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RACE, MARRIAGE, AND ABOLITION IN MASSACHUSETTS

To most students of American history the abolitionist movement is synonymous with the pre-Civil War effort to achieve the abolition of Southern slavery. That this constituted the movement's *raison d'être* there can be little doubt. Yet abolition was far more than an antislavery movement; and among its most important efforts were those which sought to improve the social, economic and legal status of the free Negro of the North before the Civil War and to secure for him equal rights and opportunities. The purpose of this essay is to describe the campaign waged by the abolitionists of Massachusetts to eliminate segregation and assure equality of status for the Negro in the area of marriage.

It was as early as 1705 that the founding fathers of Massachusetts, borrowing a leaf from the law books of Maryland and Virginia, enacted legislation prohibiting marriage and "fornication" between Negroes or mulattoes and whites, and provided severe penalties for violators.¹ In 1786, the prohibition against fornication was eliminated, but the ban against marriage was extended to include Indians as well. In addition, although the penalties for the partners to such a marriage were reduced, the marriage was made subject to a penalty of 50 pounds, and the marriage itself declared "null and void."²

The law remained publicly unchallenged until 1831 when William Lloyd Garrison began to publish the *Liberator* in Boston. On January 8, 1831, in the second issue, he condemned the law as "an invasion of one of the inalienable

¹ *Acts and Resolves of the Massachusetts Bay, 1692-1704* (Boston, 1869), I, 578.

² *Massachusetts Statutes, 1786*, Chapter 3, Section 7. The text of the law is printed in Franklin Johnson, *The Development of State Legislation Concerning the Free Negro* (New York, 1918), pp. 123-24.

rights of every man; namely, 'the pursuit of happiness'—disgraceful to the State—inconsistent with every principle of justice—and utterly absurd and preposterous," and called for its elimination from the statute book.³ Further calls for action, in succeeding issues, brought a response within a few months. A bill to revise and recodify the entire marriage code of the Commonwealth had been introduced in the House and had included, among other provisions, the existing prohibition of interracial marriages. John P. Bigelow, a Whig member of the House, and not an abolitionist, moved an amendment to strike out the provision. His amendment was supported by some of the most prominent legislators of the state and was adopted. However, when the bill as a whole was defeated—for reasons unrelated to the amendment—the original law continued in effect.

The efforts of Garrison and Bigelow evoked a tremendous wave of criticism. Oliver Johnson, in his biography of Garrison, notes that "perhaps of all his [Garrison's] acts this was for a time the most unpopular. The press poured upon it unmeasured ridicule and scorn, denouncing him as an 'amalgamationist.'"⁴ He was accused, too, of desiring the repeal of the law in order to be able to take a black wife.⁵ Bigelow was charged by the *Boston Free Press* with "attempting to break down the barriers of nature by promoting inter-marriage between the blacks and whites. . . ."⁶ The *New England Palladium* warned that if the marriage law were repealed, "the real Anglo-Saxon blood" of Massachusetts would ultimately vanish. "Law should combine with public opinion to prevent alliances, the consequences of which are so foreign to our habits and

³ The *Liberator*, January 8, 1831, p. 7.

⁴ *William Lloyd Garrison and His Times* (Boston, 1881), pp. 102-3.

⁵ *William Lloyd Garrison, 1805-1879: the Story of His Life Told by His Children* (New York, 1885), I, 331n.

⁶ *Liberator*, May 21, 1831, p. 83.

prejudices.”’ *The Commercial Gazette* felt that its repeal would antagonize the Southern states.⁸

Bigelow defended his amendment with vigor. He denied that he was “proposing” intermarriage between Negroes and whites. A large majority of the states, he observed, had no such law on their statute books. Yet marriages between the two races were as rare there as in Massachusetts. He noted that in its proscription of marriages between Indians and whites, the law was “wholly at variance with the spirit of the times and the tenor of a report which had just been adopted in regard to the Cherokees”; clergymen performing such marriages were unjustly penalized while the parties themselves went unpunished; if the desire existed to contract interracial marriages, the law would avail little in preventing them; moreover, the prohibition flouted the principle that “all men are born free and equal.” For all these reasons, he explained in one of his statements, “I thought therefore that it was better to leave the regulation of things of this kind to the known feelings and good sense of the community, rather than to re-enact a law which avowedly had done no good, and which was first passed in the early ages of the colony with special reference to the slave population and the numerous Indian tribes by which the colonists were surrounded.”⁹

Garrison defended the amendment even more vigorously. Had the character of Massachusetts suffered from the attempt to repeal the law, as had been alleged by some? “In whose estimation,” he replied, “but of blockheads? We say that the character of the State is disgraced and dishonored by our present penal law; that the law is unjust, immoral and unconstitutional; and that the attempt of Mr. Bigelow to get it obliterated, will greatly enlarge his reputation in coming years. . . .” Was Bigelow seeking

⁷ *New England Palladium*, March 18, 1831.

⁸ *Liberator*, June 11, 1831, p. 93.

⁹ *Liberator*, April 30, 1831, p. 72.

to break down "the barriers of nature," as had been charged? "Come, thou sagacious discriminator of skins," Garrison thundered, "define thy boundary line! Let us know the exact shade and the particular curl of the hair which justly deprive a man of his right of choice! . . . If marriage, as thou sayest, is the creature of color and not of affection, ought we not also to consult the bulk and height of the body? Shall fat and lean persons be kept apart by penalties? Or shall we graduate love by feet and inches?"¹⁰

In one important respect Garrison differed from Bigelow and others who wanted the law repealed. The latter were actuated primarily by the belief that the law, in Garrison's words, was "a disgraceful badge of servitude."¹¹ However, they regarded interracial marriages as in some sense wrong or unnatural. Bigelow referred to such marriages as "the gratification of a depraved taste."¹² On the other hand, Garrison saw nothing unnatural in them and believed that with the advance of civilization all marriage barriers would pass away. "If he has 'made of one blood all nations of men for to dwell on all the face of the earth,' " he wrote, "then they are one species, and stand on a perfect equality: their intermarriage is neither unnatural nor repugnant to nature, but obviously proper and salutary; it being designed to unite people of different tribes and nations, and to break down those petty distinctions which are the effect of climate or locality of situation, and which lead to oppression, war and division among mankind. . . . As civilization, and knowledge, and republican feelings, and Christianity prevail in the world, the wider will matrimonial connexions extend; and finally people of every tribe and kindred and tongue will freely intermarry. By the blissful operation of this divine institution,

¹⁰ *Ibid.*, May 21, 1831, p. 83.

¹¹ *Ibid.*, June 11, 1831, p. 93.

¹² *Ibid.*, April 30, 1831, p. 72.

the earth is evidently to become one neighborhood or family.''¹³

The failure of Bigelow's attempt was followed by another effort in 1832. This too failed when the legislature upheld a committee report that it was inexpedient to legislate on the subject.¹⁴ Thereafter, the movement for repeal remained dormant until 1838. During the interim, however, the conditions for future victory were emerging. Under the stimulus of Garrison and others, abolitionist societies were forming in cities and towns throughout Massachusetts and elsewhere. In publications and meetings they stressed the evils of discrimination and segregation. Maria Weston Chapman, an outstanding leader of the movement, once remarked that, "aroused by the American Anti-Slavery Society, the very white men who had forgotten and denied the claim of the black man to the rights of humanity, now thunder that claim at every gate, from cottage to capitol, from schoolhouse to university, from the railroad carriage to the house of God. . . . Thus, instead of bowing to prejudice they conquer it."¹⁵

The constitutions of most abolitionist societies included a provision similar to that of the New England Anti-Slavery Society: "The objects of the Society shall be to endeavor, by all means sanctioned by law, humanity and religion, to effect the abolition of slavery in the United States, to improve the character and condition of the free people of color, to inform and correct public opinion in relation to their situation and rights, and obtain for them equal civil and political rights and privileges with the whites."¹⁶ The abolitionist press stressed the relationship between prejudice in the North and slavery in the South. "Before New England can go forward boldly and efficiently in the cause

¹³ *Ibid.*, May 7, 1831, p. 75.

¹⁴ *Ibid.*, February 11, 1832, p. 23.

¹⁵ Quoted in William C. Nell, *The Colored Patriots of the American Revolution*, (Boston, 1886), p. 348.

¹⁶ Reprinted in the *Abolitionist*, I (January, 1833), 2.

of emancipation, she must elevate her colored population, and rank them with the rest of her children. Reform, not partial but entire—not in the letter but the spirit—must first commence at home.’¹⁷

In combatting prejudice and discrimination, abolitionist societies had to educate their own members too. So great was the prejudice against admitting Negroes into organizations of whites that some white abolitionists, motivated by expediency or prejudice, opposed their admission into the anti-slavery societies. Abolitionist leaders and the movement as a whole soon repudiated such sentiments. In January 1836, at the annual meeting of the New England Anti-Slavery Society, Reverend Professor Charles Follen, one of its outstanding leaders, remarked in a speech: “We have been advised, if we really wished to benefit the slave and the colored race generally, not unnecessarily to shock the feelings, though they were but prejudices, of the white people, by admitting colored persons to our Anti-Slavery meetings and societies. . . . But what, I would ask, is the great, the single object of all our meetings and societies? Have we any other object than to impress upon the community this one principle, that *the colored man is a man?* and, on the other hand, is not the prejudice which would have us exclude colored people from our meetings and societies the same which, in our Southern States, dooms them to perpetual bondage?”¹⁸ In May 1837, the anti-slavery women of the country, assembled in convention in New York, affirmed: “Those Societies that reject colored members, or seek to avoid them, have never been active or efficient. . . . The abandonment of prejudice is required of us as a proof of our sincerity and consistency.”¹⁹

In Massachusetts, abolitionist statements and activities finally bore fruit, in 1838, when a renewed attempt was

¹⁷ *Idem.*

¹⁸ William C. Nell, *op. cit.*, pp. 351-52.

¹⁹ *Ibid.*, p. 350.

made to eliminate the intermarriage ban. The initiative was taken by the anti-slavery women of the state. At the beginning of the year, Mrs. Charlotte F. Thompson, the wife of Rev. Otis Thompson, a former pastor of the First Congregational Church of Rehoboth, and fifteen other ladies of that town, presented a petition to the legislature urging repeal of the marriage ban. The petition was referred to a committee and forgotten. It was subsequently reported in the press that Representative Robinson of Boston had presented a petition, apparently signed by certain colored persons of Boston, protesting against Mrs. Thompson's petition. The Negro petitioners suggested that it was "already sufficiently difficult, with all the protection which the law now affords . . . to defeat the frequent advances, which are made by *whites*, particularly females, for a union of those colors which divine Providence has wisely separated," and urged that the law be retained.²⁰ The *Liberator* denounced this petition as a "hoax," asserted that "it could never have been written or signed by any colored persons," and called it an attempt to "trifle with the dignity of the Legislature, and burlesque the sacred right of petition!"²¹

For the remainder of the year, nothing further was heard of either petition. In the interim, the anti-slavery women of Boston and other cities in the Commonwealth were circulating additional petitions. These did not specifically mention the marriage law but urged repeal of "all laws in this state, which make any distinction among its inhabitants on account of color." It was understood, however, that their intent was repeal of the marriage law. Thus, when the legislature convened in 1839, it was confronted with the names of more than 1,300 women from Lynn, Brookfield, Dorchester and Plymouth, who opposed the law.

²⁰ *Liberator*, March 9, 1838, p. 40.

²¹ *Idem*.

The petitioners were met with a storm of abuse. Characterized as "politicians in petticoats," they were accused of a desire to marry black men, a lack of modesty for venturing into public affairs—an area then entirely reserved to men—and a want of virtue for interfering in so delicate an area as sexual relations. Headed by one Samuel Curtis, 193 men of Lynn submitted a petition requesting that Caroline Augusta Chase and the seven hundred and eighty-five women of Lynn who had petitioned for repeal of the law, be granted "a free and full privilege" by the legislature "to marry, intermarry, or associate with any Negro, Indian, Hottentot, or any other being in human shape, at their will and pleasure, provided they do not in any way transgress the law over and above the petition."²² The *Boston Morning Post* commented that "perhaps some of these ladies despair of having a *white* offer, and so are willing to try *de colored race*."²³

Their reception in the legislature was no less abusive. Representative Greenleaf of Bradford asked "if those ladies desire this legislature to pass a law authorizing them to marry blacks, or any other white person to marry blacks. I believe those ladies have been deceived, that they are affected with gross ignorance, and know not what they ask."²⁴ Colonel Minott Thayer, another representative, proclaimed in a huff: "Sir: I am entirely opposed to all such petitions. And I have no respect for the women who sign. I don't believe there is a virtuous woman among them."²⁵ The *Boston Morning Post* reported Representative Thurston of Lancaster as saying that "if any lady wished to take to her embraces some *gay Othello*, he, for

²² *Ibid.*, March 1, 1839, p. 33. A petition signed by Phillis Hathaway and other "ladies of color" was also submitted and was later proven to be forged.

²³ *Liberator*, February 8, 1839, p. 23.

²⁴ *Ibid.*, February 15, 1839, p. 27.

²⁵ *Idem*. Thayer later denied that he had used exactly these words, but they were widely quoted.

one, was heartily willing to accommodate her.”²⁶ Only George Bradburn, a Whig Representative from Nantucket, supported repeal and with great force defended the petitioners.²⁷ Emphasizing that neither he nor the petitioners sought to further “amalgamation,” he noted that the law reduced every married couple of differing complexions to a state of concubinage; stigmatized their children as bastards, and “by thus bastardizing those children, it disinherits and robs them of their property”; denied “the authority of Heaven. For ‘what God hath joined together,’ it most impiously undertakes to ‘put asunder’”; and violated the first article of the Declaration of Rights of the constitution of Massachusetts, “which guarantees to all citizens the right of ‘seeking and obtaining their safety and happiness’.”²⁸

Outside the legislature, Garrison wielded his pen with gusto in defense of the petitioners. He denounced the editor of the *Morning Post* as a “brawling demagogue,” and asked: “Who, but a degraded soul, or a petty upstart, can find in the petition, signed by so large and highly respectable a number of women in Lynn, anything to ridicule or oppose? . . . The *Post* has no objection to a licentious mixture of the races, but only to a virtuous marriage.” Concerning the petition of Samuel Curtis and the 192 others of Lynn, Garrison commented: “We did not suppose that so many low blackguards could be found in any town in this Commonwealth. They would be disowned by Billingsgate and St. Giles.”²⁹ Minnott Thayer’s alleged remark that there was not a virtuous woman among those who had signed the petitions, Garrison observed, “betrays a vulgarity and profligacy of mind, never before witnessed in

²⁶ *Ibid.*, February 22, 1839, p. 30.

²⁷ Bradburn, a Unitarian minister and abolitionist, had been elected in 1839. For further information, see *A Memorial of George Bradburn by His Wife* (Boston, 1883).

²⁸ *Liberator*, February 15, 1839, p. 27.

²⁹ *Ibid.*, February 8, 1839, p. 23.

any legislative body in New England. No wonder it is his fate to lead a single life, and that he has (according to his own confession) never been able to 'secure the good graces of the ladies.'³⁰

Among other prominent abolitionists who raised their voices in defense of the petitioners for repeal of the law were John Greenleaf Whittier and Lydia Maria Child. The former, in a letter to the Amesbury *Morning Courier*, characterized the marriage law as "the offspring and relic of the old slave laws of Massachusetts," calculated to "rivet still closer the fetters of the enslaved, by giving legal sanction and expression to a cruel and anti-Christian prejudice. . . . So long as the southerners can point to it on her Statute Book, the anti-slavery testimony of Massachusetts is shorn of half its strength."³¹ The latter, in a letter sent to the legislature on March 20, 1839, cited a long list of reasons for repeal and protested "the contemptuous treatment offered to her sisters in Lynn."³²

The petitions for and against repeal were referred to the Committee on the Judiciary, headed by William Lincoln of Worcester, the brother of a former governor, Levi Lincoln. After holding hearings, the committee issued a report which defended the law and urged that it be retained. The report was a curious amalgam of sophistry, condescension and arrogance. Reading it today, one gains insight into the remarkable courage of the anti-slavery women, who fought for the rights of the Negro under the most trying circumstances, at a time when their own rights were almost universally denied. While admitting that "respect for their sex should ensure for them the common courtesy of a patient hearing," the report questioned whether the petitions of the ladies were "perfectly consistent with feminine delicacy," and noted that the "ap-

³⁰ *Ibid.*, February 15, 1839, p. 27.

³¹ Reprinted in *ibid.*, February 22, 1839, p. 30.

³² Reprinted in *ibid.*, April 26, 1839, p. 67.

propriate sphere” of women “has heretofore been in the domestic arch, where there is still space ample enough for the exercise of the gentle charities which make life happy.” The fact that the petitions had been signed only by women—the male anti-slavery societies had apparently overlooked the issue and had failed to circulate any petitions—was utilized to chide the male abolitionists for their lack of chivalry. “It is to be lamented,” said the committee, “that the light of chivalry has grown so dim over the ancient Commonwealth, that not one of its brave men has lent his name, to aid the prayers of a thousand fair women. . . .”

The committee then presented its reasons for opposing repeal. It asserted that complete equality of civil rights existed in the state, and denied that the marriage law created inequality or implied Negro inferiority. The question of the constitutionality of the law was one for the courts—not the legislature—to decide. That the children of interracial marriages were illegitimate and penalized for parental acts was no less true, it noted, for children of incestuous marriages. It affirmed the right of the legislature to “regulate marriages,” even marriages between persons of different shades of hair, if the “common good” required it. Repeal of the law, it argued, “would be construed to be the declaration of the Legislature, not only that the restraint should be removed, but that the union heretofore prohibited was fit and proper, and would give the sanction of legislation to unhallowed nuptials.” The sexual separation of the races was based upon God’s wishes: “It recognizes the distinctions impressed on the families of the human race by that Infinite Wisdom, which nothing but the insanity of fanaticism dares to arraign.” Finally, after remarking that the future historian might wonder that “it should ever have been necessary to enact decency by statute,” or “that the mothers, and daughters, and sisters, of a virtuous people should have demanded the

repeal of that statute of decency," it offered to "those persons styling themselves ladies, an opportunity to reconsider their opinions on matrimonial and constitutional rights, and to remove their names from the rolls on which they are written."³³

In the course of its report, the committee had not only chided the petitioners but had also questioned the veracity of their signatures. It had charged, for instance, that the names of "children of tender age" had been signed and that the signatures of the women of Brookfield "were all written by the same hand, if not by the same pen."³⁴ A special committee headed by Minott Thayer, the most outspoken opponent of repeal, was thereupon appointed to inquire into the validity of the petitions and to determine "whether any fraud had been practised in obtaining signatures. . . ." The Thayer Committee devoted itself almost entirely to an examination of a petition of Mrs. S. P. Sanford and other women of Dorchester. It held public hearings to which were invited all who wished to testify. The most prominent anti-slavery petitioners attended or sent communications, and those who attended were represented by counsel in the person of the prominent abolitionist, Wendell Phillips. It was revealed at the hearings that there had been irregularities in the collection of signatures. The women who had circulated the petitions had not authenticated each signature, and individual women had signed for members of their family and friends who were believed to be sympathetic to the anti-slavery movement. As a result,

³³ Committee on the Judiciary, "Report Respecting Distinctions of Color," House of Representatives, February 25, 1839, reprinted in the *Liberator* March 15, 1839, pp. 41-42.

³⁴ In fairness to the committee, it should be noted that it also condemned a petition of Phillip Hathaway and other "ladies of color" opposing repeal, as a "scurrile jest, insulting to the House and the people whom it represents." It also described the petition of Samuel Curtis as an "expression of ridicule . . . as might suit the license of the last hours of revelry, but as unfit for sober citizens. . . ."

errors occurred. The most flagrant involved the name of Mrs. S. P. Sanford, the wife of a clergyman, whose name headed the petition from Dorchester. Mrs. Sanford had actually refused to sign but her name was put on the petition by someone who had thought that she had agreed to sign. In another instance, a child had been asked by her mother to circulate a petition and, unknown to the organizer of the campaign, had secured several signatures of children. In addition, although the signatures to the Dorchester petition were supposed to have been those of Dorchester women only, two women of Milton had attached their names. Moreover, some women took fright under the pressure of ridicule and vilification and testified at the hearing that they did not know what they were signing; that they had believed it to be a petition for the abolition of slavery in the District of Columbia, or had assumed it to refer to states other than Massachusetts; or that they had not realized that the petition had any bearing upon the marriage law. It is important to note, however, that the majority of women made no move to recant or apologize for their action.

In its report, the Thayer Committee stressed the carelessness in the collection of signatures, noted that of those women who had appeared at the hearings only six had affirmed that they knew what they were signing (actually only a small minority of all who had signed appeared before the committee), and emphasized a statement it received, signed by thirty-two of the women, that they had understood the petition to refer to the abolition of slavery in the District of Columbia. In addition to presenting the results of its examination of the petitions, the committee denied the existence of any discriminatory laws in Massachusetts, called the attacks upon the marriage law "insulting to the memories of our ancestors" and "unjust to their descendants," and reiterated that it was "inconsistent with the modesty of a virtuous woman to solicit the repeal of

laws restraining the union of the white and black races in marriage.’³⁵

The report proved a fiasco. Its presentation led to the first defeat suffered by those defending the law. On its being given to the legislature, Bradburn attacked it, according to the *Liberator*, “with tremendous severity, every word falling upon the ear of its hapless author, Minott Thayer, with the burning intensity of molten lead poured upon the naked flesh,”³⁶ and urged that the House refuse to accept it. Thayer replied with equal warmth, and suggested in conclusion that the House adjourn before dark because “he feared to be detained there after dark, in company with ‘that man’ [Bradburn].” The House turned down this suggestion, and Thayer continued with the defense of his report. He told of the grief suffered by Mrs. Sanford as a result of the appearance of her name on the petition, of his amazement at finding Garrison, Phillips, Mr. Chapman (probably the husband of Maria W. Chapman, the abolitionist leader), and other abolitionist leaders at the hearings—“for the subject had no sort of connection with abolition”³⁷—and of his difficulty in questioning and securing information from Miss Sarah Baker, the corresponding secretary of the Dorchester Female Anti-Slavery Society, who had organized the petition campaign for the Dorchester women. He alleged that Miss Baker had refused, as a matter of conscience, to take an oath before testifying—instead of taking an oath she merely “‘affirmed’”—and had revealed information about the petitions “only after much twisting and turning.”³⁸ After further remarks,

³⁵ House of Representatives, “Report on the Petition of S. P. Sanford and Others Concerning Distinctions of Color,” Legislative Documents, No. 74, April 3, 1839.

³⁶ *Liberator*, April 12, 1839, p. 59.

³⁷ *Ibid.*, April 19, 1839, p. 62.

³⁸ *Idem.* On April 26, 1839, the *Liberator* printed a letter from Miss Baker, which gave her side of the story. “I find on reading the report of which Minott Thayer was chairman, that in many particulars it is absolutely false. Much of the verbal evidence given before the Committee in favor of

Thayer asserted that he would have been a monster had he not acted as he did. "For what, sir," he asked, "is the condition of the gentleman whose wife's name was put at the head of that petition? He is a wanderer. He has no home, and difficulty has been stirred up in his own family. It has been said, that his wife wished to get divorced from her husband, and to marry a black man."³⁹

The debate continued until Representative Buckingham of Cambridge noted that he had never before seen a report of a committee of the legislature attacked so violently. He suggested that he was reluctant to have the House adopt a report "against which there was so strong a feeling on the part of any members of the House," and urged that it be tabled. The next day, Buckingham reversed his stand and moved that the House remove the report from the table and act upon it. He revealed that he was making the motion out of kindness to his friend Thayer, and that he would, however, vote against his own motion. Further debate ensued but the House finally refused to take the report from the table. The *Liberator* commented, "Conceived in sin, brought forth in iniquity, it was therefore fitting it should die an ignominious death."⁴⁰

For the remainder of the session, the legislature abandoned all interest in the marriage law. The abolitionists began a vigorous campaign, however, to bring about repeal in 1840. Maria W. Chapman, the leader of the anti-slavery

the petitioners is either misconstrued or wholly left out of the report." After citing examples, the letter continued: "Furthermore, there is language attributed to me which I never used. Mr. T. read over some of it at the time he wrote it down, and I told him repeatedly it was not correct. There have also been some written statements of importance to some of the petitioners, which are excluded from the report." In conclusion, after noting the report's unfairness, she observed: "I will not, however, criminate his motives, but rather give him due credit for the fair construction he has put on the good motives of the petitioners. For this act he has saved for himself some respect, and I do hope it will be awarded to him." (Page 66.)

³⁹ *Liberator*, April 19, 1839, p. 62.

⁴⁰ *Idem*.

women of Massachusetts, sent a letter to the *Liberator* in which she called upon the women of the state to renew their efforts against the law. She urged each female anti-slavery society to "speak out NOW, and prove itself true-hearted by the readiness of its response. Let us all feel the responsibility which devolves upon the advanced guard of humanity."⁴¹ In an effort to intensify the movement for repeal, the abolitionists called a public mass meeting in Boston's Marlboro Chapel in March 1839. Garrison observed afterward that the meeting "was probably the largest ever witnessed in the city, on this great question." It was called to order by Wendell Phillips, and speeches were delivered by James G. Birney, Henry B. Stanton, and Phillips himself. Lincoln and Thayer were singled out especially for attack. The former, according to Garrison, "received one of the severest castigations, at the hands of Mr. Phillips, ever inflicted by mortal man." Present at the meeting were many members of the legislature and leaders of Boston society. Numerous resolutions were adopted. These condemned all laws "which proscribe, degrade or punish men on account of their complexion," denounced the marriage law as a "bold, deliberate, and profligate abolition of the marriage institution," and asserted that anyone who opposed repeal "is opposed to the inalienable rights of men, cannot be truly virtuous in heart, disregards the law of God, hates his fellow-men without a cause, and, under favorable circumstances, would not hesitate to hold another in slavery." The Judiciary Committee's comment that not one man had seen fit to add his name to those of a thousand women, was accepted as "a high panegyric upon the more active philanthropy of women, and will not fail to ensure, at the next session of the Legislature, such a demonstration of opinion and feeling on the part of the abolitionists of this State, OF BOTH SEXES, as has never yet been witnessed on any subject." Abolitionists were

⁴¹ *Ibid.*, March 15, 1839, p. 43.

urged to find out how their representatives had voted on the issue and to govern themselves accordingly at the next election. All anti-slavery societies in Massachusetts were called upon to hold public meetings in their respective cities and towns and to continue to express their views until the law was repealed.⁴²

The meeting gave strong impetus to the movement for repeal. In the ensuing months, the *Liberator* frequently printed copies of petitions for repeal circulated by the Massachusetts Anti-Slavery Society, and urged that names be gathered as soon as possible before the beginning of the 1840 legislative session. It printed a letter from A. J. Collins, the General Agent of the Society, which gave instructions as to how the names were to be secured and to whom the petitions were to be sent when completed. The letter called for a house-to-house campaign in every community, and recommended that each town be divided into districts and persons assigned to cover each district. One of his suggestions was that the petitions be taken to church on the Sabbath and placed "upon the table at the foot of the altar, where all can have an opportunity of signing them." To prevent fraud or suspicion of fraud he urged each person to sign his own name and no one else's.⁴³ Anti-slavery societies throughout the state passed resolutions calling upon their members to gather signatures. Thus the Stoneham Female Anti-Slavery Society resolved to "respond to our sisters of Dorchester and Lynn in petitioning . . . for the repeal of those laws which have too long disgraced our statute books. . . ."⁴⁴ The Lowell *Journal*, a non-abolitionist newspaper, lent its aid to the cause of repeal. "Matrimony," it suggested, "is an affair that may safely be left to the tastes of the contracting parties.

⁴² *Idem*.

⁴³ *Ibid.*, November 29, 1839, p. 190.

⁴⁴ *Ibid.*, July 5, 1839, p. 106. It is interesting to note that some abolitionists, apparently frightened by attacks upon them, were reluctant to par-

... Now there is no danger that the matches contemplated in this prohibition would be of frequent occurrence, if the law were repealed, and if, perchance, they should occasionally happen, no very great evils would result therefrom."⁴⁵

The persistent campaigning of the abolitionists and their friends produced results. By the end of the year, almost nine thousand signatures favoring repeal had been collected—3,674 male and 5,032 female—and were presented to the legislature for consideration at the 1840 session. Among the signers, as Bradburn later pointed out, were "‘gentlemen of distinguished consideration,’ in both the great political parties of the State."⁴⁶ The petitions were referred to a Joint Special Committee of the legislature headed by Representative George T. Davis of Greenfield. The committee’s report, issued on March 6, 1840, was most sympathetic to the petitioners. It said that the law was based on "the spirit of the caste" and "cannot be sustained, either upon the score of principle or of utility." Noting that the prohibition of interracial marriages was not a new form of oppression but had been resorted to by

ticipate in the campaign. A letter in the *Liberator* of October 4, 1839, p. 159, complained:

"1. I have met with many professed abolitionists who were ignorant of the real objects of these petitions, and who, reasoning from false premises have been led to erroneous conclusions, which have resulted in their refusal to lend them the aid of their names.

"2. There are others who are in the predicament of Lord Nelson, who, when thirsting for the blood of his enemies, and not wishing to see their flag of truce, put the spy-glass to his blind eye, and then cried, 'I don't see it!' I think it our best policy to make the object of these petitions so obvious that even those abolitionists who have but *one* eye cannot avoid perceiving it, and acting consistently with their professions. If, after having taken this step, there shall be found in our ranks any, who will refuse to sign the petitions, then let us regard them as recreant to the cause of bleeding humanity, and as unworthy of a name and place among those who are watching around Freedom's holy altars, that the fires burning thereon may not be extinguished by the *pious* thieves and robbers in our American Israel."

⁴⁵ *Ibid.*, May 10, 1839, p. 74.

⁴⁶ *Ibid.*, April 10, 1840, p. 62.

tyrants through the ages, it remarked that "it was reserved for the astuteness of this day to discover, that what the common sense of mankind had for ages stigmatized as an act of persecution, was in fact no persecution or annoyance at all." After noting other arguments against the law—for instance, the implication "that the most honest, intelligent and high-minded Negro citizen, is more loathsome and less fit for association than the vilest and most depraved white citizen"—the committee urged its repeal and reported out a bill to that effect.⁴⁷

In the debate that followed, the committee received substantial support. When put to a vote in the House, the bill passed by one vote. After receiving Senate approval, it was returned to the House for final enactment and was defeated by a small majority.⁴⁸ Several weeks afterward, a letter, signed "a Member of the House," appeared in the *Liberator*.⁴⁹ It cited the names of all representatives who had voted against the bill and analyzed the causes of its defeat. It pointed out that the Democrats, although a minority of the House, had provided more votes against repeal than had the Whigs. The Whigs who had "worked hardest" against the bill were Isaac Southgate of Leicester and Minott Thayer of Braintree; and they had been warmly supported by Franklin Dexter of Boston and William Lincoln of Worcester. One representative who had apparently been elected as an abolitionist, Jacob Berry of Boston, had voted against the bill, as had others who had been regarded as abolitionists. It is to be lamented, the writer commented, "that any, who even *call* themselves abolitionists, should oppose the removal from our statute-book of this relic of slavery." Many legislators were of the opinion, the letter alleged, that the bill would not have been

⁴⁷ *Ibid.*, March 27, 1840, p. 43.

⁴⁸ It is interesting to note that the first vote in the House was by yeas and nays with each individual vote recorded. On the final ballot, the individual votes were not recorded.

⁴⁹ *Liberator*, May 8, 1840, p. 73.

defeated had it been introduced early enough in the session. It attributed the delay to the action of two clerical representatives of the "New Organization," an abolitionist group which had recently broken away from the Garrisonian anti-slavery society because of a conflict over strategy. The two representatives, it alleged, had demanded that the Davis Committee hear their testimony in support of the bill at an open hearing. They had insisted on being heard despite the committee's assurance that its report would support the bill. The letter contrasted this action with that of the Garrisonian anti-slavery society, which had decided, on learning the committee's views, not to insist upon a hearing. Thus, an important conflict within the abolitionist movement had its repercussions in the effort to achieve racial equality.

With the defeat of repeal in 1840, the campaign began anew. Although Garrison confidently predicted that "another year will carry it,"⁵⁰ victory was not achieved until 1843. In 1841, bills favoring repeal were favorably reported in the House and the Senate. In the latter body, the bill was passed by the casting vote of its president, Daniel P. King.⁵¹ In the House, after passing to a third reading by a large majority, it was defeated by an equally large majority on its passage to be engrossed. The legislator most actively opposed to repeal during that session was George Lunt of Newburyport, who had been a member of the Senate in 1836 and had, during that year, authorized a report favorable to slavery. The report, said Garrison, "was altogether too disgusting a dose for the Legislature to swallow, even in those days of mobocracy and murder. The name of George Lunt instantly became infamous, and he has been unable to obtain a re-election from that time till the present session!"⁵² The *Liberator* attributed the

⁵⁰ *Ibid.*, March 27, 1840, p. 51.

⁵¹ Henry Wilson, *History of the Rise and Fall of the Slave Power in America* (Boston, 1872), I, 490.

⁵² *Liberator*, February 5, 1841, p. 23; February 12, 1841, p. 28.

defeat in 1841 to the machinations of the Whigs, who had a very decisive majority in the House. The Whigs had triumphed, it asserted, "by the aid of the abolitionists; and the same power which has given them the supremacy is able to put them in the minority." Refusing to despair, it called upon all abolitionists to redouble their efforts against the law: "Let us resolve to carry it out with increased and continually increasing energy and zeal, until victory perch upon our banner. Let us make the repeal of that law which repeals the law of God, the test question morally and politically for the current year. Let us, at the next State election, put the question to every candidate for the Senate and House of Representatives, 'Will you, if elected, vote for the repeal?' . . . Let those who have scorned to listen to the petitions of the people know that 'the people will teach them the law.'"⁵³

At the end of 1841, the campaign received a severe blow in the unexpected defeat of George Bradburn for re-election to the House. All the Whig candidates from Nantucket, with the sole exception of Bradburn, had been elected by large majorities. The *Liberator* suggested that his defeat had resulted from "political treachery on the part of the Whigs, and perhaps by the lukewarmness of the anti-slavery voters. This is a very contemptible manœuvre, to say the least. . . . It will be a crumb of comfort to the minions of slavery in every part of the land, and a matter of regret to the great body of abolitionists."⁵⁴

Notwithstanding Bradburn's defeat, as the 1842 session began, all omens pointed to victory. The press and public opinion were far more sympathetic than ever before. The more favorable climate was evident in the Senate, where a bill reported by Seth Sprague, Jr. was quickly passed by a vote of 24 to 9,⁵⁵ as contrasted with the pre-

⁵³ *Ibid.*, February 5, 1841, p. 23.

⁵⁴ *Ibid.*, November 19, 1841, p. 187.

⁵⁵ Henry Wilson, *op. cit.*, I, 490.

vious year's margin of one vote cast by the presiding officer. This vote, the *Liberator* asserted, "is an indication of a rapid progress, in the community, of a healthful public sentiment. And it is obvious, from a glance at the newspaper reports of the debate had on the bill, that this public sentiment, the result of previous agitation of the subject, both in the legislature and out of it, had much more to do with its passage, than any thing said by its advocates in that debate."⁵⁶

In the House, however, substantial opposition developed. Representative Marcy, a Democrat from Greenwich, argued that repeal would be but a prelude to the end of segregation on the railroads of Massachusetts. Representative Gibbens, a Boston merchant, said that he would rather follow his daughter to the grave than permit her to marry a Negro.⁵⁷ Representative Park of Boston, the *Liberator* reported, affirmed that "the whites, as a race, are superior to the blacks. They have a right, and it is their duty to prevent their own race from deteriorating. The mixed blood is depraved, the intellect is inferior, while the animal passions are strengthened."⁵⁸ Among those who spoke for repeal were Representative Seth J. Thomas, a leader of the Democratic Party, Henry Wilson of Natick and Charles Francis Adams. Although the bill was passed to a third reading by a close vote, it was rejected on its passage to be engrossed by a vote of 140 to 136.⁵⁹

A principal cause of the defeat, it was rumored, was the opposition of Democratic Governor Davis, who was allegedly seeking the Democratic vice-presidential nomination on the same ticket with Henry Clay.⁶⁰ The *Liberator*, which had printed the rumor, reserved decision as to its truth. It affirmed, however, that "some kind of legerde-

⁵⁶ *Liberator*, February 11, 1842, p. 22.

⁵⁷ Henry Wilson, *op. cit.*, I, 491.

⁵⁸ *Liberator*, February 25, 1842, p. 30.

⁵⁹ *Ibid.*, March 4, 1842, p. 35.

⁶⁰ *Ibid.*, March 25, 1842, p. 47.

main was used to defeat the marriage bill, and if it can be satisfactorily shown who pulled the wires, political retribution will be meted out with all impartiality and fidelity.”⁶¹

In the election of 1842 the Whigs suffered a severe defeat, the Democrats gained control of both houses of the legislature and a Democrat, Marcus Morton, was elected governor. The new legislature included a clear majority in favor of repeal. Opponents of the measure were not inclined, however, to abandon the field without one last effort. Representative Gibbens submitted a petition, signed by twenty-one colored women, which, after noting that a petition for repeal had been submitted by a number of colored men, stated that repeal of the law “will exert a most pernicious influence on the condition of colored women. . . . We shall be deserted by our natural protectors and supporters. . . . Colored husbands will regret that they married before the change of the law, and will wish their wives out of the way,” and begged the legislature not to “plunge us into an abyss of wretchedness, temptation and ruin. . . .”⁶²

The petition received wide publicity and was quoted in newspapers throughout the state. Garrison commented, concerning its “paternity,” that “we have heard [it] attributed to that brazen-faced pettifogger, ‘John C. Park, Esquire’”; he noted that Representative Gibbens, who had presented it to the legislature, was “notorious for his *colorphobia*, and hostility to anti-slavery”; asserted that the women who had signed, “with scarcely an exception, are said to be among the lowest and most disreputable of our colored population”; and concluded that “it is the low device of white blackguards, and is to be regarded as nothing better than a worthless hoax.”⁶³

The petition failed of its purpose. Efforts in the legis-

⁶¹ *Ibid.*

⁶² *Ibid.*, February 24, 1843, p. 30.

⁶³ *Idem.*

lature to postpone consideration of repeal failed. An amendment by Representative Stevenson of Boston, which provided that "nothing in this act contained shall in any way be construed to be a sanction, on the part of the Legislature, to the intermarriage of white persons with negroes, mulattoes or other individuals of African descent," was defeated, and in the House the bill was passed to be engrossed by a vote of 174 to 139.⁶⁴ It was approved by the Senate with only three or four dissenting votes and received the signature of Governor Morton.

The victory against the marriage law had an important effect upon the anti-slavery movement and the history of Massachusetts. It gave the abolitionists a sense of their potential power and capacity for future success. It brought them new adherents in all sections of the population. It stimulated them to renewed effort against other forms of discrimination and segregation—on the railroad, as well as in the churches, the schools and the militia. It taught them to have confidence in the ultimate goodness, intelligence and devotion to democracy of the masses of their fellow Americans. Finally, it demonstrated that a band of devoted men and women who had faith in their democratic heritage could, through proper organization and self-sacrificing and unremitting effort, bring about important reforms in the laws and practices of American society.

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⁶⁴ *Ibid.*, March 10, 1843, p. 31.