Debates in the Massachusetts Convention, 25 January–4 February 1788 (excerpts)[1]

January 25

[Article I, Section 9, under discussion.]

{Mr. [Tristam] DALTON. In favor of first paragraph because we gain a right in time to abolish the slave trade.}

. . . Mr. [James] NEAL *(from Kittery)* went over the ground of objection to this sect. on the idea, that the slave trade was allowed to be continued for 20 years. His profession, he said, obliged him to bear witness against any thing that should favour the making merchandize of the bodies of men; and unless his objection was removed, he could not put his hand to the constitution. Other gentlemen said, in addition to this idea, that there was not even a provision that the negroes ever shall be free; . . .

{Mr. [Daniel] COOLEY asks, whether negro slaves, emigrating into this State, will not be considered as a poll, to increase our ratio of taxes?

Rev. Mr. [Isaac] BACKUS answers Mr. Neal, and shows we have now gained a check which we had not before, and hopes in time we shall stop the slave trade.

Mr. [William] BODMAN says, those born slaves in the southern States may still continue slaves.}

. . . and Gen. *Thompson* exclaimed:

Mr. President—Shall it be said, that after we have established our own independence and freedom, we make slaves of others. Oh! Washington, what a name has he had! How he has immortalized himself!—but he holds those in slavery who have a good right to be free as he has—He is still for self; and in my opinion, his character has sunk 50 per cent.

{Gen. THOMPSON. If the southern States would not give up the right of slavery, then we should not join with them—Washington's character fell fifty per cent. by keeping slaves—it is all a contrivance, and Washington at the head—our delegates overpowered by Washington and others.}

On the other side gentlemen said, that the step taken in this article, towards the abolition of slavery, was one of the beauties of the Constitution. They observed that in the confederation there was no provision whatever for its ever being abolished; but this constitution provides, that Congress may, after 20 years, totally annihilate the slave trade; and that all the states, except two, have passed laws to this effect, it might reasonably be expected, that it would then be done—in the interim, all the states were at liberty to prohibit it.

{Mr. [William] JONES, of Bristol, objects to Article V., because we can't amend this section for twenty years.}

January 26

The debate on the 9th sect, still continued desultory—and consisted of similar objections, and answers thereto, as had before been used.—Both sides deprecated the slave-trade in the most pointed terms—on one side it was pathetically lamented, by Mr. Nason, Major Lusk, Mr. Neal, and others, that this Constitution provided for the continuation of the slave trade for 20 years.—On the other, the Hon. Judge Dana, Mr. Adams, and others rejoiced that a door was now to be opened, for the annihilation of this odious, abhorent practice, in a certain time. . . .

January 30

. . . Gen. [William] HEATH. Mr. President—By my indisposition, and absence, I have lost several important opportunities; I have lost the opportunity of expressing my sentiments with a candid freedom, on some of the paragraphs of the system, which have lain heavy on my mind. I have lost the opportunity of expressing my warm approbation on some of the paragraphs. I have lost the opportunity of asking some questions for my own information, touching some of the paragraphs, and which naturally occurred, as the system unfolded. I have lost the opportunity of hearing those judicious, enlightening, and convincing arguments, which have been advanced during the investigation of the system,—this is my misfortune, and I must bear it. The paragraph respecting the migration or importation of such persons, as any of the States now existing shall think proper to admit, &c. is one of those considered during my absence, and I have heard nothing on the subject, save what has been mentioned this morning, but I think the gentlemen who have spoken, have carried the matter rather too far on both sides,—I apprehend that it is not in our power to do any thing for, or against, those who are in slavery in the southern States. No gentleman within these walls detests every idea of slavery more than I do: It is generally detested by the people of this Commonwealth,—and I ardently hope that the time will soon come, when our brethren in the southren States will view it as we do, and put a stop to it, but to this we have no right to compel them. Two questions naturally arise if we ratify the Constitution, shall we do any thing by our act to hold the blacks in slavery—or shall we become partakers of other men's sins. I think neither of them: Each State is sovereign and independent to a certain degree, and they have a right, and will regulate their own internal affairs, as to themselves appears proper; and shall we refuse to eat, or to drink, or to be united, with those who do not think, or act, just as we do, surely not. We are not in this case partakers of other men's sins, for in nothing do we voluntarily encourage the slavery of our fellow men, a restriction is laid on the federal government, which could not be avoided and a union take place: The federal Convention went as far as they could, the migration or importation, &c. is confined to the States now *existing only*, new States cannot claim it. Congress by their ordinance for erecting new States, some time since, declared, that the new States shall be republican, and that there shall be no slavery in them. But whether those in slavery in the southern States, will be emancipated after the year 1808, I do not pretend to determine, I rather doubt it.

January 31

. . . The conversation on the Constitution by paragraphs being ended,

Mr. [Theophilus] PARSONS moved, *that this Convention do assent to and ratify this Constitution.*

Mr. [James] NEAL rose and said, that as the Constitution at large was now under consideration, he would just remark, that the article which respected the Africans was the one which lay on his mind—and unless his objections to that were removed, it must, how much soever he liked the other parts of the Constitution, be a sufficient reason for him to give his negative to it. . . .

February 1

. . . Mr. [Samuel] NASSON . . . To go on. Representation and taxation to be apportioned according to numbers. This, sir, I am opposed to; it is unequal. I will shew an instance in point—We know for certainty, that in the town of Brooklyn, persons are better able to pay their taxes, than in the parts I represent: Suppose the tax is laid on polls: Why the people of the former place will pay their tax ten times as easy, as the latter—thus helping that part of the community, which stands in the least need of help: On this footing the poor pay as much as the rich: And in this a way is laid, that five slaves shall be rated no more than three children. Let gentlemen consider this—a farmer takes three small orphans, on charity, to bring up—they are bound to him—when they arrive at 21 years of age, he gives each of them a couple suits of clothes, a cow, and two or three young cattle—we are rated as much for these, as a farmer in Virginia is for five slaves, whom he holds for life—they and their posterity—the male and the she ones too. . . .

February 4

. . . Major [Thomas] LUSK . . . entered largely into the consideration of the 9th sect. and in the most pathetick and feeling manner, described the miseries of the poor natives of Africa, who are kidnapped, and sold for slaves—with the brightest colours, he painted their happiness and ease on their native shores; and contrasted them with their wretched, miserable, and unhappy condition in a state of slavery. . . .

Rev. Mr. [Isaac] BACKUS. Mr. President, I have said very little in this honourable Convention; but I now beg leave to offer a few thoughts upon some points in the Constitution proposed to us . . . Much, sir, hath been said, about the importation of slaves into this country. I believe that, according to my capacity, no man abhors that wicked practice more than I do, and would gladly make use of all lawful means, towards the abolishing of slavery in all parts of the land.—But let us consider where we are, and what we are doing. In the articles of confederation, no provision was made to hinder the importation of slaves into any of these States; but a door is now opened, hereafter to do it; and each State is at liberty now to abolish slavery as soon as they please. And let us remember our former connection with Great-Britain, from whom many in our land think we ought not to have revolted: How did they carry on the slave-trade! I know that the Bishop of Gloucester, in an annual sermon in London, in February, 1766, endeavoured to justify their tyrannical claims of power over us, by casting the reproach of the slave-trade upon the Americans. But at the close of the war, the Bishop of Chester, in an annual sermon, in February, 1783, ingenuously owned, that their nation is the most deeply involved in the guilt of that trade, of any nation in the world; and also, that they have treated their slaves in the West-Indies, worse than the French or Spaniards have done theirs.—Thus slavery grows more and more odious through the world;—and, as an honourable gentleman said some days ago, "Though we cannot say, that slavery is struck with an apoplexy, yet we may hope it will die with a consumption." And a main source, sir, of that iniquity, hath been an abuse of the covenant of circumcision, which gave the

seed of Abraham to destroy the inhabitants of Canaan, and to take their houses, vineyards, and all their estates as their own; and also to buy and hold others as servants. And as christian privileges are much greater than those of the Hebrews were, many have imagined that they had a right to seize upon the lands of the heathen, and to destroy or enslave them as far as they could extend their power. And from thence the mystery of iniquity carried many into the practice of making *merchandise of slaves and souls of men*. But all ought to remember, that when God promised the land of Canaan to Abraham and his seed, he let him know that they were not to take possession of that land, until the *iniquity of the Amorites was full*; and then they did it under the immediate direction of heaven; and they were as real executors of the judgment of God upon those heathens, as any person ever was an executor of a criminal justly condemned. And in doing it they were not allowed to invade the lands of the Edomites, who sprang from Esau, who was not only of the seed of Abraham, but was born at the same birth with Israel; and yet they were not of that church. Neither were Israel allowed to invade the lands of the Moabites, or of the children of Ammon, who were of the seed of Lot. And no officer in Israel had any legislative power, but such as were immediately inspired. Even David, the man after God's own heart, had no legislative power, but only as he was inspired from above; and he is expressly called a *Prophet* in the New Testament. And we are to remember that Abraham and his seed, for four hundred years, had no warrant to admit any strangers into that church, but by buying of him as a servant, with money. And it was a great privilege to be bought, and adopted into a religious family for seven years, and then to have their freedom. And that covenant was expressly repealed in various parts of the New-Testament; and particularly in the first epistle to the Corinthians, wherein it is said, *Ye are bought with a price; therefore glorify God in your body, and in your spirit, which are God's. And again, circumcission is nothing, and uncircumcission is nothing, but the keeping of the commandments of God. Ye are bought with a price, be not ye the servants of men*. Thus the gospel sets all men upon a level; very contrary to the declaration of an honourable gentleman in this house "That the Bible was contrived for the advantage of a particular order of men." . . .

1 These speeches are compiled from two sources. The text within braces {} is taken from Theophilus Parsons' notes of the Massachusetts Convention debates. The primary sections are taken from the Convention debates published in the *Massachusetts Centinel*.

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