorial bills now on your table. Let us for one moment examine the principles upon which the territorial bill rests. What, sir, is this territorial government, and what the true character of that issue upon which we are dividing this empire, and producing this great distraction in the land? Is it one of the original objects and ends of this Government to hold and to retain territorial dominion? Is it anything but a trust power, which is declared in the Constitution, in a single clause which I will not stop to read? — not as the basis upon which we should in the hereafter and in the thereafter legislate for the creation, for the maintenance, for the advancement of the proconsular Territorial governments abroad. That is not the Constitution under which we live.

[¶] The territorial power construed either as gentlemen from the North or as gentlemen from the South construe it, is but a secondary power or trust in this Government. What is the primary trust? What is this power which was given to admit new States? What is this power in the Constitution, in which it is declared that we shall make such rules and regulations as are necessary for the government of the Territories, made for? Was it that this House should be converted into a municipal legislature? Was it that we should spend days, weeks, months, and years in legislating upon distant and small territorial questions? strictly municipal questions? No, sir. The great trust — the great power — the great reason why that clause in the Constitution was introduced was upon this principle, and this alone.

[¶] Sir, territorial dominion was given to us, not that we might place slavery there or freedom there; not that we might go into municipal legislation in detail for these provinces; but it was that we should rear up there sovereign and independent States. That is the primary trust in the Constitution. The territorial trust is limited in its duration. In the first resolution, in relation to the cession of territory by the States, under the old Confederation, before we had entered upon the form of Government under which we have so happily lived, in that resolution ... it was declared that we shall create sovereign States. And we were invited — Virginia was invited — to cede her lands to create sovereign States — when? As soon — at the very first moment — at the very first period of time that the imperative law of necessity ceased to exist, by which they were kept in territorial subjection.

[¶] Whenever the period had arrived that there was a population there large enough in numbers, the great primary object of the trust

arose instantly, and on the spot; and he who keeps these people in territorial bondage keeps them in oppression, for the first great primary trust is that they shall become sovereign States.

How was it again in the ordinance of 1787? In that very ordinance it is declared in terms, that as soon as sixty thousand people are found in the Territory, and sooner if possible, they shall be admitted as a State. What does all this look to? Sir, it looks to the great proposition that our forefathers intended, at the first moment of time, to bring every citizen in this nation upon the broad, elevated American platform of popular sovereignty, resting with the people and with no Government whatsoever.

Sir, in the treaty of Louisiana, out of which we have made territories, the phrase there is, that they shall be brought in "as soon as possible" — at the earliest moment of time. In this Mexican treaty it is declared, that they shall be brought in at the discretion of Congress. Ay — but it is a discretion to be exercised upon the principal of the trust. It is a judicial discretion — it is a legal discretion. It is a discretion in accordance with the principles of our Government.

[¶] It is no arbitrary power — it is no arbitrary discretion which authorizes you to withhold from them that right while you plant slavery there — while you plant a tariff there, or while you plant your "no slavery" doctrines there; or indeed, while you plant any particular system of policy there. That is not the principle. The principle is, that the trust must be resigned at the first moment of time at which you can possibly discharge yourself of it.

Sir, look for one moment at this question in another respect; and what is it? In any form, it is but a transient and temporary question. Gentlemen are arraying themselves against each other, declaring that they will have, or will not have, Wilmot provisoism. Gentlemen say, "resistance or submission." No, sir; no, sir; that is not the true issue in this question. The mere lapse of time — the mere operation of nature — the progress of our population, — removes that issue, and shows how futile and how erroneous it is. That is not the question. ... Then what is it?

[¶] We talk here about dissolving this Union — we talk about abandoning all the past, and all the glorious prospects of the future, because, forsooth, we will squabble over the situation of a trust subject and a trust fund. We the mere trustee, holding it but for an hour or a day, quarrel and destroy all our institutions, while there are the people of California ... — they to whom it belongs — they who are primarily entitled to it, ask and demand of you that you should not quarrel over the distribution of the trust fund, but that you should come up and surrender that trust subject itself into the hands of those who are its legitimate owners, that a sovereign State may be created out of it.

Sir, the bill which I advocate takes other grounds. I have shown the detriments of these Territorial bills. I have shown that you are staking yourselves upon a temporary issue. I have shown that you are staking yourselves upon an issue and upon the division of a fund, and upon the division of a spoil, that does not belong to us but for the fulfillment of the primary object of that trust; and the day and hour when it belonged to us is past, and it belongs to them, for they are in condition to assume it for themselves and exercise it according to the principles of our Government.

Again, sir, I offer this bill because in the first clause, it declares that the people of California shall be at liberty to make a government for themselves. Look at the principle there. You have, as I am informed, one hundred and fifty thousand of your citizens there now. You will have, before this bill can go into operation, two hundred thousand there, which is twice or thrice as large a population as most of the States ever had when they were admitted into the Union. I ask you, who is there here who can stand back and refuse the surrender of the trust upon any grounds personal, individual, sectional, or partisan? I ask you who, sir? None. None of you can; none of you ought.

The bill which I propose, in the first section, simply gives the consent of Congress to the people of California and New Mexico to create a government for themselves. The bills of the committee make governments in these Halls, and send them in imperial power and strength to a reluctant people. The bill which I advocate invites the people of California, and affords them the facilities for the creation of a government founded upon their own will. It renounces the exercise of your territorial authority and jurisdiction. It recognizes the great principle of popular supremacy and popular government. Sir, in that it but acknowledges the truth which is seen and felt at this moment all over the earth — the great truth that popular constitutional government is the great self-sustaining machine of this age — possessing within itself all the virtue, all the strength, all the wisdom necessary for its creation, its preservation, its perpetuation. It requires no masters to direct its actions. It submits to no kings and rulers to control its councils. It requires no armies to maintain its existence. It is omnipotent here to-day. It will be omnipresent in Europe to-morrow. The next day it will be omnipresent and omnipotent everywhere. Who can resist it?

[¶] I am a Virginian, and come here representing a community intimately connected and deeply interested in the “peculiar institutions” of the South; but upon what do they rest? Shall I keep this territorial question here, that, under the exercise of this arbitrary and tyrannical power — this power of making governments here for a people abroad — I may carry my institutions there? Why, if there is anything great and venerable in the past, and in the recollections of us Virginians, it is that a

foreign government, not further from us on that shore than our friends in California are on the other, could not and ought not, upon every principle upon which our Constitution and Government are formed, control and direct our legislation. Our slave institution is based upon it. It is the right of the people in Virginia and Georgia to judge for themselves. Their protection and safety is in giving to the people of the States, and to the States themselves in their sovereign capacity, control over this subject; that there is no power here or anywhere but with the people of the States deciding for themselves as to their institutions and form of government. That is the principle upon which I place this whole question.

But again: the difficulty with gentlemen [from the South] peculiarly sensitive upon points of honor is, that ... while the President tells us, while the Cabinet tells us—while orators tell us that slavery can never go there — while we hear that and believe it — while Virginia is told that the climate, soil, and position of this territory do not and will not permit us to carry our slaves there, we are told that there is some great abiding, solemn question of honor that every southern man, who does not stand up to, is recreant to himself and forgetful of his ancestors. Now, I yield to no man on these points. I have yet yielded to no man on these points. Let us see how it is.

[¶] The great merit of the bill which I present is, that it is a bill under which neither party is victorious, and neither party overcomes. It is no compromise at all, and therefore it recommends itself to me above any other proposition that has as yet been suggested. In all other suggestions or propositions which have been offered for disposing of it, there is a question of compromise, and the goodness or badness of the bargain, the extent of the demand you make on the one side, the spirit with which you stand up to it, and the courage or sagacity with which you maintain it, are all questions to be weighed, considered, and decided. How is it in this bill? Here are a people numbering two hundred thousand asking you to surrender the trust, to give them the rights guaranteed to them, and for which this acquisition of territory was made; and I ask you, does the point of honor forbid your giving it to them?

[¶] I do not ask my friends of the North to surrender anything to us. I do not, as a southern man, surrender anything to them. The spirit of republicanism, the spirit of popular supremacy comes at this "fourth watch of the night" over this tumultuous and tempestuous ocean, walking upon the waters, and saying in the language of old, "Be of good cheer: it is I, be not afraid." It is but the spirit of the Revolution—it is but the spirit of our institutions that calls upon us. I shall not resist it. If there is dishonor in not resisting it, I submit to the impeachment. If there is principle in submission to it, I claim for it, when the bill comes up, the votes of all gentlemen who feel that it is a privilege and an honor to bow

down to that before which our fathers of old made tyrants and Governments bow down. That is my second reason.

[¶] IT IS NO COMPROMISE. I prefer it above the Missouri compromise. I am going to hold nothing back. Here is my proposition, gentlemen of the North and gentlemen of the South. I prefer it above the Missouri compromise for this reason. Carry the line to the Pacific. Let it be decided that we have the right to the south and you to the north of that line, still — the territorial question being, as in the beginning I attempted to show, but a limited and temporary one — the great solemn question as to the prohibition of slavery comes back upon us again in the creation of a State. If our citizens have gone there under the guarantee of the Missouri compromise — if there are more citizens for our institution than against it there, three or four or five years hence there is to be a new struggle, a new convulsion, new mischief, and new calamities. Presidential aspirations take hold of it. Ambitious gentlemen take hold of it. Partisan presses and leaders take hold of it.

[¶] I want repose, and the bill now offered gives finality to the question. I want the question ended. I want it ended under this great principle that I have so feebly attempted to enforce.

I prefer it again to the compromise bill of last year. It is a better measure for the South, and a better measure for the North. Look for one moment at that compromise. It proposed to submit to the judiciary of the United States this question, to be by them decided — whether we could, while that government is in a territorial condition, carry our slaves there? Suppose they decided for the South — suppose they decided for the North — what is the effect of the decision? Three or four years — no, not one year — would elapse even before the case could be made — before the decision could be pronounced by the Supreme Court, the people of California would come here and say, We want no such decision; we are going to form a State government. Your law with regard to slavery in the Territory is a matter of no importance to us. We are about to become sovereign. We have now reached that period when, like men, we can walk; and we will not ask your hand to sustain or uphold us. We come as Americans; we say we have rights; we do not beg them as favors, we demand them as rights appertaining to us as American citizens.

[¶] Before the question could be settled by the country, the State is admitted as a sovereign and independent State. During this period we are exposed to all the evils which result from the agitation and disturbance of this most pernicious question, both in these halls and throughout the whole land.

What, then, is the great desideratum? I am not one of those who look most gloomily at the results of this slave question. I cannot believe there is the danger which many suppose; but I know there is, neverthe-

less, great danger. The bill which I propose has a merit which no other measure possesses. It is not wholly my measure; it would be in bad taste for me to speak of it in so strong terms of commendation if it were. The great principle of introducing these Territories as States belongs to others. I have only adopted and applied that principle to the exigencies of the present period.

But, to go on with the argument: I want finality to this question. How can it be attained? How can this question be relieved from perpetual agitation, but by the enactment of a law assenting to the surrender of this territorial power to those to whom it belongs, and taking it from us, to whom it does not belong, except in one event — in that necessity alone which would compel us to retain them as territories; and that has wholly passed and gone by in these now under consideration.

I offer you another reason. I deal in no declamation. I am attempting to put this question on its true, important, fundamental principle. I do not depart from it. The bill which I propose differs from that of the very distinguished — and, I take this occasion to say, the very patriotic and determined — Senator in the other end of this Capitol, in this: it proposes to embrace all the territory ceded by Mexico to the United States. And why? Why is the word “all” inserted in the bill? ...

[¶] Who, then, is to settle this question as to the boundary of Texas? Shall Congress do it? Certainly not; she is a party to the controversy. The question is one between her and Texas, and she cannot decide in her own case. I repeat the interrogatory: who, then, is to settle the question? and how is it to be settled? Sir, the bill I have presented provides a mode and manner of its settlement, in accordance with the wishes and rights of all. It declares “that a new State may be created out of and including all that territory ceded to the United States by the treaty of peace, friendship, limits and settlement made with the Republic of Mexico, concluded the 2d February, 1848.” It does not define, by metes and bounds, the lines of division between the new State thus created and the State of Texas. It grants all that is ours to the new State; and the new State takes it upon these terms in her grant. And then the question arises between Texas and the new State proposed to be created as to the true boundary between them; California holding all we had to give; Texas holding all she was entitled to as against Mexico, when she created us her trustee to adjust it. The Constitution, on its very face, in express terms, has provided and declared that “the judicial power shall extend to controversies between two or more States.” And thus the whole question is submitted to the judicial tribunals for their decision and their adjudication.

See how beautifully the system works. Behold how harmoniously and beautifully and wisely those who framed it made it to work! These agitation questions, upon which we have voted and combated and de-

claimed, one party affirming and the other disaffirming the boundary of the Rio Grande, upon which we have gone into war, and which have entered into our Presidential contests, and engrossed all our party feelings and exertions, are all hushed and made silent by this bill; and the question is taken from this stormy tribunal, and from the popular agitations of the day, to that which has been provided by the Constitution — into the lower story of the Capitol [the location then of the Supreme Court], where judgment will be pronounced, with all the justice and all the equity which do not belong to us, and with all the acquiescence which does belong to all American communities, under the solemn decisions of her supreme judicial tribunals. This furnishes another reason why I have presented and now urge this bill.

I will now proceed a moment with the details of this bill. ... It consents to the creation of a State by the people of California and New Mexico, to take effect hereafter, on a day fixed in the bill. I am not going into the constitutional question. I have prepared, and have before me, a constitutional argument on that subject. I have not time, under the one-hour rule, to present it now. When the bill is brought forward if the proviso is offered, I shall attempt to show that the question of the right of prescribing the Wilmot proviso is a very different one when applicable to a State, in the creating of a government and constitution for herself, from the question when applicable to a territorial government, such as is provided by the bills now on your table, in which that proviso is inserted.

I will merely state the points on which I rest the question. I have not time to elucidate them by argument. If the bill I advocate should find favor with the House; if the Territorial bills should be superseded; if investigation and examination shall induce gentlemen to come to the conclusion, that the condition of our country, both here and in California, requires that a State government should be created for the Territories — that the people there are entitled to such form of government — gentlemen of the North may insist on inserting this anti-slavery provision into this bill, as the condition on which the Territories will be permitted to create a State government.

The clause of the Constitution which guaranties to every State a republican form of government, does not authorize Congress to interfere in the formation of a constitution. To say that we have the power to prescribe, is to declare that the people shall not create a constitution themselves. The very fact that you prescribe terms in its formation takes from it all its virtues — all its power — and subverts every principle on which its rests. ...

But again: The idea that this guarantee subjects the constitution of a State to the action of Congress, is in precise subversion and opposition to the principle on which it was made. That was a guarantee to each

State against all the States. It was a guarantee that the State which had a republican form of government should not, by coming into this Union, be under the control of other States to abrogate or alter the constitution which they themselves have formed.

My fourth point is, that this clause of the Constitution is not that Congress shall have the right to enforce this guarantee. The clause does not confer a power upon Congress. It simply imposes a duty upon the States to make good the rights and republican forms of government created by the people of the States for themselves.

But there is another position: Those who made this Constitution did no work of supererogation or folly. The guarantee operates upon the State when admitted, and requires you to preserve a republican form of government, and that is the whole extent of the guarantee. I state that the framers of the Constitution did no work of supererogation. They guaranteed to Virginia a republican form of government. Suppose that her constitution was such as at this day, according to our ideas, was bad in its character, and opposed to your views and opinions, have you the power to cite us here to try our constitution, and see whether it suits you of the North, or you of the West? Why, the power is one which was intended for substantial purposes — for real purposes of self-government. Suppose a State was admitted with a constitution prohibiting slavery, and the next day she turned round and repealed the provision: where is the power on earth to alter it?

Will you, gentlemen of the South, vote against the passage of this bill? Do you come forward and say, we will have a territorial government nolens volens — that slavery shall go there, or this Union shall be severed? Will gentlemen from the North say that this Government shall be dissolved if you take it there? Will neither party agree to surrender this territorial power? ...

[¶] Do you ask me to stand there, and stand there by my vote and by my own will resist this great principle of constitutional liberty and popular supremacy in the State governments? If you do, I will not stand with you. The people will not stand with you. Justice is not with you. You war against the fundamental principle upon which our Government rests; upon which our institutions in the South can alone repose in safety.

Again: Gentlemen of the North, will you insist that the Wilmot proviso shall pass nolens volens? Why, your orators demonstrate day after day that there can be no slavery there. A gentleman the other day demonstrated to his satisfaction that the people who were there when we took the country do not desire the institution, and he demonstrated further, that those who are going there do not desire it. He showed to you — and it may be true, I make the passing remark — that in this effort, this career to reduce the country to our possession, the North

had the advantage over us — that those in favor of free institutions had the advantage over us, which no power could check.

[¶] Look for a moment at Virginia and the South. If a slave holder wants to emigrate and to take his slaves with him it is a work of time. His business affairs must be arranged. He is a man of substance and property. He has to collect the last year's hire; he has to collect the proceeds of the sale of his farm, and that is not the work of a moment.

[¶] But that is not the case with those emigrating there from the North. Many of them are bold, intrepid young men, living on the Atlantic borders, who take ship and, on the wings of the wind or with the velocity of steam, go there before a slave holder can turn round.

[¶] Who from the West can go there? The hardy hunter, who has no home except that bounded by the heavens and the ocean. He throws his rifle on his shoulder and, in the spirit of freedom, reaches it through boundless forests and trackless prairies. It is his country and his home; and he will arrive there and appropriate it while the slave holders are lingering about Virginia and South Carolina, attempting to get rid of their stock, and their lands, and the thousand cares which surround us.

[¶] Why, then, do gentlemen say, we will have the Wilmot proviso,  nolens volens ? Is it in the mere consciousness of strength and of power? Is it merely because, in the wantonness of power, you choose, like Perditus, to despoil the lioness of her young? You cannot do it, you will not do it. I offer this remark in no taunt. I say to gentlemen of the North, if you want this thing, leave it to a great principle — leave it to natural causes — leave it to the principles upon which the Government is formed. I tell you, if you do not, the reproach and responsibility will belong to you and attach to you, in this wantonness of power, of forcing upon us issues which are unnecessary to your ends, and intended for our degradation. I beg gentlemen to remember, it would be of all things the greatest fatuity and the greatest folly. That strong man of old who pulled down the building and perished amid its ruins, "was blind as well as strong."

What is the argument with which our northern friends meet us? They say New Mexico is not prepared for a State government. She must undergo territorial tutelage. Territorial tutelage! Why, look at it! In the beginning, when Kentucky, Tennessee, and Vermont were the objects upon which the minds of the framers of the Constitution rested, did they think that they needed territorial tutelage? Was it to teach them principles of freedom? No; the reason was, that they were so few in number that they could not constitute a government.

[¶] Tutelage! You, in the great day and the great hour of this question — are you to stop, like a mere pedagogue, to teach New Mexico and California the A B C of political liberty, while the destruction of an empire and a government might learn you the last lesson of its over-

throw? Who, then, wants this delay? The demagogue may want it. He who wants to agitate a Presidential question — who wants a sectional advantage; he who, because he believes he is with the stronger, is willing to keep the question to oppress the weaker — he may defeat it; and when it is defeated, it is a defeat by the union of the pedagogue and the demagogue, neither of whom recognizes the principles on which this Government is founded.

Sir, the territory is said to be too large. It is said that the population is sparsely, thinly scattered over it. Let it be so — what of it? Take the State which the Senator from Illinois [Mr. Douglas] wants: it includes almost all the good land in that country. The residue is a barren and desolate region, where the population will be forever sparse. But what if it be? Cannot they, under their State government, govern it as well as we? Are we, through all time, to convert this hall from a hall of legislation upon grave questions, pertaining to the sovereignty of States, into one of municipal legislation for distant and remote provinces? No; it cannot and it ought not to be.

Mr. Chairman, in adopting the course of policy which I have this day advocated, and in offering this bill, my opinions have been supposed to be adverse to those of the Commonwealth which I in part represent. It may be so. If it is, I do not know it. I say this is a question which we are bound here to settle before this Congress adjourns. The acquisition of California has already cost us much of feeling, of treasure, and of life. But frugality, industry, and enterprise may restore the lost treasure and replenish our exhausted exchequer. New generations will rise up and supply the places of those whom battle and disease have removed from among us. But still it will cost greatly beyond its value, unless by our wisdom and moderation, in these halls, we hold fast to those things which were given us, and which still remain to us. It will cost too much, though all her high mountains were mountains of gold, though her broad ocean may repose on reefs of coral and on heaps of pearl, unless her pacific wave shall flow tranquilly, harmoniously, calmly to our shore, in submission and homage to that standard of freedom and of union you have planted upon it.

The task is ours to arrest the evil — the duty is upon us to confront the danger. The glory will be ours if we are true to ourselves to meet and overcome it. Sir, some may suppose that there is individual hazard and danger in the struggle — that some of us may be lost and overthrown in the conflict. I do not believe it. But let it be; it is but the attendant and the incident to all actions that are ennobling and elevating. Sooner or later, it will come to all of us, never on a field more worth of the patriot. Let us attempt it now. . . .

In the proposition which I have submitted, and in the views which I have expressed to-day, I may not, in the opinion of some gentlemen,

have met the views and opinions of Virginia. I tell you, Mr. Chairman, I have had my eyes full upon her. I have looked and dwelt and thought calmly and patiently upon this whole question. I have this day devoted myself to what I regard as her true honor, her present safety, her future glory and welfare. I have anxiously sought to serve her in the brief hour which is allotted me. I believe all her interests are indissolubly connected with the Constitution and the Union, and in their maintenance I feel, humble as I am, I do her service. Sir, I may be mistaken, but I cannot be regardless or unmindful of her interest: how could I be? "She was and she is a mother to me." I owe her sacrifice if her interest or honor demands it. And I am only worthy of her when I am wholly regardless of myself.

The principles which I this day advocate are wide and universal — great principles that belong exclusively neither to the North, the South, the East, nor West. I ask gentlemen to come forward and submit to that controlling principle that will settle this question. I ask them to forget their party relations for a moment. I ask them to look around this broad empire, and see the feverish, the painful, the unreasonable excitement that pervades all classes and all ranks. I ask them to witness the speeches which year after year are delivered — the feverish, the morbid and sickly excitement that pervades this Hall. Recognize this principle — adopt the remedy imbodyed in this bill, and it will come over this House and over this nation like the sweet breath of spring to the chamber of disease — healing, strengthening, renovating all of us, so that we shall take up our beds, like the man of old, and run the great and glorious republican career which lays so full before us.

[¶] Come up, all of you, and settle this question. There may be an extreme party at the North, there may be an extreme party at the South. I say to you in confidence, (I am no prophet, and pretend to be none,) this is the only door through which these Territories can be safely incorporated into our system — the only just, patriotic, and harmonious manner in which this question ever can be settled. You may defer it now; but the men who defer it, who put it aside, saying that they are not ready now, and that they will attend to it at a "more convenient season," will be regarded as unwilling guests.

[¶] There is a great conservative party in the country, to be found north and south, in every portion of the Union, who see, feel, and appreciate the principles on which this bill rests, and the propriety and necessity of sustaining them: a broad clear highway is before them; they will read it in security and confidence. I do not mean the Whig or the Democratic party; it may be and will be constituted of both. But upon it will be found that great republican national party who can and will sustain the Constitution and the Union.

[¶] There are extremes to be found both north and south on this question. They who suppose this Union can be or will be dissolved on this issue of the Wilmot proviso, must and will be signally disappointed. I trust and believe the whole country will sustain the principle, and heartily and sincerely submit to the principle of popular and State sovereignty on which the proposed measure rests.

The bill Preston supported failed of passage, though it enhanced his political stature. His term in Congress was nearly over. In the previous year, during the 1848 presidential election season, he had championed Zachary Taylor for the nation's highest office. When Taylor won the Whig nomination and the national election, he first considered offering Preston the office of Attorney General and then nominated him to be Secretary of the Navy. Preston served in that capacity from March 1849 until July 1850, after Taylor had died and Millard Fillmore had succeeded him.

Preston returned to Smithfield. That same year, 1850, Congress agreed to admit California (the present-day version, not the entire region that Preston had envisioned) as a non-slave state as part of the Compromise of 1850. He had reason to hope, though little reason to believe, that the nation had put the slavery issue safely behind it.

### **Part Three. Fourth of July, 1852 Montgomery County, Virginia**

As Independence Day approached in 1852, two years had passed since William Ballard Preston returned to his home in Montgomery County, Virginia, a private citizen, not a Congressman, not a member of the Cabinet. The great issues that had threatened to sunder the nation during Preston's time in the nation's capital — what should become of the vast new lands acquired from Mexico, how they should be organized and whether open or closed to slavery — had subsided. The Compromise of 1850 had offered a contentious people at least an interlude of peace, and two years later that peace still held.

Preston prepared an address for July Fourth that year. The handwritten speech is in Preston's papers in Special Collections at Virginia Tech. Some of what he said can be understood in more than one way — a man hoping desperately for "Union," but prepared to consider disunion; "slavery" an abomination that ought to exist nowhere or, rather, a continuing measure for white men to measure their freedom against — but his fervent faith in the Declaration of Independence was undeniable, as was his hope that the peace would continue to hold. An abridged version of that speech follows.<sup>5</sup>

Fellow Citizens:

The Seventy Sixth Anniversary of American Independ[e]nce is with us...

Let us remember that we are the only free people on this vast Globe — what a case for Exultation! What a sense of gratification and Triumph!

Look at the European World... and tell me its Condition! Oppressed, Manacled, and Enslaved. ...

While We surrounded by the blessings of Heaven are enjoying the gifts of Freedom, the happiness of peace, and the delights of Independence —honored abroad and happy at Home. ...

It is a condition ... peculiar to ourselves and which we should labor to preserve with uncommon diligence and Exertion. ...

What is it that has distinguished us so highly among the Nations of the earth? Why is it that the name of America has filled the World?... No Sirs! It is the principles set forth in this unequalled Instrument ... , and I had rather be the Father of this declaration as it now Stands, than be the Author of Newton[']s Principia, upon which rests his colossal Fame.

I[m]perfection is however the fate of all human Institutions and Productions — and it is impossible for any Legislator or Convention of Legislators, however great their Wisdom, or Experi[e]nce, or foresight, to behold the evils of the coming future. Their province is to provide for the exigencies of the present, and by a judicious management of those exigencies to meet the demands of the future. And my belief is that one of the greatest difficulties with which this government has had to contend, — is that its citizens have failed to act in strict accordance with the teachings of the Declaration of Independence (as near perfect as any human production can be).

If they had studied its great truths — heeded its seer like advice — to-day instead of being divided by sectional differences — torn by discord, we should have had a Union harmonious as it is vast, and splendid as Harmonious.

And you will give me credit for candor when I tell you, the times are ominous on that very account. Thrice has this Confederacy, agitated by Conflicting Elements[,] shaken from Centre to Circumfer[e]nce — True apparently a calm has succeeded the Storm — Peace at present is found in our borders—plenty spreads her lap on every hand — The Farmer, the Mechanic, the Lawyer, the Physician, Each and all follow their respective avocations in Peace and tranquility. — But as sure as there is a God of Destiny above, this very calm is ominous of Evil — The Giant but Sleeps — and when refreshed, he shall but begin his slaughter with renewed energy and vigor.

I am now about to read the Declaration of Independence, and I call

upon you AMERICANS! As you value the boon left you by your forefathers; as you prize the liberty they achieved! As you glory in America — its hallowed Remembrances of the past, its present happiness and prosperity, its Boundless hopes and mighty destiny in the future — Hear it to-day as a voice from the Tombs of the Mighty Dead who pledged to its support their Lives, their Fortunes, and their sacred honor. And let the same spirit that burned in them animate your bosoms — Inspired with the same Holy Zeal and Lofty Ambition, Go forth, to preserve, protect, defend, the Legacy they have left you. — Battle against Oppression, Usurpation, and Tyranny, from whatever quarter it may come. Labour to preserve the Union — but not at the Sacrifice of Truth and Justice, Liberty and Equality.

Yea! I call upon you by the shades of Washington and Jefferson, of Clay and Calhoun, of all the mighty Dead — prove yourselves worthy sons of Revolutionary Sires! of those Mighty Spirits who won for us the Blessings we now enjoy — Who are to-day hovering around us — who[se] names, circumscribed not by the Limits of Earth, have already passed the abyss of time and are now enrolled on the Scroll of Immortality!

Then let me beseech you Read this Protest of the Immortal Jefferson — Drink deep of its philosophy — ponder profoundly its great truths — learn willingly its holy teachings — fortify yourselves from this arm[o]ry — Then let the De[m]on of Contention rage — let the North and South sunder the Union if they will — let this proud Colossus pass away as “the baseless fabric of a vision,” Influenced by its principles, we shall stand a “Mountain of Light,” ... to which the Nations of every clime and kindred and tongue shall come bearing Votives celestial to the Deities of Liberty.

Then reinvigorated from this day’s festivities, let us go forth to meet the enemies of our Common Country, with nerve of steel and heart of brass — let us combat the Hydra Error wherever found; and if fall we should as fall we may,

Let us fall with our back to the field, our feet to the foe,  
And leaving no blot on our name,  
Look proudly to Heaven from the Deathbed of Fame.

Preston continued to practice law in the 1850s. He could not ignore that decade’s ominous political developments on the national scene, but he could nonetheless proceed to take care of business at the local level.

When the Virginia and Tennessee Railroad came through Montgomery County in 1854, it furnished to agricultural production in the area a much less expensive outlet to distant markets, and Smithfield produced for those markets. By the time the census taker made his rounds in 1860, Montgomery County’s residents included 2,219 slaves, or 21 percent of the entire population. Fifty of those slaves lived and worked at

Smithfield, and as many more belonged to Preston's two brothers, James and Robert, who lived nearby.<sup>6</sup> Preston was much wealthier as well as much older in the 1850s than he had been in the 1820s, when he had owned no slaves. The institution of slavery had moved to the very center of his part of the world.

Preston provided leadership on the educational front in the 1850s. He served as a trustee of the new Montgomery Female College, of which, even today, College Street in Christiansburg serves as a reminder. Moreover, he served as a trustee of the new Olin and Preston Institute in Blacksburg. The school that bore his name proved a precursor to Virginia Agricultural and Mechanical College, established in 1872 and known today as Virginia Polytechnic Institute and State University.

In the late 1850s Preston joined in an effort to bring direct shipping between western Europe and Virginia's port city of Norfolk. To that end he left Smithfield for London, England, in August 1857 and then went on to Paris, France. Nothing came of the effort, and he finished out the decade back at home in his private world. But he remained in touch with the political developments of his state and the nation, ready to step again into public life if that seemed necessary.

#### **Part Four. Virginia's Year of Secession: 1861 The Virginia Secession Convention, Richmond**

In November 1860 enough voters across the North gave their votes to Abraham Lincoln, the candidate of the new Republican Party, to give him the presidency of the United States. During the winter of 1860-61, South Carolina seceded in December, and then one more Deep South state after another met in convention and committed to secession. Various Upper South states, among them Virginia, elected conventions that waited while delegates pondered what to do in the aftermath of Lincoln's election and the Confederacy's establishment. William Ballard Preston, as he had done so often before, participated in Virginia's deliberations at this time. Elected on February 4, he went to Richmond as a convention delegate.

Preston went to the convention committed to oppose Virginia's secession, as long as secession seemed avoidable. He continued to hope that, by his lights, the state could remain in the nation. During this period, the delegates divided into three groups of fairly equal size — those who had already determined that the state must secede; those who were committed to remaining in the Union; and those who, like Preston, held that Virginia had the right to secede, knew that developments might

force them to decide to act on that right, but insisted that the time had not yet come. The second and third groups clearly outnumbered the first when, in a vote on April 4 on a proposal to secede, they combined to defeat it by nearly two-to-one, 45-88.<sup>7</sup>

The convention appointed a Committee on Federal Relations, which reported back on March 19 a series of amendments to the United States Constitution that, it advised the rest of the convention, might supply the basis for perpetuating Virginia's remaining in the Union. Those amendments illuminate the issues that most members, including Preston, perceived as vital to securing what, a week later, he would term "guarantees ...of protection in regard to the institution of slavery."

Even if no state seceded and permanently left the Union, Virginia demanded such guarantees, but, if several slave states went out and stayed out, then Virginia slaveowners felt particularly vulnerable to hostile majorities in Congress and in need of those amendments. According to one section, the Constitution was never to be interpreted as giving Congress authority "to legislate concerning involuntary servitude" in any slave state or to curtail the interstate slave trade. Other provisions protected slavery in the District of Columbia, reinforced the fugitive slave clause, and protected slaveowners from discriminatory federal tax rates. The issue of slavery in the western territories would recede, the Committee urged, if the 36-degree, 30-minute line of the Missouri Compromise were extended to the Pacific and no slaveowners could be prevented from sending or taking slaves to territories south of the line. In future, the United States might acquire new territory only if a majority of the Senators from each class of states, those with slavery and those without, approved. These and other constitutional protections of slavery were to be amendable only with "the consent of all the States."<sup>8</sup>

On March 27, 1861, the *Richmond Daily Dispatch* reported the gist of Preston's remarks to the convention the day before. He gave the following speech in his guise as a conditional Unionist, someone not yet convinced to support secession. The speech appears as the newspaper reported it — in the third person, not first person, and not in the exact language Preston used. Worried about the precipitous behavior of South Carolina and the Deep South states that had already seceded, Preston showed that he was, like his Deep South counterparts and his pro-secession colleagues, troubled even more by the crisis of Lincoln's election. He urged others at the convention to wait, however, and see what Lincoln's administration would actually do with its power.<sup>9</sup>

After alluding to the great responsibility resting upon him as a member of the Convention he went on to consider the practical issue now before

the country. For years there had been a regular course of sectional hostility, which excited the apprehensions of all of us.

[¶] The election of last November resulted in a manner that shook the Commonwealth to its very centre, and the people took the necessary measures for meeting the crisis, and had sent a Convention here clothed with powers to make and unmake. The aggressions upon the South were no longer to be borne, and he for one was ready to repel them. Virginia, on the 4th of February, was not ready for disunion, but she took a prompt and decided stand against any measures of coercion or force. When we met here, the choice and purpose of Virginia was to have proper amendments to the Constitution, with a view to restore the Union upon a basis to secure permanent protection to her rights. It was further her purpose, in case no sufficient guarantees can be secured, to withdraw from the Union, and protect herself out of it. ...

[¶] He then alluded to the determination of the Commonwealth to stay all impediments by way of coercion on the one side or precipitation on the other[, w]hile the representatives of the people could deliberate with the calmness of peace, and if possible restore the Union. The Convention interposed its moral power — saying to the Federal Government, you must not use measures to coerce those who have seceded from the Union; you must not possess yourself of the forts or the commerce. She said to her sister, South Carolina, let there be no war; it would be hurtful to those who are deeply interested in your institutions, but are not so impulsive, and want time to reflect. They had paused. The Government had acknowledged its inefficiency, and we were not now in the danger that we had previously been. He could not say how long it would be so, though he hoped it might be permanent. But we were here to-day, with no external cause for alarm, and enabled to deliberate calmly upon all subjects of agitation.

He could not agree with those who said this was the moment to secede. It was the very time when we ought to go to work to carry out the wishes of the people, as expressed at the polls on the 4th of February last. ...

[¶] [T]here must be thorough and efficient guarantees of equality in the Government, and of protection in regard to the institution of slavery. ...

Mr. Preston ... could see no efficiency in any guarantees, except by suitable amendments to the Constitution. The first section of the committee's report, he conceived, covered the question of exact equality, and the North must respond aye or no to it. If the response is "aye", you have a guarantee of faith for the full and ample protection of the institution in which we are vitally interested. ...

After pointing out the efficiency of the remedies proposed, he said the cry of "inadequacy" still came up; we still heard of the deep-seated

hatred and sectional hostility existing at the North. He asked if we were to get rid of this hostility by flying from it. Due weight, he thought, should be given to the conflicting passions in Congress, which had given an impulse to sectional hostility.

[¶] The slave question, he argued, was at the bottom of it all, but if this cause of agitation could be cut off, much would be done towards restoring the friendly feelings of the two sections. Everything was favorable now to a submission to the demands we were to make of the North. It was not to be made in a crouching or an humble attitude; but we were to make, for the first time, an appeal to the Northern people — not to the politicians; and if they were not granted within a reasonable period, we separate from our brothers of the past, and separate forever. This was his idea of true chivalry — to make of them a firm demand, not in the language of bravado; but to say to them, if you accept, well; if you do not accept, well. ...

He had come here for the purpose of carrying out their [his constituents'] will. If it became necessary to divide, after a full and fair consultation with the border slave States, then we would go out peacefully and quietly. Although the propositions presented might not be so full as he could desire — if anything better came up, he would be ready to accept it — he still thought they were the best we could do. He came from the West, and in the name of his loyal people was prepared to make a demand for full security of their rights. He did not conceive it to be his duty to consult the wishes of the North in making demands, but the wishes of the people of Virginia. He urged gentlemen not to say, where Liberty is, there is my country; but say where my home is, there shall Liberty be. [Applause.]

[¶] He closed with an appeal to all to stand by the Commonwealth, and to vindicate every right that belongs to her. His ancestors had fought and died in her defence, and with the help of God this should be his destiny. If, said he, I fall elsewhere, I ask to be brought back to the consecrated earth of his mother Virginia — to be buried in his own meadow. Then it may be said of Ballard Preston, “after life’s fitful fever he sleeps well.” He would go to the North or to the South, or to the judgment seat of God, in vindication of the rights of Virginia. [Applause.]

Within two weeks of Preston’s speech, the convention appointed him one of three men assigned the task of traveling from Richmond to Washington, D.C., to ask the new president what policy he planned to pursue regarding the Confederacy. The convention ensured that each of the three great groups of delegates had a representative. Preston’s comrades were George Wythe Randolph, an enthusiastic advocate of secession, and Alexander H. H. Stuart, a strong Unionist. Preston himself initiated the proposal for such a conference with the president. As he explained:<sup>10</sup>

[A large majority of convention delegates agreed that] there is no power on the part of the Federal Government to coerce one of these seceding States ... [T]he people of Virginia will never consent that the Federal power, which is in part our power, shall be exerted for the purpose of subjugating the people of seceded States to the Federal authority. ... I should feel that I had failed to discharge my duty, if I were to return to my constituents and say to them ... that I could not tell what the President of the United States and his Cabinet intend to do on the momentous questions of war and peace. ... This is an enquiry addressed to our agent, to our Government, to know whether ... [the president] intends to make war upon sovereign States; war that must involve me and my people, my friends, in its consequences and results.

The next day, Preston said more in support of his proposal. He recalled the April 4 vote against immediate secession and, as he saw it, the responsibilities that came with that vote.<sup>11</sup>

Sir, upon the vote which occurred on the 4th day of April, in this body, I felt that a new condition of things had arisen in this Hall, that there were new relations and new obligations imposed upon me and upon all who acted with me. The contest had gone on for months in this Commonwealth as to what was the remedy under the circumstances for the difficulties that surrounded us. One portion believed it to be secession. Another portion, among whom I have been and am and will be while there is a just hope of procuring our rights and maintaining our institutions—maintained that the remedy was under and within the Federal Constitution and Government as it is.

[¶] On the fourth day of April we vanquished our adversary, but thereby imposing upon ourselves the entire obligation, the high duty of providing safety and protection for the Commonwealth of Virginia by such other remedies as we might desire. It is a high, a responsible trust ... , the trust of preserving our rights within this Union against the judgment of those who believe our only security is in separation. It is the judgment of this Convention ... that our rights shall be preserved in the Union, and all the obligation, all the responsibility, ... all the disasters that may befall the Commonwealth are upon us who have remained instead of departing.

Preston, Randolph, and Stuart met with Lincoln on Saturday, April 13. They gained no satisfaction and, back at the convention two days later, reported their failure. Preston himself now asserted that “for myself, my mind is made up irrevocably.”<sup>12</sup>

Moreover, he noted, “There is upon us now, if the newspapers be true, a flagrant and open war.”<sup>13</sup> For Preston, the middle ground had vanished. President Lincoln rendered moot the Preston delegation’s task of the previous week: responding to events at Fort Sumter in South

Carolina, he called that day, April 15, for 75,000 volunteer troops to put down the rebellion. Virginia had to face the question of whether it would participate in that effort and, doing so, effectively repudiate secession as an option.

On April 16, embodying a change in majority sentiment, Preston moved the adoption of the Virginia ordinance of secession. "I arise, with feelings of the deepest pain," he observed, as he offered the ordinance, offered it "on the basis of the report we brought here from Washington, and the proclamation of the President."<sup>14</sup>

The Virginia convention reversed its previous decision. On April 17, one-third of the members voted again for secession, and one-third voted once more against it, but the other third, consisting of William Ballard Preston and the rest of the swing group, switched from no to yes. Now there was a pro-secession majority, 88-55, almost as large as the anti-secession majority had been only thirteen days earlier.<sup>15</sup>

The Old Dominion determined to leave the United States of America and join the Confederate States of America. Preston served in the new nation's Provisional Congress in 1861-62. Then the state legislature appointed him one of Virginia's two members of the Confederate Senate, where he served from February 1862 until his death from heart disease later that year. He was then, as he had hoped, "buried in his own meadow."<sup>16</sup>

## **Part Five. William Ballard Preston and the Politics of Slavery:**

### **Consistency and Change across Thirty Years**

William Ballard Preston's public life took him to the Virginia House of Delegates, the United States House of Representatives, and the Confederate Senate. It took him from one great debate in Richmond, the debate over slavery in the winter of 1832, to another, the secession convention during the winter and spring of 1861. No reticent participant, he had important things to say — proposals to offer, ideas and passions to articulate — and he said them. Thus, although his speeches do not tell us a great deal about his private thoughts and motivations, we can know much of what he said as a representative of his constituents.

Part of what we see in his political biography may be the life cycle of an antebellum Virginia politician. A firebrand in 1832, a son but not yet a husband or father, owning no slaves himself, he voiced a strident anti-slavery argument. Representing unhappy constituents in the West, underrepresented in state politics, he took an anti-eastern approach to

the central issue of his time. He spoke of slavery as an ill, for whites and for blacks, that would better be kept out of his county, out of his part of the state, so far as that was possible.

Things changed over the next three decades. He spent a lot of time outside his native county, whether in the state capital, the nation's capital, or even overseas. He acquired dozens of slaves, and thus he invested many thousands of dollars in the labor force that gave value to the land that he owned and they worked. And he came to repudiate, it seemed, the core argument that he had voiced in 1832. He had turned from antislavery to proslavery.

And yet, on perhaps the central issue, as he conceived it, he had changed not a bit. The core of his argument in 1832 attacked the idea, propounded by proslavery legislators in Virginia, that the Federal Constitution prevented any such state program as he was proposing. He said then, and surely he still believed three decades later, that, whatever the state might do, the Federal government, under its constitution, had no authority to abolish slavery.

The state legislature, however, acting under the constitution of 1830, could take such action, he had argued in 1832. True, the new state constitution of 1851 expressly banned any such action by the state legislature. Proslavery interests made sure that no such proposal as Preston had supported in 1832 could again be made an issue.

But that all had to do with state action. The United States Constitution had not changed, and under it the national government had no authority to act against slavery. Preston had conceded that point in 1832, and on it he based his arguments in 1861. And yet, short of emancipation itself in the southern states, might the national government have some authority to regulate slavery — to enact something like the Missouri Compromise or the Wilmot Proviso restricting slavery from the western territories, to end slavery in the District of Columbia, even to control the interstate slave trade? If so, then his opposition must be based on policy considerations, not on constitutional limitations on the authority of the national government. Then, unless the Federal Constitution could be amended to prevent such actions, the security of slavery in Virginia might best be safeguarded only by taking the state out of the Union. It was complicated, it was important, and it was dangerous.

If white Virginians could agree to put slavery on the path to extinction, they should do it, he said in 1832. They were unable to decide to do so, but they had the right, he argued, to place slavery on a gradual path to extinction in Virginia. Slaveowners had no absolute right to their property in slaves not yet born. Virginia's state legislators had the right,

but not the votes, to accomplish a containment of the growth of slavery, especially in western Virginia — even a diminution of slavery, and eventually an end to slavery throughout the Old Dominion.

By the the time of the presidential election of 1860, however, he saw power flowing to Congress, representing northern public opinion, which was perhaps even more antislavery than he himself had once been. With the triumph of the Republican party in that year's election, he had reason to equate northern public opinion with some kind of antislavery position — one he would not tolerate. No one from Massachusetts could presume to decide for him, or for any other white Virginian, whether he might own slaves, sell them south, or take them west. And if, under the threat of unacceptable action by Congress, a southern state should decide to leave the Union, the Federal government had no authority to take action against that state.

Sometime soon, he could see, members of Congress would almost surely take action of some sort against slavery, certainly against the expansion of slavery into territories in the western United States. In Preston's view, they might have the votes, but they had not the right, to contain slavery, at least south of the Missouri Compromise line. Just possibly, the North might agree, as the price of Union, to adopt new amendments to the United States Constitution, amendments that would — as Virginia had done in its constitution of 1851 — more clearly put antislavery proposals beyond the authority of that Constitution. If not, then Preston had already seen a new national Constitution, that of the Confederate States. He was prepared to embrace it and abandon the other. And he did so.

The anxieties Preston voiced in 1861, at the age of fifty-five, resembled far more the ones he had felt in 1849 and 1852 than the ones that had animated him long ago, when he was twenty-six. What proved constant, aside from his understanding of slavery and the Federal Constitution, was that he fought the good fight regarding the political issue of slavery. What changed was how he saw that political fight — where it must be fought and what must be the near-term outcome. When he reached for secession — though reluctantly, only as a final recourse — he did so with determination.

William Ballard Preston did not live to see the results of the war that followed secession — defeat of the Confederacy; the end of slavery at Smithfield and throughout Montgomery County, throughout Virginia, and throughout the South. Whatever issues might animate southern politicians in the future, and whatever issues might divide Americans by party

or region, slavery was at last put to rest. The political issue that dominated Preston's public life — "the great question of the age" — died only a short time after he did.

## Endnotes

\* The author thanks his undergraduate research assistant, Mari Emslie, for her help in this project.

1. Preston's father, James Patton Preston (1774–1843), served as governor of Virginia in 1816–19 and bore the name of a land speculator, James Patton, his great uncle. James Patton, who had much to do with the peopling of the region in the mid eighteenth century, died in the Drapers Meadow Massacre of 1755, very near where Smithfield was later located. For an account of Smithfield and the Prestons see Janie P. B. Lamb, "'Smithfield' — Home of the Prestons, in Montgomery County, Virginia." *Virginia Magazine of History and Biography* 47 (April 1939): 109–125.
2. The full text of Preston's speech is in the *Richmond Enquirer*, Feb. 9, 1832. A radically abridged version is in Joseph Clarke Robert, *The Road from Monticello: A Study of the Virginia Slavery Debate of 1832* (Durham, N.C.: Duke University Press, 1941), pp. 82–83. The best treatments of the 1832 debate are in Alison Goodyear Freehling, *Drift toward Dissolution: The Virginia Slavery Debate of 1831–1832* (Baton Rouge: Louisiana State University Press, 1982), and William W. Freehling, *The Road to Disunion*, vol. 1, *Secessionists at Bay, 1776–1854* (New York: Oxford University Press, 1990).
3. Preston understated the presence of slaves in Montgomery County. The 1830 census showed 2,026 slaves (and 56 free black residents) in a population of 12,306 (83 percent white). The figures are in Freehling, *Drift toward Dissolution*, p. 268.
4. The speech is in the *Congressional Globe*, 30th Congress, 2nd Session, pp. 477–480. A full discussion is in William J. Cooper, Jr., "'The Only Door': The Territorial Issue, the Preston Bill, and the Southern Whigs," in *A Master's Due: Essays in Honor of David Herbert Donald*, ed. William J. Cooper, Jr., Michael F. Holt, and John McCardell (Baton Rouge: Louisiana State University Press, 1985), pp. 59–86.
5. The handwritten speech is in the Alice Preston Moore Collection, in Special Collections in Newman Library, at Virginia Polytechnic Institute and State University, Blacksburg, Virginia. So are some of his letters. Other Preston correspondence is in the Preston Family Papers in the Virginia Historical Society, Richmond.
6. The slaveholding figures come from the manuscript census returns for Montgomery County, 1850 and 1860. Regarding the Virginia and Tennessee Railroad, see Kenneth W. Noe, *Southwest Virginia's Railroad: Modernization and the Sectional Crisis* (Urbana: University of Illinois Press, 1994).
7. George H. Reese, ed., *Proceedings of the Virginia State Convention of 1861, February 13–May 1* (4 vols.; Richmond: Virginia State Library, 1965) 3: 163. The major studies of Virginia's move toward secession are Henry T. Shanks,

- The Secession Movement in Virginia, 1847–1861* (Richmond, Va.: Garrett and Massie, 1934), and Daniel W. Crofts, *Reluctant Confederates: Upper South Unionists in the Secession Crisis* (Chapel Hill: University of North Carolina Press, 1989).
8. The amendments, as proposed (changes were subsequently offered), are in Reese, *Proceedings*, 2: 35–37.
  9. The speech is reprinted from Reese, *Proceedings*, 2: 344, 757–760
  10. *Ibid*, 3: 273–274.
  11. *Ibid*, 3: 375.
  12. *Ibid*, 3: 745.
  13. *Ibid*, 3: 745.
  14. *Ibid*, 4: 24. Preston gave a speech on April 16 that is described as having lasted “for some hours,” but no copy of it has been found. Reese, *Proceedings*, 4: 4, 799.
  15. *Ibid*, 4: 144.
  16. Preston’s gravestone at Smithfield Plantation in Blacksburg gives his dates of birth and death. An obituary is in the *Richmond Enquirer*, Nov. 22, 1862. The cause of death is given in the Montgomery County death records.