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Sharp, Granville, 1735-1813.

Letter from Granville Sharp.

Baltimore, Graham, Yundt & Patton, 1793. 11 pp.

NYPL copy.

LETTER
FROM
GRANVILLE SHARP, Esq.

OF
LONDON,
TO THE
MARYLAND SOCIETY

FOR PROMOTING THE
ABOLITION OF SLAVERY,
AND THE
RELIEF OF FREE NEGROES AND OTHERS, UNLAWFULLY
HELD IN BONDAGE.

PUBLISHED BY ORDER OF THE SOCIETY.

BALTIMORE:

Printed by D. GRAHAM, L. YUNDT, and W. PATTON, in Calvert-
Street, near the Court-House.

M.DCC.XCIII.



ADVERTISEMENT.

THE following pages contain the Postscript of a Letter written by GRANVILLE SHARP, Esquire, of London, to the SECRETARY of the Maryland Society for promoting the Abolition of Slavery, &c.

The author has calculated his observations, principally, for the present actual state of the British Colonies, where slavery is tolerated by law. They were once more applicable to the condition of these States, and it is matter of deep and serious regret, that their pertinency in any degree continues. But the glorious American revolution, which gave to people of one complexion independence and liberty, unhappily left those of another to groan under the weight of the most cruel and remorseless slavery. The mind that can exercise unprejudiced reason, and all who regard the Will of Heaven, will abhor the absurd discrimination. Still slavery exists, and, in the case of slaves escaping from their masters, the friends of universal liberty are often embarrassed in their conduct, by a conflict between their principles and the obligations imposed by unwise, and perhaps unconstitutional, laws. Sensible of the delicacy of their situation and the difficulties they have to struggle with, the Maryland Society have been extremely circumspect in their conduct, and have endeavoured to avoid alarming the slave-holder, or interfering in any manner with the laws of property. The production, however, of a great and respectable name, founded in reason and revealed religion, and on a subject daily brought into view by interesting occurrences in the Southern States, cannot offend the enlightened citizens of a free country. Many will collect from his learning and deep researches, much useful information, and all will find ample matter for serious contemplation.

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L E T T E R, &c.

LETTER, &c.

A REMARK which I wrote many years ago, respecting the illegality of taking up “slaves that had escaped from their masters,” had been useful (I was informed) to some friends of humanity in America, in their endeavours to protect those poor oppressed people. I cannot now find a copy of that paper, but the argument was chiefly built on a reference to a text in Deut. xxiii. 15, 16.—“Thou shalt not deliver unto his master the servant which is escaped from his master unto thee: He shall dwell with thee, even among you, in the place which he shall choose,” (manifestly as a freeman) “in one of thy gates where it liketh him best: thou shalt not oppress him.” This, I observed, was no part of the abrogate ceremonial law of the Jews; but manifestly a moral law, because the reason of it still remains, so that it must be of indispensable obligation as long as the hateful oppressions of slave-holders afford us any occasions of exercising this duty to God of protecting the slaves that escape from their masters; and, consequently, I asserted, that any colonial law, which opposes this ordinance of God, by ordering the arresting, and delivering up runaway slaves; or which, in any way, tends to deprive them of due legal protection, is, of course, to be deemed “a corruption, null and void in itself,” as being contrary to the second foundation of English law. This necessary consequence I urged from a well known maxim of the English law respecting statutes (acts of assembly, or acts of parliament) “*nec contra rationem, nec contra legem divinam*” (statuta) “*existunt.*”—(Doct. et Stud. c. 10.)—That “statutes exist not against reason, nor against the
divine

divine law." And that "an unjust law is *not law.*"—
 "Lex injusta non est lex." (Prin. Leg. et Æquit.)—And
 again, that "these two laws," (viz. the law of reason, and
 the law divine) "cannot abate, or turn aside."—"Hæ
 duce leges declinari not possunt."—(Doct. et Stud. c. 17.)

But I have since had occasion to regard these two fun-
 damental laws of the English constitution with still more
 awful attention; and therefore I must farther remark, that
 the first foundation, the law of *reason* (as including all the
 laws of nature, justice and natural right) is certainly to be
 deemed "the law of God," as well as the second founda-
 tion, the divine precepts in the holy scriptures; because
 the former is defined by high legal authority, to be "the
 law written upon the heart of man," (and of course is
 the law of the Creator) which "cannot therefore be ob-
 literated, nor changed, by time or place, but ought,
 every where, and among all men, to be maintained,
 because *the laws of nature are immutable*"—"Lex ra-
 tionis in corde scribitur," (which must therefore be at-
 tributed to the Creator) "ideo deleri non potest, nec
 recipit mutationem, ex loco nec tempore, sed ubique
 et inter omnes homines servari debet; nam *jura natu-
 ralia immutabilia sunt.*" (Doct. et Stud. c. 2. p. 5.)
 This amply demonstrates the propriety of declaring the
 law of reason to be the first foundation of English law, as
 being "the law of God, written (as it were) on the heart
 of man."—It is that "knowledge of good and evil in
 man" which may fairly be deemed a participation of
 the "divine wisdom," or of *Christ* himself, that "true
 light which lighteth every man that cometh into the
 world," (John i. 9.) and of course it renders every
 man obnoxious, through the knowledge of right and law,
 to the divine vengeance for disobedience! Our first pa-
 rents wilfully assumed this knowledge, contrary to an ex-
 press command of their Creator, (being deluded by the
 spiritual enemy) and thereby entailed death and condem-
 nation on all their posterity, laying them under an abso-
 lute

lute necessity to obtain redemption by a still farther participation of the same "divine wisdom," or "word of God."

There is also another legal term or title for this first foundation of law, viz. "the eternal law," which in our books is properly defined to mean exactly the same authority as the "law of reason," i. e. "The supreme reason of divine wisdom, by which God wills that all things created by him, be moved and directed to a good and proper end."—"Lex æterna nihil aliud est quam ipsa *summa ratio gubernationis rerum in Deo, sive illa summa ratio divinæ sapientiæ, qua vult Deus omnia a secon-* dita moveri et dirigi, ad bonum et debitum finem," &c. (Doct. et Stud. c. 1. p. 2.) And again:—The "law eternal under another description is called a perpetual and constant will to give to every one his right." "Lex æterna sub alia descriptione dicitur perpetua et constans *voluntas jus suum unicuique tribuens:*" (ibid.) Here, then, we find an unmoveable foundation of justice, of "right," of "the rights of man," of "righteousness," of "the law of nature," &c. for all these terms are parallel, and are necessarily included in the law of reason, or eternal law, which is, very properly, therefore, called "the first law."—"Lex etiam æterna dicitur *lex prima, et bene dicitur prima, nam fuit ante omnes alias leges: et omnes aliæ leges derivantur ab ea.*"—"The law eternal is called the first law, and well it is called the first, for it was before all other laws: and all other laws are derived from it." In this solemn view of the first foundation of English law, it must evidently be deemed "a witness of God," as well as the second foundation, the written word of God in the holy scriptures: and both foundations may well be expressed together by the more compendious terms of "natural and revealed religion."

In no instance whatever are these "two witnesses of God" more obviously and undeniably resisted than in the toleration of slavery and the slave trade, because they
are

are iniquities which militate against both foundations, and may therefore be fairly deemed an infallible touchstone to discover the treachery of pretended loyalists; for no man can be truly loyal to God and his country, who is so totally devoid of first principles, as to favour slavery! Let those, who have ignorantly done so, recover their credit by redoubled endeavours to restore the honour and constitutional law of their country, which has been wounded by their treacherous neglect of these foundations of law, whereby they will otherwise incur that indelible stain of *infamy* which our common law deservedly fixes on all persons who betray the *law of the land*. “*Legem terræ amit- tentes perpetuam infamiæ notam inde merito incurrunt.*” (3 Inst. p. 221.)

But mark the authorities of our common law to this purpose.—“Liberty” is declared by the maxims of the first foundation, to be inestimable.” “*Libertas est res inestimabilis,*” (Jenk. Cent. 52.) and “liberty is the greatest jewel.” (Grounds and Rudiments of Law and Equity, p. 196.) And, therefore “cruel of necessity must that law be deemed which augmenteth slavery, and diminisheth liberty,”—(says the excellent and worthy chancellor Fortescue, who in very dark times of prevailing bestial power, nobly asserted the supreme immutable authority of God’s two witnesses, as manifested in the first principles of our English common law, or legal constitution.) “For in behalf of liberty,” (says he) “human nature always implores,” (or solicits favour) “because *slavery is introduced by man, and for vice; but liberty is implanted by God in the very nature of man; wherefore when stolen by man, it always earnestly longs to return, as does every thing which is deprived of natural liberty. For which reason the man who does not favour liberty is to be adjudged impious and cruel.*” “The laws of England acknowledging these (principles) give favour

“favour to *liberty in every case* *”—A part of this sentence is cited by Lord Coke as a maxim of our common law—“*Impius et crudelis judicandus est qui libertati non favet,*” (Co. Lit. 124.) viz. “Impious and cruel is the man to be adjudged who does not favour liberty.” The opposite condition, therefore, to *liberty*, viz. *slavery*, is properly declared by one of our oldest English authorities in law, Fleta, to be “contrary to nature,” † (Fleta, 2d edit. p. 1.) which expression of Fleta is really a maxim of the civil or Roman law, (see Instit. Lib. 1. tit. 3. leg. 2.) and tho’ such appeals in the Roman code to the foundations of law could not restrain the belluina potestas of Roman tyranny in any of the ten kingdoms of the beast, as clearly foretold in the scriptures, nor prevent improper additions to the code, under the name of law, yet surely the friends of liberty may be thankful to the Justinian code for the authority of its testimony against slavery: for when the two first foundations of law shall hereafter be restored, through God’s mercy, to their due power and effect—when these “two witnesses of God shall stand upon their feet, and ascend into heaven,” i. e.—be established above all human authority, and be acknowledged as the irresistible *will of God*, which must “*be done on earth as it is in heaven;*” then shall our deluded statesmen, lawyers, commercial politicians, and planters, be compelled to understand that a more forcible expression of illegality and

* “*Crudelis etiam necessario judicabitur lex, quæ servitutem augmentat, et minuit libertatem. Nam pro ea natura semper implorat humana. Quia ab homine et pro vicio introducta est servitus. Sed libertas a Deo hominis est indita natura. Quare ipsa ab homine sublata semper redire gliscit, ut facit omne quod libertate naturale privatur. Quo impius et crudelis judicandus est qui libertati non favet. Hæc considerantia anglie jura in omni causa libertati dant favorem,*” (Chanc. Port. de Laudibus Legum Angliæ, c. 42. p. 101.)

† “*Est quidem servitus, libertati contrarium; item constitutio quædam de jure gentium qua quis domino*” (or rather “*dominio*”) “*alieno contra naturam subjicitur,*” &c. (Fleta, 2d edit. p. 1.)

and iniquity could not have been used than that by which *slavery* is defined in the Roman code, as well as by our English *Fleta*—i. e. that it is “*contra naturam*”—“*against nature*”—for consequently it must be utterly illegal, a crime which by the first foundation of English law is justly deemed both *impious* and *cruel*; and which, in the strong figurative language of God’s prophets, under the second foundation of our law, is compared to the guilt of cannibalism (or eating human flesh) as I have shewed, in my remonstrance to the citizens of London* and therefore this unnatural crime of slavery, and the slave trade, must necessarily be deemed, like all other unnatural crimes, detestable, abominable, and damnable, both to the souls and bodies of all that wilfully promote them! The severity of these expressions cannot be restrained without injustice to the high authorities on which this argument is founded.

It would be an awful enquiry to trace the time when the English nation was rendered obnoxious, by slavery, to the application of these horrible epithets, *impious*, *cruel*, &c. and it is wonderful how the unnatural crime could so long be overlooked until usage and custom had established in all the British colonies, as a right, this enormous wrong, to the perversion of all legal terms, especially as the setting aside the foundations of law, is properly deemed, in the English constitution, an abdication of government (“*non enim est rex ubi dominatur voluntas et non lex*”) “*there is no king where will governs and not law*,” an allowed maxim of the English constitution, so long ago as the reign of king Henry II. (see *Bracton* and *Fleta*.) We cannot therefore suppose that the toleration of slavery in the colonies, (which, according to the constitutional principles of English government, must undermine the king’s right to reign there, or in any other place, where by an illegal assent he has established

* See the parts marked with red ink, in the London edition of the said remonstrance, pages 8, 9, 10.

