

Mr. STOCKBRIDGE. I refer the gentleman to 5 Leigh's Reports, 615, in the famous case of Betty, *et al.*, vs. Horton. He will find that there, Judge Tucker, of Virginia, an excellent authority, expressly proves and establishes the contrary. But, whatever it might have been at common law, the statute overrides common law where it exists. And gentlemen will find that the earliest statute in Massachusetts in 1641, read in these words: "There shall never be any bond slavery, villenage or captivity amongst us, unless it be lawful captives taken in just wars and such strangers as *willingly* sell themselves or are sold to us. And these shall have all the liberties and Christian usages which the law of God established in Israel doth morally require."

There were certain slaves there subsequently. If gentlemen will examine the old colonial records, they will find that in those days certain crimes were punished by sentencing the offenders to serve as slaves; in some cases the time was not mentioned.

Mr. MILLER. I will ask the gentleman whether or not the Continental Congress, as it was called, in Massachusetts in 1775, did not prohibit the enlistment of slaves into the army of that commonwealth, because it was contrary to the principles upon which the revolution was commenced?

Mr. STOCKBRIDGE. Well, sir, I choose to answer the gentleman, and I will answer him now. He is very fond of law and I will give him the law. In 1780, Massachusetts adopted a Constitution which said that "all men are born free and equal." And when shortly afterwards, a case came before the Supreme Court of that State, they decided that slavery had no existence in that State. And the unanimous opinion of the court was that a negro born in that State before that Constitution was adopted was born free, although born of a slave mother. And Judge Shaw, who is pretty good authority in these matters, after having examined the case with that wonderful industry and care for which he was noted throughout the United States, says that he could find no authority for believing that slavery ever had any legal existence in that State.

But whether it did exist or not, there or anywhere else, there was no such thing ever done as the selling of slaves there and the putting the money for them in their pockets, and then raising the cry for freedom of slaves. Let me read from the United States census reports:

"It may not be out of place to state that the American States, which in the past century abolished slavery, permitted the free colored population to enjoy every right consistent with their condition as a class, and allowed bond and free to remain during their natural lives in the State or colony where they lived. This fact, although sometimes

questioned, can be demonstrated beyond cavil; and the contrary can only be urged by such as are unfamiliar with the subject or have an object in the misrepresentation. The plan of gradual emancipation probably tended to this result, as those who were living in bondage continued to be slaves, while their descendants were generally to become free at such period as they were qualified to maintain their own existence by labor. An examination of the relative number at different successive periods until slavery became extinct, must lead to conclusions that no material deportation of slaves occurred shortly before or after the passage of emancipation acts—a fact which cannot be controverted."

I have examined these tables and made a compilation with no little care, and beg leave to lay it before the Convention. It shows the whole North—the six New England States, New York, New Jersey and Pennsylvania, during the entire period of transition from slave States to free, and what it presents in gross is shown in detail if we take State by State:

Year of census.	Free negroes.	Slaves.	Total col'd population.	Increase of free negroes in ten years.	Decrease slaves in ten years.	Total increase of colored population in 10 years.
1790	27,109	40,370	67,479			
1800	46,654	35,811	82,465	19,545	4,559	14,986
1810	75,153	27,081	102,237	28,502	8,730	19,772
1820	93,697	18,001	110,698	17,541	9,080	8,461
1830	122,434	3,780	126,214	29,737	15,221	14,561
1840	141,559	765	142,324	19,125	2,015	17,110
1850	149,523	233	149,762	7,967	529	7,438
1860	155,883	18	155,901	6,357	218	6,139

Now, do not these statistics show as clear as the sunlight that what few slaves existed in the north, (the 40,370 all told, found there by the census of 1790) passed over by the regular course of events into the class of free colored persons, and that there is no single instance where the increase of free colored persons beyond the natural increase will not be found sufficient to account for all the decrease of the class of slaves?

Mr. BRISCOE. It is certainly the fact that the act of 1740 odd, did prohibit the institution of slavery. But I think if the gentleman will look into the newspaper published in Boston, which published the Declaration of Independence—and being a native of Massachusetts, of course he has had access to that record—he will find that that very paper advertised a negro man to be sold.

Mr. STOCKBRIDGE. I think it very likely. I have not denied that there were slaves in Massachusetts as a matter of fact. There may have been a negro advertised to be sold as a slave. He may have been there wrongfully, or he may have been sentenced to be a slave