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# ADDRESS

TO THE

LEGISLATURE OF NEW-JERSEY,

IN BEHALF OF THE

**COLORED POPULATION**

OF THE STATE.

By Citizens of Paterson.

PATERSON, N. J.

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1841.

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*To the Honorable the Legislative Council  
and General Assembly of the State of  
New-Jersey.*

GENTLEMEN:—You have been selected from the great body of your fellow-citizens, to constitute the present Legislature of the State of New Jersey. Vested for a season with the power of Legislators, you doubtless appreciate the importance and responsibility of your station, and feel disposed to act with a direct reference to the well being of the people of this commonwealth.

Influenced by this persuasion, we address you with the view of calling your attention to the disabilities, privations and sufferings, under which the colored population of our State labor, and which we believe can at least be greatly mitigated, if not wholly removed, by wholesome legislation.

You are not, we fondly hope, of those, who, instead of reducing the burdens of this class of our population, would rather increase them; who, instead of handing to them the full measure of the blessings of our free government, would multiply inducements for them to forsake in anguish the land of their nativity, and the graves of their fathers; we think you look upon even the black man as a man, and entitled to all the privileges and immunities of humanity.

The colored population of the State, according to the returns recently published by the U. S. Marshal of this district, amounts to 21,631 souls. This then is the number of human beings within your jurisdiction, who are deprived of those equal laws and that exact justice which this nation glories in securing to her meanest citizen.

The Legislature of New Jersey, on the 24th day of February.

1820, enacted that all children born of slaves since the 4th day of July, 1804, or that should thereafter be born, should be free, subject, nevertheless, to be the servants of the owners of their mothers, until, in the case of male children, they should become twenty-five years of age, and in the case of females, twenty-one years of age. We do not feel disposed to call in question the benevolence of the men who gave us this law; we believe their motives were truly philanthropic. Dictated by the enlightened spirit of the age, they performed an act, which, although it came late, brought honor and gratitude to the men who gave it birth—abolishing perpetual human chattelship, even on this after-birth principle, was regarded as the verdict of the state against the pretensions of slavery, and doubtless had a wholesome effect at the time upon the nation at large.

Subsequent reflection and experience have satisfied multitudes that it is entirely safe and judicious in abolishing slavery, to do it immediately, without the entailment of any kind of compulsory service or disability whatever. Many who formerly entertained doubts, in reference to such a summary process of emancipation, have had those doubts swept away by the well authenticated testimony in relation to the favorable working of such a process in the British West India Islands.

We cannot but regard compulsory servitude, coming in after a declaration of freedom, as a continuation of slavery for the time being; hence we look upon the servants for years, under the act of 1820, as slaves so long as they remain under age, slaves to all intents and purposes, unless it be true that the children of the female servants, born of them while under age, are *fully free*.

We are desirous, gentlemen, either that the servitude for years should be entirely abolished, or its duration limited to a shorter term, and its condition greatly modified; we prefer the former. We venture to suggest, that if the great principle of the right of every innocent man to himself should be fully adopted, there would remain but little difficulty in framing a plan of entire emancipation for that part of our colored population yet under compulsory

servitude; we hope to obtain from you either the one or the other, and we most respectfully urge it from the following considerations:—

First. We regard the term of service unreasonably long; you and we arrived at our majority, and our children will arrive at theirs, in a shorter time by several years; we cannot conceive of a reason, either legal, moral or physical, why young people of African descent should not be declared of age as soon as those of the European; but we can see reasons why they ought to be given to themselves in the spring time of their days, that they may earlier experience the beneficial influence of that mental and physical elasticity consequent upon the possession of freedom.

Secondly. We object to the servitude system, because it contains no provision making it the privilege of the children to acquire trades, or become acquainted with avocations by which they can earn a livelihood in after years, other than those which it may be the pleasure of the persons who happened to be the owners of their mothers at their birth to suffer them to learn; it is justly regarded as cruel and inhuman for a parent to compel his child to spend his minority at an employment to which he has an aversion, or which will be useless to him, or nearly so, when he becomes a man; hence all indentures of apprenticeship express in form that the child doth voluntarily and of his own free will and accord put himself apprentice. But in the cases we are now contemplating, parental feeling, that divine guard against abuses to children, has no place. Under the act of 1820, the children who were or may be born of slave mothers, are liable to be doomed to just such employment as may be selected for them without consulting their tastes or obtaining their concurrence, and it is feared without the least reference to their future welfare. Who that knows any thing of human nature, does not see that a surer course could scarcely be adopted, to crush the energies of a rising generation; and who is not surprised that, under such a system, our young colored population are half as enterprising as they are.

Thirdly, We object to the system, because there is no effective

provision securing to the children a school education. The 16th section of the act concerning slaves, passed March 14, 1798, does, it is true, require the owners of slaves or servants for years, to have them taught to read before they attain the age of twenty-one years, but the penalty for neglect is only thirty dollars, and the provision for collecting the fine reduces even that to a practical nullity. Unless there be uncommon aptitude to learn, we think that if loss of time were added to the cost of tuition, it would be found that a child could hardly be taught to read for the amount of the penalty, and hence it would be cheaper to pay it, should it ever be exacted. If the system is to be continued, and we hope it will not, the masters should be required under a heavy penalty, easily collected, to give the children a good common school education before they arrive at the age of fifteen years.

It is impossible to put upon paper the innumerable little sufferings that fall to the lot of these servant children, and which go to make up the amount of their misery. It is easier to conceive of it in the aggregate, than to describe it in detail; regarded from the first moment of their entrance in the world as mere things of profit and loss, deprived, in many instances, of the nurture and control of their parents at a tender age, driven hither and thither by interest and passion, they grow up without education, without a trade, without a proper sense of filial obligation, and, in many instances, without even being taught their responsibility to their Maker, their duty to their God.

We despair of any modifying legislation being sufficient to make the system equivalent to that established by the Creator. It may be made better, perhaps, but the only real cure lies in its abandonment, and in the restoration of the children to entire freedom.

Making the children free will produce the necessity of a guardianship for them, which can only be supplied by liberating their parents, and we are thus brought to another and important class of our colored population—the slaves for life. These are all they who were born on or before the 4th day of July, 1804, and who

have not been manumitted by their owners; a class which numbers, according to the present returns, 659 souls, not a very formidable number perhaps, yet sufficiently numerous, we trust, to engage the attention of a humane legislature.

We ask then for the liberation of these slaves, that such of them as have children may be restored to the guardianship of their children; a right which ought never to have been taken from them, for it is one which they hold by the appointment of the God of nature.

We ask for their liberation that they may enjoy the consciousness of freedom; that they may be put in possession of that gift designed for all by the beneficent Creator, and declared to be inalienable in the declaration of independence; a gift, of which to deprive the innocent, is declared by the voice of christianity to be one of the greatest wrongs that man can inflict upon his brother.

We can scarcely hint at the liberation of these old slaves, without being met with what some consider a fatal objection to their claims to liberty. We refer to that legal provision of long standing, which prohibits the manumission of a slave at forty years of age and upwards, without security being given to the proper authorities that such emancipated slave shall never become a town charge.

In reply to this objection we say, *first*, that there are very many slaves in the State under forty years of age. All those now living, who were born between January 12th, 1801, and July 4th, 1804, a period of nearly three and a half years, could be emancipated by law without disturbing that provision; *secondly*, we think that the provision for security comes in at too early an age, that of forty years; that if slaves must be entailed, it is soon enough to do it at fifty years of age. We think there is little danger of slaves in health becoming a town charge, if liberated up to that age; and we are not sure but the time might be extended still farther. Lastly, we protest against all such mistaken economy as this. To hold a human being in slavery—to continue him a mere chattel, however old or decrepid he may be, from the four

that we might be called upon to assist in his maintenance, is a reason unworthy to be uttered in this professedly enlightened, just and benevolent age.

But some still object, and say that masters should not be permitted to emancipate their old slaves—that it is wrong to throw those upon the town for support who have been worn out in their service; so we think, and therefore suggest that in such cases it would not be difficult to make the estate of such masters liable for the support of the slaves after their emancipation as they now are before it. Only let the determination to effect something for them be cultivated, and the proper way to do it will soon be developed.

We have already hinted at the relation or legal condition of the children of female servants, born while they were under age. Upon this subject there is a difference of opinion—the act of 1820 is here silent. It requires a service of twenty-one years from the female children of slave mothers; but as these same children are declared by the act to be free, the presumption is, that their children, no matter at what time born, are also free, without any condition whatever. We ask your attention, gentlemen, to this particular; if our presumption is correct, we argue that it furnishes an additional reason for the abolition of the service for years, in order that such of the servants as are parents may assume the guardianship of their children: if we are mistaken, then, without legislative interference, we are liable to have this species of servitude handed down to the latest generation—a servitude, which, as we have already said, is no less than positive slavery for the time being.

It may be said that this is a proper question for the courts, and so perhaps it is; but we submit that for a legislature to explain the position and bearing of laws by subsequent declaratory acts, is not an uncommon occurrence, and is certainly the most preferable mode of the two, because it is easier for a legislature to explain its own meaning, than for a court to judge upon it.

There is a provision in the act of 1798, which many persons are not aware of, but which, however little it may be noticed at this

day, may yet be the means of introducing an amount of slavery among us on no account desirable. We will quote the section containing the proviso in question.

“From and after the passing of this act, it shall not be lawful for any person or persons whatsoever, to bring into this State either for sale or for servitude, any negro or other slave whatsoever, and every person offending by bringing into this State any such negro or other slave, shall, for such slave, forfeit and pay the sum of \$140, to be recovered by action of debt, with costs of suit, in any court having cognizance thereof, by the collector of the township into which such slave shall be brought, to be paid by such township collector to the county collector, and by him to the treasurer, for the use of the State. PROVIDED ALWAYS, nothing in this act contained shall be construed to prevent any person who shall remove into this State to take a settled residence here, from bringing all his or her slaves, without incurring any of the penalties aforesaid.” Act of 14th March, 1793, Sec. 13. Rev. Stat. p. 369, or Elmer’s Digest, chap. on Slaves, Sec. 11, p. 522.

If it be said that any fears of the inroads of slavery based upon this provision are groundless, that the inducements offered by this State to slaveholders to take a settled residence in it, and bring their slaves with them, are too small to excite any rational alarm, we reply that no one can see into the operations of futurity, and conceive of the inducements of this character which may yet be developed among us—moreover, we are of the opinion that we have these inducements to some extent now, which, if common report be true, have proved effectual in several instances in bringing slaveholders with their slaves into the State to take a settled residence herein.

We are disposed to hedge up slavery in as narrow limits as possible; we can exert only a moral influence upon it in its strong holds, but when it comes among us we desire to give it no quarter, to show it no leniency; and hence in addition to the foregoing, we complain that our laws protect the grasp of the foreign mas-

ter upon his slaves, when travelling with them through the state, or when temporarily residing with them in it. The highest judicial authority of some of the States has decided that without this law of *politeness* to slavery, (as it is termed,) slaveholders could not hold their slaves when they bring them voluntarily into a free state. By repealing this protection to slavery you will afford an opportunity to all slaves under the foregoing circumstances, to exchange their condition of servitude for one of freedom, a process of which none could complain, because it would be brought about by the voluntary act and deed of the masters themselves.

We should do violence to our feelings were we to close this address without advertng to some of the disabilities suffered by that part of our colored population legally free—we refer more especially to that unjust prejudice which exists in the white population against them as a race. We believe that is in the power of legislation to assist materially in the abatement of this prejudice. It is the province of legislators to develop and give form to the advancing spirit of the age; and upon this principle we enquire whether it be not advisable to invest these free persons with the right of suffrage, the elective franchise. Want of capacity in them will perhaps appear to be the first and great objection; but want of capacity here, is only another name for want of information, and this is or ought to be within their reach, as well as in the reach of others. It is a known principle of human nature that it will not be at the pains to acquire that which can be of no use to its possessor, and if the colored man takes little or no interest in the political concerns of his country, it is because they are beyond the reach of his influence. We believe that if he had a voice in the politics of the nation, his interest in these matters would be as deep as ours.

The watchword of our revolutionary fathers was "no taxation without representation;" but New-Jersey, boasting of a constitution two days older than the declaration of independence, scruples not to impose a tax upon many of her sons, while she with-

holds from them any voice in making up the representation that ordains the tax. New York, with more consistency, after giving the elective franchise to such colored men as are possessed of a freehold worth \$250, exempts all others not so possessed, and consequently not electors from tax.

The value of the right of suffrage to the poor man is seldom fully appreciated. To regard it as a prerogative exercised in the choice of rulers *merely*, is to set but half its value upon it; the influence it is perpetually exerting in his behalf, may be partially seen, when it is recollected that the natural tendency of wealth is to accumulate power; but as political power cannot be obtained in this nation without the consent of the poor man, there is an unceasing and unconscious deference paid to him by the wealthier ones, for the simple reason that he has that to give which they are desirous to receive, but which cannot be obtained by their money alone, *viz. his vote*. We argue from this fact that to confer upon the colored man the elective franchise, would have a direct tendency to elevate him in the scale of being, and place him in the community as a man among men.

We have one other topic to notice in conclusion. We find, by reference to the act of 1798, that the 27th section prohibits any free negro or mulatto, belonging to any other state, from travelling in this, without the certificate of his freedom from two Justices of the Peace in the state where he belongs; and also, that the 28th section has a like prohibition upon any free negro or mulatto belonging in this state, travelling in any other county than where his residence may be, without a like certificate from two Justices of the Peace, or from the County Clerk. Whatever reasons might have existed in this land of liberty for these passport provisions forty three years ago, we are satisfied there can be none now. Why a free colored person may not have the privilege of locomotion, of going and coming when and where he pleases with the same facilities as the white, we are at a loss to divine. These statutes are an emanation of the dark ages, nay, nearer than that, they were made in obedience to the dark spirit

of slavery, which, not satisfied with binding down the poor slave, must also fetter him whom the good providence of God has once more made free. We trust that you will not satisfy yourselves with the persuasion that these prohibitions have become a dead letter; they still remain in all their force, a standing reproach to us, upon our statute book.

And now, gentlemen, we leave the entire subject to your favorable consideration. We are aware, as well as you, that it is one destitute of the blandishments of popular applause. We have been moved to address you upon it because we believe that in so doing we are "opening our mouths for the dumb, and pleading the cause of the poor and needy." We are enjoying the privileges of a free government, and are desirous that all our fellow creatures should do the same. If you feel the least disposition to do any thing in your legislative capacity for this people, suffer us to entreat you to betake yourselves to it forthwith, and whatsoever your hand findeth to do, do it with your might. Of you it may emphatically be said that time is short—in a few weeks you will have voted your last adjournment, and however worthy you may be of being returned to the honorable station you now occupy, such are the political changes of the age that you may not succeed; you may never again be placed in the important position you are now in, and the opportunity you have of benefiting a portion of the human family may be lost never to return.

JOHN AVISON,  
WRIGHT FLAVELL,  
RUSSEL J. JUDD,  
SAMUEL BEEDLE,  
JOSEPH CHERRY,  
BENJAMIN CRANE,  
WILLIAM MOYLE,  
AARON DOUGLASS,  
ISAAC VAN BLARCOM,

WM. VAN BLARCOM,  
MALDEN WRIGHT,  
JOHN P. KIP,  
ROBERT DALLING,  
WILLIAM BALE,  
A. H. FREEMAN,  
JOSEPH PERRY,  
NICHOLAS DEETHS,  
ISAAC H. VAN RIPER.

Paterson, January 12th, 1841.

*Self  
addressed*