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Free Negroes in the Northern States.

The question of the legal condition and *status* of the free colored population at the North has been much discussed in those States where constitutional conventions have been lately held or constitutional reforms agitated. It is evident that the main current of public sentiment has been for some time setting strongly against the increase, or even the continued presence, of the black race in the non-slaveholding sections of the country.

The recently-formed constitution of the State of Indiana has the following stringent provisions on the subject:

"Sec. 1. No negro or mulatto shall come into or settle in this State after the adoption of this constitution.

"Sec. 2. All contracts made with any negro or mulatto coming into this State contrary to the foregoing section shall be void; and all persons who shall employ or otherwise encourage such negro or mulatto to remain in the State shall be fined in any sum of not less than ten dollars nor more than five hundred dollars.

"Sec. 3. All fines which may be collected for a violation of the provisions of this article, or any law which may hereafter be passed for the purpose of carrying the same into execution, shall be set apart and appropriated for the colonization of such negroes and mulattoes and their descendants as may be in the State at the adoption of this constitution and may be willing to emigrate.

"Sec. 4. The general assembly shall pass laws to carry out the provisions of this article."

Upon these enactments the Albany State Register remarks:

"We are inclined to think these provisions are in conflict with the constitution of the United States, and that Indiana cannot exclude the free colored 'citizens' of New York from her borders. Some such idea seems to have haunted the minds of the Indiana convention; and therefore, instead of imposing penalties on the negroes, they make all contracts which the whites may enter into with them void, and fine those who employ or encourage them to remain in that State. But that is hardly allowing to 'the citizens of each State all the privileges and immunities of citizens in the several States,' as required by the constitution of the Union. If we are correct in this, then the constitution of Indiana is obnoxious to the same objections as the laws of South Carolina, which exclude free blacks, or the laws of Vermont, which attempt to annul the jurisdiction of the United States courts and authorities, and transfer the same to State tribunals. We have been surprised to find this Indiana 'outrage' so tamely and quietly submitted to.

Scarce a murmur has been breathed against it. To our mind the almost general acquiescence in its perpetration, as well as its adoption by an overwhelming majority, proves that runaway slaves are not likely to find pleasant homes in northern States. We have little doubt that a majority of the people of those States would sanction enactments similar to those of Indiana, notwithstanding the valorous professions of abolitionism so currently made. It becomes a question, therefore, in view of this state of public sentiment, whether there is any such barbarity, after all, in returning fugitive-slaves to their masters. They are treated with as much kindness and consideration by them as free negroes are likely to receive in free States, where they are not recognised as citizens, nor hardly as men. It is very clear that 'philanthropists,' as they term themselves, will have to devise some other mode of disposing of slaves, besides stealing them for northern asylums."

The above observations of the Register, as to the bearing of such legislation as that of the State of Indiana upon the whole aspect of the fugitive-slave question, are alike true and important. But the opinion suggested by the Register, as to the conflict between the constitution of Indiana and the constitution of the United States on the point referred to, appears to be not well founded. The provision upon the subject in the federal constitution reads as follows:

"ARTICLE IV—SEC. 2. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."

It seems clear enough that the "citizens" referred to in this clause are *citizens of the United States*. These, when residing in any one State, are declared to be entitled to the privileges and immunities enjoyed by citizens in other States. The whole question is, then, *Are free negroes citizens of the United States?* On this question there has, we believe, been some contrariety of decision. The first decision was made, we think, in Connecticut, and, as we remember, wholly denied to the free negro the character of a citizen of the United States. The State courts of Kentucky have adopted the same view; and it would, doubtless, be generally held to be the law throughout the slaveholding States, and not improbably in many or most of the non-slaveholding States. The point has not, we believe, yet been passed upon by the Supreme Court of the United States.