

bringing slaves to Boston and selling them there, just as they brought them to South Carolina and sold them there. And down to the adoption of their bill of rights in 1780, there appear numerous statutes upon the statute books of Massachusetts, protecting this institution of slavery, just as it was protected in all the other colonies.

Mr. STOCKBRIDGE. Will the gentleman cite one of those numerous statutes?

Mr. MILLER. Yes, sir. In 1698 she passed a law prohibiting the *purchasing goods of slaves* under suspicious circumstances. In 1703 she made a law prohibiting masters from emancipating their slaves unless they gave security that they should not become town paupers. In the same year another statute prohibited any Indian, negro, or mulatto servant or *slave* being abroad after nine o'clock at night, unless on errands for their masters or owners. In 1705, by another act, slaves were, for certain offences, to be sold out of the province; any negro or mulatto who should strike any of the English or Christian nation was to be severely whipped; an unjust duty on negroes of £4 per head was imposed, but the duty was to be paid back, if the negro was exported and "*bona fide sold* in any other plantation," and the like advantages of the drawback were to be allowed "*the purchaser of any negro sold within the province.*" In 1707 an act was passed punishing free negroes or mulattoes *for harboring any negro or mulatto servant.* And in 1718 an act imposed a penalty on every master of a vessel who should carry away any person under age, or *bought* or hired servant, without the *master's* or *parent's* consent. The provincial congress of Massachusetts prohibited the enlistment of slaves in the army, thus showing that slavery legally existed there in May, 1775; and the reason given for this prohibition is that they were contending for the liberties of the colonies, and the admission into the army of any others but *freemen* would be inconsistent with the principles to be supported, and reflect dishonor on the colony. Can any other proof of the existence of slavery in Massachusetts be required?

It existed in all the colonies in the same way, and notwithstanding the decision in the Somerset case, I say it existed at common law, for after that decision, which simply went to the extent that a man could not *hold* his slave in England, slaves were bought and sold in market overt in London, just as much as cotton, sugar, indigo, or anything else. Not only that, but from 1804 to 1807, during the last three years when the importation of African slaves into this country was allowed by our constitution, there were at least 20,000 slaves brought into the ports of South Carolina alone, in British vessels, under the protection of British law, consigned to British consignees, and sold by them to the people of South Carolina and other States of this Union.

Mr. JONES, of Somerset. If my friend will allow me, I will state in addition to what he has said in reference to the legislation of Massachusetts upon this subject, that many years ago, at a fashionable watering place on the coast of Massachusetts, while I was spending a short time there, a citizen of Boston, who carried down for his amusement a file of old colonial newspapers, published in Boston from 1740 or 1750, and along some thirty or forty years, pointed out to me in those newspapers numerous advertisements of slaves for public sale in Boston.

Mr. MILLER. Yes, sir, and not only that; but Chief Justice Parsons, in a case reported in 4 Massachusetts, makes the explicit declaration that slavery did exist in Massachusetts as it did in all the other colonies. The case was the settlement of a manumitted slave under their pauper laws. And the title deeds to that slave, half a dozen of them in number, are printed in that report. There had been a half a dozen distributions of estates of which the slave formed a part of the assets, and sales made of that slave by the respective owners.

In the Somerset case, Lord Mansfield simply decided that a man could not hold his slave in England. But that decision did not disturb the title of the master of that slave if he got him back into the English colonies. If Somerset had been taken on board the vessel and carried back to the West India Islands, the British subject, by virtue of British law, would have held his slave in that British colony. The case of the slave Grace, subsequently decided by Lord Stowell, was to the effect that if the master got his slave into a British colony where slavery was tolerated by law, his title to his slave was good.

Slavery a nuisance? When our constitution was adopted, every one of these States held slaves. The provision in the constitution for their rendition, when they should escape from their masters into a State where slavery might not be tolerated; and the provision in the constitution allowing the continuance of the African slave trade until 1808, for twenty years after its adoption, recognized the right and the property of the master in the services of his slaves; or else the constitution and the concurrent testimony of contemporaneous history upon this subject is all a broad lie.

Slavery a nuisance? Have you been holding a nuisance all your lives? Have you, sir, and other slaveholders in this convention, now in your pockets the proceeds of this great nuisance, this great evil? No, sir; you have held this property by virtue of the laws of your country. You have held your slaves, and you hold them to-day by virtue of the laws of your State, and by virtue of the constitution and laws of your country. And to call that a nuisance, it seems to me, is, to say the least of it, a perversion of that legal term.