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PART I.

THE RELATION OF MASTER AND SLAVE

CHAPTER I.

SLAVE OWNERSHIP.

Fundamental Idea of modern Slaveholding; namely, the assumed principle of Human Chattelhood, or Property in Man; constituting the relation of Owner and Property—of Master and Slave.

SOUTH CAROLINA.—"Slaves shall be deemed, sold, taken, reputed and adjudged in law to be *chattels personal,* in the hands of their owners and possessors, and their executors, administrators and assigns, *to all intents, constructions, and purposes whatsoever.*" (2 Brevard's Digest, 229; Prince's Digest, 446, &c., &c.)

LOUISIANA.—"A slave is one who is in the power of a master *to whom he belongs.* The master may *sell him, dispose of his person,* his industry and his labor. He can do nothing, *possess nothing, nor acquire* any thing, but what must belong; to his master." (Civil Code, Art. 35.)

"*The slave is entirely subject to the will of his master,* who may correct and chastise him, though not with *unusual* rigor, or so as to maim and mutilate him, or expose him to the danger of loss of life, or to cause his death." (Art. 173.)

It will be found, as we proceed, that this attempted

or pretended limitation of power has no real existence, and affords no protection to the slave.

An exception, in Louisiana, to the general tenure of "chattels personal," is expressed as follows:

"Slaves, though movable by their nature, are considered as *immovable* by the operation of law." (Civil Code, Art. 461.)

"Slaves shall always be reputed and considered *real estate;* shall, as such, be subject to be mortgaged, according to the rules prescribed by law, and they shall be seized and sold as *real estate.*" (Statute of June 7, 1806; 1 Martin's Digest, 612.)

This provision, if literally carried into effect, would prevent the sale of slaves from off the plantations of their masters. More of this in its proper place.

KENTUCKY.—**By the *law of descents,* slaves are considered *real* estate, and pass in consequence to *heirs,* and not to executors.** (2 Littell & Swigert's Digest, 1155.)

From the following it appears, however, that special care was taken in Kentucky, that the **slaves should derive no benefit from the distinction between real estate and chattels personal:**

They are, however, liable, *as chattels,* to be sold by the master at his pleasure, and may be taken in execution for the payment of his debts. (Ib.; see also 1247.)

VIRGINIA.—In 1705 a law similar to that of Kentucky was enacted, but was soon after repealed. (Note to Revised Code, 432.) Slaves are therefore held as *chattels personal* in Virginia, as in most of the

slave States, where, in the absence of *entire written codes,* or such *general* enunciations as those of South Carolina and Louisiana, the chattel principle has, nevertheless, been affirmed and maintained by the courts, and involved in legislative acts. A specimen of the latter description we have in the following:

MARYLAND.—**"In case the personal property of a ward shall consist of specific ARTICLES, *such as* SLAVES, WORKING BEASTS, ANIMALS of any kind, STOCK, FURNITURE, plate, books, AND SO FORTH,** the Court, if it shall deem it advantageous to the ward, may, at any time, pass an order *for the sale thereof,*" &c., &c. (Act of 1798, chap. CI. No. 12.)

Without further citation (as might be made) of particular enactments in this place, it may be sufficient to state that the **"Roman civil law,"** as existing at an early period, before its modification **under professedly Christian Emperors, is generally referred to in our slave States,** as containing the principles of their "peculiar institution." Where other usages or statutes, in any of the States, fail of furnishing the requisite definition of the "legal relation," recourse is generally had to the "Roman civil law." Those also who defend the "legal relation" as an innocent one, and who claim that Christ and his apostles did not disapprove it, but gave it their sanction, are forward to remind us that it existed in the Roman Empire at that period. It seems desirable, therefore, in more aspects than one, to ascertain precisely what that relation was. We find that information in Dr. Taylor's Elements of the Civil Law.

"Slaves were held *pro nullis: pro mortuis, pro quadrupedibus;* they had no head in the State; no name, title or register; *they were not capable of being injured,* nor could they take by purchase or descent; they had no heirs, and could therefore make no will; exclusive of what was called their *peculium,* whatever they acquired was their master's; they could not plead or be pleaded for, but were excluded from all civil concerns whatever. They could not claim the indulgence of absence *reipublicæ causa: they were not entitled to the rights and considerations of matrimony,* and therefore had no relief in case of adultery; nor were they proper objects of cognation and affinity, but of *quasi-cognation* only: they could be sold, transferred, or pawned as goods or personal estate, for goods they were, and as such they were esteemed; they might be tortured for evidence, *punished at the discretion of their lord, or even put to death by his authority.*" (Taylor's Elements, p. 429.)

Such was the "legal relation" said to have been sanctioned by Christ and his apostles as innocent, or (as others express it) not condemned, disapproved or censured by them. Such was the heathen "institution" now held to have been adopted as Christian. It must be added that the ancient heathen "relation" of owner and property has been more rigidly enforced in Christian America than it ever was in Pagan Rome. *Our* slavery allows no *peculium* or exempted property to be held by the slave. It denies education and literature to its human brutes. It ignores their religious nature, and bars the door of redemption and

release. But we anticipate topics of future examination.

The testimony already presented is corroborated by jurists who have examined the subject. Judge Stroud, in his "Sketch of the Laws relating to Slavery," has fully expressed his views on this point. Having explained the maxim of the civil law, "partus sequitur ventrem," by which the condition of the slave *mother* is for ever entailed on all her remotest posterity, he remarks as follows:

"This maxim of the civil law, the genuine and degrading principle of slavery, inasmuch as it places the slave upon a level with *brute* animals, prevails universally in the slaveholding States." (Stroud's Sketch, p.11.)

The same writer also says:

"It is plain that the dominion of the master is as unlimited as that which is tolerated by the laws of any civilized country in relation to brute animals—*to quadrupeds,* to use the words of the civil law." (Stroud's Sketch, p. 24.)

"The cardinal principle of slavery that the slave is not to be ranked among *sentient beings*, but among *things*, as an article of property, a chattel personal obtains as undoubted law, in all these (the slaveholding) States." (Ib. pp. 22, 23.)

This, then, is the definition of the terms, Slavery, Slave, and Slaveholding, as furnished by slaveholding communities, and as understood by jurists who have studied their legislation and jurisprudence. This is the theory of American Slavery. This is its

fundamental Law, if it has any. This is the "legal relation of master and slave," if there be any such relation.

The next point of inquiry is, Whether these definitions correspond with existing realities, or facts? Whether this theory is an empty abstraction; or whether it is carried out into actual practice? Whether this law is merely a nominal one, (as is sometimes alleged,) antiquated and obsolete; or whether it furnishes the rule of *action* to the slaveholder, the rule of *condition* to the slave?

From statutory enactments and recognized codes, we now turn to the courts. Their reported decisions, in the hands of the lawyers, and in daily use in the decision of new causes, will tell us whether or no the Code of Slavery is obsolete, and the statute book of the slave states a dead letter.

Chief Justice Kinsey, of the Supreme Court of New-Jersey, in 1797, said:

"They" (Indians) "have so long been recognized as *slaves* in our law, that it would be as great a *violation of the rights of property* to establish a contrary doctrine at the present day, as it would in the case of Africans, and as useless to investigate the manner in which they originally lost their freedom." (The State *vs.* Wagoner, 1 Halstead's Reports, 374 to 378.)

To be a *slave* then, even in New-Jersey, **is to be *property*, upon the same tenure upon which *other* property is held. This is "the legal relation of master and slave"** *there,* if the courts understand it correctly.

We will now travel further south, and look into the courts for information. As our guide we will take "Wheeler's Law of Slavery," a regular law book, made for the use of slaveholders.*

Slave property, like other property, is the subject of frequent litigation between the different owners or claimants of it, or with their neighbors. From these suits chiefly, and for use in future suits, the volume of Mr. Wheeler is compiled. The incidental testimony of such a work to the nature and incidents of slavery is the strongest and the most unobjectionable that can be conceived. We shall refer to it frequently in this volume. On the property tenure and chattelhood by which slaves are held, its testimony is clear and explicit. The idea is involved and implied throughout the entire volume. A few direct statements of the doctrine will be sufficient. Let it; be understood that our quotations are the decisions of Courts, stated in the language of the Judges.

"Slaves, *from their nature,* are CHATTELS, and were put in the hands of executors, before the act of 1792

declaring them to be personal estate." (Wheeler's Law of Slavery, p. 2.)

"The phrase '*personal estate,*-' in wills and contracts, should be understood as embracing slaves." (Ib.)

"Slaves were declared by law to be *real estate,* and descend to the heir at law. They are considered real estate in case of descents." (Ib.)

"Although for some purposes slaves are declared by statute to be real estate, they are nevertheless, intrinsically personal, and are therefore to be considered as included in every statute or contract in relation to *chattels* which does not, in terms, exclude them. **They are liable, as chattels, to the payment of debts,"** &c. (Ib. p. 37.)

In the case of Harris *vs.* Clarissa and others, March Term, 1834, (6 Yerger's Tenn. Rep., 227; Wheeler's Law of Slavery, pp. 319-26,) the Chief Justice, in delivering the opinion of the Court, found occasion (p. 325) to say:

"In Maryland, *the issue*" *(i. e.,* of female slaves) "is considered not an accessory, but as a part of the *use,* like that of *other* female animals. (1 Har. & McHen. Rep., 160, 352; 1 Har. & John's Rep., 526; 1 Hayw. Rep., 335.) Suppose a *brood mare* be hired for five years, *the foals* belong to him who has a part of the *use* of the dam. (2 Black. Com., 290; 1 Hayw. Rep., 335.) *The slave, in Maryland, in this respect, is placed on no higher or different ground.*" Mr. Gholson, of the Virginia Legislature, by the use of similar language, (as will hereafter be quoted,) offended the delicacy of some, who supposed him to

be *peculiarly* brutish and gross; but we here find it to be in accordance with the ordinary language of the courts of law!

About forty-five pages of "Wheeler's Law of Slavery" are occupied with judicial decisions concerning the "warranty of slaves" sold, in respect to their soundness, health, "freedom from all redhibitory vices, diseases," &c. It is impossible to look over the revolting details, and to notice the coldhearted insensibility with which the rules and decisions of the Courts are laid down and

recorded, without being deeply impressed with the unhumanizing effects of the process, particularly in the systematic forgetfulness that the slave is any thing more than a brute animal. The section concerning "*the warranty of moral qualities*" may be claimed as an exception, and is certainly one of the most remarkable pieces of law literature extant:

"The 2500th article of the Code of Louisiana divides the defects of slaves into two classes: vices of *body,* and vices of *character.*" "But with regard to those of *character,* the next article expressly declares that they are *confined* to cases where the slave has committed a capital crime, where he is convicted of *theft,* and where he is in the habit of *running away.*" (p.133.)

"Drunkenness is a mental, not a physical defect, and is not ground of redhibition." (Ib.) "But a fraudulent concealment of it will be a ground for rescinding the contract." (Ib., p. 134.)

"In South Carolina there is no *implied* warranty

of the moral qualities of the slave;" "as where a slave was sold who had committed burglary, the fact being unknown to both the seller and purchaser." (Ib., p. 136.)

These quotations are made to prove the bona fide, matter-of-fact *chattelhood* of the slave, or his being degraded to the condition of mere *property,* either real or personal. And they show that the condition adheres not merely to the *body,* but to the *soul*; to the moral qualities that distinguish a man from a brute! It is an *honest* servant that the vender sells. If the article is proved to have been *dishonest,* the sale is vitiated. The *honesty* of the man, then, is a commodity in the market!

"Craziness or idiocy is an absolute vice; and, where not apparent, will annul the sale." (Ib., p. 139.)

The God-like intellect of the human chattel is, therefore, the commodity sold and warranted! On the same page, a case is cited—"Icar *vs.* Suars, Jan. Term, 1835. 7 Louisiana Reports, 517"—in which Judge Bullard, after stating the law and the facts, gave judgment for the plaintiff, saying, "We are satisfied that the slave in question was wholly, and perhaps worse than useless." In the case of the State *vs.* Mann, the defendant was indicted for an assault and battery on a hired slave, named Lydia. Judgment was rendered for the State; but, on an appeal, the judgment was reversed. In giving his decision, Judge Ruffin thus disposes of the plea that the relation of master and slave resembles other domestic relations:

"This has indeed been assimilated, at the bar, to the other domestic relations; and arguments drawn from the well-established principles which confer and restrain the authority of the parent over the child, the tutor over the pupil, the master over the apprentice, have been pressed upon us. *The Court does not recognize their application. There is no likeness between the cases. They are in opposition to each other, and there is an impassable gulf between them.* The difference is that which exists between freedom and slavery, and a greater cannot be imagined. In the one, the end in view is the happiness of the youth, born to equal rights with that governor on whom the duty devolves of training the youth to usefulness, in a station which he is afterwards to assume among freemen. To such an end, and with such a subject, moral and intellectual instruction seem

the natural means; and, for the most part, they are found to suffice. Moderate force is superadded, to make the others effectual. If that fail, it is better to leave the party to his own headstrong passions, and the ultimate correction of the law, than to allow it to be immoderately inflicted by a private person. *With slavery it is far otherwise. The end is the profit of the master,* his security, and the public safety. The subject is doomed, in his own person and his posterity, to live without knowledge, and without capacity to make any thing his own, and *to toil that others may reap the fruits,*" &c.

From such premises the Judge infers the necessity of absolute power in the master over the slave, and

the impossibility of any legal protection to the slave from that power, while the slave system continues. We shall cite his words, to this effect, in another connection.

It would be easy to multiply appropriate quotations from the courts, but we reserve them for a still more appropriate use, in treating of the various features of slavery, all of which spring out of the principle of *property in man,* and attest its existence and activity. Let us next see how this matter is understood among slaveholders themselves. Hear the testimony of their statesmen.

THOMAS JEFFERSON, in his letter to Governor Coles, of Illinois, dated August 25th, 1814, asserts that slaveholders regard their slaves as property and as brutes, in the paragraph that follows:

"Nursed and educated in the daily habit of seeing the degraded condition, both bodily and mental, of these unfortunate beings, FEW MINDS HAVE YET DOUBTED THAT THEY WERE AS LEGITIMATE SUBJECTS OF PROPERTY AS THEIR HORSES OR CATTLE." (Am. Slavery as it is, pp. 110-11.)

HENRY CLAY, in his celebrated speech in the U. S. Senate, in 1839, based his argument against the abolition of slavery on the value of the slaves, AS PROPERTY. This was his language:

"The third impediment to immediate abolition is to be found in the immense amount of capital which is invested in slave property." "The total value of slave property then, by estimate, is twelve hundred

millions of dollars. And now it is rashly proposed, by a single fiat of legislation, to annihilate this immense amount of property! To annihilate it without indemnity, *and without compensation to* THE OWNERS." "I know that there is a visionary dogma which holds that negro slaves cannot be the subject of property. I shall not dwell on the speculative abstraction. *That* IS *property which the law declares* TO BE *property.* Two hundred years of legislation have sanctified and sanctioned negro slaves as property."

This argument identifies slaveholding with human chattelhood, and the relinquishment of this claim of property with abolition. It bases the practice upon the theory, and rests the justification of its perpetuity upon the practical efficacy of the law, as being neither a dead letter nor obsolete.

In this argument the slaveholders confide, the nation consents, and therefore slavery exists, with all the evils it brings in its train.

By claiming their slaves as "property," the "owners" of this property are naturally led to forget and even to deny that they are human beings. For proof of this we cite the speech of Mr. SUMMERS of Virginia, in the Legislature of that State, January 26, 1832, as published in the *Richmond Whig:*

"When in the sublime lessons of Christianity, he (the slaveholder) is taught to 'do unto others as he would have others do unto him,' *he never dreams* that the degraded *negro* is within the pale of that holy canon."

We learn from this that the Southern pulpit has failed to teach the community a contrary lesson. The innocent "legal relation" has been suffered to circumscribe the jurisdiction of the golden rule.

Col. DAYTON, formerly member of Congress from South-Carolina, in a work entitled, "The South vindicated from the Treason and Fanaticism of Northern Abolitionists," holds the following language:

"The Northerner looks upon a band of negroes as so many *men,* but the planter or Southerner views *them in very different light.*"

Mr. GHOLSON, of Virginia, in his speech in the Legislature of that State, Jan. 18, 1831, as published in the *Richmond Whig,* (in reply to some members who had proposed abolition,) said:

"Why, I really have been under the impression that I *owned* my slaves. I lately purchased four *women* and ten children, in whom I thought I obtained a great bargain, for I really supposed they were *my property,* as were my *brood mares.*"

Mr. WISE, in the United States House of Representatives, said:

"The right of petition belongs to the people of the United Staves. *Slaves are not people* in the eye of the law. They have *no legal personality.*"

Another gentleman (as quoted by Mr. Vanderpool, of New-York) said: "SLAVES had no more right to be heard than HORSES AND DOGS."

Mr. VANDERPOOL, of New-York, himself said He should be ashamed of himself, if he ever could have supposed that slaves had a right to petition

this or any other body where slavery exists."—"Had *any one,* before to-day, ever dreamed that the appellation of THE PEOPLE embraced SLAVES? Sir! (said he,) I hesitate not to say, that were I a Southern man, I would not submit to the doctrine that slaves have a right to petition, if Congress were ever mad enough to sanction it. Nay, I go farther, and say, that as a *Northern man* I would not submit to it."

Mr. PICKENS, of South Carolina, said:

"The offense of Mr. Adams consisted in his announcing, that he had a petition from the slaves, THUS DESTROYING THE RELATION BETWEEN MASTER AND SLAVE, and denying the doctrine that the slave can BE HEARD ONLY THROUGH HIS MASTER."

The doctrine, thus explained and advocated, was deliberately and solemnly sanctioned by the House of Representatives of the United States, in a resolution adopted Feb. 11, 1837—yeas 162, nays 18, as follows:

"*Resolved,* that SLAVES do not possess the right of petition secured to THE PEOPLE of the United States, by the Constitution."

Thus was the national sanction given to the definition of "the legal relation between master and slave," which denies that "the relation" can consist with the recognition of personality and humanity in the slave.

Ecclesiastical bodies have been equally explicit in their definition of the relation.

The Charleston Baptist Association addressed a memorial to the Legislature of South Carolina, maintaining

that "the Divine Author of our holy religion" adopted this institution "as one of the allowed relations of society," and they further say:

"Neither society nor individuals have *any more* authority to demand a relinquishment, without an equivalent, in the *one* case than in the OTHER," (that is, their right to) "the *money and lands* inherited from ancestors, or derived from industry." "We would resist to the utmost every invasion of *this right,* come from what quarter and under what pretence it may."

In the settlement of the estate of Rev. Dr. Furman, of the same sect, in the same State, his legal representatives exercised this "right," in an advertisement of a public sale of his property at auction, as follows:

"A plantation or tract of land on and in Wateree swamp, a tract of the first quality of fine land on the waters of Black River; a lot of land in the town of Camden; a library of a miscellaneous character, chiefly theological; twenty-seven negroes, some of them very prime; two mules; one horse; and an old wagon."

"Slaves are neither considered nor treated as human beings."* This is the testimony of Mr. L. Turner, a regular and respectable member of the Second:

Presbyterian church in Springfield, Illinois; who was brought up in Caroline County, Virginia. And the testimony is approvingly communicated by Rev. William T. Allan, of Chatham, Illinois, pastor of a Presbyterian church in that place. Mr. Allan is son of Rev. Dr. Allan, pastor of the Presbyterian church in Huntsville, Alabama. (Weld's "Slavery as it is," p. 46.)

"Slaveholders regard their slaves *as property,* the mere instruments of their convenience and pleasure. One who is a slaveholder at heart, *never recognizes a human being in a slave.*" This is the testimony of Angelina Grimke Weld, daughter of the late Judge Grimke of the Supreme Court of South Carolina, and sister of the late Hon. Thomas S. Grimke of Charleston. (Ib., 57.)

When a slave is accidentally killed, the Southern newspapers speak of it merely as a *loss of property* to the *owner.* Nothing is said of the bereaved widow, children, or parents of the deceased. It would be easy to present numerous instances in proof.

The Natchez (Miss.) *Free Trader* of February 12, 1838, contained the following advertisement:

"FOUND:—A NEGRO'S HEAD Was picked up on the railroad, yesterday, which THE OWNER can have by calling at this office and paying for this advertisement." (Ib., 169.)

The idea of the advertiser probably was, that the head would be of use to the owner in establishing his claim on the Railroad Company, or some one, for damages in the destruction of his property.

The Vicksburg (Miss.) *Register,* December 27, 1838, contains the following item of news for the amusement of its readers:

"ARDOR IN BETTING.—Two gentlemen at a tavern having summoned the waiter, the poor fellow had scarcely entered when he fell down in a fit of apoplexy. 'He's dead!' exclaimed one. 'He'll come to,' replied the other. 'Dead for five hundred!' 'Done!' retorted the second. The noise of the fall, and the confusion which followed, brought up the landlord, who called out to fetch a doctor. 'No, no! we must have no interference—there's a bet depending!' 'But, sir, I shall lose a valuable servant!' 'Never mind, you can put him down in the bill!'" This is shocking: but, aside from the moral wrong of betting, the principle involved differs nothing from that avowed by the Charleston Baptist Association already quoted, so far as the matter of human chattelhood is concerned. Admit the doctrine, as held by the Association, and as defended by Mr. Clay, and the life of the negro was no more sacred than the life of a horse. "The innocent legal relation" "sanctifies and sanctions" the whole.

The same principle finds daily expression in the ordinary vocabulary of slaveholders. Their **slaves, like their other domestic animals, are called "stock."** The children of slaves are spoken of, prospectively,

even before they are born, as anticipated "increase." Female slaves that are mothers are called "breeders," till past child-bearing. Those who compel the labor of slaves are called "drivers." Like horses they are warranted, when sold, to be "sound," and are returned by the purchaser when "unsound."

The same principle is recognized by the free citizens and professed Christians of the North, whenever they speak of the slaveholder's "rights of property," or entertain the idea of "compensation" to them, in case of a general abolition of slavery, or of the redemption of

particular slaves, in any such sense as implies that such appropriation or purchase money would be equitably due.

It remains to be observed that this claim of property in slaves, both in theory and practice, as defined by legislation and jurisprudence, as defended by theologians and as sanctioned by ecclesiastical bodies, as carried out into every-day practice by the pious and by the profane, is manifestly and notoriously a claim, not only to the bodies and the physical energies of the slave, but also to his immortal soul, his human intelligence, his moral powers, and even (in the case of a pious slave) to his Christian graces and virtues.

This is proved by the fact, that the body of the slave without his soul would be a dead carcass of no value. Or, if it be objected that the same distinction obtains between a dead horse and a living one, our proposition is proved by the fact, that if the slave had only the intellectual powers of a horse, his inferiority to a horse in physical strength would sink

him below the pecuniary value of a horse, instead of his commanding, as he now does, the price of a number of horses.

In advertisements of slaves to be sold or to be hired out, their intelligence, their skill, their honesty, their sobriety, their benevolent dispositions are specified and insisted on, as items of primary importance in estimating their value. Their piety is not unfrequently mentioned in the inventory, and they are recommended as being worthy members of Methodist, Baptist, or Presbyterian churches. And church members of the same sects both buy and sell them on the basis of these recommendations.

This, in the United States of America, in this nineteenth century, is "the legal relation of master and slave"—a relation that challenges as "goods" and "chattels personal, to all intents, constructions, and purposes whatsoever," the immortal soul of man, the image of the invisible Creator, the temple of the Holy Spirit, the purchase of a Redeemer's blood. The statement is no rhetorical flourish. It is no mere logical inference. It is no metaphysical subtlety. It is no empty abstraction. It is no obsolete or inoperative fiction of the law. It is veritable matter-of-fact reality, acted out every day wherever and whenever a negro or any one else is claimed as an American slave. If any slaveholder denies it, let him be challenged to put the denial in writing, duly attested, and in such a shape that the courts of law can take cognizance of it. Whenever he does this, and puts the paper in the hands of his slave or trusty friend, his

slave is set free. Every intelligent slaveholder knows this.

The evidence already presented is sufficient, but there is much more in reserve. In the chapters that follow, the various features of the slave system will be presented, as defined by the Slave Code and as exhibited in daily practice. And each one of these features will be seen to grow out of the foundation principle of American Slavery—to wit, human chattelhood, as exhibited in this chapter, thus proving the presence and the vitality of that principle by its practical operations and bearings. The whole system may be educed from this parent stock, as any science, in detail, is educed from its fundamental axioms. Let any reflecting person assume that human chattelhood, or property in man, is the foundation of the system; then let him follow

out, in his own mind, the natural and necessary workings of such a principle reduced *to practice,* and he will be able to anticipate beforehand almost the entire code of slavery, and the practices existing under it.

CHAPTER III.

SEIZURE OF SLAVE PROPERTY FOR DEBT.

As Property, Slaves may be seized and sold to pay the Debts of their Owners, while living, or for the settlement of their Estates, after their decease.

THIS is evident from the very nature of property, especially of chattels personal, as well as from the fact that **slaves may be** bought and sold, and pawned or **mortgaged for the security of debts.** A pawn or mortgage is of the nature of barter. **If not redeemed, it becomes a barter in the end.** And barter is only one form of purchase and sale. Whatever may be bought and sold may be bartered, consequently mortgaged; and, if unredeemed, seized, taken possession of.

The very definition of slave property, as cited in Chapter I., specifies this incident. They "may be sold, transferred, and *pawned.*" They are "chattels personal, to *all intents,* constructions and purposes whatsoever."

"The slave, being a *personal chattel, is at all times* liable to be sold absolutely, or *mortgaged,* or leased, at the will of his master. He may also be *sold by process of law* for the satisfaction of the debts of a living, or the debts and bequests of a deceased master, at the suit of creditors or legatees." (Stroud's Sketch, pp. 25, 51.)

"If a slave *sold,* remains with the vender, he is liable to be seized for his *debts.*" (Wheeler's Law of Slavery, p. 54.)

"Slaves are considered as *property,* and in most of the States they are considered as *chattels personal.* They are *therefore* subject to those rules and regulations which society has established for the purchase and sale, and transmission from one to another, of that species of property. *They therefore* ***may be mortgaged as personal property,*** **or are the subjects of a qualified or conditional sale,** to suit the wants of the owner or purchaser of them. They are declared to be personal estate by the Revised Code of Mississippi, 379; Revised Code of Virginia, vol. I., pp. 431-47. Indeed, ***they are considered the subjects of mortgage in all the States by custom,*** and which exists in many of the States by express statutory provisions." By the Black Code of Louisiana, vol. I., Dig., p. 102, sect. 10, it is declared that slaves shall be reputed and considered real estate; shall be, as such, *subject to be mortgaged,* according to the rules prescribed by law, and **they shall be *seized and sold* as real estate.** (Ib., Note, pp. 164-5.)

"Slaves may be sold by creditors for debts of their owners, in all the States but Louisiana, where they cannot be separated from the land." (1 Martin's Dig., 612, Act of July, 1806; cited in Wheeler's Law of Slavery, p. 41.)

"The *children* of a female slave mortgaged, born after the execution of the mortgage, are as much liable to the demand of the mortgagee as the slave herself." (Ib., p. 167.)

In contrast with the preceding, we present the following:

"Plantation slaves, not only in the Spanish and Portuguese, but in the French colonies also, are *real* estate, and attached to the soil they cultivate, partaking therewith all the restraints upon voluntary alienation to which the possessor of the *land* is there liable, and they cannot be seized or sold by creditors for the satisfaction of the debts of the owner. It has already been stated that by the *Code Noir,* art. 47, the husband cannot be sold without the wife, nor the parents without the children. Sales made contrary to this regulation, by process of law, *under seizure for debts,* are declared void. (See Stephens' Slavery, 68-9; Stroud's Sketch, p. 53.)

It is evident that this feature of liability to seizure for the master's debt is, in many cases, more terrific to the slave than that which subjects him to the master's voluntary sale. The slave may be satisfied that his master is not willing to sell him—that it is not for his interest or convenience to do so. He may be conscious that he is, in a manner, necessary to his master or mistress, or that, being a favorite and tried servant, they would not sell him at any price. He may even confide in their Christian benevolence and moral principle, or promise that they would not sell him, especially that they would not thus separate

him from his wife and children. But all this affords him no security or ground of assurance that his master's creditor will not seize him, or his wife or his children, against even his master's entreaties. Such occurrences are too common to be unnoticed, or out of mind.

Advertisement in the *Georgia Journal* of January 2d, 1838.

"WILL be sold, the following PROPERTY, to wit One CHILD, by the name of James, *levied on* as the property of Gabriel Gunn."

From the *Southern Whig,* March 2, 1838.

Neither the Court, the sheriff, the plaintiff, the defendant, nor the negro girl, appear to have been instructed in the literature which assures willing dupes that the Slave Code is obsolete—a dead letter.

From the *Milledgeville Journal,* Dec. 26, 1837.

Here, again, the "chattel principle" appears not to have been regarded as "a mere metaphysical, speculative abstraction," as some would persuade us to believe it is.

From the *Natchez Courier*, April 2, 1838.

"NOTICE is hereby given that the undersigned, pursuant to a certain Deed of Trust, will, on Thursday, the 12th day of April next, expose to sale at the Court-House, to the highest bidder, for cash, the following negro **slaves, to wit:** Fanny, aged about twenty-eight years; Mary, aged about seven years; Amanda, aged *about three months;* Wilson, aged about nine months. **Said slaves to be sold *for the satisfaction of the debt secured in said Deed of Trust.***

"W. J. MINOR."

The "legal relation" was here defined and exemplified, as likewise in the following:

Extract of a letter to a member of Congress from a friend in Mississippi, published in the *Washington Globe*, June, 1837.

"The times are truly alarming here. Many plantations *are entirely stripped of their negroes and horses,* by the marshal or sheriff. Suits are multiplying," &c.

Truly alarming times, indeed, for slave mothers and their babes-for slave wives and their husbands. But of *their* alarms the writer, the publisher, and the readers generally, it may be presumed, thought no more than they did of the alarms of the "horses" associated and seized with them.

In all this we have only the natural workings of

the "legal relation;" the legality of which was understood and enforced by the sheriff. It were idle to talk of his act or of the act of the creditors as an *abuse* of the relation. The relation is that of owner and chattels, and nothing else. It would be absurd (not to say dishonest) for the law to sanction such a relation, and then leave the rights unprotected which the relation implies. Were it true that such a relation existed, and that it was truly legal and valid, there would be manifest injustice to the attaching creditor, as well as to the voluntary slave vender, in the *Code Noir.* The truth is, no such "legal relation" can be valid; and to this fact, the *Code Noir* gives its attestation, by its veto upon the exercise of its involved rights.

We dismiss also this feature of the Slave Code, with the remark that, in respect to it, we find the people to be no better than their laws, and their usages no worse than "the legal relation" that gives sanction to them.

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* Nothing else than the prevalence of this feeling can account for the preposterous effort to discredit the unity of the negro race with the rest of mankind! It is very remarkable that Mr. Jefferson, who wrote so eloquently against slavery, and whose kindness to his own mulatto slave children was so commendable, should have published to the world such crude speculations of this character— [footnote continues on p. 39] not less unphilosophical than unscriptural. It is still more remarkable that professed believers in the Bible should express doubts on the subject!

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"WILL be sold, in La Grange, Troup County, one negro girl, by the name of Charity, aged about ten or twelve years, as the *property* of Littleton L. Burk, to satisfy a *mortgage* fi. fa. from Troup Inferior Court, in favor of Daniel S. Robertson *vs.* said Burk."

"EXECUTORS' SALE.—Agreeable to an order of the Court of Wilkinson County, will be sold on the first Tuesday of April next, before the Court-House door in the town of Irwington, ONE

NEGRO GIRL, about *two years old,* named Rachel, belonging to the estate of William Chambers, deceased. Sold for the benefit of the *heirs* and CREDITORS of said estate.

"SAMUEL BELL,
"JESSE PEACOCK, } *Executors.*"

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EXPLANATION
WHAT THIS TRANSLATES TO

You as a slave owner have a trust relationship with the Queen of England, the deity of the trust. The Queen created the Trust under the Crown and is considered the Creator of the Trust, which means she can not be touched. Now you as a slave owner of the property are in a trust relationship, as you are the owner of the property held in Trust, where she is the sovereign. The President of the UNITED STATES is the Executor (executive) of the Trust, who executes the will of congress, the House of Representatives of Congress represent the slave owners' interests in the public, the Congressmen in Congress are the Trustees privately, and the Supreme Court determines if the trust has been broken. They transferred the liability to the slave owners when they passed their 17th amendment in 1913, the same year as the federal reserve act, and made the Federal Reserve the people, and the people in the States became the slave holders i.e. John-Adam: Smith, and JOHN ADAM SMITH the all cap name became the real estate account representing all holdings. Now you are in direct contract with the Federal Reserve bypassing the constitution, and therefore your contract with the Federal Reserve is a private contract between the people, and congress is under no obligation as a trustee. That is why it is so important to cancel that Federal Reserve account. The beneficiary is the STATE benefiting from the act of another therefore creating a welfare STATE.

In essence you are a slave owner of real property referred to as Slave. That is why on documents such as Certificate of Title they refer to you as owners. As long as you are an owner only you can contract for the slave, and are the one who is liable for the mortgages. When they freed the blacks after the Civil War, they made the black and white men slave holders so they can both borrow credit and be in perpetual debt.