

Commonwealth of Massachusetts.

IN THE HOUSE OF REPRESENTATIVES, March 6, 1840.

The Joint Special Committee, to whom were referred the petition of Spencer Vining, and 272 others, of Abington, and many other petitions of the same tenor, relating to the power and duty of Congress to abolish slavery and the slave trade in the District of Columbia and the territories, and the slave trade between the several States, and to whom were also referred the petition of Nathan Webster and 130 others of Haverhill, and many other petitions of the same tenor, relating to the admission of Florida into the Union as a slave State, and to whom were also referred the petition of Windsor Morse of West Boylston, and 91 others, and many other petitions of the same tenor, relating to slavery, and the means to be used for its restraint and abolition, having considered the subjects so submitted to them, ask leave to

REPORT.

It is believed by your Committee, that on the question of the power of Congress to do the various things which are specifically enumerated by the petitioners, as subjects on which its power should be exercised, there is almost entire unanimity of sentiment in this Commonwealth. Few are found to dis-

pute that the clause of the eighth section of the first article of the Constitution which gives Congress "power to exercise *exclusive jurisdiction in all cases whatsoever*" within the district which is the seat of government, means what it says; that the clause of the third section of the fourth article which provides that Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory of the United States, gives Congress a power at least equal to that under which the old Congress of 1787, with the hearty concurrence of Jefferson and other leading southern statesmen, prohibited slavery forever, on so much of the territory as lay within certain parallels of latitude; that the clause of the same section which provides that "new States *may* be admitted by Congress into the Union," leaves the general government entirely at liberty to refuse such admission, except upon such conditions as may appear just and reasonable to the party granting the admission; and finally, that the clause (art. 1, sect. 8,) which authorizes Congress "to regulate commerce with foreign nations, and among the several States," and under which Congress has heretofore laid an embargo, imposed discriminating and prohibitory duties, and abolished the *foreign* slave trade, conveys equal power to regulate, even to the extent of prohibition, the inter-state trade of any description. Not only do the constructions above given, follow the obvious and necessary import of the language used, but they are sustained by a vast mass of analogies, of cotemporary authorities, and of historical evidence, all showing that the powers now claimed, were in fact conferred with the full assent and entire understanding of all the States who took part in the framing of the Constitution. It is needless to say that Massachusetts has repeatedly sustained these constructions by the lips and pens of her statesmen, and the almost unanimous expressions of her Legislatures. Your Committee have not, therefore, thought it necessary to present again, at any length, reasonings and authorities with which all have had ample opportunity of becoming acquainted. They will merely refer those to whom the subject may not be entirely familiar, to former legislative reports upon petitions

similar to those now under consideration, and particularly to the reports contained in documents numbered 86 and 87 of the Senate, for 1838; reports which exhaust the learning and the arguments applicable to the various subjects treated of, which are instinct with the spirit of freedom and truth, and which are the noblest monuments of a mind and character too early lost to the Commonwealth and to the country.

Entertaining no doubt, therefore, that Congress has the powers claimed by the petitioners, your Committee come at once to the inquiry, whether those powers should be immediately exercised; and on this point, also, they have come without hesitation to an affirmative result. The duty cannot, in the apprehension of your Committee, be separated from the power; admit the *last*, and the *first* follows of course. If the evils of slavery and the slave-trade were doubtful, or remote, or of recent origin, or but recently discovered, or were principally of a metaphysical character, not palpable to common understandings and consciences, nor attended in practice with great suffering or wrong, then it might be proper for us as legislators to turn our attention first to the remedy of nearer or greater wrongs, if such there were, or to wait the result of further examination, and increased enlightenment of the popular mind. But there is no such reason for delay in this case. The wrongs to be remedied are open, gross, palpable to the dullest perception. The responsibility for their continuance rests upon us with a mighty weight, if we forbear to denounce and control, so far as we can, the legislation which inflicts them. So far is the action proposed by the petitioners, from being liable to the charge of undue precipitation, that, in the opinion of your Committee, it has only been too long delayed. Fifty years toleration of slavery and the slave-trade in the district and territories, and forty years toleration of an inter-state trade, which, when carried on with foreign countries, we denounce as piracy, are enough to fill the measure, and satisfy the claims, of gradualism, as enforced by the warmest of its early advocates. As a nation, we have not only reached, but we have long since passed

the point in the tide of time, before which the gradualists of fifty years since predicted that slavery would cease by a death of progressive and half voluntary extinction. Within that period, two generations of slaves and masters have mingled in the dust; and we find at this day the number of slaves quadrupled, the severity of slave laws increased, and a domestic slave-trade sprung up, which gives new vigor to the system, by giving it a new hold on the interests of the planter. The prohibition of the foreign slave-trade, which, by its advocates in this Commonwealth, was intended and stated to be a death-blow to slavery, has in fact had a tendency to retard emancipation in Virginia and Maryland, by keeping up the value of slave property.*

These remarks are made, not by way of taunt or injurious reflection, but to shew the utter futility of the expectation that slavery and the slave trade will soon cease in the district and territories, and between the states, through a cessation of the institution in the states where it now exists. The signs of the times indicate any thing but speedy emancipation by those states. So much the more important is it that we should do our duty promptly and fearlessly, as far as we can—that while we solemnly disclaim all interference or intention of interference with the domestic institutions of any State, we insist, on the other hand, upon the exercise of our constitutional rights in

* Slaves might be imported from Africa to New Orleans at a cost of less than two hundred dollars. The price of an able-bodied slave, in New Orleans, is at least six or eight hundred dollars. It thus appears that no culture or manufacture in the Union, is nearly so well protected as the slave culture.

The extent to which this traffic is carried on, is very great, though the exact amount cannot be ascertained from any published official document. It is certain, however, that in several of the states this has been, for some years, the most important article of export. The import of slaves into Louisiana, Mississippi, Alabama, and Arkansas, for the year 1836, was estimated by a Mississippi print, at two hundred and fifty thousand. It is believed, that the annual slave export of Virginia considerably exceeds five millions of dollars; and all her foreign exports fell short of four millions, for the year ending Sept. 30th, 1838, as appears by the report of the Secretary of the Treasury on Commerce and Navigation, for 1839.

furtherance of the cause of justice and humanity, upon the domain which we hold as citizens of the Union.

Guided by the views thus briefly and imperfectly expressed, and believing that this Commonwealth should never be backward in manifesting by word or deed, her unshaken adherence to the great principles of human liberty, your Committee report the annexed resolves.

All which is respectfully submitted.

For the Committee.

GEO. T. DAVIS, *Chairman.*

Commonwealth of Massachusetts.

In the Year One Thousand Eight hundred and Forty.

R E S O L V E S

Relating to Slavery and the Slave Trade, and the admission of new States into the Union.

Whereas, domestic slavery exists in the District of Columbia, under the express authority of Congress, which, at the time of the cession of the District, re-enacted the slave codes of Maryland and Virginia; and *whereas*, the sanction thus given to slavery, and its continued toleration at the seat of government, form a manifest violation by this nation of the first principles of justice, and have a tendency to corrupt the moral sense, and to lower the character of the whole people of the United States; and *whereas*, this nation can have no higher interest, either before God or in the eyes of men, than the establishing of justice, and strengthening the just foundations of national honor; and *whereas*, slavery in the District of Columbia, being thus a national concern, and involving national responsibility, it is the right of the Commonwealth of Massachusetts, to remonstrate against the common crime and the degradation of national character; therefore

Resolved, That Congress ought to exercise its acknowledged power, in the immediate suppression of slavery and the slave trade in the District of Columbia.

And *whereas*, by the Constitution of the United States, Congress has the power to regulate commerce with foreign nations, and between the several States of the Union, in the exercise of which power, Congress in the year 1808 abolished the foreign slave trade : and *whereas*, a domestic slave trade, as unjustifiable in principle as the African slave trade, and scarcely less cruel and inhuman in practice, is now carried on between the several States : therefore

Resolved, That the domestic slave trade ought to be abolished by Congress, without delay.

Resolved, That no new State ought to be admitted into the Union, whose constitution shall tolerate domestic slavery.

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to use their utmost efforts to give effect to the foregoing Resolves.

Resolved, That His Excellency, the Governor, be requested to forward a copy of these Resolves to each of the Senators and Representatives from Massachusetts in Congress, and to the Governors of the several States, to be by them laid before their respective Legislatures.