THE CIVIL STATUS OF THE NEGRO
IN GEORGIA PRIOR TO THE CIVIL WAR

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In this study, the attempt is made to determine the civil status of the Negro in Georgia prior to the Civil War. The study will cover the period from 1755 to 1861. An effort will be made to show the differences in the condition of the Negro between the period 1755 - 1830 and the period 1830 - 1861. The status of the slave will be taken up first and that of the free Negro afterwards. Most of the material has been taken from the Colonial Records of Georgia, the Acts of the General Assembly, and the Digests of the Laws of Georgia. A few very important secondary works have been consulted. This study may be continued by a study of the status of the Negro in Georgia from the Civil War to the present day.
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The Status of the Slave, 1735 - 1830.

When the colony of Georgia was begun in 1732, the Trustees decided that slavery should be prohibited. The mutual agreement was that "...if any person or persons shall by any wayes or means whatsoever employ any Negro or other Slave in the Indian County, (Georgia) ... (he) shall for every such offence forfeit the sum of fifteen pounds Sterling...."

Later, this idea was expressed in a law, passed by the Parliament in March of 1735, which stated that "after the 24th of June, 1735, every person who shall import or bring into the colony of Georgia any Negro shall be fined fifty pounds Sterling". This restriction was due, however, more to economic reasons than to humanitarian motives. It was thought that, since Georgia was to be largely settled by the debtor class, they would be financially unable to purchase slaves. Slave labor would rob the whites of the desire to work for themselves, and their time would be spent in the attempt to keep the slaves at work. It was also feared that the runaway Negro slaves would combine forces with the Spaniards to the South and return to destroy the planters. Finally,


2. Ibid., p. 30.
it was believed that, since Georgia was to become a silk producing colony, women and children could supply the necessary labor. The prohibition of slavery was rather unusual, since all of the other twelve colonies held Negroes in slavery. At this time South Carolina, especially, appeared to be in a prosperous condition. The Georgians, therefore, began to ask for slaves. Their requests led to the repeal, in 1749, of the law that prohibited slavery. It was thought that this action would be for the benefit of the colonists and would encourage the inhabitants to try to reach a more desirable economic state.

If slavery were to exist, it was necessary to form some rules for the regulation of it. Therefore, the Trustees of the Colony of Georgia made a set of rules, in 1755, which became the basis of all the later codes. Flanders, in his comparison of the code of Georgia with those of other Southern States, feels that this code was very mild, since it made some effort to protect the Negro. While the slave may have received some physical protection, the denial of his other rights was in far greater proportion and importance.

To prevent any confusion, each master was required to register his slaves in the Colonial Records. From the introduction of the first slaves in Georgia down to the Civil War, the whites lived in constant fear of a slave insurrection. In order to keep a proper balance between the slave and white population, it was stated that there should be one white male for every four Negro slaves. The slaveholders knew that slaves would tend to congregate on Saturdays.

3. Flanders, op. cit., p. 25.
and Sundays, and if they had fire arms there would be a great opportunity for an insurrection. Because of this fear, slaves were not permitted to have fire arms between Saturday night and Monday morning. On other days, they had to carry a ticket from their masters or have a white person accompany them. Failure to do this resulted in a punishment of twenty lashes. Slaves were not allowed to leave the plantations without permission. There were to be no large assemblies, and even on the highways, not more than seven male slaves could be seen together.

Education was forbidden since "the having of slaves taught to write or suffering them to be employed in Writing may be attended with great Inconvenience". Anyone violating this law was to be fined fifteen pounds. In 1829 another law was passed stating that instructing a Negro in reading and writing was an offence punishable by whipping, fine, or imprisonment. A few, however, dared to continue teaching, among whom was a colored Santo Domingo, named Julian Tremontaine, who taught in Savannah up to 1829 and thereafter secretly until 1844.

All unusual noises, like blowing horns, or beating drums, were forbidden for fear that the slaves would use them as a signal for uprisings. The Negroes, being chattel themselves, could not be expected to own property. They were forbidden to carry on trade except in Savannah and Sumter and any money which they earned either

2. Ibid., p. 135.
3. Ibid., p. 136.
4. Ibid., p. 136.
from trading or as a salary had to be given to their masters. The
slaves could not use beer or other spirituous liquors because they
were known to lessen their capacity for hard work.

Since the slaves constituted a part of the owners' property,
it was desired to have some protection given them. The slaves were
not to work on Sunday unless the work was absolutely necessary.
The penalty for the violation of this law was ten shillings for each
slave worked. The length of the working day was fixed at sixteen
hours. Owners who worked the slaves longer than this were to be fined
three pounds.

At first, the most barbarous treatment of the slaves was
considered as a suitable punishment. Some of the forms of cruelties
were cutting off the ears, scalding, burning, castration, cutting the
tongue, and destruction of eyesight. To prevent such cruelties,
perhaps from an economic reason, the law was passed which provided
that if anyone killed a slave in a passion, or beat him severely with
any instrument of punishment other than a switch, horsewhip, or a cow-
skin he would have to pay ten pounds. If he did not give the slaves
sufficient food and clothing, he had to pay three pounds. Since some
of the masters did not like to punish their slaves, they had established
at Savannah a work house where the slaves could be sent to be whipped
and imprisoned. They were not to be beaten more than twenty lashes

2. Ibid., Vol. XVIII, p. 226.
3. Ibid., p. 117.
4. Ibid., p. 136.
5. Ibid., pp. 132, 133.
6. Ibid., p. 133.
daily. For each whipping, the master paid one shilling four pence. Many times the overseer was the only white person on the plantation and he was at liberty to treat the slaves as he saw fit. In the attempt to guard against the most inhuman abuses, the law provided that in case a white man were accused of cruelty he was considered guilty unless he could prove his innocence.

The code of 1755 was designed to continue in effect for three years, but it was reenacted in 1759 to last until 1764. In 1764, it was extended to 1770, when it was somewhat modified in details.

At the close of the Revolutionary war, the attitude towards slavery was somewhat changed. Men began to question the right of holding the Negro in slavery. So strong did this feeling become, that in eight of the northern states the institution broke down completely.

In the South, on the other hand, while slavery continued there was the inclination to mitigate some of its harshness. A law passed in 1788 provided that "the person who shall wilfully dismember or deprive of life any slave, shall suffer the same punishment as would be inflicted in case the like offense had been committed on a free white person".

The excitement of freedom which accompanied the American Revolution soon died out and a reaction set in. The condition of the slave began to grow much worse. In 1805, it was declared illegal for any one to buy from a slave and any person found purchasing goods from a Negro slave had to pay thirty dollars. This idea was carried even

2. Ibid., p. 134.
3. Flanders, op. cit., p. 25.
further in the same law in a later section which required that the merchants were to take the following oath: "...I will not, either directly or indirectly, ...deal, barter, or trade with any Negro slave for the article of provision or otherwise; neither will I sell unto him, her, or them thereof without the permission of the owners, agents, or attorneys or overseers...." The slaves were not allowed to drink, sell or to have sold to them any intoxicating drinks, unless they had permission from their masters. Any merchant or individual who violated this law was fined thirty dollars and could be held liable for a sum up to two hundred dollars.

In colonial days, the majority of the slaves were field hands but many were used to do the skilled labor required on the plantation. There is ample proof that the slaves worked as carpenters, coopers, porters, mechanics, and blacksmiths during the colonial period.

The Augusta Georgia Chronicle, March 2, 1811, carried an advertisement in which the request was made for three Negroes to serve as apprentices. The carpenters in the colonial period were very skilled since they had to do all the carving which today is done by machines. It has been said that nine-tenths of the old mansions and the churches with their very elaborate scrolls and designs of various sorts were made by Negro slaves. Carpenters were cabinet makers also. They

2. Ibid.
3. Ibid., op. cit., p. 51.
could do such work as making molding and putting in panel doors. There were some artisans who gave a part of their salary and kept the rest for themselves. Especially skilled were the millwrights, who not only put in the machinery, the work of the present-day millwright, but who went into the forests and cut down the trees and constructed every part of the mill. They knew exactly the way to make overshot wheels and the other complicated parts.

The first general restriction of Negro labor was made in 1755, when it was stated that the Negroes from one plantation were not to be found on the plantation of another unless they had passes showing permission given by their owners. A violation of this act was to result in a fine to be divided so that the poor of the district received one-half while the one bringing the suit received the other. The same idea was later expressed in 1803.

Although the hiring of slaves was legally prohibited, the practice was common. This was one of the ways of keeping the slaves at work. Besides, it was a source of income for the planter. Some of the slaves were allowed to hire their own time, working in the cities or travelling about over the state. The average pay which the master received from the labor of the slave was one hundred dollars annually, although some of the skilled workers received a great deal more. Slaves worked as domestic servants, as artisans, and on the wharves as stevedores. For work on board a vessel, the pay allowed the slaves was two shillings a day upon the condition that the owner cared for them and

1. A letter from J. B. Smith, a stationary engineer in Illinois, cited in the Atlanta University Publications, No. 17, pp. 36, 37.
5. Ibid., p. 197.
provided their food. The pay for carrying packages, bundles and other moderately light goods to various parts of the town from the wharves was three pence.

Generally, the slaves enjoyed freedom of worship during the period between 1755 and 1830. The Negroes and the whites often attended the same churches. The only provision affecting the right of assembly of slaves contained in the code of 1755 was the permission given to the whites for the dispersion of any group of slaves and the search for ammunition, stolen goods and the like, upon a warrant issued by the Justice of the district. Although instruction for the slave was declared illegal, the Society for the Propagation of the Gospel joined with Dr. Bray’s group in their effort to support an instructor for the Negro slaves. This was as early as 1751. Most planters thought that religion would make the slave more submissive and thus a better servant. During colonial days, Andrew Bryan, a Negro in Savannah, was not only allowed to preach to Negroes but to the whites as well. Later, however, he was forbidden to preach and was cruelly beaten for making the attempt. In some instances the slaves were permitted to sit in the galleries in the Methodist Churches. On the other hand, if the slaves had a separate church, the white minister generally preached to them. Slaves living in Savannah and Augusta had even more freedom in worship than the others mentioned, since they had their own churches and supported their own ministers.

2. Ibid., Vol. XVIII, p. 107.
The slave did not have the right to marry. From the first it was quite evident that there would be much difficulty in keeping the white and Negro races from intermingling. One of the earliest laws declared that all marriages between the slaves and the whites were "absolutely null and void". This did not prevent the whites and Negroes from living together, but a later enactment fixed the penalty for such an offense at ten pounds sterling or corporal punishment, which would be common to both the white and black offender. Nothing was said about marriage between the slaves, who by common consent and the master's permission, lived together as man and wife.

The slave, nevertheless, was given some recognition before the law. With the modification of the slave code in 1770, provision was made that the slave should be tried by a Justice of Peace and a Jury consisting of seven freeholders, rather than three or five. Most of the crimes were punishable by whipping or by death if a major crime such as homicide of any sort upon a white man, any attempt to start an insurrection, burglary, poisoning, arson, rape or any attempt at rape upon a white person. The rape of a female slave was not a crime, but a trespass upon the property of the planter. There are several cases to show that these crimes named were committed and the designated punishment was noted out to the offender. In Baldwin County, Georgia, there are records of the crimes committed by slaves. As the laws dealing with the trial of slaves were not changed from 1792 to 1833, these cases may be taken as typical cases to show the punishments. Many of the slaves stole goods from their

2. Ibid., p. 60.
5. U. N. Phillips, "The Public Archives of Georgia", Annual Report of the American Historical Association, 1903, Vol. 1, p. 463. In Baldwin County, in the case of State v. Kennedy, a slave, belonging to John A. Jones, was charged with murder. He was found guilty and in the decision rendered February 17, 1819, he was sentenced to be hanged.
masters which they sold to other white people. The slaveholders tried to break up this practice by having a very severe punishment as the penalty.

As early as 1812, a slave who belonged to John Reeves was sentenced to be hanged on a charge of rape. In Baldwin County, March 15, 1823, in the case State v. Elkon, a slave owned by Andrew Elliot, was charged with assault with the attempt to murder and rape. He was sentenced to be hanged.

The sentiment towards freedom which was expressed in the early part of the nineteenth century had died out completely by 1850. The tendency was to reduce the Negro slaves to the most degraded position. They were chattel until the masters' interests or convenience required that they should become individuals. In Georgia, they had none of the ordinary rights of citizenship. The slaves could not hold property, could not labor where they pleased nor enjoy the fruits of their labor. Marriage with slaves. The slaves were given no protection except that from mutilation and dismemberment and because of the fact that no Negro could testify against the whites this protection became, for all practical purposes, useless.

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1. In the case of State v. George, a slave, the property of John D. Fender, charged with breaking into the house of a white man, John Dunner of Killdegerville, and stealing goods valued at one hundred fifty dollars was sentenced to be hanged. Loc. cit.

2. Loc. cit.
CHAPTER II

THE STATUS OF THE FREE NEGRO, 1785 - 1830

The condition of the free Negroes in Georgia was very little different from the condition of the free Negroes in any other Southern State. Most of the laws which regulated the conduct of the slaves also regulated the activities of the free Negroes. For the most part, whether free or a slave, the Negroes were objects of hate.

Free Negroes were regarded with suspicion and distrust by the whites, and with bitter dislike by the slave population. If one were to judge by the severity of the laws passed, one would immediately get the idea that there was a large group of free Negroes present. This, however, was not the case. The free Negroes never made up at one time more than one percent of the entire population. In spite of the small number, however, much effort was spent in an attempt to prevent an increase and to eliminate any detrimental influence of the group upon the slaves. Nevertheless, the group continued to increase. In spite of the general disfavor, masters continued to grant emancipation and to permit slaves to purchase their freedom. Furthermore, the children of these already freed swelled the number; and many runaway slaves from South Carolina trying, in their longing for freedom, to reach the Indians and Spaniards in Florida, lingered in Georgia.

The slave-holding oligarchy was afraid that the free Negroes would incite the slaves to insurrection. As a result of this fear, as early as 1821, a law was passed which made emancipation illegal save by

2. Clayton, Compilation, Sec. I, p. 27.
an act of the legislature. This made it impossible for a kind master to free his slaves, even if he had desired to do so. About 1807, much complaint was heard about the free Negroes. The citizens of Savannah said that there were so many Negroes living in the cities of Augusta, Milledgeville, and Louisville that they were becoming a menace to the whites. It was urged by the latter group that the same restrictions should be applied to the free Negroes as to the slaves.

Because of the early attempts at insurrection among the slaves, the lot of the free Negroes grew steadily worse because they were held responsible. It is true that in 1815 the law against manumission was partially repealed so that the slave could be freed by his master by testament. But in 1816, the law again stated that there should be no manumission unless it were done by the State Legislature. This law further forbade the entrance of free Negroes into Georgia, under the threat of a fine or sale into slavery. All free Negroes then living in Georgia, were to register annually with the clerk of the inferior court, for which service they were to pay fifty cents. Upon registration, they were to be given a certificate of freedom, which they were to carry all the time. If the certificate were lost, the burden of his proof of his freedom rested entirely upon the individual.

A typical certificate read as follows:

"This is to satisfy to whom it may concern that this Black man, Mr. Moses Emdelem, is a Freeman left by his master, Mr. Champernum Emdelem, declared in the year of our Lord 1760. This very black Moses

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2. Oliver Prince, A Digest of the Laws of the State of Georgia to 1820, (Milledgeville, 1822), Sec. V, p. 456, Afterwards referred to as Prince, Digest to 1820.
Hamdela is a very amic Black man. I knew him from a boy."

The whites felt that if Negroes were to be emancipated they should be sent out of the state as the presence of a free Negro group would increase dissatisfaction among the slaves. This idea of colonization was expressed in the Georgia Journal (Milledgeville), January 1, 1817, which carried an editorial on the colonization of the free Negroes. In part the editorial said:

"Her will the policy of such a measure be questioned by anyone who duly estimates the danger to which our tranquillity is constantly exposed by having among us a race of people, possessing neither the rights of citizens nor the protection of slaves.... It is strange we should have permitted partial freedom to exist so long, especially when it is known to have the effect of making slaves discontented with their situation and exciting them to insurrection.... A gradual reduction of slavery should be immediately attempted.... If the Government... would purchase annually a certain number, particularly females for transportation it is believed our black population would soon become harmless if not extinct. To the importance of such an object, the expense will bear no comparison, and a more favorable period than the present for its accomplishment can scarcely be expected."

The free Negroes seemed to have been a very vital factor in the industrial arts as is shown in the Records of Richmond County. Of one hundred ninety-four persons in 1819, there were fifty-one children and five adults who did not work. Among the others there was one of each of the following: boat oarsman, barber, pilot, sawyer, blacksmith, gardener, market hand, sexton, farmer, harness maker, ostler, waiting man, millwright. There were also eight house servants, seven laborers, two saddlers, two

3. Ibid., pp. 143 - 147.
dreyman, two waggoners, two "sewors washers", eleven spinners, and thirteen
in beating, twenty nine in sewing, twenty six in washing.

The whites realized that the best way to control the free Ne-
groes was to prevent their economic growth. The effort to hinder this
development found expression in the law of 1822 which forbade the Negroes
to own property. It is known, however, that in 1880, in at least thirteen
counties, free Negroes held slaves. No owners held more than twenty-
five. In many cases, free Negroes bought their relatives or friends, so
that they would not be cruelly treated by the whites, or so that they
would not be sold. Other cases seemed not to have had any family connec-
tions but the purchaser seems to have bought and sold as the white owners.

Besides the general laws restraining the liberties of the free
Negroes each town had its own ordinances which held them back. In Milledge-
ville an ordinance passed on July 20, 1822, re-stated the denial of the
right of the free Negroes to hold property. In addition it provided that
free Negroes could not live in town without a certificate of good behavior.
Their guardians had to reside there also. Another attempt to regulate
labor is shown by the fact that not more than four washerwomen at one time
were to be permitted and they were to have a special license.

Unfairness to the free Negroes was shown in the system of taxa-
tion. In the early days of the colony, there was a tax of one shilling

1. Prince, Digest 1820, Sec. VIII, pp. 487, 488.
2. Carter C. Woodson, Free Negro Owners of Slaves in the United States in 1850,
   (Washington, 1924), pp. 9, 10.
   woman was sold with her child to Alex Hunter by Richard Richardson. They
   were to be held in trust for Louis Bierlaft, who was the ward of Alex Hunter.
4. Woodson, The Negro in Our History, p. 347. Another case was that of
   Anthony Ovington, a free Negro, who sold through his guardian a slave
   woman to the highest bidder for $300.
placed on all Negroses in the province, whether slave or free. The fluctuation in the taxes was shown in 1788, when the amount reached two shillings. The main source of revenue seems to have been by taxation so that in 1780 the amount to be paid was fixed at six pence. It was only in 1769 that the separate taxes were placed on the Negro population. The year 1789 showed no change in the amount. In 1770, the taxes amounted to one shilling, six pence. The taxation for 1771 was placed at twenty shillings. During the Revolutionary War period, the currency was inflated, which meant that the purchasing power of the money decreased. As a result, in 1778, the tax on the free Negro was forty shillings, while that on the slave was five. Between the years 1785 and 1793 the taxes continued to vary, but in 1778, the free Negroses were assessed a poll tax of fifty cents. Although Georgia was unfair to the free Negroses in the manner of taxation, she was little different from any other Southern State in forcing the Negroses to pay heavy taxes for privileges from which they were entirely excluded.

The whites were adamant in their decision to keep the free Negroses in an inferior position. To achieve this much desired goal, many ridiculous provisions were made. Free Negroses could not drive in the cities unless it was generally known that they had definite business to perform. Such an offense was punishable by a whipping, not exceeding twenty-five lashes. Eye glasses could not be worn unless the Negroses were actually blind. Perhaps they thought that eye glasses were a sign of distinction which should only belong to the whites. Cows were placed under the ban

2. Ibid., p. 335-336.
3. Ibid., Vol. XII, Pt. 1, p. 162.
Free Negroes could not smoke in the streets. (Again the keen economic rivalry was seen in the denial of the right of the free Negroes to sell cakes, fruit, confectionery, and the like in the street, or to keep a shop in which they sold such commodities.)

The free Negroes were forbidden to marry with the whites, but it is generally accepted, as a fact, that they did intermarry with Indians. For the most part, however, the free Negroes remained within their own group. Many of the free Negro men married slave women because they were less likely to be driven out if they were married to a slave than to a free Negro woman. This tolerance on the part of the whites was due to the fear which the owners had of losing their slaves. They felt that if they drove the free husbands away, they would encourage and aid their families to escape.

The chance to obtain justice before the court was about equal for the slave and the free Negro. Before 1811, the free Negro and the slave were tried by a Justice of Peace and a Jury of at least seven freeholders.

After 1811, a tribunal was established for the trial of slaves, and the jurisdiction was left with the Inferior Court. Should the Justice of Peace receive word under oath that a slave or free Negro had committed a crime the accused was arrested. Then two or more additional justices were summoned and the prisoner was examined. If he were found guilty his punishment, for any crime not capital, was corporal punishment. In case of a capital crime the slave or free Negro within three

1. Flanders, Ins. Cit., p. 263. (Ordinances of Augusta, Ga. 1845.)
days following was tried before a jury of twelve where the clerk of the court acted as the prosecuting attorney for the state. Slaves and free Negroes were considered legal witnesses for a slave. In cases where guilt was proved the court could "prosecute to inflict punishment as in their judgment will be most proportionate to the offense, and best prevent the object of the law and operate as a preventive for like offenses in the future". The guardian of a free Negro could apply to the Governor for a pardon or a commutation of the punishment but in 1617 a law was passed prohibiting the governor from giving imprisonment in the penitentiary instead of death for capital offenses.

The condition of the free Negroes must have been a very unhappy one. They were in an equivocal position between slaves and white men. They could not hold offices or vote. They could not hold white persons in slavery but there were a few who held other Negroes in bondage. They were restricted in their personal rights. Although forced to pay taxes they enjoyed none of the benefits derived from them. They possessed, on the other hand, some economic advantage in that they could enjoy the money gained from their labor, when they could obtain work. With this exception the Free Negroes between 1756 and 1830 were in about the same condition as the slaves.

1. Prince, Digest 1867, p. 788.
2. Ibid., pp. 854, 864.
CHAPTER III

THE STATUS OF THE SLAVE, 1830 - 1832.

Many factors combined to make the period between 1830 and 1860 far more miserable for the slave than the period 1755 - 1830. The invention of the cotton gin by Eli Whitney in 1793 made it possible for a slave to separate three hundred pounds of cotton from the seed in the time in which previously he could clean only one pound by hand. This increase gave birth to the "Cotton Kingdom". Cotton increased in price from 14-1/2 cents a pound in 1790 to 44 cents in 1793. By 1830 almost everyone was trying to grow cotton, and Negro slaves were much in demand. The year 1831 was especially significant because of three events which then occurred: William Lloyd Garrison began the publication of the Liberator in January; on August 21, Nat Turner led an insurrection against the whites of Virginia in which sixty-one whites were killed; in December the Virginia Legislature began to debate the question of slavery. These events caused much alarm among the whites who determined to subject the Negro slaves to a more rigorous treatment.

In 1833, a law was passed which provided that "...if any person shall buy or receive from any slave, any amount of money exceeding one dollar, or any cotton, tobacco, wheat, rye, oats, corn, rice, or poultry of any description whatever or any article, commodity, or thing, (except brooms, baskets, foot and bed mats, shuck collars, and

other thing or things, article or articles, as are usually manufactured or vended by slaves for their own use only) without written permission... 1
such person or persons so offending shall be guilty of a misdemeanor...."
This law carried another clause which made it an offense punishable by fine or imprisonment for any person to buy from a slave unless the slave 2 had been authorized by his master to carry on trade. By 1857, the slave was forbidden to own such goods as cattle, horses, oxens, or any other commodities. Any person who found him with any property whatever could seize it. That this law was often violated was shown by the fact that the Grand Jury of Wilkes County in 1840 presented this as a major grievance declaring that slaves operated trading shops and that they felt these places were "repositories of corruption and the council rooms of 4 iniquity." In 1851, the whites went a step further to prevent the slaves from trading by passing a law which was extremely elastic and could be made to cover almost anything. It stated that "all nuisances not herein mentioned which tend to annoy the community or injure the health of the citizens, in general, or to corrupt the public morals, shall be indictable and punishable by fine or imprisonment in the common 5 jail of that county..." Several cases have been found which show that the law was often violated. In the case of Dunn v. State 6 in 1854 the question was whether an indictment for trading with a slave could be settled without the consent of the prosecuting

3. Prince, Digest, 1857, Section XXXV, p. 794.
attorney. The court maintained that it could not. The decision also stated that the trade with a slave not only damaged the owner but the whole neighborhood was made to suffer by "this traffic, to acts of pilfering". Two other cases, Dasy v. State and Richs v. State furnish additional proof of this violation. The newspapers moreover, took notice of the "danger". An article appeared in the Independent Blade for January 6, 1887, which said, "Another evil—stealing with slaves should have attention first." In addition, declared the article, "Negroes can be found any Sunday intoxicated and prowling around in the back streets".

Many of the slaves were so skilled that they could be left to operate the shops. In the case of Bailey v. Barnelly, the farmer had a blacksmith shop in which all the work was done by a slave. Since there was no white man present, the slave kept an account of the work which his master later put down in the book. The question as to whether the books could be held to be correct was carried to court. Judge Lumpkin held that the books were correct because to "reject them is to enact that shops kept by Negro smiths cannot collect their accounts—a startling proclamation to make the country".

Before 1860 in the South a very large number of manufacturers, mechanics, machinists, contractors and railroad men (the conductors

1. Catterall, op. cit., p. 42. The defendant in the case Dasy v. State was indicted for buying corn from a slave. He was fined thirty day's (sic) imprisonment and payment of costs but upon the grant of a new trial he was freed.

2. Ibid., p. 40. In the case Richs v. State, the defendant was declared guilty of purchasing cotton from a slave belonging to a white man, Walker. Richs had been suspected and watched by Walker's son who saw the slave deliver the cotton and heard them refer to another transaction. Richs was fined for the offense.


accepted) were Negroes. At first the white and Negroes worked together in the same room and with the same tools. In the nineteenth century, as more white men dropped from the class of small slaveholders and became skilled workers, the competition became much greater between them and the Negro slave. "The Georgia Central" had inaugurated a policy like this and had as many Negro machinists in its shops as whites. In Georgia more than a thousand miles of railroad had been constructed by slave labor.

The attitude of the white public towards the Negro artisan is partially shown in a letter to the Southern Farmer from J. J. Fleurnay, January 15, 1858. In this letter he stated that "The white man is the only real, legal, moral, and civil proprietor of the country and state ... That white brick layers and house joiners must henceforward have ample work and remuneration; and yourselves and other contractors will set the examples and pursue it for the future without deviation. The writer thought that the poor should elect the faithful to the state legislature who would make it a penal offense to hire a Negro in preference to a white man.

The reason for the hiring of Negro artisans was, of course, their skill. Evidence of this is shown in a letter written in December of 1854, by Billy Freezer, a Negro slave held by Chapman, at Americus, Georgia. Billy Freezer urged John Lamar to purchase him since his owner was selling out all his painters. His sale price was one thousand dollars.

2. Ibid., p. 36.
but he promised that he would work enough to pay back the money spent for his purchase, at the rate of six hundred a year.

In Atlanta, on March 5, 1858, a petition against the Negro mechanics was signed by one hundred white mechanics. This shows the extent to which the economic rivalry between the two groups had developed. Their argument was that the Negro artisan paid no tax to the city government. The petition closed with the statement: "We most respectfully request your honorable body to take the matter in hand, and by your action in the premises afford such protection to the resident mechanics as your honorable body may deem meet in the premises, and in duty bound your petitioners will ever pray."

It was a common practice among slaveholders to hire out some of their slaves. Hiring slaves to others was not only a way of using the surplus labor but it was a profitable source of income. The skilled artisans were usually very much in demand and often were paid very good wages. Allen, who belonged to Mary E. Rivas, was paid $425.00 in 1835. Many slaves did domestic labor but others worked as boat hands or as stevedores on the wharves. The average price for the hire of the slave annually was highest in the lower cotton belt. By saving as much as he could after the contracted amount which was due his master had been paid, the Negro could in many communities purchase his freedom or the freedom of some member of the family. The whites felt that this was causing too many Negroes to become free. To prevent them from being hired out, the law was passed fixing a penalty of thirty dollars on anyone allowing his slave to transact his business for him except on his

2. DeBols and Delil, loc. cit., p.34.
3. Flinders, Plantation Slavery, p. 188.
own premises. This law, however, did not extend to those living in Savannah and Augusta and the town of Summerv.

Competition between the skilled Negro worker and the white became so acute that, in 1845, a law was passed which prohibited any white person from hiring any colored mechanic to contract for, or to construct any buildings. The people were divided in their attitude towards the Negro artisans as is shown by the fact that the Agricultural Convention, which met in Macon in 1850, asked that the slave be taught since it would increase his efficiency. The bill expressing this idea was introduced into the House by Mr. Harleston where it was passed, but it failed to pass the Senate by a margin of two votes.

By 1850, there was passed a law to tax completely out of existence the Negro who was hired out. Slaves who were allowed to travel about and work were called "nominal slaves". This group had to pay one hundred fifty dollars a year while the ordinary slave had to pay one hundred dollars. Since the average salary for the slave was one hundred dollars and the tax was one hundred dollars there would be no practical value in a master hiring out his slave and in this way, it was believed the practice would die out.

The denial of the right of slaves to hold property was shown by the fact that not only could slaves not own houses but also they were forbidden to rent a house "...unless it be a kitchen or eat house within some enclosed lot and not standing or being on any street of said village".

1. Prince, Digest, 1887, Sec. II, p. 768.
2. Ibid.
3. DeBelois and Dill, loc. cit., p. 32.
5. J. R. Coss, A Digest of 1860, p. 1889, Sec. 5.
In 1853, in Coweta County, the dealers in liquor were required
to post a five hundred dollar bond that they would not sell strong
drinks to the slaves or free Negroes. There was much complaint among
the whites that the regulations regarding trade were not enforced and
the blame for such laxity was placed upon the patrols.

In the case of Reinhart v. State, the defendant was accused
of selling liquor to a slave. Reinhart said that he had been told by
the owner of the slave to let him have spirits in a reasonable quantity.
The decision rendered in November, 1859, declared that Reinhart had sold
strong drinks in violation of the law since the owner did not have the
right to delegate this authority to the defendant.

By 1861, it was clear that war was inevitable. It was, there-
fore, thought advisable to have the slaves reside on the plantation with
their masters so that a closer watch could be kept over them. It was
only upon extreme necessity that permission from the master gave the right
for the slave to live at a different place.

From the first, slaves were forbidden the use of firearms but
during the period between 1850 - 1860, the patrols could search any house
for weapons. The law of 1860 provided that "any person other than the own-
er who shall sell or furnish to any slave or free person of color, any
gun, pistol, or bowie knife, sling shot, sword cane, or other weapon used
for the purpose of offense or defense shall upon indictment and convic-
tion be fined by the court... and imprisoned in the common jail of the
county."

2. Ibid., p. 129.
5. Cobb, op. cit., 1861, Sec. 61, p. 975.
With the growth of the abolitionist sentiment in the North, laws regarding education for the Negro became more oppressive because if he could learn to read, he would be led to revolt. In 1831, Georgia passed a law that if any Negro should teach another to read he would be fined and whipped. A white person who committed the same offense would be punished by a fine of not more than five hundred dollars and imprisonment in the common jail at the discretion of the magistrates.

After the insurrection in Virginia in 1831, the whites in Georgia became even more afraid and enacted a law in 1835 fixing the death penalty for anyone who should encourage an insurrection or a revolt among the slaves. A fine of one hundred dollars had to be paid if a slave or a free person were allowed to use or work around a printing press. This was done to prevent the slaves from learning to read and from gaining any knowledge of what was happening that might encourage them to revolt.

Later, in 1837, a law declared that anyone who either taught or used a slave as a scribe in any way should pay a fine.

As the abolitionist movement grew, the Southern whites became more intolerant. The law of 1837 also stated that no pamphlets, or papers, or circulars should be brought into the state for the purpose of causing an uprising. Any person found guilty of such an act would receive the death penalty. In 1841, the law became even more severe in that it provided a punishment for any person who should sell to a slave any materials to be used in writing. This included such articles as pamphlets,

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1. Woodson, The Education of the Negro Prior to 1861, p. 141.
   (Cited from Dawase, A Compilation of the Laws of the State of Georgia, p. 413.
4. Prince, Digest, Section XXXIX, p. 725.
5. Ibid., 1837, Sec. X, p. 804.
books, writing paper, ink or any other materials used in writing. Upon
conviction of the second offence the guilty one would be imprisoned.

Even towards worship there was a change of attitude on the
part of the whites after 1830. Assemblies were restricted to those for
religious purpose only in 1833. Freedom of worship was further restricted
in 1845 when it was declared unlawful for persons of color, either slave
or free, to be allowed to preach, to exhort, or join in any religious
exercise with any persons of color either free or slave, there being more
than seven persons of color present. In 1851, the law was enacted which
denied worship altogether stating that "no congregation or company of
Negroes shall under any pretence of divine worship assemble themselves
contrary to the act for regulating patrols...." This act seems to have
continued in existence to 1861.

The Georgians were still troubled with the separation of Ne-
groes and whites. In 1851, it was declared unlawful for "any white man
and woman of color of any shade of complexion whatever, free or slave
... to live together". Such offences were to be punished by a fine, or
imprisonment or both, "at the discretion of the court". The fines were
not to exceed a sum of two hundred dollars and the imprisonment not more
than three months. The general opinion of later years is expressed in
DeBow's Review: "We think that every humane man, who will carefully ex-
amine this subject for himself, will arrive at the same conclusion as
the writer of these few suggestions and facts—vis: that to encourage
amalgamation is to encourage the commission of crime and cruelty, the in-
crease of ignorance and misery, and to insure the destruction of the two

races in attempting to elevate one". It is curious that the Mexican Law
forbids even in material things, anything approaching amalgamation.

Phillips thinks that although no laws were made which recog-
nised the existence of Negro families, the separation of husband and wife
or parent and child rarely occurred. He states that "where such separa-
tion occurred through the division of estates or otherwise it was not un-
usual for one of the owners to buy the members of the family which he did
not possess". That there must have been many separations was shown by
the fact that in 1854, the law provided that "...the children, not exceed-
ing five years of age, of any woman slave, and such woman slave shall not
be separately sold or exposed to sale by any executor, administrator, guar-
dian or other trustee, nor shall they be separated in any division made by
any executor, administrator, guardian or other trustee, but shall be
placed together in one of the parts into which the estate to which they
belong is to be divided, unless such division cannot in any wise be ef-
fected without separation". Bancroft discusses the division of families
in his book, Slave Trading in the Old South, pointing out clearly that
families were separated whenever the occasion made it to the interest of
the owner.

In 1861, the law provided for the fine, or imprisonment, or
both, of any white woman who was living with a Negro man. The slave or
free man was to be put in the county jail for one week and to be given
"during the said week thirty-nine lashes on his bare back, or three

2. Ibid., Footnote p. 20 cites Deut. 23:9, 10, and 11: "Thou shalt not
   sow thy vineyards with divers seeds. "Thou shalt not plow with an
   ox and an ass together. "Thou shalt not wear a garment of divers
   sorts as of woolen and linen together."
4. Ibid., p. 154.
6. Frederic Bancroft, Slave Trading in the Old South, (Baltimore, 1931),
   Chapter IX.
several days during the said week". The guardian of the free Negro was to pay the cost of any expenses incurred during the period of imprisonment.

In punishment for crime, the slave ceased to be chattel and was forced to become a rational being, responsible for his conduct. The murder of a slave by another slave or free person was punishable by death but because of the importance of the slave the law was not always enforced. An example is the case of Anthony v. State. Anthony, a slave, was indicted for the murder of another person of color. He was tried, found guilty and sentenced to punishment under the Act of 1821. This Act provided that in case of murder the offender should be branded with the letter "N" on the cheek and the application of thirty-nine lashes on three successive days. This decision was rendered in January, 1851.

Punishment for rape between 1830 and 1860 continued to be hanging, although every one accused of such crime was not executed. On 1848, a slave whose name was Dave was found guilty of rape upon Hester Ann Debbe and sentenced to be hanged. Often the slaves were convicted on very weak evidence as is shown in the case, Stephens v. State. Stephens was accused of having made an attack upon a white girl, ten years of age. The girl was too weak-minded to appear in court, therefore, the testimony had to be given by her mother. In the decision, rendered February, 1852, Judge Lumpkin declared that in a similar case, it would be lawful for a free white person to be indicted for rape and convicted of the attempt,

1. Act of 1851, Sec. 1, p. 66.
4. Prine, Digest 1837, p. 799, Sec. II.
as well as a slave.

The condition of the slave is well shown by the case of Jim y. 1
State, July, 1884. A white man became very angry with a slave, Jim, whom
he attempted to strike with a maul. Being much stronger, the Negro easily
overpowered him and killed him. Judge Sturms held that the Negro was
guilty of manslaughter. In his decision he said, "If the master exceeds
the bounds of reason in his chastisement, the slave must submit, as the
child submits and trusts to the law for his vindication. He cannot him-
self, undertake to redress his wrong, unless the attack... be calculated
to produce death.... Our laws refuse indulgence to the passion of the
slave... because to allow it would be to make him the judge... as to
the... unreasonable acts of the discipline which the master is permitted
to exercise and this would be... to encourage servile insurrection and
bleedshed".

Often the masters tried to save their slaves from the law as 2
was shown in the case of Ingram v. Mitchell. Simon, a Negro slave, had
been tried in 1866 and found guilty of rape. Ingram, his owner, had given
bond for him, following which he turned the Negro over to Mitchell to sell.
The latter gave to Ingram a promissory note for one thousand two hundred
dollars in exchange for the slave. Mitchell sold the slave to someone
else for the same amount. Later Ingram, upon learning that the prosecu-
tion had been dropped, re-purchased the slave. He tried to make Mitchell
pay the money which he had received over to him but Mitchell refused, de-
claring that the transaction which had been made to screen the Negro was
illegal. The court held Mitchell had to pay for the slave. The decision
was rendered in January, 1868.

2. Ibid., Vol. III, pp. 74, 75.
CHAPTER IV


During the Colonial period the condition of the slaves and that of the free Negroses were about the same. Likewise between 1830 and 1860 both groups suffered from the repressive measures enacted against them. To be sure, there were some whites who believed that the Negress should be set free provided they were sent out of Georgia into Liberia. As has been said emancipation which swelled the ranks of the free Negroses in Georgia was viewed with disfavor. In spite of these laws the practice continued.

In 1851, a slave, Sophia, who had belonged to Kili Penn was set free. She, like all the others who received their freedom, took the name of her master and was thereafter known as Sophia Penn. In another case, in 1854, Panny Richman, who for many years had lived as the common law wife of a white man, was liberated. Her children were given their freedom also.

The State also liberated a Negro named Ransom, who saved from fire a bridge over the Chattahoochee River. His owner was given a sum of money in payment for his release. In 1855 although Ransom had been given a permanent home, the legislative assembly voted to have the railroad pay him a good wage as long as he behaved well. It appears that Ransom spent the rest of his life near Atlanta.

The idea of emancipation again expressed itself in 1854 in the

1. Flinders, Plantation Slavery, p. 222.
case of Cleland v. Waters. Forty slaves were left to be dismissed and sent out of the state. Judge Lumpkin held that the will could be executed because there was no conflict between the will and the laws of Georgia. This same idea is expressed in the case of Myrick v. Vineberg, March, 1860.

The will of Nathaniel T. Myrick provided that certain Negroes were to be removed to some free state and there dismissed. There was some property to be given them also. In the decision, Judge Linton Stephens declared that dismissal within the state for as much as one hour was void but they could be carried into a free state and then dismissed.

By 1861, it had become illegal for any slave who had resided in any non-slave-holding state to be brought into Georgia by his owner. Whenever any slave was found in violation of this law he was to be sold and one-half net proceeds from this sale were to be paid to the person who helped to bring about the arrest, and the other half to go to the county. The reason for such a law was that the slave owners were afraid that ideas of insurrections would be brought to the slaves.

In December of 1855, a law was passed which attempted to amend the other laws regarding the free Negro. It was enacted that if a free Negro remained in Georgia without being duly registered he could be fined one hundred dollars and hired out to pay the fine. After thirty days from the payment of the first fine the procedure could begin again and could continue in this manner until "...he or she shall actually depart the State". This law was not always enforced as was shown in the case, Cooper and Marsham, by their next friend, v. Major and Alderman, in 1860. The two

2. Ibid., p. 75.
4. Ibid., p. 1009.
5. Prince, Digest to 1837, p. 610.
Negroes, Cooper and Marsham, were held in jail in Savannah because they had not paid the one hundred dollar fee. Judge Fleming ordered the men to be returned to jail after trial. He held that the Negroes were "not citizens, and God forbid they ever should be...." An appeal was granted in which Judge Warner gave the decision of the court. He ordered the judgment reversed and the petitioners discharged. He defined the legal status of the free Negro in his decision, declaring that "free persons of color have never been recognized here as citizens.... They have always... been regarded as our wards and... we should be extremely careful to guard... all the rights secured to them by our municipal regulations. They have no political rights, but they have personal rights, one of which is personal liberty...." Judge Warner held that the part of the law making it legal to imprison a free Negro for failure to pay a tax as "repugnant to the laws of the State and void.

While the Negro was often forbidden to work at jobs in which there were vacancies quite paradoxically he was jailed if he were found idle.

This practice was made legal by the law of 1859, which stated that,

"Any free person of color wandering or strolling about or leading idle, immoral, or profligate course of life shall be deemed and considered a vagrant, and shall be indicted as such as in other cases, and upon conviction, shall be punished by being sold into slavery for a given time named by the Judges of the Superior Courts." Upon a second conviction, the offender could be sold into perpetual slavery.

Generally the life of the free Negro was very hard since he was neither a slave nor a free man. He was neither able to depend upon any one for security nor was he given a chance to depend upon himself. The whites tried to keep the free Negro and the slaves antagonistic by making the free Negro feel superior to the slave because he had no master. Then

3. IHA.
they taught the slave to feel his advantage over the free Negro in that he belonged to someone who was supposed to be responsible for his feed and clothing. There is no evidence to show that the free Negroes were sold into slavery but there is evidence that the status of the free Negro was so difficult to bear that as late as 1864 John Sexton petitioned the justices of the Inferior Court of Habersham County to allow him to be sold into slavery. He was bought by William H. Fuller for five hundred dollars. It was thought that he could support his family better as a slave. This case does not come under the period under study but it is so interesting that it was deemed worthy of citation.

Between 1830 and 1860 some free Negroes not only held slaves, but they owned stores and other businesses. In Savannah, in 1833, John Humphries kept a grocery store. He was very highly respected and, because of his integrity of character, was favored with a larger credit than any other merchant. During the period of his business he accumulated property to the amount of about twenty thousand dollars. He was also a holder of slaves.

This privilege was withdrawn from free Negroes by the law of 1837, which stated that "every such slave or slaves shall be deemed and held to be wholly forfeited." By 1851, the law regarding ownership of property by free Negroes seems to have been somewhat modified, as it stated that property thus held would not be deemed as forfeited but would "remain in the owner, or in his or her descendants after his or her death." In the decision of the Georgia Supreme Court given January, 1854, in the Aris v. Anderson case, it was brought out that the deceased Panny Williams' last

3. Oliver Poino, Digest 1857, Section VIII, p. 787.
should be divided between her daughter, Susan, and her dead son's wife, Margaret. The Judge maintained that "marriage...among free persons of color is recognized by the Act of 1819, so far as to determine the question of descent. In the table of descent the wife stands in the first degree along with the children". In the case of Scale v. Drane in 1888, the decision was given "that free persons of color in Georgia ...may acquire real estate (except in Savannah, Augusta, and Barlett)." As the Civil War drew near this privilege was withdrawn and it was declared that Negroes could hold real estate but not slaves.

The slave owners felt that if too many Negroes were left unsupervised trouble would soon follow. Power was therefore given the Justices of Peace with three freeholders of that district, to bind out any free Negro males above eight years of age until they were twenty-one, provided they had no guardians.

The masters were supposed to provide board and lodging and sufficient clothing to protect them from the weather. Effort to protect them was made in the law of 1837, which provided that "when a complaint is made to the Justices of the district where such servants may reside of any ill usage by the said master than and in that case...the said bounden servant shall be released again to service, to another person of the same trade or farming".

In 1853, the power was given to the Inferior Courts to bind out all free Negroes between the ages of five and twenty-one, "upon the evidence of two or more respectable persons" that the Negroes were not being

2. Ibid., p. 46.
4. Prince, Digest to 1839, Sec. 1, p. 729.
5. Ibid., p. 730, Sec. III.
reared in a proper and becoming manner.

A little protection was offered the free Negro in Section II of the same act, which stated that any person who sold free Negroes that were bound out were to be fined $5,000 or imprisoned in the Penitentiary at hard labor for a term of years not more than six...."

It was claimed that the free Negro was crowding out the white worker. As a result of this spirit, on December 27, 1845, a law was passed to curtail the work of the Negro. It provided that the Negro could not contract for buildings, or for the repair of buildings. It further stated that any person employing Negroes either directly or indirectly would be guilty of a misdemeanor. Any white person violating that law by employing a free person of color as a mechanic or mason should be fined at the discretion of the court. The amount was not to exceed two hundred dollars.

Charles Lyell wrote of the law of 1845 which boycotted Negro artisans as being "disgraceful" and having been passed by a very small group. He said that this law resulted from the free Negroes in Georgia increasing in social importance and held it would be their ruin.

Not only was the Negro discriminated against as a worker, but even the very few who gained professional training were not tolerated. The law of 1835, prohibited the use of Negroes in the apothecary branch of any business. They were not to be allowed to put up, compound, dispense or sell any drugs whatever. The penalty for the violation of the law was for the first offense one hundred dollars. Each subsequent violation was punishable by a fine of five hundred dollars.

4. Ibid., p. 49.
In 1859, a complaint was made by the citizens of Atlanta in which they said, "We feel aggrieved as Southern citizens that your honorable body tolerates a Negro dentist (Roderick Dodger) in our midst and in justice to ourselves and the community it ought to be abated. We, the residents of Atlanta, appeal to you for justice." In his path to economic freedom the Negro was not to be given any credit by any white person unless he had a written order from his guardian. The personal protection of the free Negro like the slave was taken away since he was not allowed to bear arms.

It is interesting to note the status of the free Negro before the courts. In the case of ordinary offenses the free Negro could not expect justice if both whites and Negroes were involved. In such cases profit is always secondary to judgment. The judgment was virtually arrived at before the proof was given. This is the result of racial prejudice. The legislature of Georgia by a joint resolution in 1842, resolved that the free Negroes were not citizens of the United States and that Georgia would never recognize such citizenship. In spite of this the free Negro could enter suits for his freedom and for injuries done him.

An example of the severity of the court upon the free Negro is shown in the case of the State v. Joel Fancher. The defendant stole from John Davidson at Mount Yench 6 yards of Alpaca, one plain vest pattern, 7 yards of brown jeans, four and one-half yards of black Kentucky jeans and trimmings for the same to the value of $18. The decision was rendered on July 19, 1848. He was sentenced to be whipped "with a cowhide whip on the bare back, thirty-nine lashes well laid on" and to pay the cost of

2. Cobb, supra cit., 1831, Sec. III, p. 1008.
prosecution as follows:

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<tbody>
<tr>
<td>Clerk fee</td>
<td>$6.875</td>
</tr>
<tr>
<td>Sheriff's fee</td>
<td>7.75</td>
</tr>
<tr>
<td>Justice of Peace and</td>
<td></td>
</tr>
<tr>
<td>Constable fee</td>
<td>10.40</td>
</tr>
<tr>
<td>Jailer's fee</td>
<td>5.62</td>
</tr>
<tr>
<td>Pl Pa.</td>
<td>.62</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$25.37</strong></td>
</tr>
</tbody>
</table>

As has already been seen, the free Negros and the slaves were tried by the same tribunals before 1850. Later, capital crimes were transferred to the Superior Court. The reason for this was that the jurors did not know the laws well enough to decide the cases.

Some acts passed in Millidgeville show the curtailment of the free Negros' personal liberties. On December 19, 1859, the law provided that Negroes could have balls only at Christmas holidays and then only in the daytime. Permission for such occasion had to be asked by the owners or guardians. On January 21, 1861, permission was given the colored musicians to practice in the old theatre but not later than ten o'clock. It was necessary for a suitable white person to accompany them at such practices.

A petition was rejected on September 12, 1854, in which the Negroes had asked for permission to erect a church. The rejection was based upon the fact that a majority of the white citizens had not signed the petition, and it was only upon their signatures that the petition would be considered.

Judge Lumpkin shows the attitude of the court towards the free Negro in the well-known case of Bryan v. Walton of August, 1855. He held

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1. T. R. Cobb, Digest, 1851, p. 1018.
3. Ibid.
5. Gatterall, op. cit., pp. 33, 50.
that the "act of manumission confers no other right but...freedom
from the domination of the master and the limited liberty of locomotion..."
To become a citizen of the body politic, capable of contracting, of
marrying, of voting, requires something more than the mere enfranchisement".
He declared that the free Negro was in a state of "perpetual servitude or
wardship" and that only by legislation could this condition be changed.
He added further: "To be civilly and politically free, to be the peer and
equal of the white man—to enjoy the offices, trusts and privileges our
institutions confer on the white man, is not now, never has been and
never shall be".

Judge Lumpkin continued his classic decision by saying, "He
resides among us, and yet is a stranger, a native even, and yet not a
citizen. Though not a slave, he is not free. Protected by law yet
enjoying none of the immunities of freedom. Though not in the condition
of chattelhood, yet constantly exposed to it. The great principle of self
preservation demands on the part of the white population, unceasing
vigilance, and firmness as well as uniform kindness, justice and humanity".
He concluded with the condition of the free Negro by saying, "He lives
among us without motive, without hope".

What was the status of the free Negro in Georgia before the
Civil War? It seems that the free Negroes could not be classified in the
same category or in the same condition. There were some who lived in
peace and enjoyed rights almost equal to those possessed by the whites.
Next to this group were the craftsmen, who lived fairly well when they
could obtain work. This condition was, perhaps, more of a local or

2. Flanders, Free Negro in Anti-Bellum Georgia, p. 238.
community problem. Then there were some free Negroes who possessed nothing and lived in economic slavery which often forced them back into actual slavery.
Conclusion:

The Negro in Georgia prior to the Civil War had no civil rights which the white man was bound to respect. He was denied the right of travel, assembly, ownership of property, of following his own aptitudes in labor and trade. He was denied the right of personal protection, education, and most of all the right of a family, which the white man held for himself an inviolable right. Whether free or a slave, the Negro was not anywhere in Georgia permitted to enjoy “life, labor and the pursuit of happiness”.

Finis
THE INCREASE IN POPULATION IN GEORGIA IS SHOWN BY THE FOLLOWING TABLE:

<table>
<thead>
<tr>
<th>YEAR</th>
<th>White</th>
<th>Free Colored</th>
<th>Slave</th>
<th>Whites</th>
<th>Free Colored</th>
<th>Slave</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1790</td>
<td>52,886</td>
<td>398</td>
<td>29,264</td>
<td>92.25</td>
<td>1790-1800</td>
<td>102.99</td>
<td>96.37</td>
</tr>
<tr>
<td>1800</td>
<td>101,678</td>
<td>1,019</td>
<td>59,404</td>
<td>43.01</td>
<td>1800-1810</td>
<td>76.74</td>
<td>77.12</td>
</tr>
<tr>
<td>1810</td>
<td>145,414</td>
<td>1,801</td>
<td>105,218</td>
<td>30.36</td>
<td>1810-1820</td>
<td>42.23</td>
<td>35.08</td>
</tr>
<tr>
<td>1820</td>
<td>189,566</td>
<td>1,763</td>
<td>149,654</td>
<td>56.57</td>
<td>1820-1830</td>
<td>41.00</td>
<td>46.35</td>
</tr>
<tr>
<td>1830</td>
<td>296,806</td>
<td>2,486</td>
<td>217,531</td>
<td>37.36</td>
<td>1830-1840</td>
<td>10.74</td>
<td>29.15</td>
</tr>
<tr>
<td>1840</td>
<td>407,695</td>
<td>2,753</td>
<td>280,904</td>
<td>27.93</td>
<td>1840-1850</td>
<td>6.46</td>
<td>35.85</td>
</tr>
<tr>
<td>1860</td>
<td>591,588</td>
<td>3,500</td>
<td>462,198</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

THE PERCENT TO WHICH MANUMISSION TOOK PLACE IS SHOWN BY THE FOLLOWING TABLE:

<table>
<thead>
<tr>
<th>Year</th>
<th>Slaves</th>
<th>Manumitted</th>
<th>One out of</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>1850</td>
<td>381,682</td>
<td>19</td>
<td>20,088</td>
<td>.0049</td>
</tr>
<tr>
<td>1860</td>
<td>462,198</td>
<td>180</td>
<td>4,360</td>
<td>.0029</td>
</tr>
</tbody>
</table>

Kennedy, *Census of 1860*, Table IV, p. 137.
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