HISTORY
OF THE NEGRO RACE
IN AMERICA
1619-1880

George W. Williams

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ARNO PRESS and THE NEW YORK TIMES
NEW YORK 1968
SLAVERY AS A POLITICAL AND LEGAL PROBLEM.
1775-1800.


The charge that the mother-country forced slavery upon the British colonies in North America held good until the colonies threw off the yoke, declared their independence, and built a new government, on the 4th of July, 1776. After the promulgation of the gospel of human liberty, the United States of America could no longer point to England as the “first man Adam” of the accursed sin of slavery. Henceforth the American government, under the new dispensation of peace and the equality of all men, was responsible for the continuance of slavery, both as a political and legal problem.

Slavery did not eschew to the English government upon the expiration of its authority in North America. It became the dreadful inheritance of the new government, and the eyesore of American civilization. Instead of expelling it from the political institutions of the country, it gradually became a factor of great power. Instead of ruling it out of the courts, it was clothed with the ample garments of judicial respectability.

The first article of the immortal Declaration of Independence was a mighty shield of beautifully wrought truths, that the authors intended should protect every human being on the American Continent.

"We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness."

It was to be expected, that, after such a declaration of principles, the United States would have abolished slavery and the slave-trade forever. While the magic words of the Declaration of Independence were not the empty "palaver" of a few ambitious leaders, yet the practices of the local and the national government belied the grand sentiments of that instrument. From the earliest moment of the birth of the United-States government, slavery began to receive political support and encouragement. Though it was the cruel and depraved offspring of the British government, it nevertheless was adopted by the free government of America. Political policy seemed to dictate the methods of a political recognition of the institution. And the fact that the slave-trade was prohibited by Congress at an early day, and by many of the colonies also, did not affect the institution in a local sense.

The Tory party accepted the doctrine of property in man, without hesitation or reservation. Their political fealty to the Crown, their party exclusiveness, and their earnest desire to cooperate with the Royal African Company in the establishment of the slave institution in America, made them, as per necessity, the political guardians of slavery. The institution once planted, property in man having been acquired, it was found to be a difficult task to uproot it. Moreover, the loss of the colonies to the
British Crown did not imply death to the Tory party. It doubtless suffered organically; but its individual members did not forfeit their political convictions, nor suffer their interest in the slave-trade to abate. The new States were ambitious to acquire political power. The white population of the South was small when compared with that of the North; but the slave population, added to the former, swelled it to alarming proportions.

The local governments of the South had been organized upon the fundamental principles of the Locke Constitution. The government was lodged with the few, and their rights were built upon landed estates and political titles and favors. Slaves in the Carolinas and Virginias answered to the vassals and villains of England. This aristocratical element in Tory politics was in harmony, even in a republic, with the later wish of the South to build a great political "government upon slavery as its chief corner-stone." Added to this was the desire to abrogate the law of indenture of white servants, and thus to destroy slavery to loan the powerful influence of caste, ranging the Caucasian against the Ethiopian, the intelligent against the ignorant, the strong against the weak.

New England had better ideas of popular government for and of the people, but her practical position on slavery was no better than any State in the South. The Whig party was the dominant political organization throughout the Northern States; but the universality of slavery made dealers in human flesh members of all parties.

The men who wrote the Declaration of Independence deprecated slavery, as they were pronounced Whigs; but nevertheless many of them owned slaves. They wished the evil exterminated, but confessed themselves ignorant of a plan by which to carry their desire into effect. The good desires of many of the people, born out of the early days of the struggle for independent existence, perished in their very infancy; and, as has been shown, all the States, and the Congress of the United States, recognized slavery as existing under the new political government.

But public sentiment changes in a country where the intellect is unfettered. First, on the eve of the Revolutionary War, Congress and nearly all the States pronounced against slavery; a few years later they all recognized the sacredness of slave property; and still later all sections of the United States seemed to have been agitated by anti-slavery sentiments. In 1780 the Legislature of Pennsylvania prohibited the further introduction of slaves, and gave freedom to the children of all slaves born in the State. Delaware resolved "that no person hereafter imported from Africa ought to be held in slavery under any pretense whatever."

In 1784 Connecticut and Rhode Island modified their slave-code, and forbade further importations of slaves. In 1778 Virginia passed a law prohibiting the importation of slaves, and in 1782 repealed the law that confined the power of emancipating to the Legislature, only on account of meritorious conduct. Private manumissions became very numerous, and the sentiment in its favor pronounced. But the restriction was re-enacted in about ten years. The eloquence of Patrick Henry and the logic of Thomas Jefferson went far to enlighten public sentiment; but the political influence of the institution grew so rapidly that in 1783, but two years after the war, Washington wrote LaFayette, "petitions for the abolition of slavery, presented to the Virginia Legislature, could scarcely obtain a hearing." Maryland, New York, and New Jersey prohibited the slave-trade; but the institution held its place among the people until 1830. North Carolina attempted to prohibit in 1775, but failed; but in 1785 declared the slave-trade "of evil consequences and highly impolitic." South Carolina and Georgia refused to act, and the slave-trade continued along their shores.

After the adoption of the Articles of Confederation in 1778, the Continental Congress found itself charged with the responsibility of deciding the conflicting claims of the various States to the vast territory stretching westward from the Ohio River. The war over, the payment of the public debt thus incurred demanded the consideration of the people and of their representatives. Massachusetts, Connecticut, New York, Virginia, North Carolina, and Georgia laid claim to boundless tracts of lands outside of their State boundaries. But New Hampshire, Rhode Island, New Jersey, Maryland, Delaware, and South Carolina, making no such claims, and lacking the resources to pay their share of the war debt, suggested that the other States should cede all the territory outside of their State lines, to the United States Government, to be used towards liquidating the entire debt. The proposition was accepted by the States named; but not, however, without some modification. Virginia reserved a large territory beyond the Ohio with which to pay the bounties of her soldiers, while Connecticut retained a portion of the Reserve since so famous in the history.
of Ohio. The duty of framing an ordinance for the government of the Western territory was referred to a select committee by Congress, consisting of Mr. Jefferson of Virginia (chairman), Mr. Chase of Maryland, and Mr. Howel of Rhode Island. The plan reported by the committee contemplated the whole region included within our boundaries west of the old thirteen States, and as far south as our thirty-first degree north latitude. The plan proposed the ultimate division of this territory into seventeen States; eight of which were to be located below the parallel of the Falls of the Ohio (now Louisville), and nine above it. But the most interesting rule reported by Mr. Jefferson was the following, on the 15th of April, 1784:

"That after the year 1800 of the Christian era, there shall be neither slavery nor involuntary servitude in any of the said states, otherwise than in punishment of crimes, whereof the party shall have been convicted to be personally guilty."

Mr. Spaight of North Carolina moved to amend the report by striking out the above clause, which was seconded by Mr. Reed of South Carolina. The question, upon a demand for the yeas and nays, was put: "Shall the words moved to be stricken out stand?" The question was lost, and the words were stricken out. The ordinance was further amended, and finally adopted on the 23rd of April.

The last Continental Congress was held in the city of New York in 1787. The question of the government of the Western territory came up. A committee was appointed on this subject, with Nathan Dane of Massachusetts as chairman. On the 11th of July the committee reported "An Ordinance for the government of the Territory of the United States, Northwest of the Ohio." It embodied many of the features of Mr. Jefferson's bill, concluding with six unalterable articles of perpetual compact, the last being the following: "There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in punishment of crimes, whereof the parties shall have been convicted." When upon its passage, a stipulation was added for the delivery of fugitives from "labor or service," and in this shape the entire ordinance passed on the 13th of July, 1787.

Thus it is clear that under the Confederation slavery existed, a part of the political government, as a legal fact. There was no effort made by Congress to abolish it. Mr. Jefferson simply sought to arrest its progress, and confine it to the original thirteen States.

On the 25th of May, 1787, the convention to frame the Federal Constitution met at Philadelphia, although the day appointed was the 14th. George Washington was chosen president, a committee chosen to report rules of proceeding, and a secretary appointed. The sessions were held with closed doors, and all the proceedings were secret. It contained the most eminent men in the United States—generals of the army, statesmen, lawyers, and men of broad scholarship. The question of congressional apportionment was early before them, and there was great diversity of opinion. But, as there was no census, therefore there could be no just apportionment until an enumeration of the people was taken. Until that was accomplished, the number of delegates was fixed at sixty-five. Massachusetts was the only State in the Union where slavery did not exist. The Northern States desired representation according to the free inhabitants only; while all of the Southern States, where the great mass of slaves was, wanted representation according to the entire population, bond and free. Some of the Northern delegates urged their view with great force and eloquence. Mr. Patterson of New Jersey said he regarded slaves as mere property. They were not represented in the States: why should they be in the general government? They were not allowed to vote: why should they be represented? He regarded it as an encouragement to the slave-trade. Mr. Wilson of Pennsylvania said, "Are they admitted as citizens? then, why not on an equality with citizens? Are they admitted as property? then, why is not other property admitted into the composition?" It was evident that neither extreme view could carry: so the proposition carried to reckon three-fifths of the slaves in estimating taxes, and to make taxation the basis of representation. New Jersey and Delaware voted Nay; Massachusetts and South Carolina were divided; and New York was not represented, her delegates having failed to arrive.

It was apparent during the early stages of the debates, that a constitution had to be made that would be acceptable to the Southern delegates. A clause was inserted relieving the Southern States from duties on exports, and upon the importation of slaves; and that no navigation act should be passed except by a two-thirds
SLAVERY AS A POLITICAL AND LEGAL PROBLEM. 419

delivered up on claim of the party to whom such service or labor may be due."

The debate on the above was exciting and interesting, as the subject of slavery was examined in all its bearings. Finally the Constitution was submitted to Gouverneur Morris of Pennsylvania, to receive the finishing touches of his facile pen. On the 8th of August, 1787, during the debate, he delivered the following speech:

"He never would concur in upholding domestic slavery. It was a nefarious institution. It was the curse of Heaven on the States where it prevailed. Compare the free regions of the Middle States, where a rich and noble cultivation marks the prosperity and happiness of the people, with the misery and poverty which overspread the barren wastes of Virginia, Maryland, and the other States having slaves. Travel through the whole continent, and you behold the prospect continually varying with the appearance and disappearance of slavery. This moment you leave the Eastern States, and enter New York, the effects of the institution become visible. Passing through the Jerseys, and entering Pennsylvania, every criterion of superior improvement testifies the change. Proceed southwardly, and every step you take through the great regions of slaves presents a scene increasing with the increasing proportion of these wretched beings. Upon what principle is it that the slaves shall be computed in the representation? Are they men? Then make them citizens, and let them vote. Are they property? Why, then, is no other property included? The houses in this city (Philadelphia) are worth more than all the wretched slaves who cover the rice-swamps of South Carolina. The admission of slaves into the representation, when fairly explained, comes to this—that the inhabitants of Georgia and South Carolina, who go to the coast of Africa, and in defiance of the most sacred laws of humanity, rear up their fellow-creatures from their dreariest connections, and amass them to the most cruel bondage, shall have more votes in a government instituted for the protection of the rights of mankind than the citizen of Pennsylvania or New Jersey, who views with abhorrence the most horrid act of brutality. We would add, that domestic slavery is the most prolific treasure of the aristocratice conceptions of the proposed Constitution. The vassalage of the poor has ever been the favorite offspring of aristocracy. And what is the proposed compensation to the Northern States for a sacrifice of every principle of right, of every impulse of humanity? They are to bind themselves to march their militias for the defense of the Southern States, for their defense against those very slaves of whom they complain. They must supply vessels and men in case of foreign attack. The Legislature will have indestructive power to tax them by excises and duties on imports, both of which will fall heavier on them than the Southern States for the revenue paid by a Northern freeman will pay more than the whole consumption of the miserable slave, which consists of nothing more than his physical subsistence and the rag that covers his nakedness. On the other side, the Southern States are not to be restrained from importing fresh supplies of wretched Africans, at once to increase the danger of attack

vote. By denying Congress the authority of giving preference to American over foreign shipping, it was designed to secure cheap transportation for Southern exports; but, as the shipping was largely owned in the Eastern States, their delegates were zealous in their efforts to prevent any restriction of the power of Congress to enact navigation laws. It has been already shown that all the States, with the exception of North Carolina, South Carolina, and Georgia, had prohibited the importation of slaves. The prohibition of duties on the importation of slaves was demanded by the delegates from South Carolina and Georgia. They assured the Convention that without such a provision they could never give their consent to the constitution. This declaration drooped some Northern delegates into a support of the restriction, but provoked some very strong remarks concerning slavery. Mr. Pinckney said, that, "If the Southern States were let alone, they would probably of themselves stop importations. He would himself, as a citizen of South Carolina, vote for it."

Mr. Sherman remarked that "the abolition of slavery seemed to be going on in the United States, and that the good sense of the several states would probably by degrees complete it;" and Mr. Ellsworth thought that "slavery, in time, will not be a speck in our country." Mr. Madison said "he thought it wrong to admit in the Constitution the idea of property in men."

Slavery, notwithstanding the high-sounding words just quoted, was recognized in and by three separate clauses of the Constitution. The word "slave" was excluded, but the language does not admit of any doubt.

"Article I. Section 2. . . Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers: which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons."

"Article I. Section 9. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person."

"Article IV. Section 2. . . No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be held a fugitive slave."

1 The clause "three-fifths of all other persons" refers to Negro slaves. The Indians are our own. The Negro is referred to as a person all through the Constitution.
and the difficulty of defence: may, they are to be encouraged to it by an assurance of having their votes in the National Government increased in proportion; and are, at the same time, to have their exports and their slaves exempt from all contributions for the public service. Let it not be said that direct taxation is to be proportioned to representation. It is idle to suppose that the General Government can stretch its hand directly into the pockets of the people scattered over so vast a country. They can only do it through the medium of exports, imports, and excises. For what, then, are all the sacrifices to be made? He would sooner submit himself to a tax for paying for all the negroes in the United States than saddle posterity with such a Constitution.\(^{a}\)

Mr. Rufus King of Massachusetts in the same debate said,—

"The admission of slaves was a most gratifying circumstance to his mind, and he believed would be so to a great part of the people of America. He had not made a strenuous opposition to it therefore, because he had hoped that this concession would have produced a readiness, which had not been manifested, to strengthen the General Government, and to mark a full confidence in it. The report under consideration had, by the temper of it, put an end to all those hopes. In two great points, the hands of the Legislature were absolutely closed. The importation of slaves could not be prohibited. Exports could not be taxed. Is this reasonable? What are the great objects of the general system? First, defence against foreign invasion; secondly, against domestic sedition. Shall all the States, then, be bound to defend each other and shall each be at liberty to introduce a weakness which will render defence more difficult? Shall one part of the United States be bound to defend another part, and that other part be at liberty, not only to increase its own danger, but to withhold the compensation for the burden? If slaves are to be imported, shall the exports produced by their labor supply a revenue, the better to enable the General Government to defend their masters? There was so much inequality and unreasonableness in all this, that the people of the Northern States could never reconcile to it. No conduct man could undertake to justify it to them. He had hoped that some accommodation would have taken place on this subject; that, at least, a time would have been limited for the importation of slaves. He never could agree to let them be imported without limitation, and then be represented in the National Legislature. Indeed, he could so little persuade himself of the rectitude of such a practice, that he was not sure he could assent to it under any circumstances. At all events, either slaves should not be represented, or exports should be taxable."

Mr. Roger Sherman of Connecticut,—

"Regarding the slave-trade as iniquitous, but the point of representation having been settled after much difficulty and deliberation, he did not think himself bound to make opposition; especially as the present article, as amended, did not prejudice any arrangement whatever on that point, in another place of the report."

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SLavery as a political and legal problem.

Mr. Williams observed that, if South Carolina and Georgia were themselves disposed to get rid of the importation of slaves, and if they were, it was to be considered as a matter of national honor and safety; and that the importation of slaves should be authorized to the States by the Constitution. The true question was, whether the national happiness would be promoted or impaired by the importation of slaves. He said that the Southern States, as the same time, excluded from both those kingdoms, Greece and Rome were made unhappy by their slaves. He could not believe that the Southern States would refuse to compromise on the account apprehended; especially as the power was not likely to be immediately exercised by the General Government.

Mr. King thought the subject should be considered in a political light only. If two States will not agree to the Constitution, as stated on one side, he could not with equality to the other side, that great and equal opposition would be experienced from the other States. He thought that the Southern States could not be members of the Union, if the clause were rejected, and it was wrong to force anything down not absolutely necessary, and which any State might disapprove of.

Mr. Langdon was strenuous for giving the power to the General Government. He could not, with a good conscience, leave it to the States, who could then go on with the traffic, without being restrained by the opinions here given, that they would themselves cease to import slaves.

Gen. Pinckney thought himself bound to declare candidly, that he did not think South Carolina would stop her importations of slaves in any short time, but only stop them occasionally, as the present does. He moved to commit the clause, that slaves might be made liable to an equal tax with other imports, which he thought right, and which would remove one difficulty that had been started.

Vortex for every thing, that her distance would prejudice her from equal advantage; and that she could not prudently purchase it by yielding national powers. From this it might be understood in what light she would view an attempt to abridge one of her favorite prerogatives. If left to herself, she might probably put a stop to the evil. As one ground for this conjecture, he took notice of the sect — , which, he said, was a respectable class of people, who carried their eritres beyond the mere equality of men, extending their humanity to the claims of the whole animal creation.

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SLAVERY AS A POLITICAL AND LEGAL PROBLEM. 425
dishonorable to the American character than to say nothing about it in the
Constitution.

"On the motion, which passed in the affirmative,—

"New Hampshire, Massachusetts, Connecticut, Maryland, North Carolina,
South Carolina, Georgia, 47. — 7: New Jersey, Pennsylvania, Delaware, Vir-
ginia, no. — 4.

"Mr. GOVERNOR Morris was for making the clause read at once,—

"The importation of slaves into North Carolina, South Carolina, and
Georgia, shall not be prohibited; &c. This, he said, would be most
false, and would avoid the ambiguity by which, under the power of regal
naturalization, the liberty reserved to the States might be defeated. He wished it to
be known, also, that this part of the Constitution was a compliance with those
States. If the change of language, however, should be objected to by the
members from those States, he should not urge it.

"Col. Mason was not against using the term 'slaves,' but against naming
North Carolina, South Carolina, and Georgia, lest it should give offence to
the people of those States.

"Mr. SHERMAN liked a description better than the terms proposed, which
had been declined by the old Congress, and were not pleasing to some people.

"Mr. CLYMER concurred with Mr. Sherman.

"Mr. WILLIAMSON said, that, both in opinion and practice, he was against
slavery; but thought it more in favor of humanity, from a view of all circum-
stances, to let in South Carolina and Georgia on those terms, than to exclude
them from the Union.

"Mr. GOVERNOR Morris withdrew his motion.

"Mr. DICKINSON wished the clause to be confined to the States which
had not themselves prohibited the importation of slaves; and, for that purpose,
moved to amend the clause as it is written,—

"The importation of slaves into each of the States shall permit the
same shall not be prohibited by the Legislature of the United States until the
year 1808; —

"which was disagreed to, on motion.

"The first part of the Report was then agreed to, amended as follows:—

"The migration or importation of such persons as the several States now
existing shall think proper to admit shall not be prohibited by the Legislature
prior to the year 1808.

"New Hampshire, Massachusetts, Connecticut, Maryland, North Carolina,
South Carolina, Georgia, 47: New Jersey, Pennsylvania, Delaware, Virginia,
no. — 4."

The above specimens of the speeches on the slavery ques-
tion, during the debate, are sufficient to furnish a fair ideal of the
personal opinion of the great thinkers of that time on slavery.
It is clear that it was the wish of the great majority of the North-
en delegates to abolish the institution in a domestic as well as in

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Footnotes:
SLAVERY AS A POLITICAL AND LEGAL PROBLEM.

held in the city of New York, in 1789. A quorum was obtained on the 6th of April; and the first measure brought up for consideration was a tariff bill which Mr. Parker of Virginia sought to amend by inserting a clause levying an impost-tax of ten dollars upon every slave brought by water. "He was sorry the Constitution prevented Congress from prohibiting the importation altogether. It was contrary to revolution principles, and ought not to be permitted." Thus the question of slavery made its appearance early at the first session of the first Congress under the present Constitution. At that time Georgia was the only State in the Union that seemed to retain a pecuniary interest in the importation of slaves. Even South Carolina had passed an Act prohibiting for one year the importation of slaves. In this, as on several occasions before, she was actuated on account of the low prices of produce—too low to be remunerative. But, notwithstanding this, Mr. Smith, the member from the Charleston district, grew quite captious over the proposition of the gentleman from Virginia. He

"Hoped that such an important and serious proposition would not be hastily adopted. It was rather a late moment for the first introduction of a subject so big with serious consequences. No one topic had been put introduced so important to South Carolina and the welfare of the Union."

Mr. Sherman got the floor, and said he

"Approved the object of the motion, but did not think it a fit subject to be embraced in this bill. He could not reconcile himself to the insertion of human beings, as a subject of impost among goods, wares, and merchandise. He hoped the motion would be withdrawn for the present, and taken up afterwards as an independent subject."

Mr. Jackson of Georgia

"Was not surprised, however others might be so, at the quarter whence this motion came. Virginia, as an old settled State, had her complement of slaves, and the natural increase being sufficient for her purpose, she was careless of recruiting her numbers by importation. But gentlemen ought to let their neighbors get supplied before they imposed such a burden. He knew this business was viewed in an odious light at the Eastward, because the people there were capable of doing their own work, and had no occasion for slaves. But gentlemen ought to have some feeling for others. Surely they do not mean to tax us for every comfort and enjoyment of life, and at the same time, to take from us the means of procuring them! He was sure, from the unsuitableness of the motion to the business now before the house, and the want of time to consider it, the gentleman's candor would induce him to withdraw it.

\[Footnote: See the History and the Secret Debates on the subject of the "compromise."\]

The first session of Congress, under the new Constitution, was
Should it ever be brought forward again, he hoped it would comprehend the white slaves as well as the black. Imported from all the Isles of Europe; wretched victims of the most flagrant crimes, who were brought in and sold without any duty whatever. They ought to be taxed equally with Africans, and he had no doubt of the equal constitutionality and propriety of such a course.

Mr. Parker of Virginia obtained the floor again, and proceeded to reply to the remarks offered upon his amendment by Sherman, Jackson, and Smith. He declared,—

"That, having introduced the motion on mature reflection, he did not like to withdraw it. The gentleman from Connecticut had said that human beings ought not to be enumerated with goods, wares, and merchandise. Yet he believed they were looked upon by African traders in that light. He hoped Congress would do all in their power to restore to human nature its inherent privileges; to wipe off, if possible, the stigma under which America labored; to do away the inconstancy in our principles justly charged upon us; and to show, by our actions, the pure benevolence of the doctrine held out to the world in our Declaration of Independence."

Mr. Ames of Massachusetts

"Denoted slavery from his soul; but he had some doubts whether imposing a duty on their importation would not have an appearance of countenancing the practice."

Mr. Madison made an eloquent speech in support of Mr. Parker's amendment. He said,—

"The confounding man with merchandise might be easily avoided by altering the title of the bill. It was, in fact, the very object of the motion to prevent man, as far as the power of Congress extended, from being confounded with merchandise. The clause in the Constitution allowing a tax to be imposed, though the traffic could not be prohibited for twenty years, was inserted, he believed, for the very purpose of enabling Congress to give some testimony of the sense of America with respect to the African trade. By expressing a national disapprobation of that trade, it is to be hoped we may destroy it, and so save ourselves from reproach, and our posterity from the impiety ever attendant on a country filled with slaves. This was as much the interest of South Carolina and Georgia as of any other States. Every addition they received to their number of slaves tended to weakness, and rendered them less capable of self-defense. In case of insurrection with foreign nations, their slave population would be a means, not of repelling invasions, but of inviting attack. It was the duty of the general government to protect every part of the Union against danger, as well internal as external. Every thing, therefore, which tended to increase this danger, though it might be a local affair, yet, if it involved national expense or safety, became of concern to every part of the Union and the national.
out any right. As there were only a few slaves in Massachusetts, the decision passed without opposition, and banished all further idea of slavery."

Mr. Nell gives an account of the legal death of slavery in Massachusetts, but unfortunately does not cite any authority. John Quincy Adams, in reply to a question put by John C. Spencer, stated that "a note had been given for the price of a slave in 1787. This note was sued, and the Court ruled that the maker had received no consideration, as a man could not be sold. From that time forward, slavery died in the Old Bay State." There were several suits instituted by slaves against their reputed masters in 1781-82; but there are strong evidences that slavery died a much slower death in Massachusetts than many are willing to admit. James Sullivan wrote to Dr. Belknap in 1795:—

"In 1781, at the Court in Worcester County, an indictment was found against a man named Jennison for assaulting, beating, and imprisoning Quock Walker, a black. He was tried at the Supreme Judicial Court in 1783. His defense was that the black was his slave, and that the beating, etc., was the necessary restraint and correction of the master. This was answered by citing the aforesaid clause in the declaration of rights. The judges and jury were of opinion that he had no right to imprison or beat the negro. He was found guilty and fined 40 shillings. This decision put an end to the idea of slavery in Massachusetts."\footnote{1}

There are two things in the above that throw considerable uncertainty about the subject as to the precise date of the end of slavery in the Commonwealth. First, the suit referred to was tried in 1783, three years after the adoption of the new Constitution. Second, the good doctor does not say that the decision ended the state of slavery, but only that it "was a mortal wound to slavery in Massachusetts."

From 1783-1790, there was a wonderful change in the public opinion of the Middle and Eastern States on the subject of slavery. Most of them had passed laws providing for gradual emancipation. The Friends of New York, New Jersey, and Pennsylvania began to organize a crusade against domestic slavery. In the fall of 1789, while the Congressional debates were still fresh in the minds of the people, the venerable Dr. Benjamin Franklin, as president of the "Pennsylvania Society for Promoting the Abolition of Slavery," etc., issued the following letter:\footnote{2}

**AN ADDRESS TO THE PUBLIC.**

"From the Pennsylvania Society for Promoting the Abolition of Slavery, and the Relief of Five Negroes unlawfully held in Bondage."

"It is with peculiar satisfaction we assure the friends of humanity, that, in prosecuting the design of our association, our endeavors have proved successful, far beyond our most sanguine expectations.

"Encouraged by this success, and by the daily progress of that luminous and benign spirit of liberty which is diffusing itself throughout the world, and humbly hoping for the continuance of the divine blessing on our labors, we have ventured to make an important addition to our original plan; and do therefore earnestly solicit the support and assistance of all who can feel the tender emotions of sympathy and compassion, or relish the excited pleasure of beneficence.

"Slavery is such an atrocious debasement of human nature, that its very existence, if not performed with solicitude care, may sometimes open a source of serious evils.

"The unhappy man, who has long been treated as a brute animal, too frequently sinks beneath the common standard of the human species. The gaol chains that bind his body do also fetter his intellectual faculties, and impair the social affections of his heart. Accustomed to move like a mere machine, by the will of a master, reflection is suspended; he has not the power of choice; and reason and conscience have but little influence over his conduct, because he is chiefly governed by the passion of fear. He is poor and friendless; perhaps worn out by extreme labor, age, and disease.

"Under such circumstances, freedom may often prove a misfortune to himself and prejudicial to society."

"Attention to emancipated black people, it is therefore to be hoped, will become a branch of our national policy: but, as far as we contribute to promote this emancipation, so far that attention is evidently a serious duty incumbent on us, and which we mean to discharge to the best of our judgment and abilities.

"To instruct, to advise, to qualify those who have been restored to freedom, for the exercise and enjoyment of civil liberty; to promote in them habits of industry; to furnish them with employment suited to their age, sex, talents, and other circumstances; and to procure their children an education calculated for their future situation in life, these are the great outlines of the annexed plan, which we have adopted, and which we conceive will essentially promote the public good, and the happiness of these our miserable too much neglected fellow-creatures."

"A plan so extensive cannot be carried into execution without considerable pecuniary resources, beyond the present ordinary funds of the Society. We hope much from the generosity of enlightened and benevolent freemen, and will gratefully receive any donations or subscriptions for this purpose which may be made to our Treasurer, James St Clair, or to James Pemberton, Chairman of our Committee of Correspondence."

"Signed by order of the Society."

"B. FRANKLIN, President."

Philadelphia, 8th of November, 1789"
And as his last public act, Franklin gave his signature to the subjoined memorial to the United States Congress:

"The memorial respectfully sheweth,—

"That, from a regard for the happiness of mankind, an association was formed several years since in this State, by a number of her citizens, of various religious denominations, for promoting the abolition of slavery, and for the relief of those unlawfully held in bondage. A just and acute conception of the true principles of liberty, as it spread through the land, produced accessional to their numbers, many friends to their cause, and a legislative co-operation with their views, which, by the blessing of Divine Providence, have been successfully directed to the relieving from bondage a large number of their fellow-creatures of the African race. They have also the satisfaction to observe, that, in consequence of that spirit of philanthropy and genuine liberty which is generally diffusing its beneficial influence, similar institutions are forming at home and abroad.

"That mankind are all formed by the same Almighty Being, alike objects of his care, and equally designed for the enjoyment of happiness, the Christian religion teaches us to believe, and the political creed of Americans fully coincides with the position. Your memorandists, particularly engaged in attending to the distresses arising from slavery, believe it their indispensible duty to present this subject to your notice. They have observed, with real satisfaction, that many important and salutary powers are vested in you for promoting the welfare and securing the blessings of liberty to the people of the United States; and as they conceive that these blessings ought rightfully to be administered, without distinction of color, to all descriptions of people, so they indulge themselves in the pleasing expectation, that nothing which can be done for the relief of the unhappy objects of their care, will be either omitted or delayed.

"From a persuasion that equal liberty was originally the period, and is still the birthright of all men, and influenced by the strong ties of humanity, the principles of their institution, your memorandists conceive themselves bound to use all justifiable evidence to loosen the bands of slavery and promote a general enjoyment of the blessings of freedom. Under these impressions, they earnestly entreat your serious attention to the subject of slavery; that you will be pleased to counteract the restoration of liberty to those unhappy men, who alone, in this land of freedom, are degraded into perpetual bondage, and who, amidst the general joy of surrounding freemen, are groaning in servile subjection; that you will devise means for removing this inconsistency from the character of the American people; that you will promote mercy and justice towards this distressed race; and that you will step to the very verge of the power vested in you for discouraging every species of traffic in the persons of our fellow-men.

"Benj. Franklin, President.

"Philadelphia, February 9th, 1790."

The session of Congress held in 1790 was stormy. The slavery question came back to haunt the members. On the 12th of February, the memorial from the Pennsylvania society was read. It provoked fresh discussion, and greatly angered many of the Southern members. As soon as its reading was completed, the "Quaker Memorial," that had been read the day previous, was called up; and Mr. Hartley moved its commitment. A long and spirited debate ensued. It was charged that the memorial was "a mischievous attempt, an improper interference, at the best, an act of imprudence;" and that it "would sound an alarm and blow the trumpet of sedition through the Southern States." Mr. Scott of Pennsylvania replied by saying, "I cannot entertain a doubt that the memorial is strictly agreeable to the Constitution. It respects a part of the duty particularly assigned to us by that instrument." Mr. Sherman was in favor of the commitment of the memorial, and gave his reasons in extenso. Mr. Smith of South Carolina said, "Notwithstanding all the calmness with which some gentlemen have viewed the subject, they will find that the mere discussion of it will create alarm. We have been told that, if so, we should have avoided discussion by saying nothing. But it was not for that purpose we were sent here. We look upon this measure as an attack upon property; it is, therefore, our duty to oppose it by every means in our power. When we entered into a political connection with the other States, this property was there. It had been acquired under a former government conformably to the laws and constitution, and every attempt to deprive us of it must be in the nature of an ex post facto law, and, as such, forbidden by our political compact." Following the unwise and undignified example set by the gentlemen who had preceded him on that side of the question, he quoted the Quakers. "His constituents wanted no lessons in religion and morality, and least of all from such teachers.

Marshall, Gerry, Boudinot, and Page favored commitment. Upon the question to commit, the ayes and nays being demanded, the reference was made by a vote of forty-three to eleven. Of the latter, six were from Georgia and South Carolina, two from Virginia, two from Maryland, and one from New York. A special committee was appointed, to whom the memorial was referred, consisting of one member from each of the following States: New Hampshire, Massachusetts, Connecticut, New York, New Jersey, and Virginia. At the end of a month, the committee made the following report to Congress:—
resolution, affirming the power of Congress to regulate the slave-
trade, drew the fire of Jackson, Smith, and Tucker. Mr. Madison
offered to modify it somewhat. It was argued by the opponents
of this resolution, that Congress, under the plea of regulating the
trade, might prohibit it entirely. Mr. Vining of Delaware, some-
what out of patience with the demands of the Southern members,
told those gentlemen very plainly that they ought to be satisfied
with the changes already made to gratify them; that they should
show some respect to the committee; that all the States from
Virginia to New Hampshire had passed laws prohibiting the slave-
trade; and then delivered an eloquent defence of the Quakers.
The resolution, as modified by Mr. Madison, carried.

The sixth resolution, relating to the foreign slave-trade carried
on from ports of the United States, received considerable atten-
tion. Mr. Scott made an elaborate speech upon it, in which he
claimed, that, if it were a question as to the power of Congress to
regulate the foreign slave-trade, he had no doubts as to the author-
ity of that body. "I desire," said that gentleman, "that the
world should know, I desire that those people in the gallery, about
whom so much has been said, should know that there is at least
one member on this floor who believes that Congress have ample
powers to do all they have asked respecting the African slave-
trade. Nor do I doubt that Congress will, whenever necessity or
policy dictates the measure, exercise those powers." Mr. Jackson
attempted to reply. He started out with a labored argument
showing the divine origin of slavery, quoting Scriptures; showed
that the Greeks and Romans had held slaves, etc. He was
followed and supported by Smith of South Carolina. Boudinot
obtained the floor, and, after defending the Quakers and praising
Franklin, declared that there was nothing unreasonable in the
memorial; that it simply requested them "to go to the utmost
verge of the Constitution," and not beyond it. Further debate
was had, when the sixth resolution was adopted.

The seventh resolution, pledging Congress to exert their full
powers for the restriction of the slave-trade — and, as some under-
stood it, to discontinue slavery — was struck out. The com-
mittee then arose and reported the resolutions to the house. The
next day, the 23d March, 1790, after some preliminary business
was disposed of, a motion was made to take up the report of the
committee. Ames, Madison, and others thought the matter, hav-
ing occupied so much of the time of the house, should be left
female, in like manner, after she arrives at the age of twenty-one years, unless they are bound by their own consent after they arrive at such age, or are bound by law for the payment of debts, damages, fines, costs, or the like." This provision was contained in the first Constitution of that State, and, therefore, it was the first one to abolish and prohibit slavery in North America.

On the 4th of February, 1791, Kentucky was admitted into the Union by Act of Congress, though it had no Constitution. But the next year a Constitution was framed. By it the Legislature was denied the right to emancipate slaves without the consent of the owner, nor without paying the full price of the slaves before emancipating them; nor could any laws be passed prohibiting emigrants from other states from bringing with them persons deemed slaves by the laws of any other states in the Union, so long as such persons should be continued as slaves in Kentucky. The Legislature had power to prohibit the bringing into the state slaves for the purpose of sale. Masters were required to treat their slaves with humanity, to properly feed and clothe them, and to abstain from inflicting any punishment extending to life and limb. Laws could be passed granting owners the right to emancipate their slaves, but requiring security that the slaves thus emancipated should not become a charge upon the county.

During the session of Congress in 1791, the Pennsylvania Society for the Abolition of Slavery presented another memorial, calling upon Congress to exercise the powers they had been declared to possess by the report of the committee which had been spread upon the Journals of the house. Thus emboldened, other anti-slavery societies, of Rhode Island, Connecticut, New York, Virginia, and a few local societies of Maryland, presented memorials praying for the suppression of slavery in the United States. They were referred to a select committee; and, as they made no report, New Hampshire and Massachusetts, the next year, called the attention of Congress to the subject. On the 24th of November, 1792, a Mr. Warner Mifflin, an anti-slavery Quaker from Delaware, addressed a memorial to Congress on the general subject of slavery, which was read and laid upon the table without debate. On the 26th of November, Mr. Sture of North Carolina offered some sharp remarks upon the presumption of the Quaker, and moved that the petition be returned to the petitioner, and that the clerk be instructed to erase the entry from the Journal. This provoked a heated discussion; but at length the

The census of 1790 gave the slave population of the States as follows:

<table>
<thead>
<tr>
<th>State</th>
<th>Slaves</th>
</tr>
</thead>
<tbody>
<tr>
<td>Connecticut</td>
<td>2,759</td>
</tr>
<tr>
<td>Delaware</td>
<td>8,887</td>
</tr>
<tr>
<td>Georgia</td>
<td>29,254</td>
</tr>
<tr>
<td>Kentucky</td>
<td>11,886</td>
</tr>
<tr>
<td>Maryland</td>
<td>125,936</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>158</td>
</tr>
<tr>
<td>New Jersey</td>
<td>11,423</td>
</tr>
<tr>
<td>New York</td>
<td>21,324</td>
</tr>
<tr>
<td>North Carolina</td>
<td>100,172</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>3,737</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>972</td>
</tr>
<tr>
<td>South Carolina</td>
<td>137,094</td>
</tr>
<tr>
<td>Vermont</td>
<td>17</td>
</tr>
<tr>
<td>Virginia</td>
<td>253,427</td>
</tr>
<tr>
<td>Territory south of Ohio</td>
<td>5,417</td>
</tr>
</tbody>
</table>

Aggregate, 697,897.