

Title of Lesson: *Alabama Slave Codes in 1833: What They Can Teach Us About Slaves Themselves*
(Suggested grade level: 10th Grade American History)

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Author Information: Mary Hubbard, Advanced Placement History Teacher, Retired
Alabama History Education Initiative Consultant

Background Information:

Slave codes were sets of laws created to support and regulate the institution of slavery. They codified a way of life that separated the races and defined the circumstances under which white and black communities could interact. The codes not only governed slave behavior; they also set certain legal guidelines for slave owners and included provisions that applied to the free black population.

In the earliest colonies, when both indentured servants and slaves were sources of labor, the legal status of blacks was somewhat ambiguous. But as more and more slaves were imported from Africa in the late 1600s, racial lines began to harden and legislatures started passing laws defining and controlling slaves. Eventually, every southern state had its own slave codes, which they updated periodically. While laws varied somewhat from state to state, over time, as the number of slaves in the South increased, Southern governments tightened restrictions: slaves couldn't own property, they couldn't enter into any contracts, they couldn't testify in court against whites, and they couldn't be taught how to read and write. By the early 1800s, white lawmakers had also restricted blacks' access to freedom. Those blacks who somehow managed to obtain their freedom were subject to severe legal restrictions because they were considered a danger to the system.

One event that intensified the strictness of southern slave codes was Nat Turner's rebellion (1831), which took place in Southampton County, Virginia. It was the bloodiest slave insurrection in American history and sent shock waves throughout the South. As a result of the number of whites killed (somewhere between 40 and 60), plantation owners became more fearful. In the immediate aftermath, whites rounded up and killed hundreds of blacks, many of whom had no connection whatsoever with the rebellion. The Virginia legislature, in hopes of solving what it saw as a life-threatening problem for whites, temporarily considered committing the state to a policy of gradual emancipation (and removal) of the black population. The proposal was debated but voted down, and as Eric Foner says in *Give Me Liberty*, "Instead of moving toward emancipation, the Virginia legislature of 1832 decided to fasten ever more tightly to the chains of bondage." They chose to tighten their control by making their slave codes even more onerous. Alabama and the other Southern states soon followed suit.

Overview of lesson:

This lesson asks students to probe Alabama's 1833 slave codes from a cultural perspective, not a legal one. Two essential questions drive the analysis: What behaviors on the part of slaves or freed slaves (and whites) were considered important enough to regulate through these laws? Why were white lawmakers and plantation owners so fearful of those behaviors? One of the points of the lesson is to show students that slave codes contained an inherent contradiction: while claiming that slaves were "property" (chattel), many of the behaviors they forbade were distinctly human.

After first connecting the 1833 code to Nat Turner's rebellion (using an image of the rebellion as the starting point), students work in groups analyzing a portion of the slave laws (reworded to make them more understandable), completing a simple chart as they go, and eventually answering two essential questions during a whole-class discussion. As a concluding activity, each student must select one law from the 1833 code (in its original wording), copy the law, and then compose a mini-legal brief challenging the law in court, citing religious, logical, moral, or even legal reasons for striking down that specific law in the 1830s. (Students can't cite anything in their argument from a later time period.)

Content Standards

[Alabama Course of Study: Social Studies](#) (Bulletin 2004, No. 18)

Grade 10

Content Standard 9

- Describing Alabama's role in the developing sectionalism of the United States from 1819 to 1861 (participation in slavery)

[National Standards for History, 1996](#)

Standards in History for Grades 5-12

Era 4, Standard 2D: The student understands the rapid growth of "the peculiar institution" after 1800 and the varied experiences of African Americans under slavery. Therefore, the student is able to: Identify the various ways in which African Americans resisted the conditions of the enslavement and analyze the consequences of violent uprisings [Analyze cause and effect relationships.]

[National Curriculum Standards for Social Studies](#), (Bulletin 111, 2010)

Themes: 2. Time, Continuity, and Change

5. Individuals, Groups, and Institutions

Primary Learning Objective(s):

Students will:

- Analyze an image of Nat Turner's rebellion
- Learn about that rebellion
- Examine three Alabama slave laws from 1833 and connect them to the rebellion
- Analyze (in groups) Alabama's 1833 slave laws
- Complete (in groups) a chart of the basic features of those laws
- Answer (in groups) two essential questions related to those laws
- Contribute to a whole-class discussion centered on the essential questions
- Reflect on the inherent contradiction of slave laws (The laws consider slaves "chattel property" but at the same time inadvertently acknowledge their human capacities, such as the ability to learn to read and write.)
- Compose a mini-legal brief arguing against one particular slave law and citing some principle or authority in support of their position

Time allotted: 100 minutes

Materials and Equipment:

- [PowerPoint presentation \(6 slides\): Alabama Slave Codes in 1833: What They Can Teach Us About Slaves Themselves](#) used in the "Engagement/Motivation Activity"
- [Alabama's 1833 Slave Code](#) (Alabama Department of Archives and History's complete version)

- Reworded version of Alabama’s 1833 Slave Code (legal terminology is simplified) (Attached)
- Chart to go with slave codes (Attached)
- Instructions for legal brief assignment (Attached)

Technological Resources:

- [Alabama Department of Archives and History](#) (1833 slave code in its original wording)
- [PBS website material](#) on Nat Turner and his rebellion (from the “Africans in America” series.
- [Encyclopedia of Alabama article](#) about [Horace King](#), a talented freed slave who designed and built bridges in Alabama, Georgia, and Mississippi (The students may want to read the [legislative act that emancipated King](#).)
- Encyclopedia of Alabama [article about development of slavery](#) in Alabama
- Library of Congress lesson, [“Laws Regulating Slaves and Free Blacks”](#)

Background/Preparation:

- Students should have an understanding of some of the major developments related to slavery prior to the year 1831 but not yet have studied Nat Turner’s revolt.
- The slave codes use three terms repeatedly: “slaves,” “freed slaves,” and “free persons of color.” Obviously a freed slave would also be a free person of color, but it was possible that a free person of color might never have been a slave (e.g. a child born of freed parents). The number of those individuals in Alabama would have been relatively small.

Procedures/Activities:

Engagement/Motivation Activity:

- Show the [PowerPoint](#) (5 slides). [Slide #1](#) asks students to respond to a 1830s illustration of Nat Turner’s rebellion (the event is not identified on the image). [Slide #2](#) shows them an excerpt from an article that appeared in the *Richmond Enquirer*, August 30, 1831, outlining some of the basic facts of the revolt. [Slide #3](#) displays three Alabama slave codes that were in effect in 1833 and asks students to relate the three laws to specific facts mentioned in the *Richmond Enquirer* excerpt (this helps provide context for the slave codes students will examine). [Slide #4](#) calls for students to read information in their textbook about Turner’s revolt, and [Slides #5 & 6](#) introduce the purpose and focus of the lesson (the last slide contains two essential questions).

Step 1	Divide students into groups of 3-4. Give each group member a copy of all 42 slave laws included in this lesson, but assign only a portion of the laws to each group, making certain that all the laws will be examined in total. (Because the laws vary in length, balance the number of laws each group gets by how long they are, so that one group doesn’t get saddled with a lot more reading.) Give each student a copy of the chart that goes with the laws.
Step 2	Provide the following instructions for filling in the chart. “In column #1, list the number of the law. In column # 2, identify the group or groups that law applies to by using these abbreviations: “W” = whites, “S” = slaves, “FS”= freed slaves, and “FPC” = free persons of color. In column # 3, identify what sort of actions that specific law forbids and/or requires. Be brief and use your own words. In column # 4, make note of what punishment/s apply to those who break this law.

Step 3	<p>In their groups, students should process their assigned laws in the following manner:</p> <ul style="list-style-type: none"> • One student reads the law to the rest of the group. • The group will determine if they understand what it says. If they have questions, and no one in the group can answer the questions, they should ask the teacher for clarification. (All the legal jargon has been simplified, so students should be able to grasp the meaning of each law.) • Working together, group members will fill in the chart for the laws they were assigned. Tell them that when they finish the chart, they should discuss possible answers to the two essential questions they copied from the PowerPoint. Have them write their answers on the back of the chart. Set a reasonable time limit for this work.
Step 4	<p>When students are finished, conduct a whole-class discussion. To facilitate that, display (using overhead or digital projector) several laws at one time (ideally, the same groupings, in numerical order, that students were assigned). Have each group start by answering the two essential questions. Not every single law has to be referenced when they do this. Make certain though that students support their answers by referencing particular laws. Encourage them to elaborate on connections. Continue with this format until all the groups (and all students) have contributed something to the discussion.</p>
Step 5	<p>Pass out the instructions for the mini-legal brief. See if students have any questions.</p>

Assessment Strategies:

- Collect and give credit for completed charts (and initial answers to the two essential questions)
- Award points for participation in class discussion
- Evaluate the legal brief, using rubric

Extension:

- Students could research statistics on the increase in the number of slaves in southern states from 1800 to 1860 and look at what percentage of the total population they represented in each state.
- Students could research Horace King's life to discover which laws governing freed slaves in Alabama he was able to break (with impunity). The students may want to read the [legislative act that emancipated King](#).
- Conduct a whole-class discussion around this question: Under what circumstance is it acceptable or even obligatory to disobey an unjust law?
- Students could compare Alabama's [1833](#) slave code with the one from [1852](#) to see what the major differences were. ([A digital version of the 1852 code](#) is also available from the Alabama Department of Archives and History's website.)

ALABAMA LAWS GOVERNING SLAVES

These laws, which went into effect in January, 1833, have been reworded to facilitate understanding. They represent only one section of all the laws that went into effect in 1833. Three other sections that also dealt with the topics of slavery and race can be found under the headings: “Costs and Restitution,” “Trial of Persons of Color,” and “Slave Trade.” All these slave laws (in their original wording) are part of the digital collection at the Alabama Department of Archives and History website.

“SLAVES AND FREE PERSONS OF COLOR”

1. The general assembly has no power to emancipate a slave without the owner’s consent or without paying the owner what the slave is worth. The state cannot prevent people who move here from bringing their slaves with them as long as those slaves are the “bona fide” property of those that bring them. The assembly has the power to pass future laws prohibiting the introduction of slaves who have committed high crimes in other states and territories. The assembly can pass laws that permit a slave owner to emancipate his or her slave/s as long as the owner has no outstanding debts and the emancipated slave/s aren’t likely to become a “public charge.” The assembly has the power to prevent slaves from being brought here as “merchandise” [African Americans who were smuggled into Alabama expressly to be sold here], and it can “oblige” slave owners “to treat them with humanity, to provide necessary food and clothing, to abstain [refrain] from all injuries to them extending to life or limb, and in case of their neglect or refusal to comply with the directions of such laws, to have such slave or slaves sold for the benefit of the owner or owners.”
2. If a slave is accused of a serious crime, the General Assembly (state legislature) cannot deprive him of a jury trial.
3. Anyone who “maliciously” dismembers or kills a slave will (if found guilty) suffer the same punishment as if he had dismembered or killed a white person, the one exception being if the slave was engaged in a rebellion.
4. Slaves can never serve as witnesses in a trial, unless they’re giving evidence for or against another slave.
5. No slave can leave the “tenement” of his master (or other person with whom he lives) without a written pass or token indicating that he has permission from his master, overseer or employer to do so. If he does, any person can apprehend that slave, take him before a justice of the peace, and if the slave is convicted, the justice can order the slave whipped (no more than 20 lashes). (Constables inflicted the punishment.)
6. If any slave is found on a plantation other than his own, without his owner’s written permission and without lawful business on the other plantation, the owner or overseer of that other plantation can inflict ten lashes on the slave’s bare back.
7. Slaves are not allowed to keep or carry guns, powder, shot, clubs or other weapons (offensive or defensive). The only articles similar to those that they can carry and take from place to place

are tools given to them by their owners. Any person who finds a slave carrying weapons can seize him or her and take the slave before a justice of the peace. If the justice finds the slave guilty, the “seizer” gets to keep any weapons, and the justice can order the slave whipped (no more than 39 lashes).

8. “In order to prevent the inconveniences arising from the meeting of slaves, any master, mistress or overseer” who allows a slave, not one of their own, to remain on their property for longer than four hours at a time, will have to pay a fine of \$10 for each offense. Any owner or overseer who permits five or more “negroes or slaves,” not their own, to remain on their property will have to pay \$10 for each slave above five. This law is not meant to restrain the gathering of slaves when it relates to their owners’ business and occurs with their owners’ permission or when slaves attend church.
9. Riots, rowdy gatherings, unlawful assemblies, trespasses and seditious (rebellious) speeches by slaves will be punished with a whipping (no more than 39 lashes) authorized by a justice of the peace.
10. If a white person, free negro or mulatto is found at any unlawful meeting of slaves and a justice of the peace determines he or she was guilty, that individual will have to pay \$20 to the informer.
11. If a justice of the peace finds out about an unlawful meeting within 10 days of its occurrence, he must issue warrants for all those involved and deal with them. If he fails to take action, he will be fined \$10 (payable to the informer), as will any other law officers who know about such meetings and fail to take appropriate action.
12. No one can buy, sell or receive from a slave any commodity without the consent of the master, owner or overseer. If a person is found guilty of doing so, he will pay to the master or owner the equivalent of four times the value of whatever was bought, sold or received. Anyone refusing to pay that money can be sent to prison. Any slave who tries to sell something without his owner’s written permission will get 10 lashes, by order of the justice of peace who convicts him.
13. A master can’t license a slave “to go at large and trade as a freeman.” If he does, he will have to pay a fine of \$50.
14. Anyone who permits a slave to hire himself out will also pay a \$50 fine.
15. Runaway slaves can be apprehended by any person, who can then take them before a justice of the peace or return them to their owners. The owner will have to pay the apprehender \$6, plus all reasonable costs and charges.
16. **“And whereas many times slaves run away and lie out, hid and lurking in swamps, woods, and other obscure places, killing hogs and committing other injuries to the inhabitants of this territory; therefore, Be It Enacted...”** that when a justice of the peace finds out that two or more slaves are “lying out,” he is required to issue warrants for their arrest and direct the “provost of the patrols” to seize the slaves and put them in jail. The provost (or anyone else who apprehends the slaves and takes them to jail) will receive a reward of \$30 per slave (most of which the slave owner will have to pay).
17. Slaves can’t keep dogs, under any circumstances. A justice of the peace can order such slaves be whipped (no more than 25 lashes). He can also force the slave’s owner (if he or she allowed

their slaves to keep dogs) to pay \$5 per dog to the person who complained to the court about the illegal keeping of dogs. Slave owners will also have to pay for any damages done by a slave's dog or dogs.

18. Slaves can't own horses, mares, geldings or mules. If they are found in possession of any, those animals will be sold by the county. They make keep a few hogs, but they have to pen them and mark them in such a way as to prove ownership.
19. **“And whereas, it has been the humane policy of all civilized nations, where slavery has been permitted, to protect this useful but degraded class of men from cruelty and oppression; therefore, Be It Enacted...”** cruel or unusual punishment cannot be inflicted upon any slave. If an owner permits that and is convicted in court, the court may, “at its discretion,” impose a fine, not to exceed \$200.
20. If a slave is found to have conspired in any way to rebel or murder another person, upon being found guilty of such felony, that slave will be put to death.
21. The trial of a slave accused of a felony or any capital offense will be just like the trial of a free person except that at least 2/3rds of the jury members must be slave owners and the court can determine the number of witnesses it thinks necessary to convict.
22. If a slave commits a felony but is a first-time offender, instead of being put to death, he or she will be branded on the face or breast in open court and subjected to whatever other kind of bodily punishment the court sees fit. Second-time offenders (known by their brandings) will be put to death.
23. Slaves emancipated by their owners can be seized and sold to pay their owners' outstanding debts, if those debts existed before the emancipation date.
24. A slave claiming he has a legal right to be free must take his petition to the circuit court and agree to accept whatever determination the court makes. During the proceedings, the slave must remain with the person claiming to be his owner or else provide the court with a sum of money equal to his monetary value as a slave.
25. Runaway slaves who are caught and jailed and not claimed by their owners within six months can be sold at auction, provided that notice of the sale is given in several public places at least 30 days in advance. Original owners appearing after such a sale cannot reclaim their slave; they are legally the property of whoever bought them at auction.
26. Free negroes and mulattos are not allowed to sell any liquor, directly or indirectly.
27. If a free negro or mulatto is found to have sold liquor, he or she will be fined \$10 for each offense, half the money going to the informer and the other half to the county.
28. The second time a free negro or mulatto is convicted of selling liquor, he or she will have to pay the \$10 fine but, in addition, the court can impose a whipping of up to 25 lashes on the bare back.

“Whereas great injury and inconvenience are experienced by the citizens of many cities, towns and neighborhoods, in the state of Alabama, in consequence of the illicit trade and traffic which is encouraged and carried on, by many evil disposed persons, with the slave population, for remedy whereof”

29. **Be it enacted** that no one can buy, sell or receive any commodity of any kind from a slave without the written consent of the slave's master, owner or overseer or without some other sort of personal authorization from one of those individuals. Anyone found guilty of engaging in trade with a slave will be indicted and brought to trial. If found guilty, the individual will be fined not less than \$10 but not more than \$100, and/or imprisoned in the county jail for between five days and six months. (The jury can inflict one or both types of punishment.)
30. After February 1, 1833, no free person of color can settle in Alabama. If they come here, they have to be gone within 30 days. If they're not, any person can take them before a justice of the peace, and if the justice finds the free person of color guilty, can inflict 39 lashes. If after that beating, the free person of color does not leave the state within 20 days, he or she can be arrested by any person and taken before a justice of the peace. If convicted, the free person of color can be sold for a term of one year. A certain portion of the proceeds of the sale will go to the informer, the rest to the state. If, at the end of this one year of slavery, the free person of color doesn't depart from Alabama, he or she will be sold into permanent slavery, with the proceeds being divided as before.
31. Anyone who attempts to teach a free person of color, or slave, to spell, read or write will (if convicted) be fined between \$250 and \$500 dollars.
32. Any free person of color who writes a "pass or free-paper" and is convicted of doing so will receive 39 lashes on the bare back and must be gone from the state within 30 days. If he or she doesn't leave the state within 30 days, or returns after leaving, he or she will be sold into slavery for 10 years. A portion of the proceeds will go to the informer, the rest to the state.
33. Any slave who writes a "pass or free paper" for any other slave will, upon their first conviction, receive 50 lashes on the bare back. The second time that slave is convicted of the same offense, he or she will receive 100 lashes. The offending slave's owner will also have to pay a fine (\$1-3), along with court costs. Anyone can arrest a slave found writing passes or free-papers.
34. Free negroes and persons of color may not buy or sell anything to a slave without the written permission of that slave's master, owner or overseer (it must identify what is to be bought or sold). If convicted, that slave will receive 39 lashes on his or her bare back "well laid on."
35. Any free negro or person of color who is found with slaves in any "kitchen, out-house or negro quarter" without a written permission from the master, owner or overseer or those slaves, will receive 15 lashes for the first offense and 39 lashes on his or her bare back for every subsequent offense. The whippings can be inflicted by the master, owner or overseer, or by "any officer or member of a patrol company" who finds the free negro or person of color in the company of slaves.
36. If a slave is found in the home of a free negro or person of color and doesn't have the written permission of his or her owner, the free negro or person of color will receive the same punishment as noted above.
37. It's illegal for five or more slaves to gather anywhere off their own plantation. If they do, the gathering will be considered illegal.

38. It's the duty of all "patrols and officers, civil and military" to break up the gathering. Every slave found to have violated this law will receive 10 (or fewer) lashes the first time they're caught and up to 39 lashes for additional violations.
39. These laws (#37 & 38) don't apply if a master, owner or overseer is present at the slave gathering.
40. These laws are not meant to prevent free persons of color or slaves from attending public worship services held by white persons.
41. These laws are not meant to prevent masters, owners or overseers from sending their slaves (unaccompanied) to a neighbor in order to help that neighbor.
42. No slave or free person of color can "preach to, exhort or harangue" any slaves or free persons of color, unless it's done in the presence of five "respectable" slave holders. If a slave or free person is convicted of breaking this law, he or she will receive 39 lashes for the first offense and 50 lashes for every subsequent offense. The only exception to this law is if a slave has been licensed by a "regular body of professing Christians immediately in the neighborhood, and to whose society or church such negro shall properly belong."

MINI-LEGAL BRIEF ASSIGNMENT

You have a chance to speak out against one of Alabama's unjust slave codes laws from 1833. Assume you are a lawyer **living in that time period** but someone who objected to the slave system as a whole and particularly to these odious laws. When an individual you know is arrested for violating this particular law, you decide to represent that person in court because it will provide you with an opportunity to argue that the law they broke is flawed and should be struck down.

1. **Select one of the 42 laws** included in [Alabama's 1833 slave code](#), labeled "[Excerpts from A DIGEST OF THE LAWS OF THE STATE OF ALABAMA.](#)" Find the original wording of that law on the Alabama Department of Archives and History website.
2. Place a copy of that law at the top of your paper. (If it's a lengthy law with multiple parts, copy the relevant part/s and indicate what you are leaving out by using ellipses.)
3. Write your legal brief, using the following format (but without making any specific references to your client). You want to argue your case on the principles involved.
 - Start with a one-sentence statement that reveals your opposition to this law. Within that sentence, cite two reasons you hold for believing this law is unjust (on what kind of authority should this law be overturned?). These can be moral principles, logical reasons, religious principles, even other laws or legal documents. (20 pts.)
 - Choose one of your two reasons and write a well-developed paragraph (at least 150 words) in which you restate this principle or authority and apply it to the law you are arguing against. Explain the connections. (40 pts.)

Your mini legal brief will be graded on the basis of clarity, relevance, and persuasiveness. Keep in mind that you have to speak as if you were living in Alabama in the 1830s. Don't mention anything in your legal brief that reflects a later time period.