Slavery in Colonial Massachusetts

Thomas A. Malloy III
Western Michigan University

Follow this and additional works at: https://scholarworks.wmich.edu/masters_theses

Part of the History Commons

Recommended Citation
https://scholarworks.wmich.edu/masters_theses/3847
SLAVERY IN COLONIAL MASSACHUSETTS

by

Thomas A. Malloy III

A Thesis submitted to the Faculty of the School of Graduate Studies in partial fulfillment of the Degree of Master of Arts

Western Michigan University
Kalamazoo, Michigan
January 1967
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I  INTRODUCTION</td>
<td>1</td>
</tr>
<tr>
<td>II THE SLAVE TRADE</td>
<td>7</td>
</tr>
<tr>
<td>Selling Indians Into Slavery</td>
<td>7</td>
</tr>
<tr>
<td>The Negro Slave Trade</td>
<td>12</td>
</tr>
<tr>
<td>III USE OF LABOR</td>
<td>28</td>
</tr>
<tr>
<td>IV JUSTIFICATION OF SLAVERY</td>
<td>37</td>
</tr>
<tr>
<td>Legalization of Slavery</td>
<td>37</td>
</tr>
<tr>
<td>Enslavement of War Captives</td>
<td>40</td>
</tr>
<tr>
<td>Theological Justification</td>
<td>45</td>
</tr>
<tr>
<td>V  RIGHTS AND STATUS OF SLAVES</td>
<td>50</td>
</tr>
<tr>
<td>Status as Property</td>
<td>50</td>
</tr>
<tr>
<td>The Slave's Life</td>
<td>54</td>
</tr>
<tr>
<td>The Slave's Legal Privileges</td>
<td>57</td>
</tr>
<tr>
<td>Manumission</td>
<td>58</td>
</tr>
<tr>
<td>VI RESTRICTIVE LEGISLATION</td>
<td>63</td>
</tr>
<tr>
<td>Legislation to Prevent Violence</td>
<td>63</td>
</tr>
<tr>
<td>Legislation to Prevent Crime and Vice</td>
<td>74</td>
</tr>
<tr>
<td>VII DECLINE OF SLAVERY IN MASSACHUSETTS</td>
<td>81</td>
</tr>
<tr>
<td>Opposition to Slavery Before the Revolution</td>
<td>81</td>
</tr>
<tr>
<td>The Revolutionary Period</td>
<td>92</td>
</tr>
<tr>
<td>VIII SUMMARY AND CONCLUSIONS</td>
<td>102</td>
</tr>
<tr>
<td>BIBLIOGRAPHY</td>
<td>107</td>
</tr>
</tbody>
</table>
ACKNOWLEDGEMENTS

The researcher desires to extend his appreciation to all persons who assisted him with this endeavor.

Particular recognition, for greatly aiding in research, is given to the librarians of the following: the Waldo Library of Western Michigan University, the Massachusetts State Archives, and the Massachusetts State Library.

Thomas A. Malloy III
1. INTRODUCTION

The purpose of this paper is to trace the history of slavery in colonial Massachusetts. Massachusetts was by no means an originator of this institution, for the practice of slavery predates written history. Its origins probably stem from wars of conquest in which captives were used for sacrificial purposes, but as prehistoric man adopted a settled way of life, he found it practical to spare his captives' lives and enslave them. The conqueror's justification for enslavement of his captives was that he had spared their lives, and thus they were at his disposal. In a sense, one could identify the beginnings of this practice as one of the foundations for civilization, for slavery enabled certain classes to maintain themselves as leaders in the kind of society they wanted.

Slavery was present in the early civilizations of the Nile and Tigris - Euphrates valleys. When Abraham, according to Biblical tradition, came out of the "Ur of the Chaldees" there were members of his household who were servants that could be bought and sold. At the beginning of the Homeric period, slavery was well established in the Greek city states. It
remained for the Romans, however, to systematically organize the enslavement of fellow humans. As the boundaries of the Empire advanced before the conquering legions of Rome, a steady stream of barbarian captives were returned to serve in the great mercantile centers. Indeed, the origin of the word "slave" is traditionally ascribed to the use of Slavic prisoners to do the manual and menial work of the Empire.

Throughout most of ancient history, the distinctive feature of the slave was that he was a war captive. It was left to the Muslims to develop the enslavement of a racial group. During the eighth and ninth centuries, when the Muslim Empire expanded southward into Africa, Negro women were seized for harems and Negro men for military and menial service. This practice of using Negroes as slaves was later introduced by Muslim conquerors into the Iberian Peninsula. Here, it was eventually adopted by the Portuguese and Spanish as they achieved national unification. The expectation of profit from the Negro slave trade along the African coast was one of the motives for Portuguese exploration and settlement of the areas stretching from Senegal to Angola — that great coastal sweep which was to provide the primary base for the Atlantic slave trade.
When the Spanish undertook to develop their discoveries in the New World, they were primarily interested in the exploitation of the resources of the Americas. The available Indian population was readily enslaved by the Spanish conquerors, but the Indian soon proved to be unadaptable to the life of a slave. In order to solve this problem, Bartholemew de las Casas, Bishop of Chiapas, suggested that Negroes be imported from Africa to replace the Indian as a laborer. He not only saw this suggestion as solving the labor problem, but also felt that if Negroes replaced the Indian, as a laborer, it would save the Indian from harsh exploitation by the Spanish.¹ Las Casas probably felt that the Negro could better adapt to slavery than could the Indian. His suggestion was adopted, and in 1510 Negroes were imported from Africa to work in the gold mines of Hispaniola.² Thus began the trans-Atlantic slave trade.

By the time the English entered into competition for West Indian colonies, slavery as an institution had already been fully developed there by the Spanish. However, even though the English adopted the practice of

²Ibid.
using Negroes as a labor force on their sugar plantations in Barbadoes, New Providence, and the Bermuda Islands; they did not immediately assign the status of slave to the Negro. At first, Negroes were only held a few years and then freed from service in the same manner as indentured white servants. Then, by the 1630’s, the English colonials had adopted discriminatory treatment and outright slave status for the Negro. Inasmuch as slavery had never been fully institutionalized in the English homeland, rationalization for adopting the practices of other European colonizing nations had to be provided. The Negro was different in physique and color. He was a savage, and had been imported in a captive state via the international slave trade. Furthermore, he lacked the civilizing virtues of Christianity; enslavement of the Negro was justified by the fact that he was a heathen. All of these attributes marked the Negro as an inferior creature, and thus destined him for a lifetime of service to his English master.

Negroes first arrived in continental North America

---


4Justification of slavery is dealt with in greater detail in Chapter Four.
in 1619 when a Dutch vessel brought a number of them to Jamestown. These Negroes, as were those that followed them into Virginia in the 1620's, were placed in service as laborers on the small farms which were being developed in the Tidewater region. Initially, terms of service were regulated by the traditions of indenture. During the years from 1630 to 1650 de facto slavery came into existence within the colony. This condition of servitude was marked, not by statutory legalization of slavery, but rather by the accumulation of discriminatory practices and court decisions. Evidently, Virginians learned from their West Indian neighbors, since the development of their "peculiar" institution closely paralleled that which had occurred during the first thirty years of Negro servitude in the West Indian colonies.

All of the North American colonies eventually developed slavery following a pattern similar to that which had been initiated in the West Indies and adopted in Virginia. To be sure, the growth of the institution in the Southern colonies was more rapid and of greater extent than in those of the North. The failure of slavery to expand in the Northern colonies must be attributed to differences in environment and economic
circumstances.\textsuperscript{5} Although the practice of slavery was limited in these latter colonies some, Massachusetts among them, concentrated its participation in the institution by intensified activity in the trans-Atlantic slave trade. The following chapter will deal with the role that Massachusetts played in this development during the colonial period.

\textsuperscript{5}\textit{The comparative development of slavery in the North American colonies, and the influences upon this development will be discussed to a greater extent in Chapter Three.}
2. THE SLAVE TRADE

Selling Indians Into Slavery

The Massachusetts slave trade began with the exportation of Indian war captives and criminals to the West Indies. This early Indian trade was sporadic and never developed to the extent of the later Negro trade. The general practice of handling war captives was that Indian women and children were kept in the colony for domestic service, and the male warriors were exported to the West Indies where they were sold as slaves on the sugar plantations. Occasionally women and children were exported rather than held in the colony, and on other occasions the leaders of an Indian revolt were executed rather than exported.

The first instances of transporting Indian captives out of the colony occurred in 1637, during the Pequot War. In one of the first battles of this war fifteen captive Indian boys and two women were sent to Providence Island to be sold.¹ The remaining women

¹These Indians were sent to Providence Island in the ship Desire under Captain William Pierce. Infra, p. 13.
and children were parcelled out to serve as slaves among the colonists of Massachusetts and Connecticut. The adult male captives were executed.² By the close of the war most of the Pequots had been exterminated or sold into slavery.

During King Phillip's War (June, 1675 - August, 1676), the practice of selling Indians into slavery was used to a greater extent than ever before. Five hundred Indian captives were sent into slavery from Plymouth alone.³ Since Plymouth was by far the smallest colony of the New England Confederation, one can gain some idea of the probable number of Indians enslaved as a result of this war.⁴ The first incident of enslavement occurred with the beginning of hostilities on June 1, 1675. On this date the Plymouth Court of Elections decided that a group of Indians at Sandwich were in a state of rebellion. The Indians, about fifty-seven in number, were condemned to be sold


⁴As formed in 1643 the United Colonies of New England included Massachusetts Bay, Connecticut, New Haven and Plymouth. Under the charter granted by Charles II in 1663, New Haven was merged with Connecticut.
into perpetual servitude. The treasurer was given the responsibility of disposing of this "merchandise," and the income went to the treasury of the colony.\footnote{Nathaniel B. Shurtleff (ed.), Records of the Colony of New Plymouth, Vol. V: Court Orders 1668-1678 (Boston: Press of William White, 1856), p. 174.} A Plymouth law of the following year ordered that all male Indian captives, above fourteen years of age, must be sold out of the colony. Failure to so dispose of such captives would result in their forfeiture to the colony.\footnote{David Pulsifer (ed.), Records of the Colony of New Plymouth, Vol. XI: Laws 1623-1682 (Boston: Press of William White, 1861), p. 242.} Obviously, this law was designed to minimize the threat posed by the presence of enemy warriors within the colony.

On August 1, 1676 Phillip's wife and nine year old son were captured. They were fated, like many of their countrymen, to live out their lives in bondage on the plantations of the West Indies.\footnote{Josephy, p. 174.} Ten days later, Phillip was killed and his Indian confederacy was shattered. In November the Massachusetts Bay General Court determined that all adult male captives must be sold into servitude and exile.\footnote{David Bushnell, "The Treatment of the Indians in Plymouth Colony," The New England Quarterly, XXVI (June, 1953), 217.} Massachusetts Bay, like
Plymouth, was ensuring itself against the action of potential enemy warriors. Many of Phillip's followers were hunted down and enslaved, and many who surrendered met the same fate. Enslavement did not apply in every case. Ringleaders of the revolt were tried and executed.

Not only were Indian war captives sold out of the colony, but on several occasions Indians were sent into servile exile as a punishment for commission of crimes. This penalty was provided by the Plymouth court in 1674 for crimes of theft.\(^9\)

There are at least three cases in which this Plymouth law was enforced. The first case was that of Hoken, an Indian who had been sent to prison for breaking into the house of James Bursell. He later escaped and stole a horse. On July 7, 1674, the Plymouth court ordered that Hoken be apprehended and sold to Barbadoes.\(^10\) In 1678, three Indians by the names of Canootus, Symon, and Joell were found guilty of breaking and entering on the property of Zacherial Allin of Sandwich. The Plymouth court gave Allin authority to sell the Indians "as perpetual servants for life."\(^11\) In this case it seems that the plaintiff

\(^9\)Pulsifer, p. 237.
\(^10\)Shurtleff, p. 151.
\(^11\)Ibid., p. 270.
received the profit from the sale of the criminals. Joseph Peter, an Indian, stole fourteen pounds and a pint of liquor from Robert Parker of Barnstable. On June 6, 1683, the Plymouth Court sentenced him to be sold out of the colony. Thomas Wappatucke was found guilty of burglary in October of 1684 and was ordered by the court to be sold as a perpetual servant.

It should not be concluded that in sentencing Indians into slavery for criminal offences the courts of Massachusetts were being unnecessarily harsh. Crimes committed by whites were also visited with the same punishment. On December 4, 1638, William Andros, the servant of Henry Coggar, was sentenced to be severely whipped and delivered up as a slave to whatever master the court should appoint. The Boston Quarter Court had found Andros guilty of assault and conspiring against the life of his master. The same court found John Harelwood and Gyles Player guilty of several thefts and housebreaking. They were sentenced to be whipped and sold into slavery.

---


15 Ibid.
Nor should it be concluded that the people of Massachusetts were being unnecessarily harsh by selling Indian war prisoners into slavery. Many of the people in colonial Massachusetts considered enslavement of Indian prisoners a humane act in comparison to executing them as rebels. This is why only leaders of Indian revolt were sentenced to death. The sale of Phillip's young son and wife was probably regarded as an act of leniency. Several clergymen had advised that the pair be put to death because they were the wife and son of a rebel leader. There was much deliberation on what should be the fate of the pair. The Rev. John Cotton of Plymouth, Rev. Samuel Arnold of Mansfield, and Rev. Increase Mather of Boston all voted for death. However, the Rev. James Keith of Bridgewater urged milder treatment, and they were sold as slaves to the West Indies.

The Negro Slave Trade

Indian slavery in Massachusetts was soon supplemented by Negro servitude. The settlers of Massachusetts found that domestic Indian servitude was not efficient. For instance, Indian labor was used in Plymouth for

---


17Ibid.
cutting wood and for ordinary farm labor. However, the use of Indians in the former occupation was later forbidden by the court because of their wasteful methods. In addition the Indian slave was considered vindictive, lazy, and inclined to run away. Thus the colonists of Massachusetts began to employ Negro labor in the hopes that they would not possess the same characteristics.

The first Negroes to be imported into Massachusetts were ones for which Pequot captives had been exchanged at Providence Island. Captain William Pierce, commander of the Salem ship Desire, effected this trade. Pierce returned from the West Indies in 1638, after a seven month voyage, with cotton, tobacco, salt, and Negroes. Since Samuel Mavericke of Noddles Island is reported to have had possession of Negroes in 1638, it can probably be concluded that they were brought from the Desire's cargo, and that Mavericke became the first owner of Negroes in Massachusetts.

---

18 Bushnell, p. 194.


21 "Belknap Papers," Collection of the Massachusetts Historical Society, 5th series, III (Boston, 1882), 391. Noddles Island is present day East Boston.
It seems that Mavericke purchased these Negroes with the intention of breeding them. However, when he placed a male with one of the women, she rejected her intended mate. The woman was a queen in her own country and considered the male Negro below her station in life.²²

The seventeenth century slave trade to Massachusetts was light in comparison to what it would be in the next century. The relative unimportance of this activity is reported in Governor Bradstreet's letter of May, 1680 to the Committee of Trade and Plantations. Bradstreet wrote that two years earlier a vessel had brought about forty to fifty Negroes from Madagascar. Other than this, he stated that only small shipments of Negroes occasionally arrived from Barbadoes and other English plantations.²³ Rather than bringing Negroes directly back to the colony, Massachusetts' traders acted as carriers for other English colonies. Ships would bring masts and yards to Africa, mainly to the Guinea Coast and Madagascar, and then bring

²²S. F. Smith, History of Newton, Massachusetts 1630-1680 (Boston: American Logotype Co., 1880), p. 534. It would be improper to call Mavericke's Negroes slaves; they were probably indentured servants. Infra, p. 38.

Negroes back to the Americas.

Among the ships that took part in this early trade were the **Fortune**, and the **Gift of God**. In 1649 the **Fortune**, owned by John Parrish of Charlestown and captained by Thomas Willoughby left Massachusetts. The ship sailed for the Guinea Coast, then to Barbadoes and back to Massachusetts.²⁴ More than likely the **Fortune** left off at Barbadoes whatever Negroes it picked up in Guinea. The following year, the **Gift of God** sailed from the Pescataqua River for Barbadoes where it took aboard "...such a Carazoone of goods fitting for a voyage to Guiney..."²⁵ The seamen on this voyage were prohibited to trade in Africa on their own. This was probably to ensure more room for a larger Negro cargo. A further participation in the seventeenth century trade was carried on by two Boston merchants. In 1678 John Endicott and John Saffin were selling Negroes to slave holders in Virginia.²⁶

At the beginning of the eighteenth century, Massachusetts merchants increased their activity in both the importation of Negroes and in the carrying trade,

²⁴Ibid., p. 9.
²⁵Ibid.
and the passing of the century was marked by further acceleration. Salem, Charlestown, Newburyport, Kittery, and Boston took a major part in this trade. The Crowninshields of Salem; the Royalls of Charlestown; the Pepperells of Kittery; and the Belchers, Waldos, Fanueils, and Cabots of Boston became leading slave merchants of the colony.27 Boston became the center of this activity. The weekly issues of the Boston News Letter, from the date of its first printing in 1704, invariably contained advertisements for slaves.28 Between February of 1746 and February of 1757, the Boston Custom-House listed, in the News Letter, twenty-one ships leaving for Africa.29 Thus, Boston alone averaged almost two ships a year participating in the slave trade for that period. Between August, 1771 and November, 1774 the Boston Custom-House listed twenty-three ships, in the News Letter, leaving for Africa.30 This was an average of about seven ships a year participating in the slave trade for that period.

There were a number of reasons for this increase

27Ibid., p. 28.
28Winsor, p. 485.
29Donnan, p. 66.
30Ibid., p. 76.
in activity. In 1698, Parliament broke a monopoly of the trade which had been held by the Royal African Company. This further opened the slave commerce to individual competition. The Asiento of 1713 gave England the monopoly of supplying 4,800 slaves annually to Spanish America, thus expanding the slave market for the English colonies. The inability of Massachusetts soil to support a profitable agricultural economy led the colony to look for profit on the sea. Lastly, as the Massachusetts industries grew, so did their need for labor.

Molasses and raw sugar distilled into rum made a staple export to Africa. The quantity of rum distilled in Massachusetts was enormous. In 1750, the colony had sixty-three rum distilleries, and it is estimated that for the same year the colony used more than 15,000 hogshead of molasses for distillation. Some of the rum was taken to Africa where it was exchanged for a human cargo. The ship would then follow the Middle Passage to the West Indies where the slaves were unloaded and sold. Occasionally, the ships would bring their human cargo to the Southern colonies. At the West Indies, the vessels would reload the raw

sugar and molasses and return to Massachusetts.

The operation of this trade can be seen in the instructions of ship owners to their captains. On March 12, 1734, Samuel Waldo, owner of the sloop Africa of Boston, instructed Captain Samuel Rhodes to sail for Guinea. Once in Guinea, Rhodes was to trade for gold dust and Negroes. He was then to sail for the West Indies or Virginia and sell his cargo of slaves.32 Over two years later, on August 26, 1737, Rhodes wrote from North Kingston. He stated that he had purchased two hundred slaves and a ton of wax, and that he was forced to stay on the coast for eight months to trade.33 In another set of orders, on January 14, 1759, the owner of the snow Caesar instructed Captain William Ellery to stop at Senegal and then proceed down the coast of Africa. Ellery was to discharge and trade his cargo until he obtained two hundred slaves. He was then to sail to South Carolina, presumably to sell his Negroes. In carrying out his instructions, Ellery was able to obtain one hundred and fifty-three adult Negroes and two children.34

Slaves brought into Massachusetts for the purpose

32Donnan, p. 43.
33Ibid., p. 47.
34Ibid., p. 68.
of augmenting the labor force of the colony rarely came directly from Africa. Rather, ships stopping at the West Indies would pick up slaves either born or trained as house servants in the islands. Negroes from the West Indies were preferred because they had already acquired the more important elements of British culture. This was important since slaves were used in positions that required close contact and communication between slave and master. The preference for West Indian Negroes is shown by slave advertisements which appeared in the Boston News Letter:

A young Negro girl born in Barbadoes that speaks good English, to be sold by Mr. Grove Hirst, merchant, and to be seen at his house in Trea-mont Street, Boston (November 10, 1712).35

A very likely Negro Man, aged about 18 to 20 years, lately arrived from Jamaica, to be sold by Capt. Gilbert Bant and to be seen at his house in Middle-Street, Boston (April 13, 1713).36

Even though West Indian slaves were preferred, on several occasions Negroes directly from the coast of Africa were brought to Massachusetts and sold. Boston News Letter advertisements illustrate this:

General choice Gold Coast Negroes lately arrived. To be sold at Mr. Bulfinche's near Town Dock, Boston (November 17, 1726).37


36Donnan, p. 25.

37Jennings, p. 86.
Just Imported from Africa a Number of Prime young slaves from the Windward Coast. To be seen at Mr. Blanchard's store at New Boston (May 20, 1762). 38

Regardless of the area of origin of the slaves, young males were invariably in greatest demand. This was because they could perform heavier labor and had a greater life expectancy. Captain William Atkinsin of the sloop Katherine, leaving Boston on December 28, 1728, was instructed by the owner to set sail for the coast of Guinea and "invest the produce thereof mostly in likely Negroes from 12 to 25 years of age the greatest part to be boys." 39 Negro infants were considered worthless, and on many occasions they were given away like new born puppies. The Boston Gazette of July 13, 1761, besides advertising prime young slaves from the Windward Coast, listed a "... likely, hearty, male Negro child about a month old to be given away." 40 Of course, though young adult males were preferred, Negroes of both sexes and all ages were imported to the colony. 41

38 Donnan, p. 65.
39 Ibid., p. 37.
41 The April 17, 1732 Weekly Rehearsal had an advertisement offering for sale three Negro men, and a Negro woman, and a Negro boy and girl; Donnan, p. 39. The Boston Gazette of May 24, 1762, advertised the sale of both male and female Negroes from ten to twenty years of age; Waters, p. 214.
Small vessels were considered more profitable than large ones. They were handled by small crews; normally made up of a captain, two mates, and about six seamen. The value of these vessels was not great. The snow Susey was bought in Boston in 1759 and outfitted at a total cost of 568 pounds. The Sandewon brigantine was offered new in 1745 for 450 pounds. This low overhead of slave ships, plus the high selling price of slaves, made the slave trade a highly profitable business. For instance, the Jolly Bachelor, in 1743, sold its load of only twenty slaves for a profit three times the cost of the Susey.

The market value of slaves in Massachusetts varied throughout the Colonial period. The general trend was for prices to continuously rise. This was probably because of the steady inflation all during the Colonial period; and because as Massachusetts industries grew there was a greater demand for slave labor. Governor Bradstreet stated that about 1678 a ship arriving in the colony sold its human cargo for fifteen to twenty pounds each. By the second quarter

---

42 Weeden, p. 458.
43 Ibid.
44 Donnan, p. 54.
of the eighteenth century, however, when the purchasing power of the pound had decreased and there was a greater need for slave labor, slaves were being sold for about eighty to ninety pounds each. In 1727 a cargo of slaves were received in Boston; the highest price paid for any one slave was eighty pounds.\textsuperscript{46} In a private sale, Benjamin Bancroft of Charlestown, in 1728, sold his Negro boy to William Lawrence for ninety pounds.\textsuperscript{47} Fifteen years later slaves were sold from the cargo of the \textit{Jolly Bachelor} for as high as one hundred and five pounds each.\textsuperscript{48}

Even though Boston was a major port for the slave trade, it never rivaled Newport, Rhode Island in this respect. This was unusual in the sense that Newport was only a second rate port compared to Boston. Boston was larger, more important as a trading center, and her commerce was more far flung. It has been estimated that during the eighteenth century three ships sailed out of Boston Harbor for every one that sailed out of Newport.\textsuperscript{49} It can be further estimated that not only

\begin{itemize}
  \item \textsuperscript{46}Weeden, p. 456.
  \item \textsuperscript{47}"Slavery in Groton," \textit{Proceedings of the Massachusetts Historical Society}, XLII (Boston, 1909), 197.
  \item \textsuperscript{48}Donnan, p. 54.
  \item \textsuperscript{49}Jennings, p. 83.
\end{itemize}
was Newport's slave trade larger than Boston's but that the slave trade of Rhode Island as a whole was larger than that of the entire colony of Massachusetts.

Why did not Massachusetts merchants take a greater part in the slave trade? Part of the answer might be that the merchants of Massachusetts figured that the danger which confronted their crews and cargoes in this trade, was too high a price to pay. On many occasions the human cargo and crew would sicken and die. Such an incident occurred on the schooner Mermaid, which sailed into Boston Harbor on July 9, 1739. The Mermaid was returning from a cruise down the Gambia River. The vessel had had a cargo of fifty Negroes and a crew of eleven white men. About one hundred and fifty leagues up the river, smallpox had broken out on the ship. After ten weeks sailing, two whites and one black died of this disease. Later, in the voyage, fifteen Negroes died. While just before entering Boston Harbor, they had buried two more Negroes on Cape Cod.50 A committee which included a doctor was sent to inspect the Mermaid. They reported finding about twelve of the slaves sick with fever, and that there was a sickening odor on the vessel.51

50Ibid., p. 89.
51Ibid.
For the safety of the town, the vessel was not permitted to come to the wharf. It was sent to Rainsford Island in order that the ballasts could be shifted, the vessel cleaned, the water casks could be put ashore, and the sick Negroes could be attended.  

The fate of three other slave vessels also illustrate the hazards of sickness on board ship. On July 11, 1765, the Boston Gazette published an article about a Captain Spear of Boston who had sailed for Africa eighteen months earlier. Spear buried his mate, cabin boy, and all hands on the coast of Africa. While he waited for the arrival of a man-of-war to supply him with a new crew, he lost a great number of slaves to illness. Spear finally entered Boston Harbor on August 29, after delivering eighty slaves to Charleston, South Carolina.

In January of 1766, the sloop Friend sailed from Boston, under a Captain Dole, on an eighteen month voyage. The ship made several calls along the coast of Africa. Its first stop was at Anamado where one hundred and two slaves were purchased. Captain Dole died during the voyage after sixty-four days of illness. Before the trip was over, four of the crew and sixty-six of the Negroes died.

On July 15, 1773, the Boston News.

---

52 Donnan, p. 51.
53 Ibid., p. 72.
54 Ibid., p. 74.
Letter published a story about a schooner that had sailed from Salem under Captain John Masury. The schooner voyaged to the Gambia River and then to the West Indies with twenty-five slaves. During the voyage, the captain and three other men died.55

Another hazard of the slave trade was rebellion by the captives. Two examples of rebellion occurred in 1750, and 1761. The Boston Post Boy, of June 25, 1750, reported that a ship had left the coast of Africa with three-hundred and fifty slaves on board. When the vessel was in sight of Guadeloupe, the slaves rebelled, killed the master and mate, and threw fifteen of the crew overboard. Upon hearing about the rebellion, the Commandant of the island raised about a hundred men, subdued the vessel, and brought it into Port Louise.56

The second incident was reported in an article of the September 24, 1761, Boston News Letter. The article concerned a voyage of the sloop Thomas. While the ship had been on the coast of Africa, the Negro captives attacked the crew. However, the violence ceased when the Negro leader was shot and other captives were wounded.57

55Ibid., p. 76.
56Ibid., Vol. II: The Eighteenth Century, 485.
57Ibid., III, 67.
Further hazards of the slave trade were piracy and attacks by the natives. An illustration of a native attack was the voyage of a Captain Moore in 1763. The Boston News Letter, of September 6th of that year, reported that Moore's vessel was fired upon by natives on the evening of June 11th as it was sailing down the Gambia River. The engagement lasted until daybreak when, after the natives attempted to board the ship, the crew was able to force them to retreat.\(^5\)

An example of piracy is illustrated by the voyage of the Jolly Bachelor in 1742. The Jolly Bachelor was a snow owned by Peter Faneuil, John Jones and a Captain Cutler. All three men were residents of Boston. On March 9, 1742, while trading on the Guinea Coast, Cutler and two of his sailors were murdered by some Portuguese and their native allies.\(^5\) The pirates stripped the vessel and took about seventy to eighty slaves that were on board. Sometime later George Birchall, a resident of the nearby Banana Islands, arrived on the scene. He refitted the abandoned snow, and recovered some of the stores and twenty of the slaves.\(^6\) Birchall appointed Captain Charles Wickham

\(^5\)Jennings, p. 88.
\(^5\)Weeden, p. 468.
\(^6\)Ibid., p. 466.
as the new master. Wickham sailed the **Jolly Bachelor** into Newport, in August of 1743, and, as Birchall's agent, sued for salvage.⁶¹

It is possible that the dangers of sickness, mutiny, piracy, and native attacks might have discouraged the merchants of Massachusetts from taking too great an interest in the slave trade.⁶² However, since these conditions were also faced by the Rhode Islanders who engaged in the same activity, these dangers can not be considered as a complete explanation of the comparatively low level of participation by the Massachusetts merchants. Lacking the type of hinterland and forest resources held by Massachusetts, Rhode Island concentrated on the slave trade. The merchants of Massachusetts, using these resources which were not possessed by Rhode Island, were apparently content to take slower, steadier, but in the end equally great profits from other areas of trading. So even though slave trading was an important part of colonial Massachusetts' maritime economy, it always lagged behind Rhode Island in this respect.

⁶¹Donnan, III, 54.

⁶²Jennings, p. 87.
3. USE OF LABOR

Even though Massachusetts was one of the major slave trading colonies, slavery never developed to a great extent within the colony. The extent to which slave labor was used in colonial Massachusetts can be seen by comparing its Negro population with a typical slaveholding colony such as Virginia. In 1640, both Massachusetts and Virginia had a population of one-hundred and fifty Negroes. In each instance, this was 1.5 per cent of the total population. However, for the next sixty years the Negro population of Massachusetts remained relatively constant in proportion to the total population. By contrast, the Negro population of Virginia constantly grew until in 1700 it represented twenty-eight per cent of the total population. In that year, the Negro population of Massachusetts represented only 1.4 per cent of the people in the colony. In the years just prior to the Revolution, Virginia had 190,105 Negroes, which was 41.1 per cent of the population; while Massachusetts had 5,229 Negroes, only two per cent of the total population.¹

¹The statistics in this paragraph were taken from Table I. *Infra*, p. 29.
<table>
<thead>
<tr>
<th>Year</th>
<th>Massachusetts Total</th>
<th>Massachusetts White</th>
<th>Massachusetts Negro</th>
<th>Negro Percentage</th>
<th>Virginia Total</th>
<th>Virginia White</th>
<th>Virginia Negro</th>
<th>Negro Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1620b</td>
<td>102</td>
<td>102</td>
<td>0</td>
<td>0</td>
<td>2,200</td>
<td>2,180</td>
<td>20</td>
<td>1</td>
</tr>
<tr>
<td>1630c</td>
<td>1,296</td>
<td>1,296</td>
<td>0</td>
<td>0</td>
<td>2,500</td>
<td>2,450</td>
<td>50</td>
<td>2</td>
</tr>
<tr>
<td>1640c</td>
<td>10,852</td>
<td>10,702</td>
<td>150</td>
<td>1.5</td>
<td>10,442</td>
<td>10,292</td>
<td>150</td>
<td>1.5</td>
</tr>
<tr>
<td>1650c</td>
<td>16,603</td>
<td>16,308</td>
<td>295</td>
<td>1.8</td>
<td>18,731</td>
<td>18,326</td>
<td>450</td>
<td>2.2</td>
</tr>
<tr>
<td>1660c</td>
<td>22,062</td>
<td>21,640</td>
<td>422</td>
<td>1.9</td>
<td>27,020</td>
<td>26,070</td>
<td>950</td>
<td>3.5</td>
</tr>
<tr>
<td>1670c</td>
<td>35,333</td>
<td>35,173</td>
<td>160</td>
<td>0.4</td>
<td>35,309</td>
<td>33,309</td>
<td>2,000</td>
<td>5.7</td>
</tr>
<tr>
<td>1680c</td>
<td>46,152</td>
<td>45,982</td>
<td>170</td>
<td>0.4</td>
<td>43,596</td>
<td>40,596</td>
<td>3,000</td>
<td>6.9</td>
</tr>
<tr>
<td>1690c</td>
<td>56,928</td>
<td>56,528</td>
<td>400</td>
<td>0.7</td>
<td>53,046</td>
<td>43,701</td>
<td>9,345</td>
<td>17.9</td>
</tr>
<tr>
<td>1700c</td>
<td>55,941</td>
<td>55,141</td>
<td>800</td>
<td>1.4</td>
<td>58,560</td>
<td>42,170</td>
<td>16,390</td>
<td>28.0</td>
</tr>
<tr>
<td>1710c</td>
<td>62,390</td>
<td>61,080</td>
<td>1,310</td>
<td>2.1</td>
<td>78,281</td>
<td>55,163</td>
<td>23,118</td>
<td>29.5</td>
</tr>
<tr>
<td>1720c</td>
<td>91,008</td>
<td>88,858</td>
<td>2,150</td>
<td>2.3</td>
<td>87,757</td>
<td>26,559</td>
<td>61,200</td>
<td>30.3</td>
</tr>
<tr>
<td>1730c</td>
<td>114,116</td>
<td>111,336</td>
<td>2,780</td>
<td>2.4</td>
<td>114,000</td>
<td>30,000</td>
<td>84,000</td>
<td>26.3</td>
</tr>
<tr>
<td>1740c</td>
<td>151,613</td>
<td>148,578</td>
<td>3,035</td>
<td>2.0</td>
<td>180,440</td>
<td>120,440</td>
<td>60,000</td>
<td>33.3</td>
</tr>
<tr>
<td>1750c</td>
<td>188,000</td>
<td>183,925</td>
<td>4,075</td>
<td>2.2</td>
<td>231,033</td>
<td>129,581</td>
<td>101,452</td>
<td>43.9</td>
</tr>
<tr>
<td>1760c</td>
<td>222,600</td>
<td>217,734</td>
<td>4,866</td>
<td>2.2</td>
<td>339,726</td>
<td>199,156</td>
<td>140,570</td>
<td>41.4</td>
</tr>
<tr>
<td>1770c</td>
<td>266,565</td>
<td>261,336</td>
<td>5,229</td>
<td>2.0</td>
<td>462,716</td>
<td>272,611</td>
<td>190,105</td>
<td>41.1</td>
</tr>
<tr>
<td>1780c</td>
<td>317,560</td>
<td>312,480</td>
<td>5,280</td>
<td>1.7</td>
<td>583,004</td>
<td>355,222</td>
<td>227,782</td>
<td>39.1</td>
</tr>
</tbody>
</table>


*bPopulation of Plymouth Colony.*

*cIncludes population of Plymouth and Maine Counties.*
The main reason for the lack of growth of slavery in Massachusetts as compared with Virginia was the difference in economic activities. Virginia, during the period from 1620 to 1700, gradually developed a one-crop economy based upon tobacco culture, whereas Massachusetts became involved in more diversified activities. By the close of the century, Virginia in its fertile tidewater region had developed a plantation economy. Massachusetts, with its thin rocky soil, had found that agriculture, at best, provided for only a subsistence economy, and had turned to trade and industry for its economic development. In short, Virginia's economy demanded a large supply of raw labor, while that of Massachusetts depended upon the skilled artisan, the tradesman, and the independent yeoman.

Since the economic activity of Massachusetts was very diverse, so was the labor for which the Negro slave was used. Slaves were used in menial jobs such as porters, errand boys, teamsters, and as common laborers. Many worked at skilled jobs such as blacksmiths, carpenters, tanners, printers, tailors, sawyers, and coopers. The Boston News Letter of August 4, 1718, gave notice of a runaway Negro ironworker; the Boston Gazette of January 15, 1754, gave notice of a runaway Negro cooper; and the Boston Gazette of February 2, 1748,
gave notice of a runaway shipyard worker by the name of Caesar.\(^2\)

Slave labor was used to a great extent in the maritime industry. Negroes were employed aboard ship as well as on shore. They were used at sea as cooks and seamen; and on shore they were needed at such trades as rope-makers, anchor-smiths, sail-makers, and ship-carpenters. The *Boston News Letter* of October 19, 1749, advertised the sale of "Five strong, hearty, stout Negro Men, most of them Tradesmen, such as Caulkers, Sailmakers, etc."\(^3\) In 1682, a Negro belonging to Peter Cross had demonstrated his ability as a seaman so well that he was managing his master's sloop at sea.\(^4\) In 1702, Captain Halsey of Boston employed Tonney, the slave of Samuel Lynde, as a cook on his vessel.\(^5\) John Mico of Boston, in 1703, hired out his slave Jeffrey as a seaman to Captain Samuel White.\(^6\)

Population distribution further demonstrates the use of Negro slaves in maritime activities. On


\(^3\)Donnan, III, 66.


\(^5\)Ibid.

\(^6\)Ibid.
November 19, 1754, the Massachusetts General Court instructed the towns to take a census of the Negro slaves, sixteen years or older, in their jurisdiction. The census showed that towns in the agricultural areas had the smallest number of Negro slaves. Typical farming towns and the number of Negroes in each were: Chelmsford, 8; Marlborough, 6; Westford, 5; Tewksbury, 2; Acton, 1; and Stoneham, 8.7 However, the maritime towns had comparatively larger numbers of Negroes. Examples are: Salem, 83; Gloucester, 61; Ipswich, 62; Newbury, 50; Scituate, 43; and Boston, 989.8

In 1776, the counties having the largest percentage of Negro population were maritime. Coastal counties and percentages of the population which were Negro are as follows: Suffolk, 2.4; Essex, 2.0; Nantucket, 2.9; and Bristol, 2.1.9 Barnstable was the sole exception to this generalization with only a 1.1 per cent Negro population. Lincoln, which constituted the vast hinterland of Maine, had the lowest percentage of Negroes in the population.10

---

7"Slaves in Massachusetts, 1754," Collection of the Massachusetts Historical Society, 3rd series, III (Boston, 1846), 95.
8Ibid.
9See Table 2. Infra, p. 34.
10Ibid.
counties of Massachusetts had the next lowest per cent: Berkshire, 1.1; Worcester, 0.9; and Hampshire, 0.7. These figures do not differ greatly from those in the first authentic census taken in Massachusetts in 1767.

Household service represented the most important use of Negro labor. Females served as cooks, laundresses, maids, and nurses. Male slaves served as coachmen, attendants, valets, and also performed heavy tasks around the house. Colonial slave advertisements reflect the need for Negro household slaves. Typical examples from the Boston News Letter follow:

A likely Negro woman to be sold. The Rev. Mr. Prince has a Negro woman about 20 years of age, well-educated, accomplished for all manner of household business, to be disposed of (December 29, 1726).

Several likely young Negroes of both sexes, lately imported from the West Indies, fit for either Town or Country Service, among who is a choice Negro Man suitable for a Gentleman's Family: To be sold. Inquire at Capt. Nath Jarvis's near Scarlet's Wharff at the North End, Boston (December 28, 1732).

To be Sold by John Uryling, living in Beacon Street, Two very likely young Negro girls, and

\[11\] Ibid.


\[13\] Windsor, p. 485.

\[14\] Donnan, III, 39.
TABLE 2

DISTRIBUTION OF NEGROES IN MASSACHUSETTS
BY COUNTIES IN 1776a

<table>
<thead>
<tr>
<th>Counties</th>
<th>Whites</th>
<th>Negroes</th>
<th>Total</th>
<th>Per Cent Negro</th>
</tr>
</thead>
<tbody>
<tr>
<td>Suffolk</td>
<td>27,419</td>
<td>682</td>
<td>28,101</td>
<td>2.4</td>
</tr>
<tr>
<td>Essex</td>
<td>50,903</td>
<td>1,049</td>
<td>51,952</td>
<td>2.0</td>
</tr>
<tr>
<td>Middlesex</td>
<td>40,119</td>
<td>702</td>
<td>40,821</td>
<td>1.7</td>
</tr>
<tr>
<td>Hampshire</td>
<td>34,315</td>
<td>245</td>
<td>34,560</td>
<td>0.7</td>
</tr>
<tr>
<td>Plymouth</td>
<td>26,906</td>
<td>487</td>
<td>27,393</td>
<td>1.7</td>
</tr>
<tr>
<td>Barnstable</td>
<td>15,344</td>
<td>171</td>
<td>15,515</td>
<td>1.1</td>
</tr>
<tr>
<td>Bristol</td>
<td>26,656</td>
<td>583</td>
<td>27,241</td>
<td>2.1</td>
</tr>
<tr>
<td>Yorkb</td>
<td>17,593</td>
<td>241</td>
<td>17,834</td>
<td>1.3</td>
</tr>
<tr>
<td>Dukes</td>
<td>2,822</td>
<td>59</td>
<td>2,881</td>
<td>2.0</td>
</tr>
<tr>
<td>Nantucket</td>
<td>4,412</td>
<td>133</td>
<td>4,545</td>
<td>2.9</td>
</tr>
<tr>
<td>Worcester</td>
<td>46,331</td>
<td>432</td>
<td>46,763</td>
<td>0.9</td>
</tr>
<tr>
<td>Cumberlandb</td>
<td>13,910</td>
<td>162</td>
<td>14,072</td>
<td>1.1</td>
</tr>
<tr>
<td>Lincolnb</td>
<td>18,563</td>
<td>85</td>
<td>18,648</td>
<td>0.5</td>
</tr>
<tr>
<td>Berkshire</td>
<td>18,552</td>
<td>216</td>
<td>18,768</td>
<td>1.1</td>
</tr>
<tr>
<td>TOTAL</td>
<td>343,845</td>
<td>5,249</td>
<td>349,094</td>
<td>1.5</td>
</tr>
</tbody>
</table>

aJournals of the Provincial Congress of Massachusetts in 1774 and 1775 (Boston, 1838), p. 755.

bCounties in Maine.
a Negro boy, just imported from Mounserrat, and can understand and speak pretty good English, and are already very handy in the Family (July 19, 1739). 15

The labor of the Negro slave was not just restricted to menial tasks; many slaves were rewarded with positions of trust and responsibility. About the year 1740 there was a Negro slave, in Groton, by the name of Boad, who was the town herdsman. 16 Prince, the slave of Col. Joseph Buckminster, of Framingham, supervised a large farm for his master. 17 In 1769, Mingo, the hired slave of Miles Foster, of Boston, managed a warehouse owned by Roger Derly. 18 Mecheck, the slave of Col. Kensdale, of Deerfield, operated his owner's store. 19

This chapter has been designed to show that the economic activities of colonial Massachusetts developed along lines which minimized the need for a large number of slaves. The southern slaveholding colonies with their long growing season and fertile soil were able to grow crops that demanded a large supply of raw

15Ibid., p. 50.

16Proceedings of the Massachusetts Historical Society, XLII, 199.


18Ibid.

19Ibid.
labor for cultivation. However, Massachusetts with its rocky soil and short growing season never developed a one-crop economy. Also, it developed a land system where the relatively small freehold rather than the plantation became the rule. Thus, there was only a limited use of slave labor within the colony, and this was mainly in the maritime industry and as domestic servants.
4. JUSTIFICATION OF SLAVERY

Legalization of Slavery

As previously mentioned, all of the North American colonies held their first Negroes as indentured servants. This practice was originally initiated in the West Indies and influenced the same usage in the other English colonies. Massachusetts' policy was also shaped by the Mosaic Law, which had influences on the Puritans. This code assigned a six year period of service to Hebrew servants. It wasn't until the 1640's that Negroes in Massachusetts were placed in lifetime service, a practice initiated in the West Indies in the 1630's.²

Formal legalization of slavery was adopted in the Body of Liberties of 1641, and this gave Massachusetts precedence over the rest of the North American colonies for the sanctioning of slavery.³ This law

---

That there shall never be any Bond-Slavery, Villenage or Captivity amongst us, unless it be lawfulCaptives taken in just Wars, and such strangers as willingly sell themselves or are sold to us, and such shall have the liberties and Christian usage which the Law of God established in Israel concerning such persons doth morally require; Provided this exempts none from servitude who shall be judged thereto by Authority.4

This law was later included in the articles of the New England Confederation. It was reaffirmed in Massachusetts in 1649, and in 1670 the colony legalized the enslavement of Negro offspring by dropping the word strangers from the law.5 Even though the Negro and Indian was now legally enslaved, the records through most of the seventeenth century still referred to them as "servants."

There is some controversy over whether or not the law of 1641 actually legalized slavery in Massachusetts. Historians such as John Gorham Palfrey and Emory Washburne say that this law did not legalize the institution. However, other historians such as George H. Moore, Lorenzo Greene, and Elizabeth Donnan agree that this law provided for statutory recognition of slavery in the colony.6 Winthrop Jordon also feels that the

4Donnan, III, 4.

5Greene, Journal of Negro History, XXIV, 514.

Massachusetts Body of Liberties gave statutory recognition to slavery, but he says that the law was only sanctioning a situation which already existed in the English colonies of the West Indies rather than developing anything new.\(^7\) Oscar and Mary Handlin do not take a stand on this controversy. They do say that the evolution of the slave status in the North closely followed the South, and then they quote part of the Body of Liberties.\(^8\)

To be sure, at this early date, the Puritans were not planning for the general enslavement of Negroes. This law was probably passed to just insure the legal enslavement of Indians, and later as Negro slavery was used to a much greater extent it was used to justify the enslavement of these people. It should also be pointed out that when the Puritans referred to "strangers," they meant anyone who was not a member of their religious faith. Taken literally this would mean that the Puritans were legalizing the enslavement of white people of other faiths. However, it is doubtful that Puritans had any plan for the general enslavement of whites; they probably used the word "strangers"

\(^7\)Jordon, William and Mary Quarterly, XVIII, 44.

in this case as a reference to just Indians.

Enslavement of War Captives

The Puritans felt that as long as tradition sanctioned the enslavement of prisoners of war, they were completely justified in enslaving Indian war captives or Negroes who were captives of African wars. Enslavement of any person who was not a prisoner of war, or who was not legally enslaved by the court was considered man-stealing. There are incidents where some people were indicted for unjustly enslaving Negroes and Indians.

In 1644 a number of Boston men agreed to joint articles for a slaving voyage. Among the adventurers were James Smith and Captain Thomas Keyser. They sailed for the Guinea Coast in three ships: the Blossome, the Seaflower, and the Rainbows. On the African coast the Boston men joined forces with some Londoners who said that they had been injured by the natives. The combined force attacked a native town, using artillery, and killed about a hundred persons. However, the whites were forced to retreat after suffering heavy casualties. During the course of the action the attackers had succeeded in taking a few

9Jennings, p. 39.
Negro prisoners. Then Keyser and Smith took the captives to Barbadoes where they exchanged all but one of them for wine, sugar, salt and tobacco. In April of 1645 the two men returned to Massachusetts with the remaining Negro.\textsuperscript{10}

Information about Keyser's and Smith's voyage reached the colony prior to their arrival, and upon their return a controversy arose over whether or not the Negro hostage was a captive of a just war.\textsuperscript{11} Many people felt that the two men had no right to attack the native village. Richard Saltonstall petitioned the General Court to investigate the matter. In his petition, Saltonstall accused Keyser and Smith of three crimes. He further stated that all three were capital crimes. The first two were those of murder and of "stealing Nigers," both contrary to the laws of God and of the colony. The third crime was that of doing servile work on the Lord's Day which was "capital by the law of God."\textsuperscript{12} This latter accusation stemmed

\textsuperscript{10}Hosmer, II, 227.

\textsuperscript{11}The fact that this controversy arose shows that the slave trade was not yet a fully developed business in Massachusetts. At this time the Puritans were making sure that slave traders stayed within the limits of the law of 1641. As time passed and the slave trade grew, nothing was said about how traders obtained Negro captives, even if they were not captives taken in war.

\textsuperscript{12}Donnan, III, 6-7.
from the fact that Keyser and Smith had attacked the native village on the Sabbath. Saltonstall went on to say that since these outrages were committed where there was no civil government, and since the acts were committed by persons under the General Court's jurisdiction, it was the court's responsibility to deal with the case.13

On October 1, 1645, the court wrote to a Mr. Williams of Pescataqua, who had bought the Negro, saying that it understood that the Negro was "... fraudulently and inuriously taken and brought from Ginny." The court further stated that it planned to send the Negro back.14 On October 7 the House of Deputies ordered that Smith and Keyser "... be laid hold on and committed to give answer in convenient time..."15 Then, on November 4, the General Court "... bound by the first opportunity to bear witness against the hyynos and crying sinn of man stealing..." ordered that the Negro "... be by the first opportunity, at the charge of the country, sent to his native country of Ginny, and a letter with him of the indignation of

13Ibid., p. 7.
14Shurtleff, Records of the Governor and Company, II, 137.
15Donnan, III, 7.
the Court."...

On the same day a committee was appointed "... to examine witnesses and to draw up a case about Capt. Smith and Mr. Keyser killing and stealing nigers." 17

In the case of Smith and Keyser, probably no protest would have been made if the Negro had been acquired in an exchange rather than being kidnapped. A greater crime in the opinion of the Puritans was the fact that the two men had attacked and killed Negroes on the Sabbath, thus desecrating the Lord's Day. However, it appears that Smith and Keyser did not receive any form of punishment, probably because the offense was committed in another country and because the Londoners claimed that the attack was "just revenge." 18

As for the Negro, there is no record of what finally happened to him. However, since the court did order his release and exportation, it can probably be concluded that he was sent back to his homeland.

Action was also taken to prevent the unjust enslavement of Indians. In 1675 the General Court ordered the placement of a number of Indians upon some islands. These Indians had recognized the court's

17Ibid., p. 176.
18Donnan, III, 6.
authority and placed themselves under the protection of the colony and were being placed on the islands for both their own and the colony's security. The court further ordered that if any person presumed to "take, steale, or carry away either man, woman or child of the sayd Indians" they would be considered guilty of man stealing. A further example is offered by the case of William Waldron and Henry Lawton. Waldron and Lawton had a warrant to seize any Indians in the eastern part of the colony who were guilty of acts of violence against the English. However, the two men had seized fifteen Indians who were not guilty of these crimes and transported them to Fayal. Bernard Trott was given a commission by Governor Leverett to return the Indians to their homes. On March 6, 1676, Waldron and Lawton were indicted and tried before the Court of Assistants. Records do not show the results of this case.

These examples of what the General Court considered proper enslavement, for both Indians and Negroes,

19Shurtleff, Records of the Governor and Company ..., V, 64.

20Ibid.

21Acts and Resolves of the Province of the Massachusetts Bay (21 Vols.; Boston: Wright and Potter, 1895-1908), VIII, 484. Hereafter to be referred to as Massachusetts Acts and Resolves.
further reinforce the fact that the Body of Liberties did legalize slavery in Massachusetts. If Smith and Keyser had traded for Negro war captives, which is legally provided for in the Body of Liberties, they would not have been indicted for kidnapping. When the General Court placed a group of Indians under its protection in 1675, it stated that these Indians had submitted to the authority of the colony and could not be enslaved. In other words, the Indians were not at war with the colony and so according to the law of 1641 they could not be enslaved. In the case of Waldron and Lawton, if these men had seized only Indians that the court had provided for enslavement of, which was legal for the court to do according to the law of 1641, they would not have been indicted.

Theological Justification

At the beginning of the colonial period, the prevailing opinion among English settlers was that enslavement was justified by the fact that the Negro and Indian was a heathen, and heathens could be enslaved by Christians.\(^{22}\) The Puritans considered themselves the chosen people, so they further justified slavery by maintaining the position that God had given them the

Indian and Negro as part of their inheritance. In other words, slavery was a sacred privilege that God had given to his elect.23

Within a few generations, the position that heathenism justified enslavement was threatened. Although in a minority, several ministers maintained that the Negro should be converted to Christianity. Many slave owners opposed this, fearing that Christianization would automatically free the Negro slaves.24 On May 30, 1694, with the hope of attaining conversion for Negroes, a group of ministers petitioned the General Court for an act to encourage masters to Christianize their slaves. A proviso in the petition stated that baptism would not bring about emancipation.25 However, this petition was without legislative results. The conflict was brought to a head in 1705. At this time the Bishop of London proclaimed that baptism did not confer personal freedom to the slave, but rather a spiritual emancipation from sin.26 The next year Cotton Mather published "The


24Greene, The Negro in Colonial New England, p. 259. The conversion of Indians was not as staunchly opposed, because by this time, Indian slavery was almost totally replaced by Negro slavery.

25Massachusetts Acts and Resolves, VII, 539.

26Greene, Journal of Negro History, XXIV, 506.
 Negro Christianized." In this pamphlet, Mather made the point that baptism would not free the Negro slave, but would make him a better slave. 27 The Bishop of London's proclamation was reinforced in 1730 with a decision by the King's Attorney and the Solicitor General that baptism did not change the temporal status of the slave. 28

Now that the civil authorities had decided that baptism would not change the temporal status of slaves they were allowed into the church just like anyone else. In May of 1735, Nero, the slave of Reverend Swift of Framingham, made application to be received into the church at Hopkinton and was baptized. 29 Mereah, owned by Samuel Frost, Jenny, owned by Lieutenant Thomas Winch, and Violet, owned by Jonathan Rugg, all of Framingham, were received into the church in 1746. 30


28 Ibid. It should be pointed out that a proclamation by the Bishop of London would not directly concern the Puritans. However, it does show the general trend during this period, and when it was later reinforced by the civil authority, this did affect the Puritans.

29 J. H. Temple, History of Framingham, Massachusetts, 1640-1680 (Published by the town of Framingham, 1887), p. 197.

30 Ibid.
Since many Negroes were being Christianized, heathenism could no longer be used as a justification for enslavement. Now the Puritans revised their doctrine of religious justification for slavery. They claimed that slavery was an act of mercy, whereby the soul of the African Negro might be brought to salvation.\textsuperscript{31} Members of the ministry further endorsed this position by owning slaves themselves. In 1706, Cotton Mather was presented a Negro slave by some members of his church. He considered the gift to be a "smile of Heaven" upon his family and he resolved, with the help of God, to make this Negro a servant of Christ.\textsuperscript{32} Another example of slave owning by the ministry is offered by the Reverend Swift of Framingham, who owned five slaves. In his will, which was probated in 1743, Swift left three of his slaves to clergymen. Two slaves were transferred to the ownership of his son-in-law, the Reverend Phillip Peyton of Walpole; and another was left to his son, the Reverend John Smith of Acton.\textsuperscript{33} Two Newton ministers also owned slaves: the Reverend John Cotton and the


\textsuperscript{32}Cotton Mather, "Diary," Collection of the Massachusetts Historical Society, 7th series, VII (Boston, 1911), 579.

\textsuperscript{33}Temple, p. 236.
Reverend Edward Jackson.\textsuperscript{34} 

It has been shown that the developing economy of Massachusetts during the colonial period placed limits upon the need for slave labor. Even with a limited demand, the Puritans of Massachusetts found it necessary to justify the enslavement of fellow humans. Initially, they defended the institution on the traditional grounds that war captives and strangers could be enslaved. Since, however, such justification frequently came into conflict with their ethical position that they were other-worldly in their goals and purposes they sought further justification on theological grounds. Thus, even though they were, in part, motivated by economic purposes to have slavery, they found it necessary to express these purposes through religious ideas.

\textsuperscript{34}Smith, p. 538.
5. RIGHTS AND STATUS OF SLAVES

Status as Property

The status of the slave in colonial Massachusetts required that he play two roles: a passive one which was dictated by the fact that he was property, and an active role as a person. In the slave's passive role he had lifetime duties and obligations to his owner, whereas, in his position as a person, many of his privileges were similar to those of his master and other free men.

As property the slave could be bought and sold as could any other merchandise. Negroes were frequently advertised in the newspapers to be sold along with "good Barbadoes sugar" or "choice West Indian Rum." It even appears that a person could buy slaves on credit. The Boston News Letter of July 18, 1726, advertised a parcel of Negroes that were offered for sale and could be paid for over a period of three to twelve months.

---

1 Donnan, III, 39.
2 Ibid., p. 29.
Since slaves were considered as property they were assessed for taxation, and their owners were taxed for holding them. During the early decades of the colony's history, slaves were evidently treated, for tax purposes, as polls — meaning that the owner was taxed per capita for his slaves. According to Lorenzo Greene, slaves were not taxed as personal or estate property until 1675. This means that slave owners were taxed according to the value of their slaves rather than by a standardized head tax. Greene further maintains that this practice was followed exclusively until 1694 when the General Court reinstated a head tax of twelve shillings per capita.\(^3\) The records are not clear on this point, but it does appear that at varying times both types of taxation were levied upon the owners of slaves. An act of 1692 clearly states that male slaves sixteen years or older were to be valued at twenty pounds estate for the purpose of assessment.\(^4\) Three years later, the General Court included female slaves in the tax law that required rating as personal estate. This new law provided that females should be valued at fourteen pounds as compared with the twenty pound value of their male


\(^4\)Massachusetts Acts and Resolves, I, 92.
counterparts. The law also reduced the age of slaves eligible for assessment from sixteen to fourteen years. An unusual feature of this statute of 1695 was that it excluded infirmed or disabled slaves from being rated. This latter clause was probably included because disabled slaves had lost their economic value to their masters. Some of the comparative values in the 1690's may be seen when it is reported in the same law that horses over four years of age were required to be assessed as having a value of twenty shillings, and cows at thirty shillings.

Clarification of the status of the Negro slave, as compared with that of members of his race who were freemen, was accomplished in the tax rating and assessing of 1707. In this act the formula for the assessing and rating of slaves which was enacted in 1695 was reaffirmed. However, persons who employed free Negro servants were to be taxed on a per capita basis for their servants, and it was specifically stipulated that free servants should not be rated as personal estate. This act was continuously reaffirmed with minor variations until 1757-8. In this year,

---

5 Ibid., p. 214.
6 Ibid.
7 Ibid., p. 165.
assessment based on standard value was eliminated, and assessors in each of the towns of the colony were empowered to rate and assess slaves "proportionally to other personal estate." This change was brought about probably because the twenty pound and fourteen pound figure no longer was a sound measure of the real value of a slave.

In legal documents slaves were also treated as property. Testimentary documents that were drawn up as early as 1653 passed ownership of slaves on to the heirs of the deceased, and the records reveal that this was common throughout the Colonial period. If a deceased did not have an heir or if he died inter-state, his slave could be sold at auction with the rest of his property. The Reverend John Moorhead was owner of both a valuable collection of books and a Negro boy. Upon his death in 1775, these properties were sold at public auction.

Slaves were also dealt with as property in legal procedures. For instance, slaves could be seized to satisfy legal claims brought against their masters.

---

8Ibid., IV, 15.

9In his will of 1653, Captain Kayne of Chelsea left four Negroes; Greene, The Negro in Colonial New England, p. 174.

10Winsor, p. 485.
In 1670, Will Hollingsworth secured a writ of attachment against Michael Powell. Hollingsworth claimed that Powell failed to return certain goods placed in his custody. The constable of Salem attached Powell's Negro boy.  

The Slave's Life

Slavery in Massachusetts was a far more humane institution than in the Southern colonies. Generally speaking, the condition of slaves in Massachusetts was far from vigorous and no greater labor was expected from them than from white servants. Dr. E. A. Holyoke, a Salem physician writing in 1795, claimed that slavery in the colony had been as tolerable as such an institution could provide. He further stated that in some cases slaves were nearly on an equal footing with the rest of the family in which they served. One of the reasons for the leniency provided by the institution was that the slave in Massachusetts was considered not only as property but also 

---


12"Queries Respecting Slavery, with Answers," Collections of the Massachusetts Historical Society, 1st series, IV (Boston, 1795), 200.

13Collections of the Massachusetts Historical Society, 5th series, III, 399.
as a person. In the South the slave was considered only as property. Also, slavery in Massachusetts provided for a more personal relationship between the slave and master, than was provided in the South. The slavery of colonial Massachusetts resembled the form of servitude typified among the Hebrews of the Old Testament. In this form of servitude, the bondsman was considered as part of the household. Hence, the slave in Massachusetts was considered a dependent, although servile, member of the family.

As a member of the family the slave, in many instances, sat at the same dinner table with the rest of the household and ate the same food that was served to all.\(^{14}\) Slaves were apparently well housed and their quarters did not differ much from the accommodations afforded the servants of today.\(^{15}\) In general, slave lodgings depended upon the number of slaves owned by the household. Where there were only a few slaves, they lived in the master's house. If the household had several slaves, they would more than likely live in out-buildings behind the main house.\(^{16}\)

\(^{14}\)Collections of the Massachusetts Historical Society, 1st series, IV, 200.


\(^{16}\)Ibid.
Since the Puritans of Massachusetts were a pious people they kept the Sabbath as a day of rest, and slaves were accorded the same privilege.\textsuperscript{17}

Beating and whipping slaves for punishment was a common practice in colonial Massachusetts, but then beating and whipping was a common punishment for anyone during this period. Children, students, soldiers, sailors, law-breakers, and wives who failed to keep their husbands good natured were both privately and publicly flogged. With the flogging of free people so common, naturally slaves were not spared. However, if a master killed a slave he was supposedly as answerable as if he had killed a freeman.\textsuperscript{18} A master might reasonably punish his slave, but deliberate murder was a capital crime. Even the mother country asserted its authority to insure the slave's right to life. In 1688, Governor Andros, by royal instructions, was ordered to have a law passed forbidding the inhuman treatment of slaves.\textsuperscript{19} Andros was also to include a provision that the willful killing of slaves would be punished by death. However, it does not appear that

\textsuperscript{17}Collections of the Massachusetts Historical Society, 1st series, IV, 200.


\textsuperscript{19}Greene, Journal of Negro History, XXIV, 514.
any such law was passed and there is no record of any master receiving the death penalty for this offence.\textsuperscript{20}

The Slave's Legal Privileges

In a strictly legal sense, slaves enjoyed the same rights in Massachusetts courts as did freemen. They could offer testimony either for or against white persons even in cases not involving Negroes. This was not allowed in New York or the South where Negroes were not allowed to give evidence against a white person.\textsuperscript{21} Massachusetts slaves had the right to trial and could be indicted for a crime in the same manner as a freeman. It even appears that slaves indicted for offenses, possessed the same right as freemen to pass upon their trial jurors. For example, Robin, a Negro slave of Muddy River was indicted for manslaughter in 1691. He pleaded not guilty and a jury was impaneled. After being asked if he wished to challenge any member of the jury, Robin made no challenge and the jury was sworn in.\textsuperscript{22} However, even with all these rights, it does not appear that slaves were ever


\textsuperscript{21}Ibid., p. 179.

\textsuperscript{22}Ibid., p. 185.
allowed to serve on juries.23

The slave could make a contract and, once the agreement was made, the master was as firmly bound as if he had contracted with a freeman. If the master broke a contract, the slave could exercise another one of his rights -- to bring suit in a court of law. A good example of this is the case of John Saffin, a court justice, and his slave Adam. In 1694, Saffin rented his farm, stock and Negro to Thomas Sheppard. Saffin promised the slave, Adam, his freedom after he rendered seven years of faithful service. When his term of service was completed, Adam asked for manumission. Saffin refused, claiming that Adam had not been a faithful servant. Adam then appealed to the courts. After two years of litigation the courts decided that Adam had been a faithful servant and the contract was still legitimate, and he was freed.24

Manumission

Probably the greatest privilege that was accorded to slaves was to be able to achieve their freedom. This was usually accomplished by an agreement between the master and slave, as in the case of Adam and

23Ibid., p. 126.

24Towner, William and Mary Quarterly, XXI, 40-52.
Saffin. Occasionally, however, a slave was able to acquire enough wealth to buy his freedom. In May of 1679, an Indian woman who was the property of Jonathan Hatch bought her freedom for six pounds.\textsuperscript{25} Again, Tidy the Negro slave of James Burton, of Newton, bought his freedom for forty shillings.\textsuperscript{26} Sometimes a master would provide in his will for his slave's manumission. For instance, in 1737, Samuel Burnel provided, in his will, that his Negro man could be freed three months after the death of Ann Burnel, his wife.\textsuperscript{27} In another case, Jonathan Knowles of Malden provided in his will of 1722 for the manumission of his Negro woman Jean. Jean was to serve his wife until the latter's death and then be given her freedom.\textsuperscript{28}

Frequently, masters not only granted freedom to their slaves but also furnished them with various necessities for embarking upon their new life as freemen. Land, house furnishings, and tools were sometimes provided as gifts to the slave who was entering his new life as a free man.

\textsuperscript{25}Shurtleff, \textit{Records of the Colony...}, VI, 15.
\textsuperscript{26}Smith, p. 538.
\textsuperscript{27}Massachusetts Acts and Resolves, XII, 413.
status in life. In the 1760's two Ipswich slave owners, Matthew Whipple and John Choate, gave numerous household articles to their freed slaves, and the former gave a cow to his ex-slave.29 However, not all masters were as foresighted in providing for their manumitted Negroes. As a result many ex-slaves became impoverished and ended up as public charges. The General Court on July 28, 1703, passed a law which had the intent of preventing this. The law stated that a master, upon freeing his slave, must give not less than fifty pounds security with the treasurer of his town. To enforce the law, the court stated that a slave could not be deemed free unless security was given.30 This law was unusual in that most laws concerned with slaves were to protect the master, however, this law protected the slaves and the town. It should also be mentioned that this law could have made it more difficult for slaves to be manumitted, especially if the slave's owner could not afford the fifty pound security.

Many manumitted Negroes were able to live fairly successful lives. Jim Riggs of Framingham built himself a small shanty and engaged in the trade of basket

29 Waters, pp. 211, 216.

30 Massachusetts Acts and Resolves, I, 519.
weaving.\textsuperscript{31} Cato Hanker, also of Framingham, was freed by his master Joseph Haven. After his manumission, Hanker worked as a shoemaker and bought himself a piece of land upon which he built a small house.\textsuperscript{32} However, free Negroes still faced discrimination and prejudice, and continued in an inferior social status. It was difficult for the Negro to find employment in competition with the white working man, who resented the efforts of the Negro to achieve a higher status.\textsuperscript{33} Free Negroes were generally not permitted to attend public schools. Like slaves, they had to sit in the galleries of the churches; and even at death, they were interred in a segregated section of the cemetery.\textsuperscript{34} Full citizenship was withheld from the manumitted Negro; although he had to pay taxes, he could not vote.\textsuperscript{35} Because of this discrimination, many free Negroes took up residence with the Indians, preferring this to the scorns of race prejudice.\textsuperscript{36} Some of the discriminations

\begin{itemize}
\item \textsuperscript{31}\textcite{Temple, p. 238.}
\item \textsuperscript{32}\textcite{Ibid., p. 237.}
\item \textsuperscript{33}\textcite{Greene, \textit{The Negro in Colonial New England}, p. 304.}
\item \textsuperscript{34}\textcite{Ibid., p. 311.}
\item \textsuperscript{35}\textcite{Ibid., p. 248.}
\item \textsuperscript{36}\textcite{Woodson, \textit{Journal of Negro History}, V, 47.}
\end{itemize}
that the free Negro faced are reflected in the restrictive legislation mentioned in the next chapter.
6. RESTRICTIVE LEGISLATION

Legislation to Prevent Violence

As the Negro population increased in Massachusetts during the colonial period, restrictive legislation for its control was written into the statutes. Occasional plots by Negroes to win their freedom through force further influenced restrictive legislation. With a hostile Indian population the colonists of Massachusetts were apprehensive about the possibility of the two exploited groups combining forces. Reports of slaves uprising in the West Indies and other colonies, especially nearby New York, apparently increased this tension. Barbadoes was the first English colony to place restrictive legislation upon Negroes. These laws of Barbadoes influenced the basic form of restrictive legislation used in the North American colonies. Massachusetts, like other continental slave-holding colonies, remodeled these laws to fit its own circumstances.

There were at least two occasions when slave insurrections threatened Massachusetts. In 1690, Isaac Morrell, of Newbury, was charged with inciting an insurrection among the Negroes and Indians. Morrell confessed
that it had been his intention to seize a ship and travel to Canada. There he hoped to raise a detachment of French and Indians and lead them to the Massachusetts frontier. Morrell promised that if he was successful in his plans, all Negro and Indian slaves would have been freed.\(^1\) The second threat of insurrection occurred in 1768. In this year, a British officer was arrested and accused of inciting the slaves to revolt. He was accused of promising the Negroes a share of their master's property if they went through with the revolt.\(^2\)

One of the first measures Massachusetts took to prevent possible insurrections was to exclude Negroes from the military ranks. Previous to 1652, the colony had allowed both Negroes and Indians to join the militia on a voluntary basis. A law passed on May 6 of that year required Negroes and Indians, between the ages of sixteen and sixty, to attend military training sessions.\(^3\) Four years later, however, the General Court forbade Negroes and Indians to attend such sessions.\(^4\) It was generally felt that putting a Negro

\(^2\)Ibid., p. 160.
\(^3\)Shurtleff, *Records of the Governor and Company*, IV, 86.
\(^4\)Ibid., III, 397.
through military movements on training days, with a musket in his hand, might arouse notions of revolt in the slave, and in times of warfare the slave might desert and reappear in the ranks of the enemy. Although colonial military organization and practices were not uniform in the North American colonies, this policy of excluding Negroes from the military was practiced throughout the colonies.⁵

In order to make it clear that this exclusion of Negroes from militia duty did not put them in a privileged class with clergymen and other notables, Massachusetts devised a system of labor service.⁶ A law of July 4, 1707, after pointing out that Negroes both slave and free, shared the benefit of military protection without bearing the responsibility, stipulated that they would do public service in lieu of training. The law allowed the selectmen of each town to require a stipulated number of days service for each Negro dwelling in their respective towns. The services included such public works as street sweeping and repairing roads.⁷ For each day that a Negro neglected

---


⁶Ibid., p. 646.

⁷Massachusetts Acts and Resolves, I, 606.
his duty there was a fine of five shillings. Negroes who were unable to pay their fine, or persisted in missing their assigned work days, could be sent to the house of correction and be kept there for double the number of days missed in their assignment.\(^8\) During the first year that this law was in effect, thirty-three Boston Negroes spent a total of two hundred and eighteen days on public works.\(^9\)

It appears that the law excluding Negroes from the military was only strictly enforced during times of peace. During times of peril this ban was ignored and Negroes were inducted into military service. For instance, the law requiring Negroes to do public work as a substitute for military service also required that in case of alarm, free Negroes sixteen years or older were to appear on the parade grounds and place themselves under the command of the company officer.\(^10\)

It further appears that Negroes even took part in battles. In 1697, at the close of King William's War, Ruth Knile of Charlestown received the sum of twenty pounds because her slave Sambo had died of distemper.

\(^8\)Ibid.

\(^9\)Quarles, *Mississippi Valley Historical Review*, XLV, p. 646.

\(^10\)Massachusetts Acts and Resolves, I, 606.
while serving on a ship of war. Sambo had been impressed into service on board the Swan commanded by Captain Thomas Gilbert. During King George's War, Captain Chaney's company, which was raised for an expedition against Canada, had three Negroes among its hundred and one members.12

The Seven Years War brought a greater need than ever before to have every man available for military duty. Many towns were unable to fill their military quotas. Recruiting officers, therefore, gladly admitted Negroes and Indians, slave as well as free, into the colonial ranks. For instance, the town of Hingham, while recruiting men in 1758, included two Negroes, Primus Cobb and Flanders, among the thirty-six privates in Captain Edward Ward's company.13 Negroes did not just serve on land, many served on the sea. They received the same pay as other sailors, and while serving on privateers they received a full share of the prize money. In many cases, slaves were obliged to give half of their military pay or prize money to their masters, and in other cases, they were required

11Ibid., VII, 169.


13Quarles, Mississippi Valley Historical Review, XLV, p. 652.
to give up their total perquisites.\textsuperscript{14}

By the beginning of the eighteenth century, the Negro population of Massachusetts had doubled since 1656, when the law forbidding Negroes and Indians to join the military was passed. At this time the colony found it necessary to take further measures to insure the peace and prevent possible conspiracy by slaves. On December 1, 1703, the General Court forbade Negroes and Indians, in servitude, to be absent from their master's homes after nine at night, unless upon some specific errand for their masters.\textsuperscript{15} Negroes who were found in public after this hour, and were not able to give satisfactory reasons for being out, could be apprehended and sent to the house of correction. If the town did not have a house of correction, the offenders could be publicly whipped by the constable, with his punishment not to exceed ten stripes.\textsuperscript{16}

In 1752 and 1753, the General Court passed two more laws to insure the peace. The first law stated that the assembly of more than three persons armed with sticks or clubs would be treated as a crime. The penalty for violation of this law called for a fine of

\begin{itemize}
  \item \textsuperscript{14}Greene, \textit{The Negro in Colonial New England}, p. 187.
  \item \textsuperscript{15}Massachusetts Acts and Resolves, I, 535.
  \item \textsuperscript{16}Ibid.
forty shillings or a month in prison. If a Negro was found guilty of this crime, he was to receive ten stripes. The second law provided a punishment for breaking street lamps. Negroes found guilty of committing this crime were to receive ten stripes for the first offense and twenty stripes for the second. White persons committing the same crime were subject to a six month prison sentence for the first offense and a years imprisonment for the second offense. These two laws were obviously designed to prevent rioting by the general public, and the only way in which they discriminate against the Negro is in the type of punishment. Whipping the Negro was a more practical punishment than imprisonment, because it did not interfere with service to his master.

Boston, with a larger Negro population than any other town in Massachusetts, passed several local ordinances to further insure the peace and prevent rioting. In 1723, Negroes and Indians were forbidden to remain on Boston Common after sunset even if they had their master's permission. Negroes were also

\[17\text{Ibid.}, \text{III, 648.}
\]

\[18\text{Ibid.}, \text{p. 645.}
\]

\[19\text{Greene, The Negro in Colonial New England, p. 140.}
\]
forbidden to roam the streets on Sundays, particularly during church services.\textsuperscript{20} A law of 1728 forbade Negroes and Indians from carrying a stick or cane that could be put to use as a weapon. The penalty was a fine of ten shillings, but if the stick or cane bore iron rings, a nail, or a spear point, the fine was doubled.\textsuperscript{21} In 1746, a Boston ordinance was passed to limit the places where Negroes and Indians could assemble. This law prohibited Negroes and Indians from raising hogs within the town limits without the consent of their master. Any person who allowed them to keep hogs on their land or rented land for this purpose was to be fined twenty shillings.\textsuperscript{22}

The courts of the colony obviously felt that many disturbances caused by Negroes and Indians stemmed from their use of alcoholic beverages, because all during the colonial period laws were passed forbidding the sale of liquor to these people. A Massachusetts law of 1657 prohibited the sale or giving away of "rumme, strong water, wine, strong beere, brandy, cider, perry or any strong liquors" to the Indians.\textsuperscript{23}

\textsuperscript{20}\textit{Ibid.}, p. 141.
\textsuperscript{21}\textit{Ibid.}, p. 140.
\textsuperscript{22}\textit{Ibid.}
\textsuperscript{23}\textit{Shurtleff, Records of the Governor and Company . . . .}, IV, 289.
In 1675, Massachusetts forbade trading houses to sell liquor to the Indians, under penalty of a ten pound fine. A law of 1693 forbade any innholder or taverner to allow Negroes, except by special permission of their masters, to drink in their establishments. Breaking this law called for a ten shilling fine for each offense. The General Court, in 1745, provided a punishment of three pounds fine and cost of prosecution for the selling of strong liquors to Indian or Negro slaves. When this law was reaffirmed in 1751, 1754, and 1756, the fine was raised to four pounds. This revised law was reaffirmed four times from 1757 to 1762.

Rebellion was not the only form of violence that the Massachusetts colonists had to fear from the Negroes. Individual acts of revenge were also common. The slave's favorite form of retaliation appears to have been arson. Negroes set fire to wharfs, warehouses, and other buildings, but their main attention was centered on the homes

24Ibid., V, 63.
26Massachusetts Acts and Resolves, III, 257.
27Ibid., p. 1013.
28Ibid., IV, 59, 204, 308, 496.
of their masters. In 1681, Maria, a slave of Roxbury, and Jack, a slave of Weathersfield, were convicted for setting fire to their respective masters' homes. Maria was sentenced to be burned to death, and Jack was sentenced to be hanged and burned in the same fire. 29 Boston was terrorized in 1723 by a series of fires supposedly set by Negroes. Extra watches and militia were called into service to keep the slaves in order when the fires broke out. 30 Cotton Mather in a letter of June 16, 1723, to the Rev. Thomas Prince, noted that on the same day a Negro was to be put to death for setting fire to a house. Mather further advised that consideration should be given to the great danger of Negroes using incendiarism as a form of revenge. 31 Apparently Mather's advice was heeded, for in the same year a law was passed forbidding Negroes to be out-of-doors during a fire unless their master's house was in danger. 32

Even after passage of the law of 1723, Negroes continued to use arson as a means of revenge. In


31 Mather, Collections of the Massachusetts Historical Society, 7th series, VII, 686.

1730, the slave of John Hutchinson of Malden broke into his master's house with the intention of committing robbery. After finding only a shilling, he set fire to the house and fled. The slave was caught in a nearby field and was later hanged in Cambridge. In 1741, a conspiracy by two Negroes to burn the town of Charlestown was uncovered. The two plotters were a boatswain, belonging to John Barnier, and Kate, the slave of Francis Varambaut. After burning the house of a Mrs. Snowden, Kate was apprehended and she confessed to the involvement of the Negro boatswain. The boatswain was sentenced to death and Kate was pardoned for cooperating with the court. Since the law of 1723 was not successful in preventing incendiarism, Massachusetts, in 1753, passed another law in an attempt to control these acts on the part of Negroes. This law forbade Negroes to build bonfires or to set fires to any materials within ten rods of a house or building.

In addition to arson, Negroes wreaked vengeance upon their masters in other ways. Slaves were frequently apprehended and convicted of both attempts to

33Corey, p. 52.
commit and the commission of acts of assault and murder. In 1677, Nicholas, a slave in Charlestown, wounded his master with a loaded gun. The slave was sentenced to twenty-nine stripes, to pay court costs, and to be jailed until he could be sold out of the colony. In August of 1775 two Negro slaves, Phillis and Mark were convicted of poisoning their master, Captain Codman of Cambridge. Mark was hanged and Phillis was burned to death. Attempting to reduce the number of assaults upon masters, the General Court, on December 5, 1705, passed a law that provided a severe whipping for any Negro who struck a white person. Both Virginia and Connecticut provided a punishment of thirty stripes for a Negro who struck a white person.

Legislation to Prevent Crime and Vice

Theft by slaves was a common crime in colonial Massachusetts. On many occasions slaves were induced to steal from their masters by white persons. For instance, in March of 1673, an Ipswich court fined

---

36Ibid., p. 156.
37Waters, p. 98.
38Massachusetts Acts and Resolves, I, 578.
three white persons for receiving five gallons of wine stolen by a Negro from his master.\textsuperscript{40} In order to prevent this practice the General Court, on June 13, 1698, passed a law forbidding any person to buy or receive goods from Indian or Negro or any "other known dissolute, lewd, and disorderly person." If a person did receive stolen goods from Negroes, they were required to return the value of the goods in specie. If the person was unable to make restitution, they were to be whipped "not exceeding twenty lashes." The Negro or Indian involved was also to be whipped to the same extent as his accomplice.\textsuperscript{41}

Sexual promiscuity between whites and blacks seems to have been the most offensive crime to the Puritans of colonial Massachusetts, for on December 5, 1705, an act was passed providing severe punishment for persons involved in "spurious and mixed issued." The law stated, that if a Negro man committed fornication with a white woman both offenders would be severely whipped, the man sold out of the province, and the woman would be enjoined to maintain the child. If a white man committed fornication with a Negro woman he

\textsuperscript{40}Greene, \textit{The Negro in Colonial New England}, p. 150.

\textsuperscript{41}Massachusetts Acts and Resolves, I, 325.
was to be severely whipped, pay a five pound fine, and enjoined to maintain the child. The Negro woman was to be sold out of the province. The same law forbade marriage between whites and Negroes, and also forbade any authorized person to solemnize such a marriage under penalty of a fifty pound fine.42 Virginia and Maryland had passed laws outlawing intermarriage in 1664, but Massachusetts was the only New England colony to take such action.43

The law of 1705 also provided that Negroes could marry without interference from their masters.44 The court may have felt that preventing the marriage of Negroes would only serve to increase promiscuous relationships. Marriages among Negro slaves were solemnized and recorded in the same manner as those of white persons. For instance, the Gorton church records show that on December 28, 1742, Primus, a Negro slave of Captain Boydens, married Margaret, the slave of Samuel Scripture.45 When slaves married, they still remained the property of their respective masters,

42Ibid., p. 578.
44Massachusetts Acts and Resolves, I, 578.
45Proceedings of the Massachusetts Historical Society, XLII, 196.
and there was nothing to prevent the slave family from being broken up by the sale of one of the mates. Children would also be sold away from the parents. John Eliot stated that "... lovers and friends were separated, their children given away with the same indifference as little kittens and young puppies."\(^{46}\)

Running away was probably the offense committed most often by slaves. This crime did not occur too often during the seventeenth century because of the Negro's ignorance of his geographic location.\(^{47}\) Not knowing anything about the country and unacquainted with the language of the white man or the Indian, most Negroes dared not venture very far from the area in which they lived.\(^{48}\) A French refugee visiting Boston in 1687 wrote the following about Negroes running away:

\[... But it happens rarely that they will leave you, for they would not know where to go, there being few trodden roads, and those which are trodden lead to English Towns or Villages, which on your writing, will immediately send back your Men.\(^{49}\]

However, after the close of the century, the Negro had

---

\(^{46}\)Collections of the Massachusetts Historical Society, 5th series, III, 382.

\(^{47}\)Woodson, Journal of Negro History, V, 45.

\(^{48}\)Ibid.

\(^{49}\)Donnan, III, 16.
gained a greater familiarity with his geographic location, and Massachusetts had become more cosmopolitan. Now many Negroes learned to take refuge among the Indians and others of their own race. Thus, the incidence of runaways increased.\textsuperscript{50}

The fact that slaves ran away was not the only damage caused to masters by this act, for on many occasions the runaway would abscond with some of his master's personal property. The following incident was advertised in the \textit{Boston Evening Post} on July 30, 1739:

\textit{Run away from his Master, Mr. John Woods of Groton, on Thursday, the 12th of this Instant July, a Negro Man Servant named Caesar, about 22 years of Age, a pretty short well sett Fellow. He carried with him a Blue Coat and jacket, a pair of Tow breeches, a Castor Hat, Stockings and shoes of his own, and a Blue Cloth Coat with flower'd Metal Buttons, a white flower'd jacket, a good Bever Hat a Gray Wigg, and a pair of new shoes of his Masters, with some other Things. . . .\textsuperscript{51}}

When Prince, a Boston slave, disappeared in 1749 he took some of his master's wardrobe, a gun, and a violin.\textsuperscript{52} In 1774, Titus, the slave of Joseph Moors of Groton, ran away. The \textit{Boston Gazette}, of June 13, stated that the slave took with him "a blue Surdan, a

\textsuperscript{50}Woodson, \textit{Journal of Negro History}, V, 45.

\textsuperscript{51}Proceedings of the Massachusetts Historical Society, XLII, 198.

\textsuperscript{52}Greene, \textit{Journal of Negro History}, XXIX, 140.
Snuff coloured Coat, and a pair of white washed Leather Breeches, a Pair of new Cow-Hide Pumps, and a Furr'd Hat with Large Brims, and sundry other Articles of Wearing Apparel." In an attempt to prevent some of these "inconveniences" to the slave's master, the General Court in 1707, had passed a law which prohibited free Negroes from entertaining Negro slaves without the consent of their master. Violation of this law called for a fine of five shillings.

On several occasions Negroes used the sea as an avenue of escape. So great was the need for crews to man sailing vessels, that shipmasters often encouraged slaves to ship on board their vessels. In an attempt to stop this practice, the General Court, as early as 1680, passed a law that prohibited the master of any ship to entertain or sail out of port with slaves on board without a permit. An example of this law at work occurred in December of 1725. John Moffat Mariner, master of the ship Morehampton was fined fifty pounds for carrying off Pompey, the slave of Richard Trevot of Marblehead.

53 Proceedings of the Massachusetts Historical Society, XLII, 199.

54 Massachusetts Acts and Resolves, I, 607.


56 Massachusetts Acts and Resolves, II, 164.
All of these laws were discriminatory in the sense that the Negro is specifically mentioned within the laws. However, specified legislation was necessary because when Negroes were imported into Massachusetts as a servile group, new circumstances evolved, such as the possibility of revolt, revenge upon the master, and miscegenation. Many laws that dealt with the black and white provided different punishments, but this did not necessarily mean that the Negro received a harsher punishment. It is doubtful that a white person would have been burned as a punishment for arson, but in the case of miscegenation it appears that the white was punished more harshly than the black. It can be further said that these laws were discriminatory in that they reinforced the general attitude that the Negro was a member of an inferior race.
Opposition to Slavery Before the Revolution

Prior to the Revolutionary period there was little opposition to slavery on a moral basis. Most of the opposition that was voiced, was based upon economic and social grounds. John Eliot and Samuel Sewall were apparently the only ones to voice opposition on moral grounds.

John Eliot took a vital interest in the plight of the exploited Indians in Massachusetts. He was responsible for the conversion and education of many hundreds of these people. In 1675, he submitted a petition to the governor and Council opposing the sale and enslavement of Indians. He felt that selling Indians to the West Indies was worse than sentencing them to death. However, Eliot's petition was rejected. Obviously, his thoughts were ahead of his time, and were probably rejected because of the emotions engendered as a result of the colony's involvement in King Philip's War.

The other moralistic objection to slavery came

\[1\text{Smith, p. 235.}\]
during the Saffin-Adam case in 1701, when Samuel Sewall wrote the "Selling of Joseph." Sewall was a justice who presided at one of the hearings on Adam's suit. There were two main reasons for Sewall's publication of the tract at this time: his anti-slavery views and his professional ethics. In relation to his first reason, Sewall had always disapproved of treating slaves as property. His second reason stemmed from the fact that Saffin sat in judgment at one of Adam's hearings.2

The "Selling of Joseph" advanced an argument which was logically structured in the form of a typical Puritan sermon. The main thesis was that by purchasing slaves men shared in the guilt of Joseph's brothers, who had sold him into Egyptian slavery. Sewall said that men had no more right to sell Negroes than did Joseph's brothers to sell him. The argument further stated that liberty is valued just as much as life, and people should not be deprived of it. Sewall also answered the time worn arguments that were being used by his contemporaries to justify slavery. To the position that Africans were prisoners of just wars, Sewall said that every war was unjust. To the defense that Negroes are brought to the gospel through

slavery, Sewall reasoned that "Evil must not be done that good may come of it." 3

The pamphlet not only advanced a moral denunciation of slavery, but also attacked the practicality of the institution. Sewall stated that because of their color, Negroes could never assimilate with whites or grow up into integrated families. Further, they could not join the military, so they could not contribute to the defense of the colony. 4 He also argued that Negroes are naturally immoral and inclined to fornication, which contributed to the disintegration of the family. Sewall's last point was that to forbid Negroes their freedom, rendered them unwilling servants. 5

Sewall's pamphlet brought forth a rejoinder from Justice John Saffin. In August of 1701, Saffin


4 Sewall's argument that slaves did not contribute to the colony's defense was probably weak, because his contemporaries could point out that the laws prohibiting slaves from joining the military were never strictly enforced. His argument that Negroes would never be able to assimilate with the whites reflects the prejudice that existed against people of darker color. Even the Irish were considered "beyond the Pale"; Degler, p. 30.

5 Proceedings of the Massachusetts Historical Society, VII, 161-5. When Sewall claims that Negroes were naturally immoral, we should remember that the Negroes of colonial Massachusetts came from a totally different culture with its own morality.
published his own tract which was entitled "A Brief and Candid Answer to a Late Printed Sheet, Entitled the Selling of Joseph." In this work, Saffin not only attacked Sewall's reasoning, but also advanced a defense of his own actions with regard to Adam. If Saffin sought to save face by writing this tract, he failed, since it must be remembered that the court ordered that Adam be set free. Adam, however, was not granted his freedom as a reaction to Sewall's moral arguments, for it must further be remembered that the court decided that Saffin had violated the conditions of his contract with Adam.

Four years after the Sewall-Saffin dialogue, Sewall published another article in the Boston News Letter. Entitled "An Essay or Computation of the Importation of Negroes is not so Profitable as That of White Servants," the article outlined a different position than Sewall had formerly taken. Its arguments were chiefly intended to show that slavery was economically unsound. Sewall asserted that forty-four slaves had died the past year in Boston alone. At

---

6 Towner, William and Mary Quarterly, XXI, 47.

thirty pounds a head, he computed this to be a loss of 1,320 pounds. He further explained that white servants could better adapt to the climate and could be obtained at only ten pounds a head. Thus white servants would contribute to the defense of the colony, and when freed they would help to develop the land. Further, the children of white servants would increase the "political body," whereas, the children of Negroes couldn't become full citizens. He also accused Negroes of being "... great thieves, much addicted to stealing, lying, and purloining." Lastly, he accused them of being lazy, and said a free white laborer could accomplish more than two slaves. Thus, Sewall was not just denouncing slavery as an economic institution, but he was also attacking it on the basis of the social undesirability of the Negro.

Two years later Governor Dudley added his support to Sewall's argument that slavery was not economical in Massachusetts. On October 1, 1708, Dudley wrote a letter to the Board of Trade. He said that he realized that slavery was a necessity and a great benefit in the

---

8Greene, Journal of Negro History, XXIV, 522.
9Donnan, III, 21.
South, but that it was not serviceable in the Northern colonies. Dudley further said that matters were made more acute in that the Negroes imported from the West Indies were usually the worst those colonies had to offer. He also supported Sewall's position that white servants were preferable, saying that the people of Massachusetts preferred servants from Great Britain and Ireland. 11

An anonymous writer in the March 3, 1718, Boston News Letter offered further economic arguments against the use of slaves. The arguments presented in this article were much like those of Sewall's News Letter article. However, this writer, attacked both Indian and Negro Slavery and used data from a different year. This writer stated that there had been eighty burials of Indian and Negro slaves in Boston the previous year. He computed that at a value of thirty pounds apiece, this amounted to a loss of 2,400 pounds. However, if white servants had been employed, paying fifteen pounds rather than thirty pounds a head for them, the town would have saved 1,200 pounds. He also said that white servants strengthened society, whereas, Indian and Negro slaves weakened the social structure. 12

11Donnan, III, 23.
12Weeden, p. 456.
John Adams, offered a different explanation about why slavery was uneconomical in Massachusetts. He said that the typical white man of Massachusetts made slavery unprofitable. Adam's position was that these people's disdainful and insulting attitudes towards the Negro filled them with discontent, made them lazy and vicious, and at length wholly useless to their masters. This developed to such an extent, that the abolition of slavery in Massachusetts had become a necessary economic measure.\textsuperscript{13} This position somewhat paralleled Sewall's point that depriving Negroes of their freedom made them unwilling servants.\textsuperscript{14}

Various newspaper advertisements in the late Colonial period offer support to Adams' and Sewall's positions. An example is that which appeared in the Boston News Letter of July 9, 1741. In this advertisement, Robert Auchmitz, who was a lawyer in Roxbury, stated that he was willing to sell his slave at a loss just to get rid of him. Auchmitz's reason for his action was the slave's unruly behavior.\textsuperscript{15} Another example is offered by the advertisement of Josiah

\begin{flushright}
\textsuperscript{13}Collections of the Massachusetts Historical Society, 5th series, III, 402.
\textsuperscript{14}Supra, p. 83.
\textsuperscript{15}Towner, William and Mary Quarterly, XIX, 217.
\end{flushright}
Woodbury for his runaway female slave in 1721. In the advertisement, Woodbury referred to the slave as his "house plague for seven long years" and as his "Trial of Vengeance." He offered two bushels of beans to anyone who found her and kept her. Woodbury closed the advertisement by saying that all of his neighbors rejoiced with him at his loss, and "good Riddence to Bad Ware." 16

It appears that denunciations of slavery, which were voiced in the early eighteenth century, were supported by at least a solid minority. Between 1705 and 1738 several laws were passed by the General Court placing duties on the importation of slaves. Apparently these duties were not designed to enrich the treasury, but were designed to limit the number of Indians and Negroes entering the colony. Some of these acts reflected the arguments that white servants were preferred to Indian and Negroes were undesirable as persons. It should not be assumed that these laws reflected any sense of moral outrage by the people. The voices that were raised against slavery on moral grounds, at this time, were few in number.

In May of 1706, the General Court passed the first act placing the duty on imported Negroes. The act

16Waters, p. 218.
required any person importing Negroes, male or female, and regardless of age, to pay an impost of four pounds for every Negro imported. If a person neglected to list, at the impost office, the total number of Negroes he was importing, there was an eighty pound fine for every neglect of entry. The last section of this act provided that the duty would be refunded if the importer shipped the Negro out of the province within twelve months, or if the Negro died within six weeks from the time of importation.\footnote{Massachusetts Acts and Resolves, I, 579.} Obviously, the former part of the last section was designed so that the act would not discourage possible exportation, while the latter part was to protect a reasonable economic investment of the importer.

In 1709, an act was passed to encourage the importation of white servants and to discourage the importation of Indian slaves. The act stated that for three years, beginning on April 1, 1709, any master or merchant who brought male white servants, between the ages of eight and twenty-five, from Great Britain into the colony would receive a bounty of forty shillings per head. The act also provided for the same duties, restrictions, and penalties for importing Indians as did the act of 1706 for Negroes.
It was further stated that no Indian imported to the colony could be held in slavery, unless he was accompanied by a certificate from the governor of the colony from which he came, stating that he was a bond slave.\textsuperscript{18}

On August 23, 1712, the General Court completely prohibited the importation of Indian slaves to the colony. The preamble of the act stated that the purpose of its passage was because of "notorious crimes and enormities" perpetuated and committed by Indian slaves. The act stated that any Indian imported to the colony would be forfeited to the government, unless the importer gave a security of fifty pounds and exported the Indian within a month. Also, anyone smuggling Indians would have to pay a fine of fifty pounds.\textsuperscript{19} The comparative harshness of this act, with that of the act of 1706, shows that at this time Indians were valued less than Negroes as slaves.

The General Court, on September 14, 1728, amended and strengthened the act of 1706, which placed an impost on Negroes, because the earlier act was often evaded by bringing Negroes to the colony in a "clandestine manner." The new act required ship's captains

\textsuperscript{18}Ibid., p. 634.

\textsuperscript{19}Ibid., p. 698.
to give, under oath, a true account of the Negroes on board their vessels. If an importer gave a false listing, he was to be fined one-hundred pounds. Some importers would land Negroes in neighboring provinces and then transport them into the colony by an overland route, so as to avoid paying the duty. Hoping to prevent this practice, the new act also required that if the four pound duty was not paid at the impost office, it was to be paid to the clerk of the town to which the Negro was imported. The duty was to be levied against the offender. Section three of this act extended the period of time within which the slave importer could receive a refund, for a slave that died, from six weeks to twelve months. However, in 1738, another revision reduced this period to six months.

As compared with the duty which had been levied in the act of 1706, the collection of the impost provided for in the act of 1728 was more strictly enforced. After 1728 there is hardly any record of the duty being refunded as a result of special petitions. However, before the act of 1728 there were numerous

---

20Ibid.
21Ibid.
22Ibid.
23Ibid.
petitions granted for the refund of the four pound duty. These petitions were granted for many reasons. For instance, in 1722, Leonard Vassall was remitted his impost on nine Negroes, because he claimed that they were to be used in the service of his family and not as merchandise for sale.24 Another example is that of Captain John Willard. Willard had his impost remitted on a Negro imported from Jamaica because he had suffered greatly at the hands of pirates.25 The duty was also refunded for Negroes that had various physical defects.26 The reason that petitions such as these were not granted, after 1728, was probably due to an increasing awareness that the Negro population continued to grow in spite of previous legislation.27

The Revolutionary Period

According to Dr. E. A. Holyoke, writing in 1795, it was just previous to the American Revolution that the people of Massachusetts abandoned the idea of holding their fellow men in slavery. He stated that

24 Ibid., X, 232.
25 Ibid., p. 341.
26 In 1727 Elizabeth Manley had her duty remitted because the Negro she imported from Barbadoes was ill and considered incurable; Ibid., XI, 227.
27 See Table One, p. 29.
the reasoning for this was that the people felt it was inconsistent to hold slaves when they were asserting the cause of liberty for themselves. Senate Dexter, a Council member, writing in the same year, equated the decline of slavery in Massachusetts with the passage of the Stamp Act. He stated that at this time "... what before had only been slight scruples in the minds of conscientious persons became serious doubts." So it appears that the decline of slavery, in Massachusetts, came when Parliament attempted to enforce its will upon the colonists with arbitrary acts. It was the passage of these acts that stirred the people to become concerned with, and to better understand, the rights of all men -- Negro as well as white.

The first attempts to end slavery in Massachusetts were marked by petitions of various towns to prevent the slave trade or to end slavery altogether. The town of Salem, as early as 1755, expressed disapproval of the slave traffic when Deacon Timothy Pickering was empowered to petition the General Court against the importations of Negroes. In 1766, the

---

28 Collections of the Massachusetts Historical Society, 5th series, III, 384.
29 Ibid.
30 Donnan, III, 72.
town of Boston also instructed its representatives to move for a law to prohibit the slave trade.\(^{31}\) The town of Sandwich, in 1773, went a step further than Salem and Boston. It not only asked for a law forbidding the importation of slaves, but also asked that Negro slave children be liberated after attaining twenty-one years of age.\(^{32}\) Such a law would have provided for the eventual abolition of slavery in Massachusetts. However, it does not appear that anyone of the petitions were influential enough to secure a bill.

Although the petitions individually did not secure bills in the General Court, it appears that their combined influences were able to bring about three bills to end the importation of slaves, and to end slavery. The first bill was introduced on March 4, 1767, and was probably influenced to a great extent by the Boston petition of 1766. The bill, which was entitled "An Act to Prevent the Importation of Slaves into the Province," was read in the House of Representatives. The next day it was sent to committee, and on the thirteenth it appeared again under the title of "An Act for Preventing the Unnatural and Unwarrantable Custom of Enslaving Mankind in the Province."

\(^{31}\)Ibid. The Boston representatives were James Otis, Samuel Adams, Thomas Cushing, and John Hancock.

Eventually the bill was amended to death in the Council.\textsuperscript{33} Evidently the views of the Council members, at this time, were not in accord with those of the representatives. In 1771 a second bill was introduced. This bill was designed to accomplish the complete abolition of slavery. Although both the Governor's Council and the House of Representatives approved this legislation, it was vetoed by Governor Hutchinson.\textsuperscript{34} A similar effort was made in 1774, only to suffer the same fate under General Gage.\textsuperscript{35} The fact that the last two bills passed the General Court shows that the majority of the people in Massachusetts were against slavery by the 1770's. The governors vetoed these bills because it was contrary to their instructions to sign them.\textsuperscript{36} The colonial slave trade was still an important source of revenue for England; obviously the mother country looked upon any colonial law that interfered with this trade as unfavorable. If the governors had signed the bills, the Royal Disallowance would have been used to invalidate the laws.

\textsuperscript{33}Collections of the Massachusetts Historical Society, 3rd series, III, 384.

\textsuperscript{34}Greene, Journal of Negro History, XXIV, 527.

\textsuperscript{35}Ibid., p. 529.

\textsuperscript{36}Ibid.
During this same period, some important precedents were established by the courts which also reflect the changing attitudes toward slavery. In 1769, the courts of law began to regard slave children, born in the province, as free, even though there was no statute providing for such decisions. Also the courts began liberating slaves if they simply sued for their freedom. An example of this occurred in 1770, when the Negro slave of Doctor Stockbridge, of Plymouth County, requested his freedom from his master. Stockbridge refused to free the slave, so the slave brought his master to court and won his freedom. Three years later Caesar Hendrick sued his owner, Richard Greenleaf of Newburyport, for his freedom. The court freed Caesar and awarded him damages and cost.

The opening of hostilities with the mother country also contributed to the decline of slavery. During the war, slaves frequently volunteered for military duty, some were drafted, and still others acted as substitutes for white draftees. But it is also true that at times during the war slaves were not

37 Collections of the Massachusetts Historical Society, 5th series, III, 400.

38 Ibid., p. 392.

allowed to join the military. In January 1776, the Continental Congress decreed that only free Negroes could be allowed into the service.\footnote{John Hope Franklin, From Slavery to Freedom (New York: Alfred A. Knopf, 1950), p. 134.} Because of this policy, on many occasions, slaves were freed so that they could serve in the military. In other cases the decree was simply ignored by the states. Later in the war, most of the states reversed the policy of the Continental Congress or passed specific legislation for the enlistment of slaves. Massachusetts did this in 1778.\footnote{Ibid.} Before the war was over, most states, as well as the Continental Congress, were enlisting slaves with the understanding that they would receive their freedom upon termination of military service.\footnote{Massachusetts can be included among the states that provided freedom for slaves who performed military service during the Revolution. When the town of Andover enlisted Cato Freemen, it was stipulated that he would be freed after three years of service; Quarles, The Negro in the American Revolution, p. 53.} While the number is indeterminate, it is not difficult to conclude that hundreds, if not thousands of slaves received their freedom by the end of the war.\footnote{Franklin, p. 138.}

The Negroes of colonial Massachusetts played their greatest military roles in the American
Revolution. There were at least eight Negroes at the Battle of Lexington and Concord.\textsuperscript{44} One of the Negroes was Peter Salem who served in Captain Simon Edgel's Framingham Company. Peter's owners, the Belknaps of Framingham, had given him his freedom so that he could enlist.\textsuperscript{45} One of the fifty-one American casualties at Lexington and Concord was Prince Estabrook, a Negro from West Lexington.\textsuperscript{46} Negroes were also at the Battle of Bunker Hill. Here, Peter Salem saw action for the second time, and became one of the heroes of the battle when he killed Major Pitcairn.\textsuperscript{47} Another Negro participant at this battle was Brazillai Lew of Chelmsford.\textsuperscript{48} Blaney Grusha was a Negro slave who fought at Bunker Hill. He belonged to Colonel Micah Stone of Framingham.\textsuperscript{49} Before the war was over, Massachusetts had organized two Negro companies. One company was under Major Samuel Lawrence, and the other, called the Bucks

\textsuperscript{44}Greene, \textit{The Negro in Colonial New England}, p. 190.
\textsuperscript{45}Quarles, \textit{The Negro in the American Revolution}, p. 10.
\textsuperscript{46}Ibid.
\textsuperscript{47}Franklin, p. 130.
\textsuperscript{48}Quarles, \textit{The Negro in the American Revolution}, p. 11.
\textsuperscript{49}Temple, p. 236.
of America, was under a Negro commander by the name of Middleton.\textsuperscript{50}

For all practical purposes slavery was eliminated with the adoption of the Massachusetts Constitution, in 1780, which stated that all men are "born free and equal."\textsuperscript{51} However, the final death-blow for slavery didn't come until the decision of the Quok Walker case in 1783. Quok Walker was the slave of Nathaniel Jennison, a Worcester County farmer. In 1781, Walker ran away from his master and took refuge with John Caldwell. Jennison charged Caldwell with enticing Walker to run away. In turn, Walker brought suit against Jennison for assault and battery; Jennison having discovered Walker's whereabouts, went there and assailed him. Jennison lost his case against Caldwell, and he lost the suit brought against him by Walker. The verdict of the Judicial Court concurred that the "born free" clause of the state's constitution was to be regarded as an authoritative expression of law, not a meaningless expression of words.\textsuperscript{52}

Slavery was legally abolished after the conclusion of

\textsuperscript{50}Franklin, p. 134.

\textsuperscript{51}Emory Washburn, "The Extinction of Slavery in Massachusetts," \textit{Collections of the Massachusetts Historical Society}, 4th series, IV (Boston, 1858), 334.

\textsuperscript{52}Quarles, \textit{The Negro in the American Revolution}, p. 48.
the Quok Walker case when the state's Chief Justice declared that the institution was inconsistent with the state's constitution. Thus, Massachusetts, the first colony to legalize slavery became the first state to abolish it.

Slavery in Massachusetts had become an anachronism. According to Samuel Sewall, Governor Dudley, and John Adams it had become economically inefficient and socially undesirable. In the final analysis, however, the practice of slavery had become inconsistent with the ideas and values that had developed in the years immediately prior to and during the Revolution.

Nevertheless, no statute or court decision could immediately erase from the public mind the convictions that the African race was inferior and therefore incapable of being assimilated. The Negroes of Massachusetts still faced political disfranchisement, economic discrimination, and social ostracism. Negroes were not immediately given the right to vote, and the legislature still barred interracial marriage. They were segregated against in public schools, theaters, and on stagecoaches; and they were forced to live in segregated ghettos such as "Nigger Hill" and "New Guinea" in Boston.53

Several individuals and organizations in Massachusetts began to work for the resolvement of the Negro's plight, both within the state and in the South. Just after the Revolution Doctor Jeremy Belknap became the major abolitionist leader in Massachusetts. He was soon aided by the Massachusetts Anti-Slavery Society which fought for school integration within the state. William Lloyd Garrison became a renowned anti-slavery publicist. Two years after the first publication of his abolitionist newspaper, The Liberator, Garrison helped organize the New England Anti-Slavery Society which was formed in Boston in 1832. This society proclaimed its purpose was for the betterment of the Northern Negro's economic and social position. However, even with all these forces working for them, it was many years before the Negroes of Massachusetts achieved full citizenship.
8. SUMMARY AND CONCLUSIONS

The foundations of the institution of slavery in Massachusetts were laid early in the seventeenth century. Enslavement of Indians preceded that of Negroes, and was carried on primarily during periods of Indian warfare. Economic motivation, as represented by the use of Indians in both domestic servitude and in the slave trade, played a minor role in this activity. The weight of evidence indicates that the enslavement of Indians served the primary end of eliminating him from the land. The first instance of Negro slavery followed shortly on the heels of the Pequot War, during which Indian slavery had been initiated. Negro slavery supplemented the use of Indians, and as the latter proved to be inefficient workers, the Indian was replaced by his African counterpart.

The use of Negro slave labor did not, at any time in Massachusetts, develop to the same extent as in the Southern colonies. To a limited degree, they were used as domestic servants and in industry, particularly that aspect of industry which involved maritime activities. Lacking the agricultural resources of the South, and taking advantage of its maritime location,
Massachusetts found the trading of Negroes to be more profitable than the ownership of them as slaves. By the beginning of the eighteenth century, Massachusetts had achieved a position of relative importance in the slave trade. Her involvement in this area of the institution of slavery was of great importance to the economy of the colony throughout the colonial period.

The labor of Negroes was initially utilized in Massachusetts under varying forms of indenture. In 1641, however, Massachusetts became the first English colony in North America to legalize perpetual enslavement. The Puritan founders, of the colony, justified the placing of humans into slavery on a number of bases. They adopted the traditional position that war captives could be enslaved; they required that persons guilty of specific crimes should be sentenced to lifetime bondage; and they advanced the theological argument that Negroes and Indians, being heathens and therefore a lesser breed of men, could be placed in the status of slavery by "superior Christians." When, however, slaves were admitted to church membership, fine-spun theological arguments were advanced to rationalize the latter position, and slavery was justified as the vehicle by which heathens were brought to the "Light of the Lord."
The slave's position in Massachusetts was ambivalent. He was forced to respond to statutes which classified him both as property and as a person. In the former, he could be bought and sold, his owner was taxed for him, and he was treated at law as property. In the latter status, the slave was given the right to life, and shared many of the freeman's rights before the law. Perhaps the slave's most important right was that he could achieve his freedom, either through his own efforts or through the good will of his owner. Slave or free, however, both the Negro and Indian suffered discrimination.

Throughout the colonial period, Negroes and Indians were the object of legislation which clearly reflected their inferior status in the social structure. Much of this legislation was enacted to protect the master in his property rights, but the major part was designed for the protection of the white man against acts of violence, real or imagined, which would pose a threat against his person. Fear of insurrection and conspiracies was the chief motive for the passage of the statutes. Much of this legislation was general in nature, but was still discriminatory since the Negro and Indian, free or slave, was mentioned specifically, and specific or different punishment were provided for them as compared with whites. It did not follow,
however, that all sanctions uniformly provided harsher punishments for slaves, since their status as property placed a responsibility on the courts to protect the slaveholder's rights in his property.

Although slavery had become well established, by the beginning of the eighteenth century, some voices were raised against it on moral and religious bases. Opposition gradually increased during the eighteenth century, although the arguments of the opponents changed. Now data was presented which seemed to prove that Indian and Negro slavery, as compared with the use of white indentured servants, was uneconomic. In addition, slavery was attacked because the institution was held responsible for bringing undesirable people into the colony.

During the decade which preceded the opening of the Revolutionary War, there was general opposition to slavery. The attitudes of the colonists towards control of the mother country affected, and apparently brought a change in, their attitudes towards holding their fellow humans in bondage. Attempts to legally abolish slavery, which were frustrated by royal governors, indicated this changing attitude. Another indicator was provided by court actions that generally favored manumission. The war, itself, accelerated the decline of the institution by providing increasing
opportunities for manumission. The close of the war witnessed the legal abolition of slavery in Massachusetts.

It seems clear that slavery developed in colonial Massachusetts in response to a number of factors. Perhaps the most important of these was a need for labor. However, developments in the colony demonstrated that free labor, for the type of economic activities which evolved, was more efficient than slave labor. Reinforced by moral and religious arguments and by revolutionary social doctrines, it was perhaps inevitable that the demise of the institution coincided with achievement of political liberty for the people of the Commonwealth of Massachusetts.
BIBLIOGRAPHY

Primary Materials


"Belknap Papers," Collections of the Massachusetts Historical Society, 5th series, III (Boston, 1882).


Mather, Cotton. "Diary," Collections of the Massachusetts Historical Society, 7th series, VII (Boston, 1911).


"Queries Respecting Slavery, with Answers," Collections of the Massachusetts Historical Society, 1st series, IV (Boston, 1795), 191-211.


Secondary Materials

Books


Temple, J. H. History of Framingham, Massachusetts, 1640-1680. Published by the Town of Framingham, 1887.


**Periodicals and Articles**


"Slaves in Massachusetts, 1774," *Collections of the Massachusetts Historical Society*, 3rd series, III (Boston, 1846), 95.


---

