

**NO SLAVE-HUNTING IN THE OLD  
BAY STATE; SPEECH OF WENDELL  
PHILLIPS BEFORE THE COMMITTEE  
ON FEDERAL RELATIONS**

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No slave-hunting in the old Bay state; Speech of Wendell Phillips before the committee on federal relations by Wendell Phillips

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## S P E E C H.

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MR. CHAIRMAN,—Allow me to read the petition for which we appear :

*' To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts :*

The undersigned, citizens of Massachusetts, respectfully ask you to enact that no person, who has been held as a slave, shall be delivered up, by any officer or court, State or Federal, within this Commonwealth, to any one claiming him on the ground that he 'owes service or labor' to such claimant, by the laws of one of the slave States of this Union.'

That petition, Mr. Chairman, lies before you, it is said, with some fifteen thousand signatures. Some of these petitions you will find endorsed by the gentlemen who head and send them to you, with a statement to this effect : 'I could have got almost every, or every legal voter in the town, if I had had the time or the leisure to have circulated this petition more widely' ; and, in a few of the towns, we are assured that every legal voter, or three-quarters, or two-thirds of them, have signed this petition.

I understand, from the remarks of Mr. Higginson,

[Rev. Thomas W., of Worcester, who preceded Mr. Phillips,] that some objection has been made to what is called organized effort in this matter. I am not aware of any organization, but if there were, I should not be ashamed of it. Why have not the minority a right to organize as well as the majority? I know no reason why you, sitting in this hall, wielding the character and resources of the State, representing, as you say, a majority, with that statute-book for your expression, have a right to organization, to presses, to funds, to a system, and that we, a minority, endeavoring to create a public opinion that shall change that statute-book, have not a right to use the same means.

I do not shrink from any charge of organization. When our forefathers began to resist the British government, they organized committees, clubs, companies, governments, institutions of all kinds. I have never heard it charged as a fault upon the Whigs of 1775, that they did not fight single-handed; that they organized; that they had committees; that they corresponded; that they issued circulars. We take now, reverently, from the trembling hand of History, the very circular which Sam Adams sent out from Boston, to array the public sentiment of the Colony in favor of independence, and worship it. Who shall say, to-day, that men, also seeking to marshal the State in behalf of liberty, have no right to circulars, to organization, to a system? I scout the idea. Who is the mocking wrangler that denies our right to organize, to pay agents, and send them out into every town and school district in the Commonwealth? If we

can do better than the majority, we have a right to do it. It is no objection to any movement that it is systematic and organized ; if it be so, it is all the better.

As to the doubt whether that petition represents the public sentiment of the State, you know, gentlemen, as well as I do, that it does represent it. You know as well as I do—and you do not need our evidence to assure you of the fact—that you cannot find one respectable man in a hundred who is ready to look his fellow-citizens in the face, and declare, ‘ I mean to help the slave-hunter in catching his slave.’ Let some trading office-seeker or shameless hound say so, and the universal shrinking and loathing of the community show in what an infinite minority he stands. You know that when, bolstered by office, tempted by salary, or bribed by ambition, here and there one man can be found ready to say, ‘ I should like to see a slave-hunt, and join in it ; the Fugitive Slave Bill ought to be executed ’—you know well that, bred in Massachusetts, and vaunting himself as loudly as he may, not one in ten can stand fire, but when you bring him face to face with a fugitive slave, he shrinks from his own principles.

Now, all we ask, substantially, in this petition, is this—that you shall organize the public sentiment of Massachusetts into a statute. There will be, in this Senate and House, not one-tenth part ready to hold up their hands and say, ‘ We ourselves are free to execute the Fugitive Slave Bill.’ I do not believe that one-tenth part of your joint bodies will be found ready to do it. Then why should you, as a Legisla-

ture, hesitate to say, 'That which each one of us shrinks from doing, shall not be done' ? Ought not the law to represent public opinion ? We have, some of us, an awful idea of law, as if it were some granite pillar, around which the floating particles of human life aggregate themselves as iron filings round the magnet ; we imagine that it is an oak, rooted ; that no one can touch it ; that we are all mere incidents of it ; whereas law is as fluid as anything else. As Emerson says, Law is a mere memorandum, stating that yesterday a certain body of men thought so ; and, in effect, the voice of that statute-book simply is, 'Living men ! what do you think of me to-day ? Your fathers thought thus yesterday ; what do you think to-day ?' We ask you to answer that question. The people of this Commonwealth are disgusted with, conscientiously opposed to, and hate, the hunting of the fugitive on our soil ; and we ask you to put on the statute-book that which every man says by his own hearth-stone, and would be ashamed to deny.

We come to the Commonwealth of Massachusetts. Mr. Higginson alluded to the request we make to-day, as running singularly parallel to the long line of her history. Are you aware that this State, which you represent, was the first sovereign State, so far as I know, either in Europe or America, that abolished negro slavery, and that when she did it, she abolished it immediately and unconditionally ? In 1777, the people of Vermont met in an informal convention, not recognized as a government, and adopted a constitution that abolished slavery. They were not



recognized as a body politic until 1791. But in 1780,—the first date, so far as I know, in all history, where a distinct political sovereignty acted upon the question,—Massachusetts, by the first line of her constitution, placed there by Judge Lowell, *for that purpose*, distinctly, immediately, and unconditionally abolished slavery; and I have a manuscript report of a case by Chief Justice Cushing, acted upon immediately subsequent, in which he quotes these words as immediately abolishing slavery within the State. I am aware, of course, of the gradual extinction of white vilenage by various forms of State action. And I remember the ground taken even on negro slavery by the *Courts*, first of France, and then of England. But Massachusetts, I believe, was the first recognized sovereignty to abolish negro slavery by solemn act. It is therefore with good reason that we now ask you, a Massachusetts Legislature, to occupy that same van to-day. I think we have a right to claim it of such a government.

Why do we ask it, gentlemen? We ask it for this reason, that within the last few years, we have sent nearly four hundred fugitives from Massachusetts. We did not dare to advise them to stay. We could not take it upon our consciences to ask them to undergo the risk of remaining under your laws. Whatever we might have done individually, we could not ask another man to risk his liberty. Within a few years, nearly four hundred, probably many more unknown to us, have quitted this Commonwealth. Now, who are these fugitives? They are men and women,

who have shown a better title to liberty than we have, for we were only born free ; they were born as free, essentially, though under slave laws, and, taking life and danger in their right hands, have vindicated their title to freedom by enduring perils that make the blood curdle even to bear. Brave men and tender women, feeling the breath of hounds upon their naked limbs, bearing musket shot in their still bleeding flesh, risking death by angry floods, on frozen rivers, by starvation, in boxes, on railroad cars, deep in the hold of heavy laden ships—mothers bringing the little child's body who has sunk to death in their arms—daughters flying from a fate worse than death,—these showing forth a manhood which only the highest hours of history can equal,—at last set foot upon the soil of this Commonwealth. Is there any nobler exile that the State can welcome? Is it not enough to shame a Massachusetts man, that such men and women, the noblest blood of the earth, are not safe under her laws? Can a man be blamed for wishing that the statute-book should welcome and protect them, instead of obliging them to avoid the Commonwealth? In 1641, our fathers, just landed, proclaimed that Massachusetts had open arms for all exiles, all fugitives from tyranny and oppression; 'to such,' says Bancroft, '*she offered a free welcome and aid at the public cost.* The nation, by a special statute, made the fugitive and the persecuted the *guests* of the Commonwealth.\*'

\* If any STRANGERS or people of other nations, professing the true Christian religion, shall FLY to us from

That, Mr. Chairman and gentlemen, is the civilization which you represent. It is in the spirit of that statute, it is following the great constitutional movement of 1780, that we ask your action on that petition to-day. We want you to go further than Vermont does—we want you specifically to enact, that any person seized, or in custody in this Commonwealth, by virtue of any process under the so-called Fugitive Slave Act, shall be liberated by *habeas corpus*, issuing from the Supreme Bench of this Commonwealth. We ask you, in distinct words, to set at nought the unconstitutional enactment of the United States; and I will proceed, as briefly as possible, to tell you on what ground we place our request.

My colleague [Mr. Higginson] has asked the question, whether this is a constitutional request. He meant constitutional in view of the United States Constitution. In the first place, gentlemen, I shall step behind the United States Constitution. I remember that you,—Massachusetts,—were a sovereignty before the United States existed. Massachusetts is

the TYRANNY or OPPRESSION of their persecutors, or from famine, wars, or the like necessary and compulsory cause, they shall be *entertained and succoured* amongst us according to that power and prudence God shall give us.

*Every person within this jurisdiction, whether inhabitant or STRANGER, shall ENJOY THE SAME LAW AND JUSTICE, that is general for this jurisdiction, which we constitute and execute ONE TOWARDS ANOTHER, in all cases proper to our cognizance, WITHOUT PARTIALITY or delay.—Mass. Statutes, 1641.*