

## Excerpt from The American Slave Code: 3

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The Free People of Color, though not in a condition of Chattelhood, are constantly exposed to it, and at best enjoy only a portion of their rights.

We have already seen how, in many ways, a free colored person may be enslaved. He may be enslaved for assisting a slave, however nearly related to him, to escape into freedom. He may be enslaved for being suspected of being himself a runaway slave; for being thus imprisoned, and unable to pay his jail fees. He may be re-enslaved, after having been emancipated, if the process were not in exact accordance with unreasonable and vexatious regulations; or if, however regularly emancipated, he presumes to remain among his friends, and amid the scenes of his childhood. He may be enslaved for incurring fines which he is unable to pay, under unjust and unequal enactments. He may be enslaved for not being able, by white witnesses, to prove himself free! Though a Northern man, and always before free, he may be enslaved by entering a slave State, (Georgia or Maryland,) and thus incurring a fine and being unable to pay it. (Jay's Inquiry, 24. Child's Appeal, p. 64.) He may be enslaved, with his children after him, for being married to a slave. He may be enslaved by being unlawfully and piratically imported into a slave State, even though the kidnapper may be arrested and punished! And in none of the free States can any free native colored citizen be safe from the operation of the Federal Fugitive Slave Bill of 1850, and from the clutches of United States Marshals and Commissioners! The law presumes him to be a slave unless he can prove himself free....

"Mississippi, in 1831, passed a law to expel all [free] colored persons under sixty and over sixteen years of age, within ninety days, unless they could prove good characters, and obtain from the Court a certificate of the same, for which they paid three dollars: these certificates might be revoked at the discretion of the County Courts. If such persons do not quit the State within the time specified, or if they return to it, they may be sold for a term not exceeding five years." (Ib., p. 68.) And persons sold for a term of years seldom regain their freedom, as has been ascertained in the District of Columbia.

In Tennessee, emancipated slaves must leave the State forthwith. (Ib., p. 68.)

.... Like the slave, the free colored person is held incompetent to testify against a white man! Like the slave, he is debarred, to a great extent, from the benefits of education, and from the right of enjoying free social worship and religious instruction! Like the slave, he is required to be passive, without exercising the right of self-defense, under the insults and assaults of the white man! Like the slave, as will be shown, he is denied the ordinary safeguards of an impartial trial by a jury of his peers. Like the slave, he has no vote nor voice in framing the laws under which he is governed. Even in many of the free States he exercises this right only on unequal conditions, or coupled with

invidious distinctions! And yet he is complimented with the title of "free! To be a "free negro differs widely, it would seem, from being a free man!

For striking a white man, in Maryland, no matter for what cause, a Justice may "direct the offender's ears to be cropped, though he be a free black."...

In Louisiana it is gravely set forth, by express statute, that "free people of color ought never to insult or strike white people, nor presume to conceive themselves equal to the whites; but, on the contrary, they ought to yield to them on every occasion, and never speak or answer them but with respect, but, under penalty OF IMPRISONMENT, according to the nature of the offense." (1 Martin's Digest, 640-42.)

"In some of the States, if a free man of color is accused of crime, he is denied the benefit of those forms of trial which the Common Law has established for the protection of innocence....

"The Corporation of Georgetown, in the District of Columbia, passed an ordinance, making it penal for any free negro to receive from the Post-office, have in his possession, or circulate, any publication or writing of a seditious character." (Jay's Inquiry, p. 23.)

"In North Carolina, the law prohibits a colored man, whatever may be his attainments or ecclesiastical authority, to preach the gospel." (Ib.)

"In Georgia, a WHITE man is liable to a fine of five hundred dollars for teaching a FREE negro to read or write. If one free negro teach another, he is fined and whipped, at the discretion of the Court! Should a free negro presume to preach to or exhort his companions, he may be seized without warrant, and whipped thirty-nine lashes, and the same number of lashes may be applied to each one of his congregation. (Ib.)

"In some States, free negroes may not assemble in greater number than seven. In North Carolina, free negroes may not trade, buy, or sell, out of the cities wherein they reside, under penalty of forfeiting their goods, and receiving, in lieu thereof, thirty-nine lashes! (Ib.)....

"[I]n New-York, and some other Northern cities, colored persons are still denied licenses to drive carts, and pursue other similar avocations for a livelihood.

In Indiana, a free State, the testimony of free negroes and mulattoes is not received against a white man. (Child's Appeal, p. 66.)

"By a late law of Maryland, a free negro coming into the State is liable to a fine of fifty dollars for every week he remains in it! If he cannot pay the fine, he is SOLD!....

"A citizen of New-York, if he happens to be colored, may not visit a dying child in Maryland without incurring a penalty of fifty dollars for every week he remains; and if he is unable to pay the fine, why,

then he is to be sold by the sheriff at public sale, for such a time as may be necessary to cover the aforesaid penalty....

"In North Carolina, free negroes are whipped, fined, and imprisoned, at the discretion of the Court, for intermarrying with slaves." (Child's Appeal, p. 70.)

In Georgia, "Any person of color, bond or free, is forbidden to occupy any tenement except a kitchen or outhouse, under penalty of from twenty to fifty lashes. Some of these laws are applicable only to particular cities, towns, or counties; others to several counties." (Ib.)

"Emancipated slaves must quit North Carolina in ninety days after their enfranchisement, on pain of being sold for life....

In all the seaport cities and towns of the slave States there are regulations forbidding masters of merchant-vessels to land any free colored person. And if any seaman, cook, or steward in such vessel be colored, he is immediately seized, (though a citizen of one of the free States,) and kept in jail at the expense of the ship, until she is ready to sail. This is a great grievance, not only to such colored seamen, but to the ship masters and ship owners. It is also a direct and palpable violation of the Constitution of the United States....

In Connecticut, in 1833, the leading colonizationists procured a legislative enactment against schools for colored pupils, avowedly for the purpose of breaking up the school of Miss Prudence Crandall, at Canterbury. Under that enactment she was prosecuted, and being unable to procure bail, was committed to prison, but was bailed out the next day. At her trial, before Judge Daggett, a verdict was given against her. "The cause was removed to the Court of Errors, where all the proceedings were set aside on technical grounds." Miss Crandall's school was afterwards broken up by a mob; and the gentleman who had been most active in procuring of passage of the "back act" against the education of free negroes (Mr. A.T. Judson) was appointed agent and orator of the Windham County Colonization Society. We record the facts, in evidence that enactments against the free people of color are not a dead letter, but are procured and sustained by the leading influences in the Church and the State, at the North and the South....

The picture presented in this chapter contrasts strikingly with the condition of the free people of color in the British West Indies before emancipation, and at the time it took place. That event, if we are rightly informed, found the free colored people in the enjoyment of civil and political rights, some of them editors of public journals, and holders of municipal office.

But such a condition of things, it may be said, could not consist with the perpetuity of West Indian slavery, and may account for its termination. Be it so. Our slaveholders undoubtedly think so. The whole system of persecuting and of attempting to drive away the free people of color to Africa, has its origin in this apprehension. The main object is the perpetuity of slavery. The fugitive slave bill is chiefly designed and relied upon to frighten the free colored people of the free States out of the country! This is its chief power!

The "innocent legal relation of slave ownership" comes in again here, as the responsible parent of all the oppressive enactments recorded in this chapter.