

Colonial Slave Codes

Museum Connection: Labor That Built a Nation

Purpose: Students will analyze and determine the purposes of colonial slave codes.

Course: Advanced Placement United States History, African American History

Time Frame: One class period.

Correlation to National and State Standards:

National Standards for United States History, National Center for History in the Schools

Era 2: Colonization and Settlement:

Standard 3: How the values and institutions of European economic life took root in the colonies, and how slavery reshaped European and African life in the Americas

Standard 3C: The student understands African American life under slavery. Analyze the forced relocation of Africans to the English colonies in North America and the Caribbean. Appreciate historical perspectives.

Objective:

Students will determine purposes of colonial slave codes in order to acquire an understanding of how they were used to enforce slavery.

Common Core State Reading Standards for Literacy in History/Social Studies 6-12

- Cite specific textual evidence to support analysis of primary and secondary sources, attending to such features as the date and origin of the information.

Common Core State Writing Standards for Literacy in History/Social Studies 6-12

- Write informative/explanatory texts, including the narration of historical events, scientific procedures/experiments, or technical processes.
- Draw evidence from informational texts to support analysis, reflection, and research.

Vocabulary and Concepts:

Code	a systematic compilation of laws, for example, the criminal code
Law	rules established by authority, society, or custom; the legislative pronouncement of the rules which should guide one's actions in society
Ordinance	a regulation or law passed by local government
Manumission	emancipation of an individual slave

Materials:

For the Teacher:

Student Resource Sheet 1, South Carolina Slave Codes of 1739

Student Resource Sheet 2, An Act Concerning Negroes & Other Slaves

For the Student:

Student Resource Sheet 1, South Carolina Slave Codes of 1739

Student Resource Sheet 2, An Act Concerning Negroes & Other Slaves

Historical Background

Slave codes were laws passed in the British colonies to address particular problems and originally took the form of general police laws. In 1644, Barbados passed a series of acts which eventually were codified into a general law in 1688. Slavery and indentured servitude issues intertwined in 17th century American life. As the British economy improved and the supply of indentured servants declined in the latter part of the 17th century, slavery took root. As early as 1639, Virginia introduced a slave code when it was declared that “All persons except Negroes are to be provided with arms and ammunitions or be fined at the pleasure of the governor and council.” As wealthy Virginia and Maryland planters began to buy slaves in preference to indentured servants during the 1660s and 1670s, new laws appeared. The Virginia Law of 1662 pronounced: “Whereas some doubts have arisen whether children got by any Englishmen upon a Negro shall be slave or Free, Be it therefore enacted and declared by this present Grand assembly, that all children born in this country shall be held bond or free only According to the condition of the mother.”

Maryland’s 1664 Law proclaimed “That whatsoever free-born [English] woman shall intermarry with any slave [...] shall serve the master of such slave during the life of her husband; and that all the issue of such free-born women, so married shall be slaves as their fathers were.”

Curiously, chattel slavery developed in British North America before the legal apparatus that supported slavery did. During the late 17th century and early 18th century, harsh new slave codes limited the rights of African slaves and cut off their legal avenues to freedom. For example, in 1667, Virginia expanded these laws to include baptism by stating

“Whereas some doubts have arisen whether children that are slaves by birth [...] should by virtue of their baptism be made free, it is enacted that baptism does not alter the condition to the person as to his bondage or freedom; masters freed from this doubt may more carefully propagate Christianity by permitting slaves to be admitted to that sacrament.” A 1682 Virginia Act “enacted that all servants [...] which shall be imported into this country either by sea or by land, whether Negroes, Moors [Muslim North Africans], mulattoes or Indians who and whose parentage and native countries are not Christian at the time of their first purchase by some Christian [...] and all Indians, which shall be sold by our neighboring Indians, or any other trafficking with us for slaves, are hereby adjudged, deemed and taken to be slaves to all intents and purposes any law, usage, or custom to the contrary notwithstanding.” A 1691 Virginia law prohibited slaveholders from emancipating slaves unless they paid for the freedmen's transportation out of Virginia.

This law stipulated that “All servants imported and brought into the Country [...] who were not Christians in their native Country [...] shall be accounted and be slaves. All Negro, mulatto and Indian slaves within this dominion [...] shall be held to be real estate. If any slave resist his master [...] correcting such slave, and shall happen to be killed in such correction [...] the master shall be free of all punishment [...] as if such accident never happened.”

Subsequent laws abolished blacks' rights to vote, hold office, and bear arms but the first full-scale slave code in British North America was South Carolina's (1696), which was modeled on the Barbados slave code of 1661 and was updated and expanded regularly throughout the 18th century. South Carolina introduced a basic slave code in 1712. The Code was revised in 1739. Beginning in the 1660s, English colonies in North America passed laws banning interracial marriages. First Maryland (1664), then Virginia made marriages between black servants, slaves, then free Blacks and Whites criminal acts punishable by law. By the close of the 17th century, the penalties for such criminal offenses became

more severe. For instance, whites who committed such offenses could be expelled from the colony.

<http://www.studythepast.com/slaveryvirginiatimeline.pdf>

en.wikipedia.org/wiki/History_of_slavery_in_Maryland

en.wikipedia.org/wiki/Slavery_in_the_colonial_United_States

Lesson Development

Motivation: Ask the following questions:

1. What would slaves need in order to run away?
2. What would they have to do in order to organize a successful revolt?

Record student responses on a T chart.

Distribute **Student Resource Sheet 1**, South Carolina Slave Code.

Ask the following questions:

1. Which of these codes were passed to prevent slaves from running away?
2. Which of these codes were passed to prevent slaves from organizing a revolt?
3. Why do you think there was a harsh punishment for teaching slaves to read and write?

As appropriate, utilize Think-Pair-Share so that students have an opportunity to interact and compare responses prior to class discussion.

Apply understandings of the intent of slave codes by directing students to analyze **Student Resource Sheet 2**, An Act Concerning Negroes & Other Slaves. Prior to reading, inform students that they will be reading a law passed in the Maryland colony in 1664 regarding marriage among slaves and free people. Ask students, in light of their awareness of the purposes of slave codes, to predict the rules Maryland would impose on such marriages. Record students responses.

After students have completed the reading, refer them to their predictions. Have students clarify or modify their predictions. Conclude by asking:

1. Why would the leaders of Maryland think it would be necessary to restrict the marriage of slaves?
2. What does this law tell us about the legal status of African American families in the colonies?

Assessment:

Refer students to the responses they provided during the motivation. Direct students to identify for each response which slave code was designed to deny that opportunity to slaves.

Closure: Present students with the following statement:

“All servants imported and brought into the Country [...] who were not Christians in their native Country [...] shall be accounted and be slaves. All Negro, mulatto and Indian slaves within this dominion [...] shall be held to be real estate. If any slave resist his master [...] correcting such slave, and shall happen to be killed in such correction [...] the master shall be free of all punishment [...] as if such accident never happened.”

Have students react to the quotation by writing 1-3 sentences on an index card, including a description of the purposes for these regulations and the degree to which it was consistent with the slave codes.

www.pbs.org/wgbh/aia/part1/1p268.html

Thoughtful Application:

Ask students to explain why there are groups and organizations in the United States that are dedicated to providing a quality education for all young people.

Lesson Extensions

The Museum offers several school programs that connect to the curriculum lessons.

- *Journey in History Theater* provides living history and theatrical performances which highlight African Americans in the museum's gallery.
 - Take the theme tour, *Paths to Freedom* and explore the story of slavery through the eyes of enslaved and free blacks from Maryland's colonial past to the end of the Civil War.
 - Contact group reservations for schedule updates.
1. Direct students to research the slave codes of other colonies to compare them with those of South Carolina.
 2. Research timeline of slave laws in Colonial Virginia, <http://www.virtualjamestown.org/slavelink.html>
 3. Research the definitions of slave codes, <http://www.answers.com/topic/slave-codes>
 4. Research slavery in British America, http://cghs.dadeschools.net/slavery/british_america/colonial_era.htm

5. Research the use of slave badges,
<http://www.slavebadges.com/index.html?g&gclid=CMWH9-jDuokCFRE9FQodZDSgWg>
6. Research the Stono Rebellion in colonial South Carolina in 1739 or the New York Slave Insurrection of 1741. How did this impact slave laws in South Carolina and New York? (TTaylor)

Student Resource Sheet 1

South Carolina Slave Codes of 1739

1. No slave shall be taught to write, work on Sunday, or work more than fifteen hours per day in summer and fourteen hours in winter;
2. Willful killing of a slave exacts a fine of 700 pounds, and "passion" killing, 350 pounds;
3. The fine for concealing runaway slaves is one thousand dollars and a prison sentence of up to one year;
4. A fine of one hundred dollars and six months in prison are imposed for employing any Black or slave as a clerk;
5. A fine of one hundred dollars and six months in prison are imposed on anyone selling or giving alcoholic beverages to slaves;
6. A fine of one hundred dollars and six months in prison are imposed for teaching a slave to read and write, and death is the penalty for circulating incendiary literature;
7. Manumissions are forbidden except by deed, and after 1820, only permission of the legislature.

Citation: Transcription from McCord, David J., ed. *The Statutes at Large of South Carolina*. Vol.7, Containing the Acts Relating to Charleston, Courts, Slaves, and Rivers. Columbia, SC: A.S. Johnson, 1840, p. 397.

Student Resource Sheet 2

Slave Codes in Maryland

An Act Concerning Negroes & Other Slaves

Assembly Proceedings, September 1664

An Act Concerning Negroes & other Slaues

Bee itt Enacted by the Right Hon^{ble} the Lord Proprietary by the aduice and Consent of the upper and lower house of this present Generall Assembly That all Negroes or other slaues p. 29 already within the Prouince And all Negroes and other slaues to bee hereafter imported into the Prouince shall serue Durante Vita And all Children born of any Negro or other slaue shall be Slaues as their ffathers were for the terme of their liues And forasmuch as divers freeborne English women forgettfull

Transcribed

Be it Enacted by the Right Honorable the Lord Proprietary by the advice and Consent of the upper and lower house of this present General Assembly That all Negroes or other slaves already within the Province And all Negroes and other slaves to be hereafter imported into the Province shall serve Durante Vita [Latin, "for life"]. And all Children born of any Negro or other slave shall be slaves as their fathers were for the term of their lives And forasmuch as divers freeborn English Women forgetful (continued on next page)

Student Resource Sheet 2 continued

Liber
W H & L of their free Condiōn and to the disgrace of our Nation doe intermarry with Negro Slaues by which alsoe diuers suites may arise touching the Issue of such woemen and a great damage doth befall the Masters of such Negroes for preuention whereof for deterring such freeborne women from such shamefull Matches Bee itt further Enacted by the Authority advice and Consent aforesaid That whatsoever free borne woman shall inter marry with any slaue from and after the Last day of this present Assembly shall Serue the master of such slaue dureing the life of her husband And that all the Issue of such freeborne woemen soe marryed shall be Slaues as their fathers were And Bee itt further Enacted that all the Issues of English or other freeborne woemen that haue already marryed Negroes shall serve the Masters of their Parents till they be Thirty yeares of age and noe longer.

Transcribed

of their free condition and to the disgrace of our Nation do intermarry with Negro Slaves by which also divers suits [lawsuits] may arise touching the Issue of such women and a great damage does befall the Masters of such Negroes for prevention whereof for deterring such freeborn women from such shameful Matches. Be it further Enacted by the Authority advice and Consent aforesaid That whatsoever freeborn woman shall intermarry with any slave from and after the Last day of this present Assembly shall Serve the master of such slave during the life of her husband And that all the Issue of such freeborn women so married shall be slaves as their fathers were. And Be it further Enacted that all the Issues of English or other freeborn women that have already married Negroes shall serve the Masters of their Parents till they be Thirty years of age and no longer.