

Essay upon the constitutional rights as to slave property.

Printed by T. W. White - What the Constitution Really Says About Race and Slavery



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What Does the Constitution Say About Enslavement?

And if Congress itself cannot do this — if it is beyond the powers conferred on the Federal Government — it will be admitted, we presume, that it could not authorize a Territorial Government to exercise them. Has not the constitution said, that the states shall not use such and such powers, and given exclusive powers to Congress! It has no power over the person or property of a citizen but what the citizens of the United States have granted. But what the advocates do not acknowledge—and some courts seem not to understand—is that their arguments are grounded in precedent unique to the violent world of the slaveholding South.

An essay upon the constitutional rights as to slave property. Republished from the literary for Feb. 1840 1840 [Leather Bound]: Robinson, Conway: Books

In 1819, a colored man, claimed by a citizen of Maryland as a fugitive from his service, was arrested by him in the county of Philadelphia, and carried before a justice of the peace, who committed the man to prison, in order that inquiry might be made into the claim. They might have kept aloof from the constitution. And I understand stealing to be recognized as crime by all laws, human and Divine.

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The common cause against Great Britain tied together colonies that never had much to do with each other—but by 1787, this connection was unraveling. In accordance with this view, the manuscript, at the same time that it was furnished to the Messenger, was transmitted to the Editors of the American Jurist, a valuable legal periodical published at Boston.

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The duty of the court is to interpret the instrument they have framed with the best lights we can obtain on the subject, and to administer it as we find it, according to its true intent and meaning when it was adopted.

Slavery, the Second Amendment, and the Origins of Public

Clark, late of Providence, in the said state, has been guilty of frauds in abstracting from the Burrilville bank, in that state, money, notes, and bank bills, while president of said bank, in a fraudulent manner, which said acts are made criminal by the laws of that state; and that he has fled from justice in that state, and has taken refuge in the state of New York; and said Governor of Rhode Island has, in pursuance of the constitution and laws of the United States, demanded of me that I should cause the said John L. On the other hand, the common law writ de homine replegiando, for the purpose of trying the right of the master to the services of the slave, was well known to the laws of the several states; and was in constant use for that purpose, except so far as it had been superseded by the more summary proceeding by habeas corpus, or by local legislation. The Union in general is not in a worse situation.

Slavery, the Second Amendment, and the Origins of Public

They had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race either in social or political relations, and so far inferior that they had no rights which the white man was bound to respect, and that the negro might justly and lawfully be reduced to slavery for his benefit. Under their ample shield, the apprehension of captivity and oppression cannot be alarming. It is very clear that it was not intended that application should be made to the executive authority of the state.

South Carolina Declaration of Causes of Secession

One of these clauses reserves to each of the thirteen States the right to import slaves until the year 1808 if it thinks proper. No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

Dred Scott v. Sandford

Benjamin Franklin, James Wilson, and Gouverneur Morris, among others, were abolitionists.

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