to free negroes or mulattoes; the slave so sold or given to be liable to be sold out of the State, and the master so selling punishable by fine in the discretion of the court. Adopted.

Prop. 15. That an additional provision be made to the act of 1835, chapter 325, to make it prima facia evidence of circulating such papers as are mentioned in the act of 1835, chapter 325; that the same have been found in the possession of any one within the State. Adopted.

Prop. 16th. That every free negro shall give responsible security annually for his or her good behaviour; if such security be not given, such negro so failing, to be brought before some Justice of the Peace by a constable or any other person, who shall cause him to be hired out, and out of his accruing wages pay the constable or person $10; and in case such negro thus hired out shall abscond from service, upon his apprehension he shall be sold out of the State. Adopted.

Prop. 17th. An act to render penal the omissions of sheriffs, magistrates or constables to enforce all laws respecting free negroes and slaves, and every constable, before he proceeds to act as such, shall take an oath well and faithfully to execute all the laws of the State. Adopted.

Prop. 18th. Free negroes with real estate to have it sold at their death, and the proceeds to be distributed to their legal representatives; and hereafter no free negro to be allowed to hold real estate or leasehold interest which shall have longer than a year to run. Adopted.

Convention adjourned until 4 o'clock.

FRIDAY AFTERNOON, 4 o'clock.

Prop. 19th. That all free negroes who shall have been bound out within the last two years, shall be free whenever they shall determine to leave the State, by paying to the master such sum as the Orphan's Court shall adjudge; and that it shall be the duty of the Orphan's Court of the several counties in the state, and city of Baltimore, from and after the 1st of January, 1844, to bind out at the age of 8 years, the children of all free negroes then in the State, to serve until they arrive at the age of 21 years for males and 18 for females; the master shall give security, to be approved by the Orphan's Court, to pay to the child, when it arrives at the respective years of 21 or 18, the sum of $75 for males and $25 for females, provided the said child shall leave the State; or if, previous to the child's arriving at the age of 21 or 18 years, as the case may be, it shall consent to leave the State, or its parent shall remove out of the State, then the master shall give up such child, and if it has served more than 8 years, the master shall pay to the child or its parent, such sum as the Orphans' Court shall determine.

Mr. Thomas S. Alexander offered the following as a substitute:

That the law of apprentices shall be so altered that the children of all free negroes and mulattoes who have no visible and certain means of subsistence, should be bound out, &c., to serve until a certain age, &c.

Mr. Alexander, of Annapolis, thought that many free coloured persons were equally competent to bring up their children as many of the whites were, and that such persons having the means of bringing their children up as they should be, ought to have the charge of their children. But he acknowledged, in the present state of society, the right of the white population to see that the children of those free negroes who could not take care of their children, should be bound out.

Mr. Palmer, of Frederick, thought that the adopting of the amendment of the gentleman from Annapolis, would be little else than the re-enacting of a law already in force. The object of this Convention was not to drive the free negroes from the State, or even to deprive them of their liberties;

it was common for white children to be bound out until they were twenty-one years of age, and he thought that the best course which could be pursued in regard to the negro children, would be to bind them out to good masters, who would clothe and feed them comfortably, and raise them to habits of industry, and not leave them to be raised in idleness and vice, in those receptacles of sin and vice, the houses of free negroes. He knew what places such houses were in cities; as to the country he did not know any thing of them. He, therefore, should certainly vote for the original proposition; and hoped that the substitute would not be adopted.

Mr. Alexander thought that the bonds of affection were as strong between parent and child among the negro race as the whites; and he thought that gentlemen had better drive the free negroes out of the State at once, than thus endeavour to drive them from us indirectly through their affections. He only asked for the better portion of the free negro population of this State, that they should remain here unmolested in their affections whilst they conducted themselves properly; to such he was for extending the protection of the laws. He wished to know if they had any more right over the negroes who were now under the age of twenty-one years, than they had over those whose age exceeded that number of years. The negro who, in 1841, will be over twenty-one years of age, will go scot free, and his contumacy is to go unpunished, whilst the young and tender child, who, from regard to its parents, may not be enabled to flee, is to be seized by the arm of the law and passed over to the hands of those whoever might be enabled to make most profit on it. He asked gentlemen if that was justice.

The question was then taken on the adoption of the amendment offered by Mr. Alexander, which was decided in the negative.

The question then recurred upon the resolution as reported by the committee.

Mr. Glenn moved to strike out the year 1844, and insert 1845.

Dr. Claude moved to strike out '44 and insert '48—he was of opinion that humanity demanded a prolongation of the time, and he thought the end could be as well answered in that period as if it was enforced earlier.

Mr. Tilghman proposed to insert 1843—he thought the sooner it went into operation the better. Amendments rejected.

The question was then taken on the proposition, and it was carried.

Prop. 20th. That no meeting of free negroes for any purpose shall be permitted after sunset, and all laws inconsistent with this provision to be repealed. Carried.

Prop. 21st. That if any free negro who may have a license from any christian denomination, either to preach or exhort, shall hold or attend any meeting prohibited by law, he shall be subject for the first offence to a fine and imprisonment, and for the second offence, shall be sold out of the State.

Prop. 22d. Any retail dealer who shall sell or give to any negro, slave or free, any spirituous liquor or wine, or shall otherwise directly or indirectly, furnish intoxicating drink to or for a negro, to be liable to a fine of $100, one-half to be paid to the informer. (Any person who shall sell or give liquor to a negro slave or free, except the master of such negro slave, to be liable to the same penalty.)

Mr. Alexander moved to amend said resolution by inserting after the word master, the words, 'or physician.' Adopted.

The word mistress was also inserted.

Mr. Duckett thought they were travelling beyond public opinion in adopting any such proposition. He was willing to go as far as any one in imposing penalties on the retail dealers, to prevent them from selling liquor to the negroes; he was not afraid of their giving the negro too much liquor.

Maryland Historical Society

The Maryland State Colonization Society Papers

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