THE HIGHER-LAW DOCTRINE.

NORTH AND SOUTH.
A DISCOURSE DELIVERED IN ST. LOUIS, MISSOURI, JANUARY 27, 1861.

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"Submit yourselves to every ordinance of man, for the Lord's sake: whether it be to the king, as supreme; or unto governors, as unto them that are sent by him for the punishment of evil-doers, and for the praise of them that do well."—1 Peter ii. 13, 14.

These words were addressed to those who lived under an absolute monarchy, but they are applicable to all regularly constituted governments. The more mild the form of government, the easier, and at the same time the more important does obedience become. In a Republic, where the constituted authorities, for the time being, are in the place of "the king," obedience is equally commanded, and is the most important of all. We appeal, therefore, to the text, and to other Scriptural passages of similar import, as our authority for the leading doctrine of the present discourse.

For the first time, in a ministry of more than twenty-six years, I would call your attention, in this place, to what may, perhaps, be termed a political discussion. Under all ordinary circumstances, such subjects are, in my opinion, better avoided by the pulpit; and, generally speaking, but little good results from their introduction. Perhaps, among the minor causes of the present unhealthy excitement of the public mind, the frequency and violence of such discussions, in the pulpit, may be rightly named. But to every general rule of expediency there are exceptions; and in this time of peculiar trial, when the question in every one's heart is, "Country or no country?" I have felt it to be my duty, as an American citizen and as a minister of Jesus Christ, to address you upon the leading topics of the day. Not that I stand here as a party man; for in such a crisis as this we can have no party but the country, and I desire to stand upon no platform but the Constitution of the country, the Union of the States, and obedience to the laws. To do my small part for the maintenance of these, is my only desire. Nor shall I forget, in any word now to be spoken, that I am the minister of Him whose birth was heralded by angels proclaiming "Peace on earth, good will towards men," and one of whose last commands was, "Put up thy sword into its place; for they that take the sword shall perish by the sword."

The time is one of great difficulty and peril. We are passing through a fiery ordeal, which is trying every man's patriotism, of what sort it is; and in not a few instances, which has seemed to be gold, is proving to be no better than brass or stubble. All over the land, the question of disunion is freely discussed—a word which we ought not to hear without shuddering; and in our own State a Convention of the people has been called, to consider what part we shall take in that which many persons regard as the inevitable "disruption."

Perhaps, in the present state of the public mind, the call has been wisely made, though I do not myself see its necessity. But that such a convention is to be held, for such a purpose, especially if we admit its necessity, is a fact well calculated to excite patriotic fears, and to arouse us to the most diligent performance of our duty. As it looks to me, from the teachings of history, from our knowledge of human nature, and from the angry passions already working, both at the North and South, the questions to be discussed may involve, not only disunion, but social disorganization, civil commotion, civil war, servile war, anarchy, military despotism, national ruin. It may be to decide upon the destruction of the grandest Republic the world has ever seen—upon the continued success or total failure of the great experiment of American freedom.

For the consideration of this question, involving all our interests—individual, social, and national; vitally affecting all enterprises of public good—educational, charitable, philanthropic, and religious—the most important question of the nineteenth century—at the end of two weeks' excited debate, a Convention has been called; and in about two months it will have been determined, under all the chances of excited popular elections, what part this State shall take for good or evil, in its final settlement. Compared with the movement of other States, the action of Missouri has been slow and deliberate; but, in all the records of modern history, was there ever so momentous a question, so precipitately considered as this, which Missouri, in common with the other "Border States," is now, with such hot haste, placing in issue? Surely, it is not a healthy condition of the public mind or of political morals, in which the foundations of society can be so easily disturbed. There must be some hidden cause, apart from the immediate occasions of trouble, or such forwardness to invite calamity could not exist. There must be some poison in the blood, destroying its vitality—some insidious disease, which, unperceived, has been long undermining the national health, to account for the sudden and calamitous outbreak. We know that by discrimination and recrimination, by mutual misunderstandings and misrepresentations, the North and South have become embittered against each other, and, no doubt, just grounds of complaint on both sides exist; but, in a healthy state of the public mind, disunion would be the last remedy suggested, instead of being as now almost the first, and some one of the compromises offered (among which the worst is better than dissolution), would be greedily accepted by all.

It seems to me that in none of the great speeches which the crisis has called forth, however statesmanlike, whether threatening or conciliatory, has the radical explanation of our troubles, the true diagnosis of our national disease, been clearly given. We doubt if the American people yet understand their duties and obligations in the present crisis, the real danger to
which exposed, or the disease from which the
danger springs. It is not to be found in slavery
—whether regarding its existence in the States,
or its disputed extension into the Territories;
not in the Fugitive Slave Law, nor in the
manner of its resistance; not in any natural and
irrepressible conflict of ideas or principles or
interests. These and many other questions
enter into the strife; they are the present occa-
sions, the incidental and aggravating causes of
social disorder; but they are all comparatively
superficial. Put them all together, and intensi-
ify their action tenfold, they would not shake a
loyal and law-abiding people, as we are now
shaken. Here you touch the root of the evil.

It is a question of loyalty and obedience to
law. Are we a law-abiding people? In a
republic, can law be made and held sacred?
This is the question. And the poison in the
blood, the national disease infecting every
city, and every town, and every community,
equally North and South, East and West, in
the free States and slave States, showing
itself in all diversity of manifestations, from
“Personal Liberty Bills” to Ordinances of Se-
cession, is disloyalty, contempt and disregard
of law.

In England, from which, as the mother
country, we have received so much of whatever
is good in our national and social life, the sen-
timent of loyalty to the sovereign is the great
conservative power, the great element of na-
stional strength. The legal fiction that “the king
can do no wrong,” is a practical reality.
Among all parties, however much opposed to
each other, or to the existing ministry, allegi-
ance to the British Crown is held as the promi-
inent idea. The political fiction, however grand
its principles of reform may be, which should
refuse to do homage to the British flag, would
be utterly annihilated, and forsworn consigned
to its merited oblivion. The sailor, forced by
the press-gang upon the ship of war, can still
join in the national anthem, “God save the
Queen.”

Among Americans such feelings of loyalty
do not sufficiently prevail. For this is some-
thing very different from emotions of patriot-
ism, from love of country. It is allegiance to
the country and submission to its laws. Love
of country we have; and notwithstanding the
present troubles and revolts, if a foreign enemy
were now to attack us, all the Governors and
Legislatures of the seceding States combined
would not be able to keep their people from
rallying for the defence of the old, time-hon-
ored flag. But allegiance, loyalty, is a higher
principle, just as filial duty is a higher princi-
ple, and imposes a stronger obligation than filial
love.

When we speak of American loyalty, we
mean allegiance to the law, to the Consti-
tution to the Union. The people is the sovereign, all
over— not fluctuating majorities, but the
whole people, in awful, constitutional action—
the majority ruling by assent of the minority,
but the majority equally with the minority
governed by the law of the land. The sover-
eignty of the people is actualized (if I may use
the word); it is incorporated, and made visible,
you are a citizen of Missouri, and you are heard with a look that plainly asks, "Where in the world is Missouri?" But say you are an American, and in every nook and corner of the most distant land your country is honored, and the protection of her flag is your sufficient shield. It is the Union, therefore, not our separate strength, which has established and now protects our foreign commerce and friendly intercourse with foreign nations, thus maintaining the basis of general welfare.

It is the Union, not the forbearance or wisdom of the separate States, which creates and preserves community of interests among themselves, determining boundaries, regulating internal commerce, and bringing under subjection, if not into perfect harmony, the conflicting interests and feelings that would otherwise keep them in bitter rivalry and contention, perhaps in open war. It is the Union, with its quiet, unperceived, but commanding power, not our local laws, which upholds freedom, the freedom of speech and of the press, and at the same time makes it consistent with the peace and good order of society. And we remark with pain that wherever the controlling power of the Union fails, and in proportion as it fails, freedom of speech and of the press fails too.

It is the Union, by the same controlling presence, not our local legislation, which secures us in our personal rights and the rights of property. For, in this untamed democracy of ours, where there are so many nationalities and religions, so many conflicting views and interests, and where so many persons claim to be leaders, an irremovable superintending strength is needed as the regulator of all.

It is the judiciary system, not of one State, but of the United States, which secures the equal administration of law, so that by appellate jurisdiction, without unreasonable delay or expense, and without the undue influence of local prejudices and partialities, the settlement of every important case involving the rights of individuals and communities, is referred to the highest tribunals, in a manner, with rare exceptions, to do justice to all. If you would understand the majesty of the Union, go into the Supreme Court of the United States at Washington, where a few aged men, without insignia of office, with no armed police, sit in judgment upon your rights and mine, and exercise an authority before which the thirty millions of people willingly bow—an authority which, until lately, almost none have been found to dispute. What a signal testimony to the moral influence exerted by this great Confederacy of nations is here given—that not only individuals, but the sovereign States themselves, submit their controversies to that peaceful tribunal, in cases where the angriest passions have been aroused, and vast interests are at stake, as in the contests now existing between Illinois and Missouri, about bridging the Mississippi, both parties standing pledged to rest satisfied with the decision, whatever it may be! If the commerce of our great rivers should be interrupted by a seceding State, to what tribunal could the appeal be made? And, remark, the power to which we now yield is moral, not the actual presence of physical force; for the whole standing army of the United States is less than that required to keep the city of Paris in order in time of peace.

One other consideration may be added, especially important at the present time, and to the "Border States." The Union is the grand conservative influence to guard our social institutions from external attack, and give us time to work out whatever needful reforms the interests and duty of the State may hereafter demand.

Twenty-eight years ago, when at Harvard University, I went to Boston to hear one of the early, reasonable speeches of William Lloyd Garrison, on the subject of American slavery. It was at the beginning of his career of hostility to the Union, "the confederacy of iniquity for the oppression of the slave." The destruction of the Union as "the hope of freedom," has been the doctrine of his philanthropy ever since; and now his language is: "Hail the approaching jubilee, ye millions who are wearing the galling chains of slavery, for assuredly the day of your redemption draws nigh, bringing liberty and salvation to the whole land." Thus, shouts of victory for secession, coming from the extreme South, are echoed back by extremists of the North. And do we not see the logical force of their argument? It is applicable to all the Border States, as CLEMENS, of Virginia, and ETHERIDGE, of Tennessee, and CRITTENDEN, of Kentucky, have so clearly shown, but to Missouri more than all. Separate her from the Union, surround her with hostile free States, and in five years the number of those held to involuntary service would be exceedingly small. As "property," they would not be worth keeping, and the attempts to keep them here would be vain. "But would not the cause of philanthropy be the gainer by this?" some one may ask. We answer, No, not by a process of change so violent and sudden. To the slaves themselves, it would be hardship and suffering; to the masters, and temporarily to the whole State, it would be ruin. I am not the advocate of slavery, and cannot see with their eyes whose regard is as in itself a beneficial and divine institution. Neither history, nor Scripture, nor my own observation, teaches me such a lesson. Whatever may be true in the far Southern States, where cotton and other tropical productions are the staple growth, and whatever arguments may there exist for the continuance of the institution, there is no doubt in my mind that in Missouri we should be morally, religiously, socially, economically, and in every way the gainers by the transfer of the whole African race to some other clime.

But all great social changes, to be beneficial, must be slow. Philanthropic regard to the welfare of the black race, not less than patriotic regard to the advancement of the State, requires us to "hasten gently," to accomplish peaceably whatever Providence ords to be accomplished by our hands. They who would do in a few years what Divine Providence requires one or more generations to accomplish, should