"AN IMPERFECT STATE OF FREEDOM": FASHIONING RACIAL ORDER AT SAVANNAH, 1790-1830

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Abstract

Conceived primarily as a case study of Savannah, Georgia, this dissertation addresses the evolution of racial ordering practices between the end of the eighteenth century and the mid-antebellum period. The increased perception of danger in the Lowcountry following the Haitian Revolution, the subsequent influx of black and white French refugees into the Lowcountry, and the enlargement of the free black population across the South compelled state and city authorities in Georgia and Savannah to assert greater legal control over free and enslaved blacks. New laws that restricted the entry of slaves and free blacks from outside the state, prohibited manumission, and forced free blacks to obtain white guardians in order to access legal rights expanded public authority into traditionally private spheres in reaction to these new threats towards the stability of the slave population.

While recognizing that policing statutes within slave codes were central in the creation and maintenance of the racial hierarchy, this project emphasizes the contributions of other laws. These legal arrangements established tighter, more personalized, and less visible control over free blacks and slaves while they formalized processes that ultimately awarded them status, residency, and even freedom on the basis of reputation. These measures each built upon existing strategies that engaged the community more broadly in policing free and enslaved people of color in the urban environment. At the same time, whites and blacks alike reacted in defiant and unpredictable fashion towards the increasing harshness of laws that asserted greater public authority over institutions previously mediated among individuals within local institutions. Through an examination of county and city court records, newspapers, and

state and local government records, I argue that Savannahians often ignored formal rules in favor of their own customary practices in several key instances where state and city authorities at Savannah attempted to assert greater and unprecedented control over slaves and free blacks under the law.

A study of the records and case law of the Chatham County courts reveals the operation of a credit-based culture that not only defined interactions within economic and legal spaces generally but also permeated a variety of interactions that occurred between white and black Savannahians. Whites necessarily constitute significant actors in this study as these relationships mostly transpired within local, formal institutions. However, court records also reveal how people of color used white allies to their advantage as they acted autonomously inside and outside of statutes which otherwise narrowly defined their place in Georgia society. The existing informality within the local legal culture at Savannah contributed to the selective enforcement of new regulations and also constituted a compelling and successful logic for determining the place of free blacks at Savannah following the passage of laws that prohibited or restricted their very presence.

My examination of these black and white relationships also reveals that hundreds of non-Anglo residents who arrived in the region during the tumultuous years after the revolution in St. Domingue influenced the development of customary and statutory law in this region. The refugees from St. Domingue brought with them distinctive legal practices, customs, and expectations concerning freedom for former slaves that quickly surfaced in their encounters with local courts. The active engagement of people of color from the French West Indies within the courts and the roles assumed by their white

counterparts provide a unique opportunity for examining the transmission and transformation of legal cultures in the Atlantic world.

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Preface

When I signed up for the seminar required of all Hopkins history majors in the fall of 2005, I had little interest in studying American history or the history of the South. My commitment to studying history was shaky at best, having arrived at the major after having declared and later rejected several others. However, in that seminar, Professor Michael P. Johnson taught me how to engage with sources and arguments in ways that revealed the study of history to be something more than I had imagined. As Mike deconstructed the ticking parts of societies and showed us how to contemplate the world as historical actors might, I came to appreciate the broader structural questions at the heart of the study of the history of the South and of slavery. As my advisor, Mike has continued to inspire me with his incredible analytical talents and unparalleled generosity of time. The arguments within my work have benefited tremendously from his council and his skills as an editor, and I will continue to strive to think about the interactions of societies, cultures, and institutions with the appreciation that he has imparted to me.

Several other members of the Hopkins faculty have also played an important role in shaping this project and my passion for the study of history. Philip Morgan has offered a great deal of advice that has helped in the development of this project and my own progress as a scholar. His suggestions have often presented new, daunting challenges for my work, and his insight has been invaluable. Ron Walters deserves unending recognition for his dedication to both my own career at Hopkins and the rights and interests of many graduate students within the department. He has shown nothing but kindness to me as a professor, reader, and friend, and our conversations mark some of the brightest moments in my days as a graduate student. Francois Furstenberg has also

been a wonderfully generous reader, and his expertise has been a great help in several of the less familiar areas of the project. Finally, Franklin Knight deserves thanks for his early encouragement of my pursuit of the Ph.D. Outside of Hopkins, Eric Foner provided a much-needed source of moral and intellectual support as I finished my MA at Columbia. I will never forget his kindness during the spring of 2009. I am also indebted to Dylan Penningroth, whose guidance through the literature of legal history has ultimately had great bearing on my approach to the field.

One of the joys of this project has been the opportunity to explore collections of primary resources, and I benefited greatly from the fact that these archives were centered in a region of the country where kindness to strangers remains a priority among the natives. I owe a great debt to the Wilson Library at UNC Chapel Hill, Emory University Manuscript and Rare Books Library, and the Duke University Perkins Library Special Collections department for providing financial assistance that allowed me to explore their collections. A number of talented and committed archivists at these institutions, as well as at the Georgia Historical Society, deserve thanks for their help in locating and obtaining the records that made this project possible. At Savannah, the generosity of the staffs at several record repositories deserve mention. From the time I first corresponded with Luciana Spracher, the Director of the Research Library and Municipal Archives at Savannah's city hall, seven years ago, she has gone above and beyond to ensure that all of the materials of the city's archives were at my disposal. She and Dyanne Reese, the Savannah Clerk of Council, each cheerfully allowed a stranger to clutter up their offices with stacks of volumes, cameras, and a full complement of motorcycling gear every day for nearly six months, and for that, I am forever grateful. The staff in the office of the

Clerk of Superior Court at the Chatham County Court House also generously permitted me to occupy space near the filing room every day as they continued to bustle about with the court's pressing business.

The community of graduate students at Johns Hopkins provided me with crucial emotional and intellectual support that made the completion of this dissertation possible. They inspired me to return to Baltimore to finish my graduate work, and there are many folks to whom I owe much gratitude. The members of the Nineteenth Century Seminar helped greatly in the development of this project, and the members of the Early American Seminar have been kind and patient in welcoming me into their scholarly community and helping me to think more broadly about my project. Chief among those to be thanked are Nate Marvin, Joe Clark, Lauren MacDonald, Claire Gherini, Katherine Smoak, Nick Radburn, Steph Gamble, Rob Gamble, Sara Damiano, Jonathan Gienapp, Craig Hollander, and Rachel Calvin-Whitehead. Outside of seminars, the friendship of a number of Hopkins graduate students, including Heather Stein, Brendan Goldman, and Jim Ashton have made Baltimore seem like home. I have benefited tremendously from the wit, scholarly insight, and life advice provided by the ever-patient Ian Beamish and Will Brown. Christopher Consolino has provided an invaluable sounding board and partner for various crimes, which will remain unnamed. Finally, the encouragement, advice, and reassurances provided by Alex Orquiza and Justin Roberts over the years ultimately helped to bring all of the sound and fury surrounding this project into a form that (hopefully) signifies something.

Outside of academia, the support of many friends and family members have helped see me through this project. Since I was a child, my mother, Joyce Cerato, has

done everything in her power to provide me with the best advantages available and a sense of what it means to be a Southerner. The completion of this step in my education and my continued interest in the peoples and cultures of the Lowcountry I owe entirely to her. My father, Joseph Cerato, has always been a willing debate partner and confidant. It was his passion for the law, politics, and history that inspired my own. I owe both a debt of gratitude and an apology to William Galvin, who has been forced into roles as reader, therapist, and housekeeper at various points over this project. It was his comedic spirit and companionship that kept this ship sailing. When returning home to South Carolina, many friends, including Jane and Bill Buggel, Ned Moore, and my brother Joey Cerato helped me to locate inspiration in all things and, consequently, in my own work. In Savannah, I found both.

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Introduction

In January of 1800, Ebenezer Jackson, a merchant and broker in Savannah, Georgia, submitted a deed to the Chatham County Court concerning Somerset Pierce, a free black man Jackson's wife manumitted before their marriage. Jackson had not known the man in slavery, but now insisted "he is […] a very honest, good fellow, and has leased a lot of Joseph Clay Esq. Sen. and has built a house on it. I am his guardian, any rights he may want under the Laws of the Corporation of Savannah may with safety be granted to him."[1] As a white man, Jackson could reassure the court concerning Pierce's character, and facilitate Savannahians' acceptance of Somerset as "honest" or worthy of credit and the protection of the law, but his ability to do so also emanated from his declaration of responsibility for the free black man.

The motivation behind Jackson's efforts to guarantee Somerset's rights and to reassure the community of his place within it cannot be simply explained through the personal relationship shared by both men. While each had been unfamiliar with the other during Pierce's enslavement, Jackson's relationship with Pierce extended from his own position as the head of his wife's household. Yet, the two men extended their relationship beyond the confines of bondage, arriving at an arrangement in which Somerset Pierce voluntarily provided his former master with legal power over his person that would limit rights, including the ability to independently create contracts. In exchange, Pierce received the value derived from Jackson's guidance and the extension of his standing over Somerset's own transactions. Jackson's own role is equally

[1] Mrs. Charlotte Jackson, Ebeneezer Jackson's wife, was formerly Pierce, the surname Somerset adopted in freedom. Chatham County Tax Digest, 1799. Deed of Ebenezer Jackson, Chatham County Superior Court, January 15th, 1800. Chatham County Deed Books, Books IX-1Y. Chatham County Courthouse, Savannah.

unexpected. No rule charged him with responsibility for Somerset's actions once freed nor compelled him to write such a statement concerning Somerset's character once the former slave exited the bounds of his household.

Setting aside the relationship between the two men, the value of the guardianship itself extended entirely from Jackson's ability to use his position within the white community in order to vouch for and to assert any protections over Somerset in the first place. Jackson expected that the white community would recognize his legal guardianship over a former slave as equal with the guardianship over a white individual. No rule governed his fellow Savannahians' willingness to accept Somerset as "honest" or worthy of the protection of the law under the arrangement, and yet, the ultimate power which Ebeneezer Jackson agreed to employ for his former slave extended from the community in which the peers, neighbors, friends, and enemies of Ebenezer Jackson knew his assurance to be reliable.

Dozens of such instances of free people of color entering into guardianships, appear in the court records of Chatham County from 1794 forward, illustrating the operation of an informal, credit-based legal culture that characterized relations between free blacks and whites in Savannah during the early republic. The paternalistic underpinnings of personal relationships between whites and people of color who were former slaves, family members, or acquaintances allowed for effective participation of free and enslaved people of color within Savannah's local economy—participation which was generally viewed as beneficial by most Savannahians. More generally, these relationships helped protect the security of their persons and property. The court records of Chatham County and the Savannah Mayor's Court reveal that legal instruments such

as trusts or guardianships were enacted widely to provide security for free and enslaved people of African descent.

This dissertation explores how a variety of local customary practices at Savannah concerning both slaves and free people of color—including guardianships, manumission trusts, and informal sponsorships (including those within the Catholic Church and others articulated in courts)—contributed towards the establishment of racial order. These customary practices operated alongside courts and statutory law comprising the formal legal apparatus prior to and during the codification and consolidation of slave codes during the antebellum period. By exploring the operation of both customary practices and legal codes within the Savannah community, this study serves first, as a social history of the ways these informal interactions between whites and people of color defined the racial hierarchy at Savannah; and second, as a history of law that chronicles the evolving relationship of public and private divisions under the law of slavery between 1790 and 1830.

Georgia's formal law concerning enslaved and free people of color underwent an extraordinary transformation during the first three decades of the nineteenth century as lawmakers and jurists utilized codes as a vehicle for the assertion of greater control over people of color. Statutes limiting privileges for slaves and free blacks extended back to the colony's original 1755 slave codes. But by the 1790s, concerns related to both sensational events in the Atlantic, most notably the revolution in St. Domingue, and the growing number of free people of color within the state—especially those originating from outside of the U.S.—resulted in the introduction of new spheres of public control by local and state authorities. The passage of laws severely restricting slave importation,

free black immigration, and manumission between 1793 and 1818 show that leaders not only perceived certain kinds of people of color as dangerous but also that individual white Georgians could not be allowed individually to rely upon their own relationships with slaves and free blacks in order to determine which people of color might be safely allowed to enjoy the privileges of freedom within the state's slave society.

Laws passed during this period attempted to construct a slave society that would exclude or socially isolate people of color. These restrictive laws reflect an innovative effort of state authorities that was facilitated by a broader legal transformation taking place during the early nineteenth century in the American South. Such laws modified long-held beliefs concerning the boundaries of the individual property rights of individual slaveholders and directly challenged the informal legal culture that defined existing patterns of interaction between whites and blacks. While the dangers emanating from St. Domingue and free blacks generally alarmed many white Southerners, new instrumental powers undertaken by the state or granted to the Corporation of Savannah that sought to limit the influence of free people of color and to strengthen the position of slaveholders over the slave population did so by expanding legal controls into the private realm in unprecedented ways.

Whereas colonial era public regulations concerning slaves remained largely intact during the decade after the formation of the new nation, new rules limiting residency, manumission, and privileges for free blacks repositioned the state as a source of authority in the lives of black residents. Such regulations simultaneously altered the authority that white individuals claimed over slaves and free blacks in their roles as masters or guardians, sponsors, or allies to free blacks that had previously been viewed as situated in

the private realm. A study of statutes, case law, and state and local government records reveals that although the expansion of public authority fundamentally altered the role of patriarchal authority within the community, personal relationships continued to characterize black life in Savannah as they operated at times both in cooperation with and in contradiction of new laws.

Much has been written about black life in Savannah and the Lowcountry, but few studies have fully explored how events and law of the 1790s led to a reordering of society that crystalized during the antebellum period in Georgia. Scholarship concerning the development of Lowcountry Georgia's slave society has focused either on transformations taking place earlier in the eighteenth century when slavery was introduced into Georgia or on developments which occurred later during the antebellum period.[2] Few historians have provided in-depth analysis of the ways new regulations enacted during the Early National Period pertaining to free people of color played out in local communities.[3] Recent work by Watson Jennison provides an excellent discussion of how events and conflicts occurring during this era influenced the eventual hardening of the racial order in the Lowcountry during the 1820s and 1830s. For Jennison, the expansion of plantation slavery across Georgia and subsequent demographic shifts allowed upcountry planters to exert increasing influence over legislation at the state level, leading to the establishment of binary racial categories through the law. However, he

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[2] Ralph Betts Flanders, *Plantation Slavery in Georgia* (Chapel Hill, 1933); Betty Wood*, Slavery in Colonial Georgia, 1730-1775* (Athens, 1984); William A Byrne, "The Burden and Heat of the Day: Slavery and Servitude in Savannah, 1733-1865." (Ph.D. diss., Florida State University, 1979).

[3] For studies of free blacks in Georgia, see: Edward F. Sweat, "The Free Negro in Antebellum Georgia," (Ph.D. diss., Indiana University, 1957); Whittington B. Johnson, *Black Savannah: 1788-1864.* (Fayetteville: University of Arkansas Press, 1996); Whittington B. Johnson "Free African-American Women in Savannah: 1800-1860: Affluence and Autonomy Amid Diversity." *The Georgia Historical Quarterly*, Vol. 76, No. 2, The Diversity of Southern Gender and Race: Women in Georgia and the South (Summer 1992), 260-283; Adele Logan Alexander, *Ambiguous Lives: Free Women of Color in Rural Georgia. 1789-1879*, (Fayetteville, Arkansas: The University of Arkansas Press, 1991).

also adds that earlier events, such as those in St. Domingue, "altered authorities' perceptions of people of African descent, both enslaved and free, and thus shaped decisions related to the slave order."[4]

Demography, foreign based threats, and the potential for slave rebellion motivated Georgia authorities to adopt new laws aimed towards securing the racial hierarchy. However, such shifts did not occur in a vacuum. These moves to exclude or restrict certain liberties for people of color conflicted with established customary practices within the Lowcountry and created significant difficulties for authorities who sought to carry out new policies of racial order through statutory law. Moreover, a large group of white and black French West Indians who settled at Savannah following the revolution in St. Domingue held their own understandings of social status and privilege for people of color that did not align with Georgia's new legal policies. The state's formal laws concerning free blacks had to contend well into the nineteenth century with the ways individual relationships continued to guide interactions between people of color and Savannah's white community.

The resistance of Savannah's white and black population to the disruption of existing customs concerning the black population was not simply a matter of contestation for free blacks and slaveholders claiming individual rights. It represented a more fundamental shift in what constituted acceptable legislative prerogative for alleviating matters of public concern. For example, the passage of a law in 1800 forbidding slaveholders from freeing their slaves for the first time in Georgia's history is a clear instance of state authorities exercising the political will to claim unprecedented public

[4] Watson W. Jennison, *Cultivating Race: The Experience of Slavery in Georgia, 1750-1860.* (Lexington: University Press of Kentucky, 2012), 7-8.

authority in order to reconstitute the racial order in a fashion that rendered slavery more secure. Rebellions from St. Domingue through Denmark Vesey and the spectacular and simultaneous increase of slave prices and Savannah's free black population, which more than quadrupled between 1790 and 1810, provided powerful evidence of how black freedom posed an imminent physical and economic danger to slavery. Most whites likely agreed that the underlying justifications behind new laws that directly addressed such threats were indeed worthy of contemplation.[5] Yet, dozens of deeds filed in local courts and appellate cases in which slaveholders and other whites—many of them among Savannah's elite—attempted to free their slaves, or allow them to live in an extra-legal quasi-free state, illustrate that although white Georgians did not politically contest the purpose behind laws prohibiting manumission or black immigration, the existing practices of community order defined by ties to certain people of color through slavery, blood, religion, or otherwise constituted an equally important component of their conceptualization of the law.

The central place of statutory law in the study of the creation of racial categories in the American South partly explains why histories addressing the passage of new

[5] New developments in plantation agriculture, sectionalism, and antislavery movements provide further arguments for the origins of tighter restrictions concerning slaves and free people of color. Ira Berlin provides perhaps the best overview of the changing position of the free black class across time and sub regions within the South, qualifying the emergence of more severe restrictions in the South as occurring between 1775 and 1812. Berlin provides an essential study of state level legal changes across the South that repositioned free blacks within society. However, like other broad overviews of the laws of slavery, Berlin does little to examine the interaction between law and society. Instead, references to laws enacted by legislature reads as though the appearance of a statute served as prima facie evidence of its acceptance across all communities and social groups. Winthrop Jordan acknowledges the danger of assuming laws as a reflection of actual practice, asserting that "reliance upon statutes almost always introduces a *systematic* distortion[.]" However, he argues that "while statutes usually speak falsely as to actual behavior, they afford probably the best single means of ascertaining what a society thinks behavior ought to be[.]" I intend to argue that the laws legislated in the 1790s and early 1800s did not reflect social norms in several instances. Ira Berlin, *Slaves without Masters: The Free Negro in the Antebellum South* (1974; reprint, New York: Oxford University Press, 1981), especially 79-107; Winthrop Jordan, *White Over Black: American Attitudes Toward the Negro, 1550-1812*. (Chapel Hill: University of North Carolina Press, 1968), 380-415, quotation on pp. 587-8.

restrictions for free and enslaved blacks during this period have been largely unconcerned with whether newly imposed legal norms were accepted within local communities and, if not, why they would have been contested.[6] Historians of slavery have long acknowledged the power of the community in imposing social norms that could be enforced among slaveholders. However, larger questions concerning the relationship between law and slave society—for instance, how contradictions within legal codes impacted the structural integrity of the social order—have continued to place lawmakers, jurists, and legal institutions at the center of legal inquiries.[7] Narratives of American slavery presented by Marxist historians emphasized the ideological power the dominant planter class exercised through the law, using the law as a way of framing class conflict. Under such a view, the law of slavery became an instrument for solving contradictions or issues associated with slaves and their ownership, but, as Barbara Fields summarized, "once practical needs of this sort are ritualized often enough either as conforming behaviour or as punishment for non-conforming behaviour, they acquire an ideological

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[6] The origins of English attitudes towards race and their influence on the development of black slavery during the early settlement of North America remain part of a continuing debate, but many studies have demonstrated that the law played a pivotal role in the permanent construction of racial categories and racism in the North American context. See: Edmund Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia.* (New York: W. W. Norton, 1975), especially 295-337; Kathleen M. Brown. *Good Wives, Nasty Wenches, and Anxious Patriarchs: Gender, Race, and Power in Colonial Virginia* (Chapel Hill, 1996); T. H. Breen and Stephen Innes, *"Myne Owne Ground": Race and Freedom on Virginia's Eastern Shore, 1640-1676*, (New York: Oxford University Press, 2004); Winthrop Jordan, *White over Black.* On the relationship between race and ideology: Barbara J. Fields, "Slavery, Race and Ideology in the United States of America," *New Left Review* 181 (May/June 1990), 95-118; George M. Fredrickson, *The Black Image in the White Mind: The Debate on Afro-American Character and Destiny, 1817-1914* (New York, 1971).

[7] Thomas Morris' *Southern Slavery and the Law* provides an invaluable study of the law of slavery and its change over time, but its institutional emphasis avoids confronting local contestation of law, instead arguing that any such contradictions were evidence of practical legal transformations. Thomas D. Morris. *Southern Slavery and the Law, 1619-1860.* (Chapel Hill: University of North Carolina Press, 1996). For an excellent critique of Morris' approach: Walter Johnson, "Inconsistency, Contradiction, and Complete Confusion: The Everyday Life of the Law of Slavery." *Law and Social Inquiry*. 1997, 22 (2):405-33. In contrast, recent work by Christopher Tomlins provides excellent overview of the process of centralization of law over the history of slavery in the U.S. while acknowledging the integral role of local forces in the creation of legal systems, see: Christopher Tomlins, *Freedom Bound: Law, Labor, and Civic Identity in Colonizing English America, 1580–1865.* (New York: Cambridge University Press, 2010).

rationale that explains to those who take part in the ritual why it is both automatic and natural to do so."[8] Under an understanding of law as a self-legitimizing system, which, as Douglas Litowitz elegantly states, served "not as the instrument of a dominant class, but as the mechanism for the constitution of a dominant rationality," law remained impervious to non-institutional influences outside of the existing power structure.[9] Although such a framing of the law may offer some insight for the antebellum period, challenges to the expansion of post-revolutionary public power reveal that legal authority was constituted through different sources of power at both the "state" and "local" levels during this period.

Within the legal historiography concerning the nineteenth century generally, this view that state law and institutions were the primary drivers behind the construction of the legal system relegated local spaces as subordinate concerns. While functionalist legal historians like James Willard Hurst accepted that a diverse cast of institutions and individuals contributed towards the formation of law, any emphasis on local spheres still reflected a view of the law as an instrument facilitating state-building by allowing for economic development and the fulfillment of other social needs. Morton J. Horowitz argued that during the last fifteen years of the eighteenth century such instrumental reframing of law occurred. "As judges began to conceive of common law adjudication as

[8] Barbara J. Fields, "Slavery, Race and Ideology," 107. On the operation of legal hegemony, see: Douglas Litowitz, "Gramsci, Hegemony, and the Law." *BYU Law Review* 515 (2000), 546-8.

[9] Genovese very carefully defined legal culture as an autonomous idea from the judicial system. For instance, in *Roll Jordan, Roll,* Eugene Genovese contends that social pressures developed within local communities often commanded greater power than statutes which provided slaveholders with significant autonomy over the treatment of their slaves, arguing that "most of the amelioration that occurred came through the courts and the force of public opinion rather than from the codes themselves." However, for Genovese, such forces were external to the exercise of power through the law; the judicial system represented "an instrument by which the advanced section of the ruling class imposes its viewpoint upon the class as a whole and the wider society[.]"Genovese, *Roll Jordan Roll: The World the Slaves Made.* (New York: Vintage Books, 1974), 25-48.

a process of making and not merely discovering legal rules," Horowitz wrote, "they were led to frame general doctrines based on a self conscious consideration of social and economic policies."[10]

Several key works emerging from Critical Legal Studies have illustrated that as state law became more influential during the forty years following the American Revolution, it continued to operate alongside the localized legal system, complicating how historians might view the separation between the creation and implementation of law.[11] Hendrik Hartog's seminal 1985 article outlined the failed attempts of New York City officials to stem the popular practice of allowing pigs to wander the city after they declared the practice to be illegal. Even as courts repudiated the challenges to the law presented by pig owners in court, the customary practice continued as the law served as "an arena of conflict within which alternative social visions contended, bargained, and survived." The ability of pig keepers to defy legal prohibitions of pig keeping in the city for over thirty years illustrates the "implicit pluralism of American law—its implicit acceptance of customs founded on multiple sources of legal authority[.]" Studies such as

[10] The functionalists were writing in response to the domination of legal formalism within legal history that extended from the character of late nineteenth century legal practice. Under the doctrine of legal formalism, the legal system operates exclusively under the guidance judges and lawyers, who maintain and determine rules that ensure social order according to legal precedent and doctrine. On legal formalism, see: Kermit L. Hall, *The Magic Mirror: Law in American History* (New York: Oxford University Press, 1989), Ch. 11, especially 221-5. James Willard Hurst, *Law and the Conditions of Freedom in the Nineteenth-Century United States* (Madison: University of Wisconsin Press, 1956). Morton J. Horwitz, *The Transformation of American Law, 1780-1860* (Cambridge: Harvard University Press, 1977), Ch. 1, "The Emergence of an Instrumental Conception of Law," quoted on pp 2.

[11] For instance, see: Laura F. Edwards, *The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South*. (Chapel Hill, N.C.: University of North Carolina Press, 2009); Hendrik Hartog, "Pigs and Positivism," *Wisconsin Law Review* 1985 (1985): 899-935. Hendrik Hartog, *Public Property and Private Power: The Corporation of the City of New York in American Law, 1730-1870* (Chapel Hill: University of North Carolina Press, 1983). For an overview of the relationship between society and law within CLS, see: Robert Gordon, "Critical Legal Histories," 36 *Stanford Law Review* 57 (1984), 57-125; Laura Edwards, "The Peace: The Meaning and Production of Law in the Post-Revolutionary United States," *University of California, Irvine Law Review.* Volume 1, No. 3 (2011), 565-185; Lawrence M. Friedman, *A History of American Law* (New York: Simon & Schuster, 2005 [1973]), 288-93.

Hartog's inform how historians view informal institutions as a contributing factor in shaping the legal system.[12] The separation of "law" as a distinct category from "society" has provided a common theme within legal history, but Hartog, Laura Edwards, and others have provided powerful cases for understanding law as constituted through social relationships and culture in addition to formal institutions such as courts.[13]

Recent legal and social histories of the American South centering on slavery have done much to explore how the assertion of racial boundaries in everyday life occurred outside of statutory law.[14] Edwards' study of local North Carolina court records has revealed that subordinated people were able to access privileges allotted to them by the community, even if such acts appeared to create tensions with formal laws or ideological currents within the slaveholding society. In Edwards' rendering, the idea of a "peace," a system of informal credit, allowed rural communities a means of providing justice to

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[12] Hendrik Hartog, "Pigs and Positivism," 934-5. In introducing their three local studies presented in *Wisconsin Law Review* in 1985, Hendrik Hartog, William Forbath, and Martha Minow succinctly summarized how "inquiry into the values and social practices of a historically situated group" could more effectively answer what the law meant to such actors. Whereas the legal historian typically privileges "particular interpreters of the law" and "uncorks the meaning of a constellation of rules" determined by those individuals, Hartog, Forbath, and Minow argued that such scholars could only conclude "that the meaning of the law, so gleaned, must have been the meaning understood by all others in the society."Hendrik Hartog, William Forbath, and Martha Minow, "Introduction: Legal Histories from Below," *Wisconsin Law Review* 1985 (1985): 760.

[13] For an informative exploration of how legal historians continue to surpass the categorical division between "law and society" by resituating the law under the "law as" framework, see: Catherine Fisk and Robert Gordon, "'Law As . . .': Theory and Method in Legal History," *University of California, Irvine Law Review* vol. 1, no. 3 (2011): 519-541; Laura Edwards, "The Peace," in *Ibid*, 565-185. In addition to formal productions of law, legal structure includes informal institutions which assert their own internal ordering principles. These might include private groups, such as congregations, or families, but Bruce Mann has illustrated that such organization and rule making can be found among the inmates of a debtors prison in the 1790s. Kermit Hall, *The Magic Mirror,* 3-5; Bruce H. Mann, "Tales from the Crypt: Prison, Legal Authority, and the Debtors' Constitution in the Early Republic." *The William and Mary Quarterly*, Third Series, 51, no. 2 (April 1, 1994): 183–202.

[14] Glenn McNair, *Criminal Injustice: Slaves and Free Blacks in Georgia's Criminal Justice System* (University of Virginia Press, 2009); Ariela Gross, *Double Character: Slavery and Mastery in the Antebellum Southern Courtroom.* (Princeton, NJ: Princeton University Press, 2000)*;* Ariela Gross, "Beyond Black and White: Cultural Approaches to Race and Slavery," *Columbia Law Review* 101 (2001): 640-89.Penningroth, *Claims of Kinfolk;* Sally E. Hadden, *Slave Patrols: Law and Violence in Virginia and the Carolinas*. (Cambridge, Mass.: Harvard University Press, 2001).

those who were legally subordinated. Slaves, women, and children, according to Edwards, had "legal access through their specified places within the peace."[15]

New legal histories like Edwards' have done much to illustrate the power of the community in providing access to justice, particularly before the exertion of greater control by central authorities during the middle decades of the nineteenth century, but histories of slavery and race in the urban context have largely underplayed the phenomenon of customary or extralegal ordering practices. Dominant historiographical narratives concerning slavery in Southern cities have largely evaluated the economic functionality and ideological disruptiveness of slavery as practiced within Southern cities. Richard Wade's 1964 thesis, which laid the groundwork for subsequent evaluations of urban slavery, proposed that certain economic practices unique to cities and the urban geography, which allowed slaves to act autonomously from their masters, disrupted the relationship between master and slave practiced in rural environments to a degree that ultimately caused the decline of slavery in cities.[16] Within the historiography of slavery in Savannah, the view that slavery was fundamentally incompatible with urban

[15] Edwards argues that customary practices can often be more informative than centralized productions of law in understanding law as a social force rather than an end in of itself. Edwards' successful reconsideration of the practical realities of justice and order in the South can be extended to the urban realm. Laura Edwards, *The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South*. (Chapel Hill, N.C.: University of North Carolina Press, 2009),7.

[16] Such practices included slave hiring and the use of slaves in certain labor applications, such as industrial settings. Wade's thesis further argued that the cost of maintaining control over urban slave populations was prohibitive and ultimately caused the decline in slave populations in cities. By contrast, Claudia Goldin argued that decline in urban slave populations was, in fact cyclical and not final. Rather, Goldin suggested any weakness in population that Wade interpreted as an extension of the weaknesses of urban slavery itself were instead caused by existing regional weaknesses in slavery. Indeed, in the case of Savannah, the slave population increased by nearly 40 percent between 1820 and 1860. Richard Wade, *Slavery in the Cities: The South. 1820-1860* (New York: Oxford University Press, 1964); Claudia D. Goldin, *Urban Slavery in the American South. 1820-1860* (Chicago: University of Chicago Press, 1976). For additional regional studies which argue for the incompatibility of slavery with the conditions of city life; Barbara Jeanne Fields, *Slavery and Freedom on the Middle Ground: Maryland during the Nineteenth Century* (New Haven, 1985), Ch. 3. Stephen Whitman, *The Price of Freedom: Slavery and Manumission in Baltimore and Early National Maryland*, (Lexington, Ky.: University Press of Kentucky, 1997); Christopher Philips, *Freedom's Port: The African-American Community of Baltimore, 1790-1860*. (Urbana, Illinois: University of Illinois Press, 1997).

geography has resulted in a heavy emphasis upon statutory law and corresponding evidence from newspaper commentaries and grand jury presentments that indicate the failure of these laws.[17] However, several key studies of urban slavery, for instance Philip Morgan's 1984 essay on colonial Charleston, question the scholarly value of declaring slavery a success or failure of slavery in the urban context. On the basis of evidence concerning demography, policing, and economic rationality, Morgan's study accepts that police powers were indeed weakly asserted and that blacks enjoyed certain liberties--particularly economic ones—contrary to existing rules, which many whites viewed as threatening. Morgan contends that both factors worked to actually provide social stability as the freedoms and economic opportunities seized by slaves worked to diffuse tensions among slaves which otherwise would have contributed towards more serious rebellion.[18]

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[17] Such studies primarily rely upon sources such as city council minutes, county court minutes, jail books, and newspapers to illustrate the rate of enforcement of statutes and the corresponding reactions of white citizens and authorities. Betty Wood has concluded from such evidence that "[b]y the early 1760s the problem of securing an acceptable degree of racial control in an urban environment that offered slaves innumerable opportunities to fraternize and, if they so inclined, to hatch mischief was causing grave concern to many in the white community." Betty Wood, *Colonial Slavery in Georgia,* 167. For studies of the enforcement of police ordinances at Savannah see: Betty Wood, "Prisons, Workhouses, and the Control of Slave Labour in Low Country Georgia, 1763-1815." *Slavery & Abolition* 8, no. 3 (August 1987): 247-271; Ibid, "'White Society' and the 'Informal' Slave Economies of Lowcountry Georgia, C. 1763-1830." *Slavery & Abolition* 11, no. 3 (December 1990): 313-331. Ibid, *Women's Work, Men's Work: The Informal Slave Economies of Lowcountry Georgia.* Athens: University of Georgia Press, 1995, 140-159; Timothy Lockley, *Lines in the Sand: Race and Class in Lowcountry Georgia 1750-1860.* (Athens: University of Georgia, 2004); Ibid, "Trading Encounters between Non-Elite Whites and African Americans in Savannah, 1790-1860." *The Journal of Southern History,* Vol. 66, No. 1 (Feb., 2000), pp. 25-48. Both Haunton and Byrne provide excellent overview of the failed enforcement of the law and conviction of people of color within Savannah's courts, but concentrate on later antebellum period. Richard H. Haunton, "Law and Order in Savannah, 1850-1860," *The Georgia Historical Quarterly,* Vol. 56, No. 1 (Spring, 1972), pp. 1-24; William A. Byrne, "Slave Crime in Savannah, Georgia." *The Journal of Negro History*, Vol. 79, No. 4 (Autumn, 1994), pp. 352-362. While Byrne's dissertation provides a wider overview of the urban economy and enforcement of racial boundaries, it provides no sense of change over time. William A Byrne, "The Burden and Heat of the Day," 106-125.

[18] Morgan concludes that at the very least, "[a]n institution that was unraveling for a century and a half deserves credit for surviving." However, that is not to say that such disruptions and independence exhibited by slaves did not indicate that tensions were always at play within Southern cities; the question simply was whether they indicated failings or concrete failure. Philip D. Morgan, "Black Life

This project extends a similar framework to the study of the racial hierarchy at Savannah in seeking to re-evaluate what such failures of police enforcement imply about the social order in the port city and how order was constituted. Within Lowcountry studies, Tim Lockley has posed a direct challenge to the thesis that relations between non-slaveholding whites and people of color in the Lowcountry were inherently antagonistic, demonstrating through a careful study of local county court and city records that within certain social spaces, including stores, dramshops, and certain places of work, "where there was no reason for maintaining racial distinctions, racial lines could become blurred and permeable."[19] Whereas Lockley concentrates primarily on the interactions of non-elites and blacks, which were sustained mostly by their mutual economic advantage and similar patterns of socialization, I argue that a large group of white Savannahians, which included many elites and French immigrants, interacted with free and enslaved African Americans and similarly chose to selectively apply the rules concerning racial boundaries. However, they did so under the guidance of a set of power dynamics different from those of dram shops or work sites that placed poor whites and blacks in close physical proximity. Associations between white Savannahians and free and enslaved people of color that extended beyond those defined directly under the household or master/slave relationship continued to define how racial order at Savannah was constituted. County and Mayoral court minutes and case records in addition to legal

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in Eighteenth-Century Charleston," *Perspectives in American History*, new ser. 1, vol. 1 (1984): 187-232, quotation on pp. 231-2.

[19] Ulrich B. Phillips first defined white racial solidarity as one of the central bonds uniting all classes of Southerners behind the institution of slavery. Eugene Genovese's arguments concerning the shared view of planters and slaves towards poor whites also denies the sociability of blacks and whites in geographies apart from the plantation. Ulrich B. Philips, "The Central Theme of Southern History." *The American Historical Review*, Vol. 34, No. 1 (Oct., 1928): 30-43; Genovese, *Roll Jordan, Roll,* 89-97; Timothy Lockley, *Lines in the Sand: Race and Class in Lowcountry Georgia 1750-1860.* (Athens: University of Georgia, 2004), 29.

deeds, wills, and Savannah's annual registration books for the free black population reveal the contours of many of these relationships as whites and blacks entered into shared legal obligations through guardianships and legal trusts or similar bonds through social institutions, such as the Catholic Church.

The fact that ordinary people were as central to law's practical application as attorneys, jurists, and lawmakers during the early nineteenth century was not unappreciated by local and state lawmakers who sought to respond to the threat to slavery posed by free blacks, people of color from the West Indies, and unruly slaves. Under Savannah's city ordinances, the prosecution of black and white community members who behaved in undesirable fashion often depended upon information produced by residents and their willingness to testify before magistrates.[20] New rules, such as the selective quarantine processes instituted during the 1790s to prevent West Indian slaves and free blacks from landing in the Lowcountry similarly relied upon information from residents who would identify such individuals as dangerous outsiders. The later enactment of statutes requiring white guardians for free blacks also rested upon the community's knowledge of individual people of color in order to limit the access of free African Americans to an assortment of personal legal rights.

Yet, Georgia's attempts to restrict residency or freedom for people of color failed to resolve tensions that such new rules created for how customary practices ordered the social hierarchy at Savannah. For example, white French refugees escaped revolution

[20] In fact, such informants also were tasked to "prosecute to Conviction" offenders of certain rules. For instance, the 1774 law which regulated slave hire in Savannah allowed that any resident who brought violators before city authorities and successfully had them convicted would receive one-third of any property forfeited under the act. "An act to empower certain Commissioners herein appointed to regulate the hire of Porters and Labour of Slaves in the Town of Savannah." Georgia et al., *Statutes Enacted by the Royal Legislature of Georgia from Its First Session in 1754 to 1768 [and Statutes, Colonial and Revolutionary, 1768 to 1773, and 1774 to 1805*. (Atlanta: C.P. Byrd, 1911), 23-30. See Ch. 1 for further examples.

alongside people of color, many of whom shared ties of blood, business, and religion. White Savannahians rarely reported such individuals to the authorities for expulsion. Not only did white refugees continue their personal interactions with French people of color in Savannah. Such associations actually served to further signal their trustworthiness to the wider white community and such associations remained a principal determinant of belonging. Just as Hartog established with his pig keepers, laws intended to modify customs hold limited meaning if those responsible for regulating such customary practices were unwilling or unable to stop them.[21] The recognition that free people of color from the West Indies were prohibited from residing in Georgia or that manumitting a slave was illegal did not limit the participation of white or black individuals in acts that were suddenly criminal nor did it impede interactions that either party might engage in within the white community. Certain illegal practices conducted through the courts, such as the registration of a slave sale which really constituted a trust for the slave's freedom, rarely carried consequences for participants. Local sensibilities remained wedded to beliefs concerning black freedom and belonging developed from within the local community.

Whites' guardianship of free people of color plays a central role in understanding how state instruments of control worked within existing patterns of social relations, decentralizing controls over the free black population and ultimately allowing free people of color greater power within the terms of their subordination set by the state. My work revises the traditional narrative that emphasizes guardianship was an outgrowth of state level policies that discriminated against free people of color and that employed guardians

[21] Hartog, "Pigs and Positivism," 933-4.

as enforcers of racist state restrictions.[22] These interpretations that view guardianship as primarily defined under the law of slavery provide only a cursory glance at the legal basis of guardianship for free blacks and its application in the courts.[23] However, a rich body of legal cases from city and county courts explored in this project reveals that whites and free people of color used these relationships to their advantage, deploying guardianship in a variety of legal contexts aimed at protecting free people of color in the courts before and after the 1820s when the state began to use guardians in order to strip away black privileges.[24] By allocating a greater degree of control over blacks to a body of white

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[22] John Hope Franklin used guardianship as an example of why its absence in North Carolina law was a sign that the code was less harsh towards free people of color. John Hope Franklin, *The Free Negro in North Carolina,* (University of North Carolina press, 1943); Ulrich Bonnell Phillips, *Georgia and States Rights: a Study of the Political History of Georgia from the Revolution to the Civil War, with particular regard to Federal Relations.* (Georgia, 1902), 156; Eugene Genovese, *Roll Jordan, Roll,* 401, 746 FN 15; Carter G. Woodson, *Free Negro Heads of Families in the United States in 1830 together with a Brief Treatment of the Free Negro.* (Association for the Study of Negro Life and History, 1925), xxv; Loren Schweninger, ed., *The Southern Debate Over Slavery: Petitions to Southern County Courts, 1775-1867.* (Urbana: University of Illinois Press, 2007), 20; Whittington B. Johnson, *Black Savannah,* 47; Janice Sumler-Edmond, *The Secret Trust of Aspasia Cruvellier Mirault.* (University of Arkansas Press, 2008), 3-6; Janice Sumler-Edmond, "Free Black Life in Savannah," in Leslie M. Harris and Daina Ramey Berry, *Slavery and Freedom in Savannah* (Athens: University of Georgia Press, 2014), 133-4; Ira Berlin, *Slaves without Masters*, 215, 318.

[23] Whittington B. Johnson provides perhaps the most nuanced inquiry concerning how the institution impacted people of color in Savannah, but he still views free black guardianships as arising solely as a result of state requirements. Johnson argues that "[r]equiring free African Americans to have guardians was not intended to be beneficial to them," but that it did provide certain protections to them, such as reducing the probability that they would be exploited in their economic transactions. While he concludes that "the guardian system was not a stumbling block in the path of black advancement, nor did it weigh as heavily upon free blacks as the peculiar institution weighed upon slaves," this assessment still assumes that guardianships were exclusively guided by their defined purpose under the law of slavery. Marina Wikramanayake similarly draws the parallel between guardian and master, but argues that the master's underlying economic interest in protecting his or her slave property made slave owners more protective figures than guardians in certain situations. Rather, the guardian's role "was less that of a protector than that of a guarantor." Whittington B. Johnson, *Black Savannah,* 47, 148-9; Marina Wikramanayake, *A World in Shadow: The Free Black in Antebellum South Carolina.* (Columbia: University of South Carolina Press, 1973), 65. One exception is Johnson and Roark's description of guardianship in South Carolina, which illustrates the flexibility in demonstrating that free people of color voluntarily adopted guardianship in Sumter County. Michael P. Johnson and James L. Roark, *Black Masters: A Free Family of Color in the Old South.* (New York: Norton, 1986), 43-5.

[24] The passage of the 1826 law constitutes the first law, which penalizes free blacks directly for not utilizing guardians in an instance outside of the courtroom. See Chapters 6 and 7 for a qualification of what might be interpreted as a "penalty" of guardianship. "An Act to amend an act, entitled *An Act supplementary to, and more effectually to enforce an act, entitled Act prescribing the mode of Manumitting Slaves in this State; and also to prevent the inveigling and illegal carrying out of the State persons of*

guardians, the guardianship system instituted by the state still operated along the existing lines of the credit-based framework under which relationships between blacks and their white guardians were strongly influenced by relationships that were essentially paternalistic in nature.

Scope

The legal and social transformations taking place at Savannah during the late eighteenth and early nineteenth centuries were certainly not unique to the Lowcountry port city. But Savannah's geography, economy, and racial dynamics provided conditions through which distinctive, decentralized racial ordering practices can be detected. In part, these characteristics were tied to internal economic and social forces related to the slave economy and urban development extending back into the Colonial period. The position of the city within the plantation economy and the character of urban slaveholding both influenced a range of slaveholding practices—including the allowance of independent production, trade, and self-hire by slaves—which contributed to a diverse number of arrangements that ranged between slavery and freedom—legitimate or otherwise—for people of color. Furthermore, the character of the town as a seasonal haven for a dominant, elite white upper class, the relatively small population of free people of color, and the lack of a strong white lower class inevitably allowed for the acceptance of the independence of urban slaves and a resident free black population.

Compared to other port cities within the South, such as Charleston, New Orleans, or Baltimore, Savannah's white, free black, and enslaved populations remained small during the fifty years following the American Revolution. In 1830, Charleston and New

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color," Passed December 26, 1826. Oliver H. Prince, ed., Digest of the Laws of the State of Georgia (Milledgeville, 1837), 800-801.

Orleans each rivaled one another in size with populations around 30,000 each, while Savannah remained less than a quarter of their size. Like Charleston, Savannah's free black population constituted a small minority, peaking at 8 percent of the total population in 1820.[25] However, the city's smaller scale facilitated different dynamics for the interactions of blacks and whites as the closeness of the urban community facilitated more personal, prolonged connections between the two groups.

A handful of internal developments centered on specific events that occurred between 1793 and 1830 and fueled significant shifts in the racial hierarchy at Savannah.[26] Regional, national, and international events propelled concerns over the security of the state. In addition to continuing border conflicts with Native Americans, tensions with Spanish, British, and French contingents on the Florida border and at sea escalated during the era of privateering and Quasi-war during the mid-to-late 1790s, the War of 1812, and again in 1817. Such events obviously held great importance for the Georgia leadership and especially the citizens of Savannah—whose situation within a port city often left them as the most vulnerable to external events. Few Savannahians could forget that during the American Revolution, the British captured Savannah with some ease and held until Count d'Estaing and a combined force of American and French troops could liberate the city after the better part of a year.[27]

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[25] In 1830, Savannah's population was 7,776. In 1820, Savannah's population of 7,523 consisted of 582 free people of color, 3,866 whites, and 3,075 slaves. Charleston's free black population also peaked at 8 percent of the city's total in 1860. Richard Wade, *Slavery in the Cities,* Appendix pp. 326-7.

[26] However, it does reference events taking place between 1755 and 1860 that provide a context for the changes taking place during the central period of focus.

[27] For accounts of the occupation and liberation of Savannah during the Revolution, see: Alexander A. Lawrence, *Storm over Savannah: the Story of Count d'Estaing and the Siege of the Town in 1779.* (Athens: University of Georgia Press, 1951); William Harden, *A History of Savannah and South Georgia,* 202-230; Charles Colcock Jones et al., *History of Savannah, Ga: From Its Settlement to the Close of the Eighteenth Century*. (D. Mason & Company)*,* 238-9.

This study focuses on the impact of two significant foreign developments that posed a direct challenge to the institution of the racial hierarchy at the local level: the revolution in St. Domingue and the Quasi-war. British and French threats appearing on the Georgia coast during the Quasi-war provided Georgia leaders with tangible threats of slave rebellion that likely contributed towards a general heightening of concern about the black population. However, the revolution in St. Domingue brought consequences that came to redefine certain aspects of black life in Savannah. These changes included its impact on white attitudes concerning the security of slavery, the subsequent passage of new laws asserting new legal restrictions asserted over slaves and free people of color, and the direct influence of black and white St. Dominguans who immigrated to Savannah after 1793.

The associations between black and white St. Dominguans form a central component of this study. Black and white French refugees arrived in the Lowcountry in the midst of black revolutionary danger and French radicalism that left Georgia authorities uncertain as to the danger they posed. While most white French settlers proved not to be political radicals or fomenters of slave rebellion, their interactions with free and enslaved people of color put them at odds with the existing customs and laws supporting the racial order at Savannah as they continued to reproduce distinctly West Indian modes of social relations as the owners, employers, family members, and allies of people of color. The differences in the patterns of social interactions between whites and free blacks and slaves within the French community were magnified by the subsequent insularity of their interactions with one another. White sponsorships of free and enslaved people of color with the Catholic Church reflect existing ties between West Indian whites

and people of color centered on family, employment, shared Caribbean origins, and Catholic rituals served to deepen these connections at Savannah.

The underlying disconnect between the place of free blacks in French Caribbean society and their position under the Lowcountry slave regime also compelled white members of the French community to assume a variety of other sponsorship roles on behalf of people of color outside of the church, some which violated state and local laws. After the passage of Georgia's ban on private manumission in 1801, French Savannahians developed legal instruments, or "manumission trusts," that circumvented that law by allowing their slaves to act in a state of extra-legal freedom, or "quasi-freedom." In these arrangements, the nominal owners of a slave renounced any claim to his or her labor, but continued to assert a property claim over the slave as a "trustee" owner. The active engagement of people of color from the French West Indies within the courts and the roles assumed by their white counterparts provide a unique opportunity for examining the transmission and transformation of legal cultures in the Atlantic world as Anglo Savannahians came to establish similar instruments enacting "manumission trusts" in the Chatham County courts.

Methodology

This study emphasizes both larger structural changes to the division between public and private order in Georgia and the local legal culture found at Savannah. It follows the emergence of the state's role in defining an exclusionary social hierarchy at Savannah through restrictions over the residency and privileges for free blacks, slave importation, and guardianship statutes. State laws, local ordinances, and sources that indicate the motivations of state and local leaders—including city council minutes,

newspapers and mayor's and governor's papers—provide clear evidence of how and why laws changed over time. Additional sources of evidence—including letters, court cases, and newspapers–further connects the exercise of new powers by the executive and Savannah authorities to events in St. Domingue and the arrival of white and black refugees from the French West Indies.

An underlying theme of this study is the conflict between the assertion of new public powers by central authorities and existing community-based customary practices in place at Savannah during the Early Republic. New restrictions made for free and enslaved people of color also gave rise to new customary adaptations of law. Evidence, including Savannah City Council Minutes, newspapers, the papers of Georgia's governors and Savannah's mayors, and Chatham County Superior Court cases provide invaluable testimony about the reaction of jurists and other leaders to the resistance of Savannah residents to new controls over the rights of slaveholders and free blacks. Informal legal practices can be difficult to identify within the historical record. However, the case law of the Savannah Mayor's Court along with wills, deeds reflecting the purchase and sale of property and slaves, and cases reviewed within the Chatham County Inferior Court reveal several distinct patterns of legal activity connecting free and enslaved people of color to white individuals. The repurposing of legal instruments—such as property trusts for the purpose of manumission and guardianships for the purpose of providing protection to free people of color—demonstrate the common use of the courts for legal and extra-legal activities concerning people of color but also provide an initial foundation for determining what kinds of relationships black and white co-participants had outside of the courts.

While the motivations of white Savannahians in aiding individual free blacks is, for the most part, difficult to prove, identifying both white and black participants in these arrangements is central to understanding their nature. Perhaps the most challenging aim of this project was to identify the guardians of free people of color and the rationales behind their service as guardians. Through the Chatham County Free Persons of Color Registers, free people of color could be identified with individual guardians and conclusions could be drawn concerning the dynamics of the guardian relationship. Additional sources, including censuses, city directories, letters, daybooks, city council minutes, court deeds, and an assortment of other local records and secondary sources reveal the professions and elevated social position of a significant number of free black guardians.

Placing the identities of white guardians, godparents, or trustees in illegal manumission purchases within the wider community at Savannah speaks to how certain legal activities might have been acceptable within certain segments of white society, including among slaveholders. The nature of the personal relationships between these individuals and free, quasi-free, and enslaved people of color adds an additional dimension to how their legal and extra-legal activities might be interpreted. Deeds, wills, affidavits, and from the Chatham County Inferior Court, the Free Persons of Color Register, and the records of St. John the Baptist Catholic Church each provided essential information to identify connections between whites and people of color. These records illustrate an assortment of relationships that did not simply proceed from former connections made under slavery, but display a wide array of associations that operated under a paternalistic framework.

Finally, a few stylistic notes are appropriate. Throughout the dissertation, the terms "free person of color" and "free black" are used interchangeably. In part, this is because the nomenclature fluctuates within the historical record. But if a primary source used a certain terminology to identify race, I have attempted to adopt that usage consistently.[28] I have also elected to refer to Haiti in its original French name, St. Domingue, the term most of the French who settled at Savannah used, considering themselves St. Dominguans.

Organization

Chapter one provides an overview of the character of urban slavery in Savannah as the city developed into a moderately sized port and the limitations of corporate powers. Savannah's position as a Lowcountry port city allowed for a significant degree of autonomy among the enslaved population as runaways and hirelings ably worked, traded, and socialized away from their masters. An overview of the independent slave economy also illustrates how mutually beneficial economic associations between blacks and whites further compelled most Savannahians to accept the comparative liberty of slaves in the city. This chapter introduces policing strategies developed by municipal authorities concerning slaves and free people of color who worked and lived within city limits. It provides a comparative basis for alternate strategies for the control of the residency and privileges allotted to people of color after 1793. Most importantly, it establishes how community credit and knowledge formed the basis for several mechanisms used to police crime and racial order in addition to commercial interactions. An overview of policing records gleaned from City Council Minutes, runaway records, and correspondence further reveals deficiencies in policing in the face of indifference to such rules or outright

[28] With the exception of the use of the term "free negro" or "negro."

challenge by white Savannahians.

Chapter two commences with the appearance of hundreds of French refugees and outsiders in Savannah during the 1790s. Black and white French refugees play a key role in our understanding of how urban authorities attempted to police the community as officials adapted policies concerning quarantine to block the entry of potentially subversive blacks. The presence of non-white and non-permanent visitors gave rise to new exclusions concerning blacks and outsiders. These exclusions directly challenged the rights of free people of color to settle in Savannah as well as the property rights of incoming residents and established slaveholders. New strategies of enforcement that again relied upon information from community members in order to police violations were often ineffective in the face of white residents, particularly refugees, who were unwilling to cooperate because of their existing relationships with people of color. The proximity of foreign military threats off the Georgia coast during the late 1790s further emphasized the danger posed by the city's repeated failures in properly regulating the entry of West Indian people of color

Chapter three remains focused on the impact of the arrival of French slaveholders in and around Savannah and the challenges posed to municipal authorities by their presence in the city. In addition to threats emanating from the Quasi-War and the continual threat of slave rebellion, the interactions of white French residents with enslaved people of color challenged existing social norms as well as laws governing the racial hierarchy. Court records illustrate how French emigres established their own ways of buying, selling, and transacting with blacks that departed from the framework established by local authorities.

Chapter four extends this examination of cross-racial interactions to include free people of color. Sponsorship within the Catholic Church illustrates the presence of networks of familiarity amongst free black and white refugees. Shared origins and social practices from St. Domingue steered the refugee community towards exclusivity as the French remained culturally isolated from the larger population. The founding of Georgia's first Catholic Church provided a welcomed institutional point of association among the French, but the relatively open interactions between black and white members in ceremonies surrounding religious rites within the church served as yet a further indicator of the exceptionality of French attitudes towards the racial hierarchy at Savannah. The personal connections shared between black and white acquaintances, employers, and family members are traceable through godparent relationships in the church. The connections also mirror the relationships displayed in the legal instruments outlined in the following two chapters.

Chapter five examines the widespread creation of extra-legal trusts for property and freedom among Savannahians in response to the state's assertion of greater authority over private rights concerning manumission. The passage of laws between 1800 and 1818 that attempted to block people of color from accessing freedom and denied slave owners the ability to free their slaves reflected the increased concerns of authorities over the expanding free back population. However, French and Anglo Savannahians cleverly devised ways to provide various degrees of freedom to their slaves through the use of property trusts and third party sales. While manumission trusts were widely used by the white community at Savannah, a study of self-purchase or manumission instruments used at St. Domingue and their comparative usage in the Lowcountry reflects that such

arrangements had a distinct St. Dominguan lineage. Such illegal instruments violated the intent of the manumission bans and reflect a clear disconnect between the shared values of Lowcountry slaveholders and the expansion of public authority. Through a study of deeds and wills in local courts and later appellate cases heard by the Georgia Superior court, this chapter demonstrates that slaveholders and black Georgians continued to view local legal institutions as sites where their own understandings of the law could be legitimized, even if they contradicted the directives of statutory law.

Chapters six and **seven** provide a portrait of guardianship as an institution defined by both its customary usage by individuals and its later usage by the state as an ordering logic for free people of color. Together, these two chapters revise the traditional narrative that emphasizes guardianship as an outgrowth of state policies that discriminated against free people of color and views guardians exclusively as enforcers of racist state restrictions. **Chapter six** establishes that free people of color voluntarily adopted guardianships for their own purposes prior to the state's codification of free black guardianship under the laws of slavery after 1810. Utilizing deeds, wills, and registration books, it examines why free blacks might have established guardianships before the law required them to do so. This is juxtaposed with an overview of where guardianship fit into jurisprudence concerning free black rights in Georgia and a study of the changes within Georgia's statutory law that recontextualized guardianship as a legal instrument defined exclusively within the common law to one codified under the laws of slavery.

Chapter seven illustrates how formal law increasingly positioned guardians as the gatekeepers of free black rights but emphasizes that the system remained flexible. A profile of guardians gathered from an analysis of the Chatham County Free Persons of

Color Register, census data, and an assortment of other sources reveals that white Savannahians from a variety of socio-economic backgrounds became guardians to the city's free black population for different reasons pertaining to both their personal relationships with individual free blacks and their professions. Legal cases from city and county courts illustrate that guardianship laws did not provide absolute restrictions over the economic activities of free people of color. Whites and free blacks continued to use the guardian relationship outside of the boundaries designed by the state. This chapter reveals how the absence of consensus allowed for the definition of certain legal powers by subordinated individuals and their white guardians.

Chapter One

"*Yammacraw,* a Place so called by the Indians, but now *Savannah*"[1]

In January of 1733, James Oglethorpe travelled the Savannah River in search of a location to begin the settlement of Georgia lands on behalf of the Colony's Trustees. Along where the Savannah River formed "a Half-Moon," he found an advantageous piece of the river where the width and depth could accommodate ships drafting twelve feet of water. The banks to the south side of the water were "forty Foot high, and on the Tope a Flat which they call a Bluff." It was "in the Centre of this Plain" where Oglethorpe would place the town.[2] The Yamacraw Indians had named this piece of land Yammacraw. Oglethorpe rechristened it Savannah.

The settlement that James Oglethorpe started from this spot on the Savannah River bend over 280 years ago was ambitious by any standard of the day. The peopling of Georgia served both military and social objectives. The shape of the society imagined by the Trustees was to be egalitarian in nature, manned by freehold farmers selected from among England's poor and unfortunates.[3] The fact that the highest moral and philosophical values were to be encompassed in the precise design for the settlement's

[1] When several gentlemen from South Carolina visited the Savannah settlement in March, they noted arriving at "*Yammacraw,* a Place so called by the Indians, but now *Savannah,* in the Colony of *Georgia." The South Carolina Gazette.* March 21, 1733.

[2] James Oglethorpe to the Trustees, February 10, 1733; February 20, 1733. Quoted in William Harden, *A History of Savannah and South Georgia* (Atlanta: Cherokee Pub. Co, 1969), 13-15; Charles Colcock Jones et al., *History of Savannah, Ga: From Its Settlement to the Close of the Eighteenth Century* (D. Mason & Company, 1890), 19-20. For more on accounts of the founding site of Savannah: Rodney M. Baine and Louis De Vorsey, Jr., "The Provenance and Historical Accuracy of 'A View of Savannah as it Stood the 29th of March, 1734," *Georgia Historical Quarterly* 73 (Winter 1989): 784-813.

[3] James Edward Oglethorpe, *Some Account of the Design of the Trustees for Establishing Colonys in America*. Ed. Rodney M. Baine and Phinizy Spalding (Athens, Ga: University of Georgia Press, 1990), 21-25; Betty Wood*, Slavery in Colonial Georgia, 1730-1775* (Athens, 1984), 1-5; Philip Morgan, "Lowcountry Georgia and the Early Modern Atlantic," in ed. Philip Morgan, *African American Life in the Georgia Lowcountry: The Atlantic World and the Gullah Geechee* (Athens, Ga: University of Georgia Press, 2010), 15-16; On the connection between the founding of Savannah and the town's philanthropic character and relation to civic virtue, see: Sylvia Doughty Fries, *The Urban Idea in Colonial America* (Philadelphia: Temple University Press, 1977), 139-144.

capital was all the more surprising in light of the wild peoples, beasts, and lands that surrounded it. Yet, the need to tame these threats underlay the very project of settlement as the Georgians served to protect existing British settlements in South Carolina from Native Americans and Spanish invasion.

Perhaps its most exceptional aspect, the Trustees' original design for the Georgia settlement rejected outright the idea that the low-lying coastal areas of the South were only suitable for agricultural production that required the use of enslaved or bonded labors. In a short time, critics of the settlement would point to such beliefs as folly since the first slaves were permitted into Georgia less than twenty years following Oglethorpe's discovery of the Savannah bluff. With the accelerated economic activity brought to Georgia's Lowcountry through plantation production, Savannah became an increasingly important site for both the export and domestic economies through the end of British rule in North America. Within Savannah, the operation of commercial enterprises and households would come to depend greatly on the labor of enslaved and free people of color.

Distinct economic requirements and geography of the town of Savannah led to the adoption and acceptance of slaveholding practices uniquely suited to the urban environment. This chapter explores the emerging character of urban slavery and how white residents, slaveholders, and local authorities approached the challenges of managing slaves across public and private spaces in the city. The first section outlines the early founding of Savannah, illustrating how slavery became integral to the town's economy as it emerged as a central point for both the export trade and supply of domestic households. The town's physical geography had been intended to promote an egalitarian

society, but, in time, hundreds of enslaved laborers shared access in these city spaces with all classes of society. The second section illustrates the emergence of separate laws from the general guidelines for slaveholding in Georgia that addressed practical concerns unique to enslaved laborers at Savannah. It further develops how social and economic opportunities available in Savannah defined slave life in the city through the end of the 18th century. The final section evaluates how blacks and white masters, shopkeepers, and residents responded to limitations placed over slave activities in the city and why violations of those rules were often ignored by residents and city officers alike. By the 1790s, many behaviors for people of color fell under tight restrictions, but editorials, grand jury complaints, and the policing records kept by the city that tracked the prosecution of slave offenders illustrate that patrollers and city officers remained woefully deficient in detecting and prosecuting violations.

Visitors and white inhabitants viewed the conditions under which slaves were permitted to operate in cities as contradictory to the principles of control that were required to maintain the institution of slavery. However, scholars of urban slavery in the South have largely disagreed on whether or how to evaluate slavery in Southern cities as successful or sustainable. Richard Wade has concluded that the characteristics of urban slavery, such as the anonymity allowed by private spaces, separate living arrangements for slaves, and the allowance of self-hire by slaves, "first strained, then undermined, the regime of bondage in the South's metropolises." Several other studies have refuted the idea that slavery remained incompatible with urban life, viewing the flexibility of self-hire or independent living arrangements as indicators of the adaptability of slave labor

and key reasons for its continued competitiveness with free labor.[4] However, in stressing the strength of the economic competitiveness of slave labor, studies such as those presented by Claudia Goldin and Richard Starobin do not directly address whether the visible lack of mastery or the perceived failure of ordering practices concerning slaves indicate weaknesses inherent to urban slavery apart from exclusively economic metrics.[5]

This chapter argues that the weak assertion of policing powers over the black population at Savannah should not be viewed as evidence the loss of control over the slave population, particularly as many white residents, including the owners of slaves, appear to have not shared in that conclusion.[6] As early as the 1760s, grand juries and

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[4] Barbara Fields agrees with Wade that discipline among slaves was increasingly problematic in Southern cities, concluding that it is unlikely that an increase in policing could not have changed the "corrosive impact urban life had on the discipline and morale of slaves." By contrast, Richard Starobin's study of industrial slavery challenges the suggestion that the difficulties of controlling slaves in cities ultimately undermined its economic functionality. Unfortunately, Starobin's arguments primarily address the relationship between slavery and industrial expansion in the context of southern political economy, largely ignoring self-hire in particular and general questions concerning the impact of social practices among slaves on the stability of urban slavery. Claudia Goldin similarly argues that hire and other practices actually indicate the adaptability of urban slavery rather than its decline. Richard C. Wade, *Slavery in the Cities: the South, 1820-1860*. (New York: Oxford, 1970), 4; Barbara Jeanne Fields, *Slavery and Freedom on the Middle Ground: Maryland During the Nineteenth Century* (Yale University Press, 1985), Chapter 3, quotation on 50; Robert S. Starobin, *Industrial Slavery in the Old South* (New York: Oxford University Press, 1970); Claudia Dale Goldin, *Urban Slavery in the American South, 1820-1860: A Quantitative History* (Chicago: University of Chicago Press, 1976).

[5] As Barbara Fields has argued, much of the scholarship concerning the central question of whether slavery was compatible with the urban environment has merged several lines of inquiry that require separation. For instance, determining whether the system of slavery as a whole remained productive in the urban context informs upon a different aspect of the compatibility question than determining whether slaves could be individually disciplined and controlled. Similarly, understanding whether slaves were capable of performing urban tasks or whether slave laborers could be organized to perform those tasks in a way that could compete with free labor also illustrate further categories of analysis that require distinction. Barbara Fields, *Slavery and Freedom on the Middle Ground,* 49-53.

[6] Philip Morgan's study of slavery in Charleston before the Revolution provides an excellent refutation of Wade's conclusions concerning the destabilization of slavery in Southern cities. Morgan identifies several characteristics of urban slavery—including the freedoms accorded to slaves under the flexible relationship between master and slave, the investment of policing powers within a wide portion of the community, and the relative lack of danger actually posed by the illicit social activities of urban slaves —as key reasons why urban slaves were less likely to rebel and slavery remained functional in several Southern cities through emancipation. Philip D. Morgan, "Black Life in Eighteenth-Century Charleston," Perspectives in American History, new ser. 1, vol. 1 (1984), 220-232. Betty Wood's study of the Savannah economy also indicates that some slaveholders viewed the ability of slaves to operate more freely in the urban economy as serving to diffuse tensions. Betty Wood, "'White Society' and the 'Informal' Slave Economies of Lowcountry Georgia, C. 1763-1830." *Slavery & Abolition* 11, no. 3 (December 1990): 324-5.

colonial authorities viewed policing mechanisms as insufficient to curtail certain behaviors at Savannah. However, many white residents simply ignored existing rules governing privileges for slaves such as the ability to trade freely, access liquor, and occupy housing independent of a white person, sometimes actively conspiring with slaves in these activities. As the information produced by members of the community remained vital to the ability of city authorities to curb the criminal behaviors of slaves, the lack of prosecutions further indicates that even white Savannahians who did not receive direct economic benefits from such activities did not find them to be sufficiently dangerous to stop.

Section I: Planning the City

Like other English Colonial towns established in North America, Savannah played a tactical role in easing the difficulties of settlement. In addition to providing military protection, towns facilitated production by encouraging capital investment and agricultural expansion while also providing a specific focal point for the application of commercial legislation from the English government. "The imperatives of mercantilism and colonial government encouraged urban development," Raymond Mohl has argued, "even in the southern colonies where geography and emerging agricultural and land distribution patterns militated against town life."[7]

The moral and philanthropic ambitions underlying the plans of the Georgia trustees imbued distinct qualities to the town's physical plan and the character of land ownership that balanced agrarian and mercantile interests. The land grant policy enacted

[7] David R. Goldfield, "Pearls on the Coast and Lights in the Forest: The Colonial South," in Raymond A. Mohl, ed., *The Making of Urban America*, (Wilmington, Del: Scholarly Resources, 1988), 12-13; Mohl, *The Making of Urban America*, 4-6.

by the trustees awarded colonists three separate lots that provided them with space in town as well as cultivatable land but restricted the total amount of land that could be individually held. Each male colonist above sixteen received a town lot measuring 60 by 90 feet, a garden lot of five acres, and a farm of 44.88 acres. This arrangement attempted to bridge agrarian and urban separations and prevent the economic imbalances and political corruption found in English cities. The territory around the city provided sufficient garden plots and farmland to ensure the community was fed.[8] Limitations over the size of land grants also prevented the growth of an elite class of landholders. Although Philadelphia settlers similarly received three separate types of land, William Penn permitted landholding on a much larger scale, allowing colonists to purchase farm lots of up to 5,000 acres. By contrast, settlers at Savannah could purchase a maximum of 500 acres. Whereas Penn had encouraged the creation of a gentry class, Georgia's society of small freehold farmers would not operate under the same class divisions.

The plan from which Oglethorpe constructed Savannah in 1733 was remarkable in its integration of public space throughout all residential areas of the settlement. Although the plans of other colonial North American towns including Annapolis, Williamsburg, and Philadelphia prominently featured public open spaces, such areas remained concentrated rather than interlaced throughout residential space. Disparities within the social hierarchy became reflected in the geography of these places as wealthier citizens and institutions were able to monopolize areas around public spaces and purchase

[8] For more on the connection between Savannah's plan and the social philosophy of the Georgia Trustees, see: Mark Reinberger, "Oglethorpe's Plan of Savannah: Urban Design, Speculative Freemasonry, and Enlightenment Charity." *The Georgia Historical Quarterly,* Vol. 81, No. 4 (Winter 1997), especially 853-862; Slyvia Fries, *The Urban Idea In Colonial America.* (Philadelphia : Temple University Press, 1977), 138-144. Phinizy Spalding, *Oglethorpe in America.* (Chicago, 1977), 60-1; Goldfield, "Pearls on the Coast and Lights in the Forest," in *The Making of Urban America*, 19.

lots of varied sizes.[9]

By contrast, the symmetry and accessibility of public space within Savannah's original design was unique among the towns of North America.[10] Four wards were initially constructed with a single public square providing the center point for each. Wards contained four "tythings," and each tything contained ten houses. These wards were named for the colony's trustees and patrons. When Baron Philip George Frederick Von Reck arrived with a group of Salzburger settlers at Savannah in 1734, he reflected that the "spacious Square" of each ward would be suitable "for holding of Markets and other public Uses."[11] Perhaps equally important, the regular pattern of streets allowed all residents complete access to each square. Streets seventy-five feet in width perpendicularly intersected the center of each public square, but at each corner of the public square narrow streets of 37 ½ feet also extended east and west. Finally lanes of 22 ½ feet formed alleyways separating each tything.[12] Pedestrian foot traffic from every thoroughfare, peripheral route, and alleyway emptied into the public squares as each street intricately formed its own intersection.[13] Thus it is possible to imagine that all residents could enjoy the city's public spaces regardless of their route or social class.

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[9] Garden lots in Philadelphia were also larger, falling between 20 and 50 acres in size. Mark Reinberger, "Oglethorpe's Plan of Savannah," 844-50.

[10] There is much speculation as to the origins and influences of Savannah's plan. Scholars have paid particular attention to similarities in English garden planning, the construction of public squares in London at the end of the seventeenth century, and the English settlements of Northern Ireland. Stanford Anderson, "Savannah and the Issue of Precedent: City Plan as Resource," in *Settlements in the Americas: Cross-Cultural Perspectives,* ed. Ralph Bennett (Newark London: University of Delaware Press Associated University Presses, 1993), 132-5; John William Reps, *The Making of Urban America: A History of City Planning in the United States*. (Princeton, N.J: Princeton University Press, 1965), 197-8.

[11] All four wards were named after trustees and patrons of the colony. The town's first square, Johnson Square was named for Robert Johnson, the governor of South Carolina who assisted the early Georgian colonists in their settlement. Charles Colcock Jones et al., *History of Savannah, Ga.,* 47-9, quoted on 63.

[12] Reps, *The Making of Urban America*, 187.

[13] On the connection between city plan and egalitarianism, see: Anderson, "Savannah and the Issue of Precedent," 124-7; Reps, *The Making of Urban America*," 185-203

Twenty-four wards have grown out of Savannah's original four, but each neighborhood has served as a perfect model of the first placed. For well over a century, the grid layout of Savannah allowed the city to continuously incorporate territory in perfect symmetry, annexing wards on the basis of need. Malaria, hurricanes, two devastating fires, direct military engagement during three significant military conflicts, and countless other skirmishes could not divert the city's evolution away from Oglethorpe's original plan. Only during the 1850s did development at the fringes of the city begin to break the pattern of following the confines set by demarcated public spaces.[14]

By the end of British colonial rule, the utopian experiment in Georgia had given way to a full-fledged plantation society dependent on enslaved African labor. The plantation economy increasingly defined patterns of growth and social organization at Savannah as it became a capital of trade and similarly reliant upon slave labor. Yet, the city still continued to grow along the lines of the original plan intended to nurture a utopia among the swamps and pinelands. Neighborhoods, now shared by free whites, people of color, and slaves alike, each featured the same integrations of public and private space, equally accessible through the uniform web of streets and alleyways.

Slavery had been considered a great contradiction to both the practical purpose and higher social goals of the English settlement at Georgia, but within eighteen years of the founding of the colony—and arguably sooner—the prohibition against the use of enslaved laborers was lifted after the more practical reasons behind their exclusion from

[14] Reps, *The Making of Urban America*," 199-201; Reinberger, "Oglethorpe's Plan of Savannah," 846-7.

the colony evaporated.[15] Slaves had been considered a threat to the colony's military purpose as they might revolt during wartime. Furthermore, the proximity of the Spanish threatened to undermine slaveholding by inducing slaves to run away. Slavery also threatened the underlying economic and social design of the colony, which aimed to support a population of yeomen farmers through the production of commodities suitable to free labor.[16] James Oglethorpe imagined that "[t]he lands near the Sea will produce Flax, Hemp, Mulberry Trees for the Silk Worms; Cotton, Indico. Olives, Dates, Raisins, Pitch, Tarr and Rice the two last of which are needless, there being enough of them produced in the present Settlement."[17]

Drastic changes to the conditions that supported the founding of a free Southern colony ultimately tied the destiny of Georgia's economic success to slavery. Carolina planters and others who saw the swamplands along the Georgia coast as ideal for rice planting increasingly exerted influence over settlers who became frustrated at the unsuitability of the land surrounding Savannah for subsistence farming or silk production. Such failures became more painful in light of the colony's proximity to the successful rice plantations just across the river in South Carolina.[18] Recognizing that slave labor was required to make rice culture viable, many of Savannah's settlers argued for the legalization of slavery. Once the threat of Spanish invasion disappeared in 1742, removing any practical reason for denying the entry of enslaved Africans into the colony, the colony's slow economic growth and the increasing political divisiveness over the use

[15] By the mid-1740s, officials in Georgia admitted that slaves were illegally being carried into the state. Betty Wood, *Slavery in Colonial Georgia,* 76.
[16] Morgan, "Lowcountry Georgia and the Early Modern Atlantic," 16; Fries, *The Urban Idea in Colonial America*, 139-144.
[17] James Edward Oglethorpe, *Some Account of the Design of the Trustees for Establishing Colonys in America*, 21.
[18] On the political struggle over slavery's permissibility in Georgia see: Wood*, Slavery in Colonial Georgia,* Ch. 1-3; Phinizy Spalding, *Oglethorpe in America*. 60-75.

of slave labor finally culminated in the repeal of the ban on slavery in 1751.[19] The transference in colonial rule from the trustees to the crown further paved the way for the plantation regime as governing power shifted away from those supporting the colony's social mission.

Just as slavery changed the character of economic production within the Georgia Lowcountry, it also prompted changes at Savannah as the plantation economy fueled a larger business in staple exports and a growing domestic economy. To a degree, mercantile advancement predated the boom in rice production. By the late 1740s, a steady mercantile business developed in Savannah leading merchants James Habersham and Francis Harris to initiate direct trade between Savannah and London and the West Indies. During the 1760s, Savannah cultivated the trade in deerskins with Native Americans, replacing Charles Town as the premier exporter in British North America. Savannah also surpassed its northerly neighbor in the export of lumber, staves and shingles.[20] The inflow of capital aided the development of rice culture and drove the importation of slaves.[21]

Charles Town had monopolized the import and export trade of Georgia, even through the 1760s, but Savannah eventually proved capable of sustaining commercial exchange. By 1769, Charles Town was responsible for 83% of the total colonial exports of rice originating from the districts near Charles Town and nearly entirely responsible

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[19] Wood, *Slavery in Colonial Georgia,* 77-9, 92; 4-9.
[20] Savannah exported 1,879,454 feet of lumber, 661,416 staves, and 3,722,050 shingles compared to Charles Town's 610,952 feet of lumber, 236,327 staves, and 1,354,500 shingles. Walter Fraser, Jr, *Savannah in the Old South* (Athens: University of Georgia Press, 2005), 33-4, 63.
[21] Of the 324 petitions for land received by colonial officials between 1750 and 1753, over one-third (119) came from South Carolinians. On the spread of rice culture into Georgia from South Carolina, see: David Rogers Chesnutt, "South Carolina's Expansion into Colonial Georgia, 1720-1765," (Ph.D. diss., University of Georgia, 1973); Thomas Ralph Statom, Jr., "Negro Slavery in Eighteenth-Century Georgia," (Ph.D. diss., University of Alabama, 1982), 16-25.

for the export of indigo. For Georgia, Charleston's dominance over the fourth and fifth most profitable exports in British North America had tremendous significance.[22] However, between 1760 and 1774, Savannah increasingly developed its own economic hinterland separate from Charles Town. Furthermore, the swift rise in Savannah's population following the intensification of settlement in Georgia demonstrated that other locations might be equally suitable as points of export. Although just over one-quarter the size of Charles Town, the town's population had also undergone rapid growth before the Revolution, tripling to 3,500. By the end of this period, the number of ships on the city's wharves had more than tripled, and the port cleared over 200 ships annually.[23]

Following the development of the plantation economy and the legalization of slavery in Georgia, Savannah's commercial development followed the same pattern as Charles Town's as rice production drove its status as a port city. However, much like Charles Town, it remained more of a "shipping point," as John McCusker and Russell Menard have asserted, rather than a "commercial center" as the merchants of northerly port cities like Philadelphia and Boston and British continued to dominate the staple and slave trades.[24] Still, the seasonal nature of the city arising from the climate and the position of the port in the realm of Atlantic trade provided two sources of economic

[22] Charleston already possessed the economic structures necessary to perpetuate its dominance over Lowcountry trade. Resident planters continued to direct their trade towards Charleston, and a concentration of established merchants provided available capital for the operation of plantations. Jacob M Price, ""Economic Function and the Growth of American Port Towns in the Eighteenth Century" in *Perspectives in American History,* 8 (1974): 123-186, 157-161.

[23] For the period between 1761 and 1773, Governor James Wright claimed that the total value of Georgia exports increased from 15,870 pounds to 121,677 pounds. However, much of this traffic was still likely carried through Charleston. Wood, *Slavery in Colonial Georgia,* 89; Barratt Wilkins, "A View of Savannah on the Eve of the Revolution." *The Georgia Historical Quarterly*, Vol. 54, No. 4 (Winter, 1970), 578.

[24] John J. McCusker and Russell R. Menard, *The Economy of British America, 1607-1789.* (Williamsburg, Va: Institute of Early American History and Culture, 1985), 184-6; Price, "Economic Function and the Growth of American Port Towns in the Eighteenth Century," 161.

growth not enjoyed by more northerly destinations.

In addition to the marketing, processing, and storage of agricultural commodities, a burgeoning import market also provided additional development capital as Savannah became an integral site for providing comforts and services to planters and their families.[25] Like Charleston and other towns in the British West Indies, Savannah took on increased importance as a site where one might escape from isolation, sickness, or other miseries that might befall the residents of Lowcountry plantations. The development of a significant service economy, internal trade, and a concentration in artisans motivated many planters to spend part of their time in Savannah where life appeared more civilized. Savannah also became a significant point for the importation of commodities that were not only integral to the operation of the plantation but also fulfilled the personal needs of the resident class of planters who sought to reproduce European culture and comforts to the highest possible degree.

From Savannah's earliest days, slave labor had been inseparable from the town as settlers attempted to mold the bluff into the image of an English civilization. In 1733, an exception to the slavery ban permitted slaves to clear land and build the town's first structures.[26] However, during the political controversy in the 1740s over the introduction of slaves in Georgia, opposition to their use in town remained strong. William Stephens, the secretary of the trustees, noted that most support for the importation of slaves remained exclusively wedded to their use in agricultural pursuits. Stephens argued that

[25] Goldfield, "Pearls on the Coast and Lights in the Forest," in *The Making of Urban America*, 16-18.
[26] Spalding, *Oglethorpe in America*, 61-2. Wood notes that slaves had also been permitted in Ebeneezer. Betty Wood, *Slavery in Colonial Georgia,* 4, 59-73.

any limited use of slaves "in Towns" might induce white settlers not to settle at Savannah in the face of such labor competition.[27]

Yet, as the town's economy grew and shifted in direction, so did its underlying labor requirements. During the 1760s, Governor James Wright and the colonial Assembly encouraged a plan that would allow Savannah and the surrounding area to retain a white majority by setting aside large amounts of land for white settlers, but blacks swiftly outnumbered whites as planters imported increasing numbers of slaves. Between 1751 and 1773, Georgia's black population soared to 18,000, going from 19 percent to 45 percent of the total population. In Savannah, a similar trend in growth occurred. Although only 5 or 6 percent of the state's slave population inhabited Savannah by 1771, these 821 slaves accounted for 41 percent of the city's inhabitants.[28]

With the swift increase of the enslaved population, Georgia authorities moved to impose laws that would aid in the maintenance of an orderly slave population while allowing slave owners the control necessary to effectively utilize their labor. In 1755, Georgia adopted the slave codes established in South Carolina's in 1740 under the designated title "an act for the better ordering and governing of negroes." Simultaneously, the Governor and Assembly recognized that the labor requirements of the urban environment created a set of corresponding conditions under which slaves were permitted to labor, socialize, and move more freely than in the countryside. By examining laws that separately addressed the ordering of slaves at Savannah, it is possible to determine how authorities identified and confronted issues within the urban environment that they considered different from those encountered on the plantation.

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[27] Betty Wood, *Slavery in Colonial Georgia,* 75.
[28] Statom, "Negro Slavery in Eighteenth-Century Georgia," 31, 58-9; Wood, *Slavery in Colonial Georgia*, 89

After the passage of the 1755 slave code, minor adjustments to the codes were passed in 1765, and 1770, but the 1770 code would remain the legislative foundation for slavery in Georgia through the institution's end.[29] As Ralph Statom has demonstrated, each of the three major codes passed during the colonial period contained four sections that provided guidelines for the behavior of slaves and masters. The first section defined penalties for capital crimes and other lesser offenses requiring the use of corporal discipline. A second section restricted dangerous liberties for slaves. These included departing the plantation without the permission of the master, living independently outside the home of a master or employer, raising or trading in commodities, owning firearms, assembling in large groups, or working apart from the masters' family without a ticket. A third section outlined responsibilities for slave owners that concerned regulation of slaves and their conduct on plantations. These rules demanded that owners recognize the state's authority to try slaves for criminal acts but also established that slaveholders were obligated to control the mobility of their bondpeople through tickets and to stop dangerous activities on the plantation, such as reading and writing. This aspect of the act also outlined fines for whites who might co-conspire with slaves in illicit activities, including trading or drinking. The 1755 act included provisions that outlined minimum requirements for conditions under which slaves were to labor, forbidding physical dismemberment and setting maximum work hours at an astounding sixteen. However, many of these conditions—arguably unenforceable—disappeared under the more permanent 1770 code, though the prohibition of dismemberments remained. The

[29] For a comparison of the codes passed in 1755, 1765, and 1770, see: Statom, "Negro Slavery in Eighteenth-Century Georgia," 69-75; Wood, *Slavery in Colonial Georgia,* 123-9.

code's final section outlined the process for the capture and return of runaway slaves.[30]

Georgia's slave code was designed to provide minimal interference with the practice of mastery while creating a basic framework for maintaining order and safety among the slave population. The 1755 law marked the first attempt to institute a strict system by which the mobility of slaves outside of the owner's property required a formal grant of permission by the master. The legislature simultaneously recognized that blanket limitation over the mobility of slaves, for example not allowing a slave to work on a short term hire contract because he or she would be outside of the authority of his or her owner, denied slave owners the ability to functionally utilize their laborers. Under the 1755 code, owners also retained the ability to provide exemptions to slaves for particular activities. Movement off the plantation or privileges like gun usage remained permissible but only with the written approval of the owner.[31]

By 1757, the assembly recognized that measures in addition to the act "ordering and governing" slaves and the militia act, which provided general security for the colony, were necessary to both enforce the 1755 act and to secure the "prevention of any Cabals Insurrections or other Irregularities amongst [slaves.]" In July 1757, the assembly passed two separate acts establishing two separate, permanent bodies that would serve to police the state's black population: a patrol designated for all Georgia districts and a separate body that would exclusively patrol Savannah. The rural patrol was organized under the command of militia captains with seven white males from local plantations manning the patrol in rotation. Patrolling in the low country was exclusively relegated to non-elite

[30] Statom, "Negro Slavery in Eighteenth-Century Georgia," 71-5; For the 1755 code, see Allan D. Candler and Lucian L. Knight, eds., *The Colonial Records of the State of Georgia*, 26 vols., (Atlanta, 1904-16), 18, 102-44. (Hereafter *Col. Recs.*) For the 1770 code, see: Georgia, *The First Laws of the State of Georgia* (Wilmington, Del: Michael Glazier, 1981), 163-179.
[31] Betty Wood, *Slavery in Colonial Georgia,* 115.

whites virtually since its inception. Most planters and slaveholders simply paid fines or sent substitutes in order to escape the duty as they were more interested in protecting their own property by supervising it directly.[32]

Armed with "one good Gun or Pistol in Order, a Cutlass and a Cartridge Box[,]" patrol members would "examine the several Plantations" and the surrounding countryside in their district once per month. The patrol was tasked with taking up and interrogating any slave found outside of the fenced or cleared areas of his or her owner's plantation without a ticket "or other Token" to show the reason for their absence. Slaves who could not provide an appropriate explanation for their whereabouts could be whipped up to twenty lashes. Patrollers were further allowed to "examine all Negro-Houses" or the property of whites "for offensive Weapons and Ammunition[.]" Patrols were also permitted to enter tippling houses or private residences owned by either whites or free people of color in order to search for stolen goods or runaways if they suspected such individuals were "harbouring, trafficking or dealing with Negroes[.]"[33]

The separate organization and institution of regulations for the patrols in rural districts and Savannah illustrates how authorities viewed the issues surrounding slaves within the town as separate from those arising in the country. From its inception, the hierarchical organization and operational capacities of the city's patrol, known as the City Watch, exceeded that outlined for the general patrol. City patrols covered a more concentrated geographical area than the twelve mile circuits of the rural patrols, but guards still toured the city nightly between eight or nine o'clock in the evening until

[32] Grand juries in Chatham County complained as early as 1770 that county patrols were ineffectual and poorly manned. "An Act for Establishing and Regulating of Patrols," passed July 28, 1757. CRSG, 18: 225-235; Timothy Lockley, *Lines in the Sand: Race and Class in Lowcountry Georgia 1750-1860.* (Athens: University of Georgia, 2004), 40-1.
[33] CRSG, 18:225-233.

sunrise. All male inhabitants aged 16-60 who had resided in town for two months were required to serve on the Watch. Patrols of between five and ten white male residents, who were to be armed with "a good gun," cartridges, and "with a Hanger and Bayonett," would fall under the command of appointed officers, in this case, several Superintendents nominated by the assembly expressly for the purpose of commanding the City Watch. In 1759, the law shifted the responsibility of the superintendents to resident justices, churchwardens, and members of the vestry.[34] Superintendents, in turn, assigned individuals to specific nights Watch duty, but also empowered "one proper & discreet Man" from that group to command the watch for the night. Unlike the rural patrol, the City Watch was to operate out of a guardhouse on the Savannah bluff that would include "appartments Suitable for to contain prisoners" and others.[35]

Watch members were to perform general policing duties at night, watching for robbers, arsonists, or rowdy individuals of any race daring to fire "any great gun or small arm" after sunset, but most responsibilities concerned the misconduct of slaves. Under the 1757 law, watchmen were to collect any stray blacks "lurking and caballing about the Streets" after ten o'clock without a ticket. When the assembly updated the Watch law two years later, it provided a more elaborate list of duties and powers, allowing watchmen to enter private establishments if the property owner was suspected of harboring runaways or dealing with slaves. Like their rural counterparts, watchmen were also empowered to "apprehend & correct every disorderly Slave found by whipping[.]" Most notably, the law differentiated between how watchmen were to discipline town

[34] "An Act for establishing a Watch in the Town of Savannah," passed July 19, 1757, CRSG, 18:212-214; "An Act for establishing a Watch in the Town of Savannah," passed March 27, 1759, CRSG, 18:290.
[35] Ibid, 292; "An Act for establishing a Watch in the Town of Savannah," Passed July 19, 1757, CRSG, 18:216-217.

slaves and slaves who were visiting from plantations. Town slaves who were apprehended when "not employed by the owner," were to be "whipped on the bare back by one of the Watchmen with a Cow Skin Switch or horse Whip" up to twenty times and let loose. Country slaves, on the other hand, were to be "immediately whipped" unless thought to be runaways, in which case they were to be examined by a justice of the peace.[36]

Like the patrols, the creation of the workhouse in 1763 solved three major issues concerning the management of unruly slaves found off the plantation or in town. When slaves committed criminal acts outside of the plantation, the workhouse provided a convenient location for public authorities to reprimand such individuals. Constables or patrolmen from any parish in Georgia could commit slaves to the workhouse for corporal punishment. The workhouse also provided a solution to the issue of how to keep the city free of unidentifiable or unclaimed slaves who might be runaways. Such slaves would be held under the watchful eye of the workhouse master for "safe keeping" until claimed by their owners. Finally, the workhouse provided slave owners with a site where they could isolate "stubborn[,] obstinate or incorrigible Negroes or slaves" from other slaves or prying neighbors.

Unlike the plantation, the urban environment presented a challenge for the privacy of matters conducted outside of the master's physical property, forcing discipline, out into the open. The workhouse provided privacy with minimal inconvenience. Masters compensated the workhouse by the day and punishment and could expect that their slaves would continue to work for their benefit while imprisoned. Betty Woods' dissection of the city's first gaol book kept for the period between 1809 and 1815 indicates that by the

[36] "An Act for establishing a Watch in the Town of Savannah," passed March 27, 1759. CRSG, 18:292-4.

early nineteenth century, the jail "was catering almost exclusively for a local, urban, clientele."[37] The workhouse imposed a general code of conduct for all disciplinary actions meted out to slaves, representing a neutral site for the discipline of slaves.[38] The workhouse symbolically inserted a certain measure of public authority into the relationship between master and slave as it managed discipline at the request of both public and private entities.

Section II: Early Codes and the Diverse Pursuits of Urban Slaves

Under the 1765 and 1770 slave codes, the Colonial Assembly recognized that slaves engaged in a variety of social and economic activities occurring off of the plantation and outside of the view of the master that required careful monitoring by owners, constables or patrollers, and neighbors. The Colonial Assembly and Governor also recognized that the autonomy enjoyed by many slaves in Savannah required the creation of additional guidelines to address evils committed mostly within the town. While the physical geography of Savannah was fundamentally different than that of the surrounding countryside, a variety of liberties available to slaves who lived and worked in the growing town of Savannah also led to the rise of a class of slaves—often classified as "quasi-free" slaves—who seemingly operated without consideration towards any owner or the constraint to their liberty outlined under the slave codes.[39] As slave labor

[37] Betty Wood, "Prisons, Workhouses, and the Control of Slave Labour in Low Country Georgia, 1763-1815." *Slavery & Abolition* 8, no. 3 (August 1987): 265; Richard Wade, *Slavery in the Cities,* 95-6.
[38] The appointed master of the workhouse was empowered to punish slaves "by putting Fetters or Shackles upon them and by Moderate whipping not exceeding twenty Stripes in one Day." "An Act for Regulating a Work House, for the Custody and Punishment of Negroes," passed April 7, 1763, CRSG: 18, 558-566.
[39] The term "quasi-free" appears commonly in newspapers and other accounts of urban slaves across cities in the South, and has been used by scholars of urban slavery to accurately describe the status of self-hire slaves. Richard Wade, *Slavery in the Cities,* 38-54; Loren Schweninger, *Black Property Owners in the*

was inseparable from the economic growth of the town, lawmakers were forced to grapple with the question of how to regulate slaves under the unique economic conditions presented by the city's short-term labor market for skilled and unskilled positions and the growing marketing economy. By the 1770s, laws regulated the pursuit of specific employments by slaves, their wages, and their participation in the purchase or sale of goods in town.[40] At the same time, restrictions curbed non-economic freedoms taken by people of color who were permitted to operate at a distance from their master in the city.

Through the end of British rule, Savannah remained under the direct supervision of the colonial Assembly, but that body provided significant powers to agencies run at the local level in order to address the complexity of urban governance. In 1741, the Trustees established a council comprised of a president and four representatives to manage necessary matters for Savannah such as the recording of vital statistics and the appointment of constables and tax collectors. Following the colony's shift from proprietary to royal rule, the Governor and legislature continued to directly pass legislation about the town but also created additional public offices to bring such measures into effect.[41] Finally, in February 1787, the general assembly created an autonomous political body for the town and its hamlets comprised of elected wardens

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South, 1790-1915. (University of Illinois Press, 1997), 44-7. Although Ira Berlin argues for the presence of a large number of "quasi-free" slaves in the South, he uses the term differently, instead describing an arrangement whereby the master acknowledged the informal or illegal manumissions of a slave. Ira Berlin, *Slaves without Masters: The Free Negro in the Antebellum South* (1974; reprint, New York: Oxford University Press, 1981), 143-9.

[40] For example, see: "An Act for the ordering and governing slaves within this province, and for establishing a jurisdiction for the trial of offences committed by such slaves, and other persons therein mentioned; and to prevent the inveigling and carrying away slaves from their masters, owners, or employers," passed May 10, 1770. *The First Laws of the State of Georgia*, 174-5; "An Act to empower certain Commissioners heron appointed to regulate the Hire of Porters and Labour of Slaves in the Town of Savannah, and for other Purposes therein mentioned." July 31, 1783. (Savannah: James Johnston, 1783). From: Early American Imprints, Series I: Evans digital edition, 1639-1800. (New York: Readex, 2000-)

[41] Betty Wood, *Slavery in Colonial Georgia,* 76-8.

empowered to create laws and regulations that would be "conducive to the good order and government" of the town. When the legislature incorporated the city two years later, the act reformulated the council of wardens into a city council of aldermen who elected the town's Mayor from their number.[42] Since the colonial Assembly had retained authority over the creation of local law until the 1780s, it created many of initial policing regulations governing slaves at Savannah. Municipal authorities would eventually contribute to their fine-tuning.

By 1755, rules governing the trading of goods by slaves and the ticketing system already served to regulate the participation of slaves in the wider economy outside of the plantation, but the passage of supplemental laws specific to the urban economy indicates that authorities believed additional controls were required to maintain control over slaves and the health of local commerce at Savannah. Among the characteristics of the urban environment that whites viewed as key to the corruption of slaves, the trading of goods by city and plantation slaves in the streets, market, and shops of Savannah represented a persistent issue. The town's concentration of outlets for trade attracted slaves to Savannah, but their widespread participation in the marketing economy originated, at least in part, from customary practices allowed by Georgia's planters. Within the Lowcountry, the task system served as the dominant method for organizing labor in the production of rice and indigo. Slaves were assigned specific tasks on the plantation and, upon completion, they were permitted to use their own time, leaving them able to produce crops or wares. Some planters even encouraged independent production among

[42] "An act for regulating the town of Savannah and hamlets thereof," passed February 19, 1789. City Ordinances. Vol U.13.01: 1787-1817. Office of the Clerk of Council, City of Savannah Research Library & Municipal Archives, Savannah Georgia. (Hereafter cited OCC, CSRLMA); Jones et al., *History of Savannah, Ga*., 310-2.

slaves in order to maintain proper food supplies.[43] The predominance of rice culture in the Lowcountry pushed the production of food to the periphery where cheaper, more abundant lands could be farmed. Slaves who were granted access to land owned by planters not under rice production produced much of the foodstuff necessary to meet the needs of the plantation workforce.

The informal production of foodstuffs and crafts by bondpeople led to the participation of many slaves in the local market economy of Savannah, often in contradiction of existing regulations concerning their economic activities. Shops in Savannah provided slaves who labored in the surrounding plantation districts with opportunities to sell goods and produce.[44] Although not all rural slaves participated in marketing at Savannah, the cumulative production of plantation slaves played an important part in supporting the town's economy as the region's black population produced much of the food and merchandise sold in town and even constituted a small portion of the population's buying power.[45]

City authorities relied upon masters to regulate the freedoms taken by their own bond people in transacting in town. Under the 1755 law, slaves were permitted to buy and sell goods and produce, provided that the slave had a ticket signaling the permission of his or her owner. Dealing with slaves without tickets carried a steep ten-

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[43] Philip Morgan, "Work and Culture: The Task System and the Work of Lowcountry Blacks, 1700-1800," *William and Mary Quarterly* 3d. ser., 4 (1982): 563-99; Morgan, *Slave Counterpoint: Black Culture in the Eighteenth-Century.* (Chapel Hill: University of North Carolina Press, 1998), 179-187, 358-366. On the independent economy and task system and their impact on urban trade in the Georgia Lowcountry, see: Wood, "'White Society' and the 'Informal' Slave Economies of Lowcountry Georgia, 314-6.; Wood, *Women's Work, Men's Work: The Informal Slave Economies of Lowcountry Georgia.* (Athens: University of Georgia Press, 1995), 12-26; Lockley, *Lines in the Sand,* 58-62.

[44] For an overview the independent activities of Lowcountry slaves, including gardening, livestock rearing, hunting and fishing, and small craft manufacturing, see: Betty Wood, *Women's Work, Men's Work,* 31- 48

[45] Timothy Lockley, "Trading Encounters between Non-Elite Whites and African Americans in Savannah, 1790-1860." The Journal of Southern History, Vol. 66, No. 1 (Feb., 2000), 35-48.

pound penalty, serving to deter any transactions not approved by the master. The law of 1770 further specified that "any slave, who lives or is actually employed in or near any town" would generally be permitted "to purchase any thing for the use of their owner, manager, or employer in open market[.]" Lawmakers recognized that slaves were integral to the trade and marketing of owners in town and on nearby plantations, but allowing some local slaves to buy and sell without having to produce a ticket made it difficult to tell which slaves acted with the permission of their owners.[46]

In Savannah, the earliest regulations concerning the transactions of goods in town pertained to the general regulation of commerce. Common practices of forestalling and engrossing—or cornering the sale of particular goods—called the town's market into existence as authorities sought to protect consumers from such manipulations.[47] The legislature established the town's first market on Percival Square in 1755 in order to better regulate existing commerce. The market occurred every day after six am—except on the Sabbath—but any reselling was prohibited until after 9am. Standard weights and measured were to be regulated by an appointed market clerk.[48]

Public concern with the activities of urban slaves the marketplace initially appeared with the passage of the first badge law in 1774, which was reconfirmed in 1783. In addition to regulating slave laborers in town, the law required slaves selling any "Commodities whatsoever in the Town of Savannah" to " constantly wear a public badge

[46] "An Act for the ordering and governing slaves within this province, and for establishing a jurisdiction for the trial of offences committed by such slaves, and other persons therein mentioned; and to prevent the inveigling and carrying away slaves from their masters, owners, or employers," passed May 10, 1770. *The First Laws of the State of Georgia*, 174; Wood, *Women's Work, Men's Work*, 80-3.
[47] Practices of forestalling and engrossing practices were prohibited under English common law. William Blackstone, *Commentaries on the Laws of England: in Four Books.* 4 vols (London: John Murray, 1862), 4: 168-170.
[48] "An Act for Establishing a Market in the Town of Savannah and to prevent Forestalling Ingrossing and unjust Exactions in the said Town and Market," passed March 7, 1755, CRSG: 18, 80-4.

or ticket." This included the sale of "fruit, garden stuff, or any other commodity (except poultry and fish)" in Savannah. The law allowed any person "who shall see any of the offenses" outlined under the badge law to apprehend such slaves and delver them to a constable. Those purchasing goods from slaves without a badge or ticket from an owner were also fined.[49] Badge regulations and later restrictions over the ability of slaves to sell particular types of goods in the city's markets reflect Savannah authorities' sensitivity to complaints of citizens concerning the latitude allowed to enterprising slaves, but they acknowledged that existing practices of masters in the county were to be respected and allowed. Just as ticket laws ensured that consumers and city officers could recognize when a slave had permission to sell goods, badges for selling provided an even more visible representation that a slave's activities had the blessing of his or her owner.

Ticketing appeared sufficient to stop the illicit activities of plantation slaves who came to Savannah to conduct their business. As long as masters reviewed and regulated the goods carried into the city by their slaves, officers in Savannah could effectively monitor the commerce conducted by any undocumented county slave and prevent the sale of stolen goods. But without such a ticket from an owner, slaves from the plantation would be subject to punishment in the "same manner as a slave belonging to the city who shall be found without a badge."[50]

By the 1790s, the popularity of slaves who sold wares outside of the market drove stricter regulations of such commerce. The ease with which any slave might go about

[49] "An Act to empower certain Commissioners heron appointed to regulate the Hire of Porters and Labour of Slaves in the Town of Savannah, and for other Purposes therein mentioned." July 31, 1783. Early American Imprints, Series I.
[50] "An Ordinance for regulating the hire of drays, carts, and waggons, as also the hire of negro, and other slaves, and for the better ordering Free negroes, mulattoes, or mustizoes within the City of Savannah," passed October 15, 1792. City Ordinances. Vol U.13.01: OCC, CSRLMA.

selling trinkets, cakes, or other wares on the city streets raised concerns that peddling blacks would fill the streets of the town. Although the sale of garden produce, fish, and other foodstuffs continued to be permissible with a badge, by 1799, the city attempted to curtail further the ability for blacks to sell small wares by only allowing the privilege to any free or enslaved person of color who was "old, decrepit, or infirm, and unable to do hard labour."[51]

Over time, additional regulations of the marketing activities of people of color reflected concerns predominantly over how those activities negatively influenced the accessibility of residents to fairly priced produce. Between 1790 and 1815, slaves became renowned for cornering commodities at market. For instance, in 1796, John Williamson appeared before council when a resident provided information that he had his slave Cato "buy up a considerable number of Cucumbers in market[.]" If Williamson failed to pay the fine, Cato would receive twelve lashes in the market square.[52] In 1812, City Council members complained of "a great inconvenience" whereby all of the butter at market was purchased and then resold for exorbitant prices. Council further complained of "the Huxter women buying up eggs, chickens, vegetables and fruit within market hours[.]" Council also requested that the city constables be more vigilant in stopping slaves "found selling small wares without Badges." Yet, complaints again appeared in 1814 when the Chatham County Grand Jury charged that "numerous negro sellers of small wares etc. that infest this City" were forestalling large quantities of goods.

[51] For regulations concerning venders of small wares, see: "An Ordinance for regulating the hire of drays, carts and waggons as also the hire of negro and other slaves, and for the better ordering free negroes, mulattoes or mestizoes within the City of Savannah," passed September 28, 1790. City Ordinances. Vol U.13.01; "An Ordinance For regulating the hire of drays carts and wagons as also the hire of negroes, and better ordering Free negroes, mulattoes or mustizoes within the city of savannah and for other purposes herein mentioned." Passed December 31, 1799. City Ordinances. Vol U.13.02: 1789-1842, OCC, CSRLMA.

[52] Savannah City Council Minutes 1791-6, June 20, 1796. OCC, CSRLMA. (Hereafter cited CCM)

Notably, such violations appear to have been committed by white and blacks alike as four whites were also charged with "forestalling" in 1813 and 1814.[53] However, ordinances passed for the purpose of regaining control over the sale of specific goods, particularly over eggs and poultry, in 1792, 1795, 1799, and 1812 were directed exclusively towards slaves.[54]

Apart from concerns surrounding the health of the Savannah market, city authorities remained concerned over how free trade affected the governability of slaves. First, slaveholders felt the ability for slaves to interact independently as producers and consumers carried the potential to make them more resistant to the plantation regime or even promote rebellion. Lowcountry planters believed that the material gains achieved by slaves through the independent economy had a positive effect on the attitudes of slaves, but the translation of those goods produced by slaves into tangible benefits created issues of control. Some masters required that slaves only conduct their trade on the plantation, which perpetuated the dynamic of authority and control the master exerted in all other areas of plantation life. However, allowing one's slaves to conduct their trade in Savannah created an equalizing effect; the number of shops willing to trade with slaves allowed them the ability to make independent choices concerning whom to sell to and for what prices. As Timothy Lockley has argued, "[b]y encouraging and facilitating economic enterprise among bondpeople, white shop-keepers, either deliberately or

[53] CCM 1808-1812, July 3, 1812; Chatham County Grand Jury Presentments, January 7, 1814. Chatham County, Superior Court, Minutes, Book 9, 1812-1818. Chatham County Courthouse. (Hereafter cited CCCH)

[54] Poultry and eggs were key commodities within the informal slave economy by the end of the eighteenth century. On the importance of the raising of poultry by slaves in Lowcountry Georgia see: Betty Wood, *Women's Work, Men's Work,* 45-6, 142-5. Although ordinances did not entirely restrict the selling by black Savannahians, a 1799 law prohibited free people of color from selling poultry, eggs, and vegetables within city unless raised by them. A whipping of 39 lashes would be met out to offenders. December 31. 1799, City Ordinances. Vol U.13.02. OCC, CSRLMA; CCM 1808-1812, July 14, 1813; October 10, 1814.

unintentionally, empowered those who were normally subjugated."[55] While taking one's business elsewhere may have not been possible for many, waterways connecting to the city provided relatively open access to the city. White, and free or enslaved river men transmitted all manner of goods over waterways, connecting the region's rice plantations to Savannah. This traffic only increased as the production of plantation commodities grew.[56]

Second, independent trade conducted by slaves was widely viewed a direct path to immoral behavior. Shopkeepers willing to conduct trade with slaves were believed to encourage the theft of livestock or staple products. Consequently, state and city authorities limited the ability of slaves to trade in certain goods apart from produce and fish under the general slave code. Under the 1770 law, slaves were prohibited from selling or trading cattle, horses, canoes, and other commodities as "they may have not only an opportunity of receiving and concealing stolen goods, but to plot and confederate together, and form conspiracies[.]"[57] Protection of the economic vitality of Georgia's markets was viewed as directly tied to the general safety of the colony.

The trade conducted by slaves in Savannah also generally violated laws already prohibiting trading on Sundays. As most slaves typically could only find free hours to travel to Savannah during the one day of rest allotted to them on the plantation, Sunday served as the primary day to conduct trade.[58] Sabbath laws preventing shopkeepers from trading were considered a natural deterrent to the dealings of slaves, but the continuation

[55] Lockley, "*Trading Encounters,"* 33; Wood, *Women's Work, Men's Work,* 68-9. For an overview issues concerning slaves selling goods off the plantation in South Carolina, see: Morgan, *Slave Counterpoint,* 366-373.
[56] Ibid, 70-7.
[57] "An Act for the ordering and governing slaves," passed May 10, 1770, *The First Laws of the State of Georgia*, 175-6.
[58] Laws prohibiting trade on Sundays dated back to 1762, and relied upon parish constables to patrol the streets of Georgia's towns. Wood, *Women's Work, Men's Work,* 146

of commerce by slaves on Sundays only served to illustrate the moral failings of slaves and the white shopkeepers who desired their trade. Although the city permitted the market to be open on Sundays between 1812 and 1829, the battle to preserve the sanctity of the Sabbath continued in Savannah politics through slavery's end.[59]

Finally, the character of urban trade encouraged other social behaviors among slaves that many whites found undesirable. Trade conducted between whites and blacks in Savannah on Sundays went far beyond foodstuffs and handicrafts. The illegal sale of liquor to slaves in Savannah was widely commented on by grand juries and other concerned citizens.[60] Sabbath laws forbade shopkeepers and tavern owners from allowing slaves to trade, drink, or gamble; during the nineteenth century, these activities appeared under the common description of "entertaining negroes on Sunday." For instance, under a city ordinance passed in 1794, "any Feasting, Drinking, Gaming, Rioting, or other disorderly and indecent conduct" occurring on Sundays within "Houses, Outhouses, or Enclosures" owned by city residents incurred a ten pound fine. Under law, the marshal and constables were empowered to enter public houses, tippling houses, or any private property where "they suspect any assembly of Disorderly Persons or Negroes[.]"[61] Although the provision applied to all residents, the law clearly targeted black activities, particularly as it expanded the existing powers of public officers to enter private spaces in the recovery runaway slaves, now instructing them to apprehend disorderly ones.

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[59] A vote to repeal the ordinance allowing Sunday trade in July of 1818 failed by a vote of 2 to 5 in 1818. CCM 1812-1817, July 13, 1818; November 18, 1812.

[60] For instance, see: *The Georgia Gazette,* January 21, 1767. Chatham County, Grand Jury Presentments, July 31, 1790, July 29, 1791, January 7, 1814. Chatham County, Superior Court, Minutes, Book 2, 1790-3. CCCH

[61] "For enforcing the due observance of the Sabbath or Lords Day," passed April 15, 1794. City Ordinances. Vol. U.13.05: 1795-1809. OCC, CSRLMA.

Whites believed that the assembly of slaves in groups for any purpose posed a serious concern, even when such gatherings were of a religious nature. The 1770 code did not explicitly outlaw the assembly of slaves, but it granted local parish justices the power to disperse any "meeting of slaves which may disturb the peace or endanger the safety" of the community and to summarily whip any slaves at such gatherings.[62] Within Savannah, slave gatherings became a point of controversy as support for black religion grew among slaveholders who disagreed that concerns over safety ought to curb religious activity. The independent black Baptist church flourished in Savannah during the late 1780s and 1790s. The founding of the First African Baptist Church in Savannah in 1788 under the ministry of Andrew Bryan, a former slave, had been facilitated and supported by his owner, Jonathan Bryan, who allowed the congregation to meet first on his plantation at Brampton.[63] Over the following years, services held in the outskirts of the city became increasingly popular among free and enslaved black Savannahians. While the church had the support of white Baptists and non-Baptists—some of whom attended church services—city officials and the members of the City Watch became divided over whether services under the direction of a person of color ought to be allowed in town.

Fifty-two slaveholders submitted petitions supporting meetings that would be held "Sunday only in the day time" or "by no means at night," but the Mayor and City Council declined to grant the First Baptist congregation official permission to worship. Like several others, petitioner Mordacai Sheftall argued that daytime assemblies of slaves

[62] "An Act for the ordering and governing slaves within this province," passed May 10, 1770. *The First Laws of the State of Georgia*, 166.

[63] Although no law strictly prohibited such a gathering, compliance with the ticketing laws proved difficult. The size of the meetings made the collection of tickets from individual attendees nearly impossible. For instance, in 1788, the Chatham County Grand Jury indicted William Bryan "for permitting negroes to assemble, in large bodies, […] in violation of the Patrol Law." *The Georgia Gazette,* October 23, 1788.

posed no danger. "I think all men have a right to worship God in theire owne way," Sheftall argued, "[e]specially as no possible danger Can arise to the Community from theire meeting in the day time[.]"[64] In clear contradiction to the desires of the Mayor, the Chatham County militia commander, Major D.B. Mitchell, provided the congregation with official papers granting them permission to worship during daylight hours at a house in Yamacraw in March 1790. The fact that "a Great Number of the Most respectable Citizens in Savannah have Signed a recommendation" persuaded Mitchell that citizens generally supported the assembly. Although the Corporation had "declined Acting on a Petition preferred to them for their Sanction," Mitchell insisted that their approval mattered little since it rested "more particularly with the officers of the Militia" to enforce any assembly law.[65] Several additional militia members signed the bill in support.

Citizens and city officers remained divided over the prudence of slave assemblies in town through the early 1790s. In 1791, City Council began the annual practice of having "a guard kept during the Holydays," to assist the watch in "dispersing all disorderly or riotous meetings of negroes or others." In 1792, the Chatham County grand jury complained of the number of slaves assembling specifically for religious purposes and called for the city to limit such numbers. In October, City Council passed an ordinance intended to suppress disorderly meetings of Negroes, and to punish those who entertain them improperly."[66] Although the members of the First African Baptist Church continued to worship in town, the threat of St. Domingue and rebellion during the 1790s

[64] Petition of Mordacai Sheftall quoted in: James M. Simms, *The First Colored Baptist Church in North America. Constituted at Savannah, Georgia, January 20, A.D. 1788. With Biographical Sketches of the Pastors.* (Philadelphia: J.B. Lippincott Company, 1888), 22-4, 49.
[65] Petitions of John Habersham, William Moore, and D.B. Mitchell, March 19, 1790 quoted in: Ibid, 46-7.
[66] CCM 1791-6, December 21, 1792. October 15, 1792; Chatham County, Grand Jury Presentments, August 22, 1792. Chatham County, Superior Court, Minutes, Book 2, 1790-3. CCCH

provided City Council with the political will necessary to ban slave assemblies entirely in 1794.[67] Such restrictions continued through the early nineteenth century but allowed religious gatherings "either in meeting houses, or elsewhere within the city," provided that services would occur on Sundays between the hours of ten and five.[68] As black worship independent from the supervision of whites became increasingly popular in town, religious gatherings in the city remained the subject of white suspicions. While few whites would have disputed that Christian faith made slaves more docile and productive, the conduct of slaves on the Sabbath worried authorities for more practical reasons.

Just as the trade and leisure activities of slaves raised concerns among colonial authorities for reasons relating both to the general economic regulation of the city and the governance of slaves, so too did their freewheeling participation in Savannah's labor market. In 1758 the colonial Assembly instituted the first control over the use of enslaved labor at Savannah, prohibiting slave owners from training their slaves to be "handicraft Tradesmen in the said Towns," except in the professions of shipwright, caulker, sawyer, or cooper. This measure aimed to encourage white artisans to settle in town and applied only to Savannah. Planters could still employ skilled slaves on plantations, and the hire of handicraft slaves remained legal. The law was not renewed in 1763, likely because the market for short-term labor in the city remained largely

[67] Andrew Bryan petitioned City Council to open a chapel in St. Gall, but the petition was rejected on the grounds that it would violate the ordinance from March 4, 1794 that banned negro assemblies. One year later, the petition was proposed and rejected again. Earlier in February 1794, the Chatham County Grand Jury specifically sited the meetings in Yamacraw attended by between 500 and 600 people of color as dangerous, drawing parallels between the meetings and the "calamities […] experienced by the unhappy inhabitants of St. Domingo." CCM 1791-6, June 27, 1794, May 12, 1795, March 4, 1794. Lockley, *Lines in the Sand,* 135-7.
[68] CCM 1800-1804, November 26, 1804.

unregulated until the 1770s.[69] Masters could continue to hire out their slaves in skilled or unskilled roles provided that they provided them with a proper ticket. Furthermore, the absence of significant white migration from Europe or the North to Savannah left the city largely dependent on slave labor through the mid-nineteenth century. As a consequence, slaves performed the work of constructing and maintaining the city and its inhabitants as they built structures, transported residents, and provided domestic labor within urban households. They also performed much of the work involved in connecting the port city to the countryside.

In British North America, the practice of hiring slaves out to one's neighbors or family members was commonplace across all geographies where slavery was practiced. While arranging short-term labor contracts aided planters in locating the extra hands required during the more labor-intensive periods of planting and harvest, slave hire played an even more indispensible role in the economies of Southern cities.[70] Savannah's role as a seasonal escape for planters and the connection between the town and the import/ export economy fueled an increase in the demand for laborers who could be hired for particular jobs or small periods of time.[71] Unlike the market for short-term plantation

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[69] After the ban over handicraft trades was lifted, silversmithing and cabinetmaking remained the only closed trades, likely because of their requirements of technical expertise. Wood, *Slavery in Colonial Georgia,* 132-3, 234 FN 8; Lockley, *Lines in the Sand,* 67-8.

[70] For rural slave hire generally, see: Loren Schweninger, "The Underside of Slavery: The Internal Economy, Self-Hire, and Quasi-Freedom in Virginia, 1780-1865," *Slavery and Abolition*, XII (September 1991), 1-22; James Walvin, "Slaves, Free Time, and the Question of Leisure," *Slavery and Abolition*, XVI (April 1995), 1-13; John J. Zaborney. *Slaves for Hire: Renting Enslaved Laborers in Antebellum Virginia.* (LSU Press, 2012); Jonathan D. Martin, *Divided Mastery: Slave Hiring in the American South*, (Cambridge, Mass: Harvard University Press, 2004).

[71] On slave hire in Savannah, see: *Lockley, Lines in the Sand,* 64-8*;* Wood, *Women's Work, Men's Work,* 101-121*; Slavery in Colonial Georgia,* 142-5; Wood, "'White Society' and the 'Informal' Slave Economies of Lowcountry Georgia," 313-331; Statom, "Negro Slavery in Eighteenth-Century Georgia," 119-122. William Byrne addresses hire mostly after 1830. William A Byrne, "The Burden and Heat of the Day: Slavery and Servitude in Savannah, 1733-1865." (Ph.D. diss., Florida State University, 1979), 181-194; Ira Berlin, *Many Thousands Gone.* (Cambridge, MA: Belknap Press, 1998) 156-158. For urban hire in Southern cities generally, see: Richard Wade, *Slavery in the Cities: The South. 1820-1860* (New York:

laborers, many slave owners recognized that the arrangement for most urban jobs were best left to slaves who could find such employment themselves. Viewing the lack of direct supervision over slaves who arranged their own hires as dangerous, states across the South prohibited the practice of self-hire—including Virginia (1782), Maryland (1787), North Carolina (1794), South Carolina (1822), Florida (1822), Kentucky (1802), Tennessee (1823), and Texas (1846). In 1803 and again in 1837, Georgia banned slaves laboring "or otherwise transacting business for him, her, or themselves, except on their own premises," and penalized offenders $30 per violation. However, the cities of Savannah, Augusta, and Sunbury remained exempted from such prohibitions as they continued to rely heavily upon the practice of self-hire.[72] Although many owners would continue to arrange the hire of their slaves, the allowance of self-hire arrangements became a prevalent feature of the labor economy within Southern cities.

Slaves hauled goods and operated boats carrying produce and personnel from plantations to wharves and ran correspondence and marketing from the town to isolated planters and their families. Such tasks carried slaves to businesses and residences across the city, but much of Savannah's commercial activity was centralized on the Broughton Street waterfront by the end of the colonial period. Wharves and stock houses owned by Savannah's merchants ran along the river from Yamacraw Bluff to Trustees' garden,

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Oxford University Press, 1964), 43-53; Claudia D. Goldin, *Urban Slavery in the American South. 1820-1860* (Chicago: University of Chicago Press, 1976), 35-42, 127; Barbara Jeanne Fields, *Slavery and Freedom on the Middle Ground: Maryland during the Nineteenth Century* (New Haven, 1985), 48-9. Starobin, *Industrial Slavery in the Old South,* 128-137; Sarah S. Hughes, "Slaves for Hire: The Allocation of Black Labor in Elizabeth City County, Virginia, 1782 to 1810," *William and Mary Quarterly*, 3d Ser., XXXV (April 1978), 260-86; Philip D. Morgan, "Black Life in Eighteenth-Century Charleston," 191-202.

[72] Sumner E. Matison, "Manumission by Purchase, *Journal of Negro History,* XXXIII (April, 1948), 155. Oliver H. Prince, ed., *Digest of the Laws of the State of Georgia* (Milledgeville, 1837), 788.

rising four stories in height from the waterfront to the bluff top.[73] Barrels of rice and assortment of other commodities bobbed to and from the riverfront on the boats, carts, backs, and heads of slave men and women. Slave porters and laborers played key roles in facilitating the delivery of goods between these merchants' warehouses and local businesses but also between warehouses and ships. As the section of river before Savannah could not accommodate ships drawing more than ten to twelve feet of water, ships could only be partly loaded before being sent seventeen miles south off Cockspur Island where smaller vessels were used to load the remaining cargo.[74] This process of indirectly loading ships required the ready availability of even more slave laborers.

In South Carolina, the allowance of self-hire had become prevalent earlier as Charleston played a support role similar to Savannah's during the development of the plantation economy. Before Georgia legalized slavery, Baaron von Reck, a leader of Georgia's Salzburger colony at Ebeneezer, observed one such hireling when he spent the night with "a colony of negroes" in South Carolina in 1734. The slave complained to Reck that his "master requires his negroes to obtain for him daily a certain amount and if, as often happens, they get nothing, they must the second day bring double, or the third day three times the amount. Inasmuch as it is often impossible to fulfill these requirements," Von Reck concluded, "stealing is thus encouraged, with which however, the master is well pleased, if only he gets his appointed returns."[75]

Well into the nineteenth century, Southerners and foreign visitors alike continued to identify the challenge of collecting wages and finding employment as sources of

[73] Walter J. Fraser Jr, *Savannah in the Old South*, 65. Phinizy Spalding, "Colonial Period," in ed. Kenneth Coleman, *A History of Georgia.* (Athens: University of Georgia Press, 1984), 51.
[74] Fraser, *Savannah in the Old South,* 34.
[75] "Extract from a Diary of John Martin Bolzius and Israel Christian Gronau," trans. By C.A. Linn. *Savannah morning News,* May 20, 1934. Microfilm, Bull Street Library, Savannah.

corruption for self-hire slaves. When Adam Hodgson visited Savannah in the early 1820s, he concluded that "the system of allowing the slaves to select their own work, and to look out for employment for themselves, notwithstanding the frequent hardship attending it, is a great step toward emancipation, and an admirable preparative for it[.]"[76] Hodgson identified the abilities of hirelings to negotiate gainful employment as evidence of the fact that enslaved people of color were worthy of self-management. Southerners were more likely to see hirelings as poor examples for the rest of the slave population rather than champions for their increased autonomy.

However, most Southern cities continued to allow the practice of allowing slaves to negotiate their own short-term employment contracts.[77] As early as 1698, South Carolina's colonial legislature had already taken steps to regulate the practice of self-hire in Charleston, but in 1751 and 1764, the legislature codified more permanent regulations. Charleston commissioners allowed only those living in the city to hire out their slaves in town and required them to wear a badge at all times. These measures allowed commissioners to restrict the number of slaves who could be hired out.[78]

The swift rise in the market for self-hire in Savannah demanded similar regulation by the 1770s. By 1771, one Savannah minister, Samuel Frink, estimated that as many as 10 percent of Savannah's adult blacks "live by themselves & allow their master a certain

[76] Adam Hodgson, *Letters from North America Written During a Tour in the United States and Canada.* Vol 1, (London: Hurst, Robinson, & Co.,1824)., 111.
[77] Notably, much of the slave hire occurring in cities in the border south and Richmond was conducted through private brokerages and was arguably less tightly regulated than the badge systems of Charleston, Savannah, Mobile, and New Orleans. Richard Wade, *Slavery in the Cities,* 40-43.
[78] Philip D. Morgan, "Black Life in Eighteenth-Century Charleston," 192, FN 10; Greene, Hutchins, and Hutchins, *Slave Badges and the Slave Hire System in Charleston, South Carolina, 1783-1865.* (McFarland & Company, 2004), 23.

sum p. week."[79] In response to the popularity of short-term hires of porters and laborers, authorities followed Charleston's example and adapted the general program of requiring tickets for slave hires to the urban context in 1774.[80] The statute forced all owners of slaves desiring "to let out or hire such Slave as a Labourer or Porter" within city limits for a term of under six days at a time to obtain a license for ten shillings from newly created commissioners. Slaves failing to wear these new badges would be penalized five shillings for every violation. The new law also set standardized wages and work conditions. Hirelings were to gather at the Market House every morning to solicit work and would be allowed one free hour at dinner and a half hour at breakfast. Finally, the law also required slaves selling foodstuffs to obtain badges from the commissioners; sellers without badges incurred a fine at twice the rate of a laborer.[81]

Over the following twenty years, badge laws evolved to more effectively address concerns over the independent operation of blacks in Savannah. Although laws permitted slaves to continue arranging their own employment in the city, by the 1790s, slaves participating in a variety of employments within city limits could only legally do so if their owners registered with the city. Waggoners, cabinet makers, carpenters, bricklayers, blacksmiths, tailors, barbers, bakers, butchers, mechanics, handicraft tradesmen, pilots, boatmen, fishermen, grass cutters, venders of small wares, hawkers, peddlers, day laborers, and porters were each required to wear a badge "exposed to public

[79] Samuel Frink estimated that the town had a population of 821 blacks. Philip Morgan believes that the rate of self-hires would be much higher in Charleston. It was likely higher in Savannah as well, particularly later in the eighteenth century. Cited in: Philip D. Morgan, "Black Life in Eighteenth-Century Charleston," 191.
[80] CRSG: 19, 23-30.
[81] Laborers or porters were permitted one shilling, six pence per day. Work on shipboard merited two shillings per day. The law also outlined rates for the transportation of goods; slaves would receive shilling per barrel loaded from the bluff to Broughton street. "An Act to Empower Commissioners herein appointed to regulate the hire of Porters and Labour of Slaves in the Town of Savannah," Ibid, 23-30.

view on his or her breast[.]" The law also strategically curtailed certain employments that provided too much liberty to slaves by placing them directly under white supervision. Under the 1790 law, the city resurrected earlier restrictions over the employment of blacks in mechanic or handicraft trades but did allow slaves to hold such employments under the oversight of a free workman. Storekeepers were similarly banned from employing or permitting "any person of Colour to attend in such a store or shop" unless a white person above 16 years was present.[82] Finally, new laws more precisely outlined which slaves were permitted to participate in the hiring economy by addressing the urban slave population as subject to a separate body of rules. City slaves were not "to be employed on hire out of their respective houses or families" slaves without badges or listed in the badge book, but those slaves traveling from the country "hired for a longer term than one month, and laboring in families as domestic servants" would not be required to register with the city.[83] The institution of separate rules for urban and rural slaves reflected similar distinctions drawn in laws governing the participation of slaves in urban trade.

Self-hire and unsupervised employments concerned city authorities, but they recognized that many slave owners found such practices too convenient to abandon. Governor Edward Telfair, who ran a large plantation and one of the city's largest mercantile firms, owned and employed a workforce of slaves in town under a variety of hiring arrangements. In some instances, Telfair arranged the hire of his slaves himself. In 1797, he hired "to Msrs Daggett Arnold and Tingley on Telfair's Wharf a Negroe Boy

[82] "An Ordinance for regulating the hire of drays, carts and waggons as also the hire of negro and other slaves, and for the better ordering free negroes, mulattoes or mestizoes within the City of Savannah," passed September 28, 1790. City Ordinances. Vol U.13.01: OCC, CSRLMA.
[83] "'An Ordinance for regulating the hire of drays, carts and waggons as also the hire of negro and other slaves," passed October 15, 1792. Ibid.

Will at the rate of 4 dollars p. mo." Other slaves arranged their own contracts. In one instance, Telfair hired a slave on a monthly contract from another owner but then allowed the slave to work in town in return for wages. That same year, Telfair hired "Carpenter Isaac" from Ann Gibbons. Isaac performed some tasks on Telfair's plantation when needed, repairing his piazza or mechanical apparatuses, but Gibbons also paid the city for a badge for Isaac, presumably to allow him to labor in the city when there were no available tasks on the plantation.[84] Permitting slaves to find odd jobs about town kept Telfair's slaves productive, but at times, Telfair was forced to engage hirelings in order to run his business when his own laborers were occupied. Joseph Clay complained to Telfair in 1790 that he had been forced to sell rice at a discount in order "to raise between L20 and L30 cash to pay negro hire for carrying goods" on behalf of the firm. Clay remarked that the cash "might have been saved" if slaves owned by the trading partners might have been put into service.[85]

The allowance of self-hire arrangements by slave owners followed existing logic at work within the Lowcountry plantation economy. As Betty Wood has argued, the hiring system "was analogous to the task system in that the sum stipulated by the owner represented a task, or a set of tasks, to be completed by the bond person on any given day or during any given week or month."[86] Consequently, accounts of Savannah slaveholders documenting the activities of slaves permitted to seek their own employment illustrate that masters tended to provide significant autonomy to slaves, concerning themselves nearly exclusively with the collection of wages rather than the living conditions or

[84] Ledger Book, entries dated February 14, 1797; April 5, 1797. Box 11, Folder 87. Telfair Family Papers, MS793, Georgia Historical Society. (Hereafter cited GHS)
[85] Joseph Clay to Edward Telfair, December 30, 1790, Ibid.
[86] Betty Wood, *Women's Work, Men's Work,* 107.

employment arrangements required by their slaves.

Mary Anne Cowper frequently exchanged correspondence with her cousin, Eliza Mackay, who lived in Savannah and sometimes served as a go-between for Cowper's hirelings. Cowper informed her cousin of "little matters of business" concerning the wages and attitudes of hirelings. When noting, "Greenock has not paid a Dollar yet," an unsympathetic Cowper summarized that "he has been sick for several days, which I suppose will stop one weeks wages." Cowper reported that Pender too "is now sick, came here and cried bitterly the other day, though I could not find out for what." Cowper eventually arrived at the conclusion that Pender's responsibilities were indeed overwhelming her. "I rather think she meant me to understand that she was too sick to pay wages, at least at presant."[87]

Just as masters expected a constant flow of wages regardless of illness or other material difficulties suffered by slaves, they held similar attitudes concerning the arrangement of employment for hirelings. William Grimes described finding his own hire arrangements under two separate owners. "I was then left, by my master's order, to work out and pay him three dollars per week, and find myself." Grimes found himself employment onboard several ships on the river as a steward and cook, on a plantation where he mowed grass, and generally "about town," where he was eventually hired to drive a carriage. Grimes' arrangement reflects that filling self-hire arrangements might rely upon the knowledge of either slave or employer.[88] Eliza Mackay arranged a position for Mary Cowper's slave Lizette in town, but when Lizette expressed dissatisfaction after

[87] Mary Anne Cowper to Mrs. Mackay, Savannah, July 12, 1819. Box 1, Folder "1818-9." Mackay and Stiles Papers. Southern Historical Collection, Louis Round Wilson Special Collections Library, University of North Carolina at Chapel Hill. (Cited hereafter as: SHC.)
[88] William Grimes, *Life of William Grimes, the Runaway Slave. Written by Himself."* (New York: 1825), 52-3, 60.

a month, Cowper informed Mackay that she "told [Lizette] before she left, she must find herself another place or pay her own wages which she agreed."[89] One month later, Cowper remarked "I hear no complaints from Lizzy since she left her place, and I am in hopes she will pay good wages."[90] For slaves like Pender or Lizette, Cowper's cold attitude towards their struggles to remain employed reflected her beliefs that her hirelings were personally responsible for their wages and that the origins of such wages was inconsequential. While there is no way to tell what the consequences for Lizette may have been upon failing to pay wages, Pender's own reaction and additional evidence indicates that penalties could be steep. When Adam Hodgson visited the Lowcountry during the early 1820s, he noted "in the Charleston and Savannah jails, besides numerous pirates, there were many slaves in confinement for not giving their masters the wages they had earned."[91] At the very least, the inability of a slave to pay wages to his or her master seriously threatened the liberty enjoyed as a hireling.

Without exerting control over the employment or living situations of hirelings, owners found locating their slaves in the city to be difficult. When Eliza Mackay inquired as to the whereabouts and situation of Stephen, a slave hireling in town who was to be sold, Mackay's husband, Robert, informed her, "I have only seen him twice since my return [from London]. I understand he has set up as a Farrier somewhere in town and is doing well in his profession."[92] Stephen was adept at keeping his distance from his master, particularly when running the risk of being sold, which worried Mackay, who

[89] Mary Anne Cowper to Mrs. Mackay, July 27, 1819. Box 1, Folder "1818-9." Mackay and Stiles Papers, SHC.
[90] Mary Anne Cowper to Mrs. Mackay, Savannah, August 24, 1819. Ibid.
[91] Adam Hodgson, *Letters from North America*, 111.
[92] Robert Mackay to Eliza Mackay, January 24, 1807. Box 5, Folder 47. Colonial Dames Collection, MS965. GHS.

otherwise seemed unconcerned over his slave's employment. "Stephen keeps so much out of my way that I fear he will not act his part in the transaction. I shall however get rid of him I am resolved, even if I give him away." Dorothy Walton's slave, Saunders, enjoyed a great deal of freedom as he was permitted to hire his time in Savannah while his mistress resided in Augusta. Saunders checked in only periodically with his owner's agent in Savannah, F. Walker, to pay his wages. After Walton moved away from Georgia, Walker, who understood that Saunders "was a boat hand," found that he could not locate the slave in town. "I expected to have seen Saunders in this place […] but, as yet, I have not been so fortunate." Walker wrote to the owner of Saunders' wife inquiring whether he had "seen Saunders lately and what is he employed about? And whether he appears disposed to make wages for his mistress?" Astoundingly, the misplacement of the slave and his failure to pay wages does not seem to have bothered Walker who noted that "[i]f Saunders prefers remaining in Savannah, I should certainly have no objection."[93] Although slaves who hired their own time were perhaps troublesome at times, owners were often keen to allow profitable hirelings to continue to produce income even if done partly on their own terms.

Plantation geography allowed planters to account for the whereabouts and actions of their slaves during what few leisure hours they might have, but the city's spatial constraints prevented the replication of similar living conditions. On the plantation, living quarters for slaves were generally uniform in arrangement and set apart from the main house. This arrangement created physical space between the domestic realms of

[93] F. Walker to Alexander Telfair, February 10, 1822. Folder 1, Item 8. Alexander Telfair Papers MS 790, GHS.

master and slave but still allowed the master to keep watch over his or her slaves.[94] In the city, living conditions varied to extremes. Domestic servants might live in quarters crammed in back of the master's property or in small unobtrusive spaces in the owner's house. Limited space also motivated many slaveholders to permit slaves to live on their own. During the antebellum era, free and enslaved blacks lived predominantly in Yamacraw, a western neighborhood in addition to Springhill and the Old Fort. But prior to the expansion of the boundaries of the city to these areas during the 19th century, people of color lived independently in houses spread across the city's wards.[95]

Although the 1770 slave code explicitly forbade slaves from occupying property apart from their owners in town, some owners simply could not accommodate their own slaves on their limited property. By 1796, the Chatham County Grand Jury complained that "the hiring and occupying of houses by negro slaves" had become a common practice and recommended the adoption of a preventative law.[96] Property owners in Savannah feigned nominal compliance with the 1770 housing law by renting their property to whites who would never actually reside in such buildings. City authorities found that such violations were deliberate, stating "that white persons have frequently pretended to hire, or acknowledge their having hired houses for the occupation of slaves," allowing slaves to occupy a house "under the sanction" of a white person. In 1800, a new law prevented slaves from renting under the sanction of a white person unless the house

[94] Berlin, *Many Thousands Gone,* 161-2; Wood, *Slavery in Colonial Georgia,* 142.
[95] Leslie M. Harris and Daina Ramey Berry, "Slave Life in Savannah: Geographies of Autonomy and Control," in Harris and Berry, *Slavery and Freedom in Savannah* (Athens: University of Georgia Press, 2014), 99-104.
[96] Chatham County, Grand Jury Presentment, October 15, 1796. Chatham County, Superior Court, Minutes, Book IV & C, 1796-1799, CCCH.

qualified as the white individual's "actual and only residence."[97] However, the logistics of providing space for the town's large enslaved workforce eventually forced the city to adjust the existing rules concerning independent housing. In 1806, the City Council updated the housing ordinance to allow slaves to rent houses if in possession of a ticket "expressly describing the place" and issued by an owner or his or her agent in town.[98]

Regardless of the city's restrictions, many owners continued to allow slaves who already found their own employment arrangements to also provide their own living arrangements. Eliza Mackay's property served as a convenient space for her extended family's in-town hirelings when the Mackays were summering in New Jersey. When Mary Cowper's sister, Margaret Cowper McQueen, wrote to Eliza Mackay, she noted that Lizette "lives at Hotchkisses all day and sleeps at your house" concluding that her new employers were "much pleased at her[.]"[99] By contrast, when the Mackay's house in Savannah was full, McQueen allowed her hirelings to make their own living arrangements. Her correspondence with Eliza Mackay indicates that she had little grasp of their needs as she learned that her hirelings had come to see Mackay for help with their necessaries. "I hope my people are not troublesome to you," McQueen apologized. "I had no idea of their going to you for any thing but Judy tells me they get light wood. I thought Flora would be able to buy what they would want. I must log in wood when I go to town and get the money."[100] Here again, McQueen expected that the family's slaves would be using their wages to provide for their own needs. William Grimes appears to

[97] : "An Ordinance for preventing Slaves hiring houses and for other purposes herein mentioned." Passed June 30, 1800. City Ordinances. Vol. U.13.05: 1795-1809, OCC, CSRLMA.
[98] "An Ordinance For the government of Negroes and other Persons of Color within the City of Savannah," passed December 8, 1806. City Ordinances. Vol U.13.01, OCC, CSRLMA.
[99] Margaret Cowper McQueen to Eliza Mackay, September 9, 1819. Box 1, Folder "1818-9" Mackay and Stiles Papers, SHC.
[100] Margaret Cowper to Eliza Mackay, Undated. Box 1, Folder "Undated Margaret Cowper McQueen (4)," Mackay and Stiles Papers, SHC.

have benefited from a similar flexibility in his own living arrangements. When working his earliest jobs as a mower and on shipboard, Grimes remained responsible for his own living arrangements. But as a hired carriage driver for a master in town, he "resided with him all that summer[.]"[101] Moreover, since Grimes was not responsible for his upkeep, the six dollars a month he received beyond what his owner collected could be spent as he desired.

The hands-off approach of most masters to self-hire slaves allowed them to physically distance their living arrangements and personal lives from their owners and employers. As powerful as Governor Telfair may have been in Georgia politics, he was unable to control the behavior of his hirelings. When Telfair had two of his hireling slave carpenters, Jemmy and Cudjo, perform repairs in his store, he noted, "Jemmy came drunk, [and] went away about 11 O'clock." Cudjo meanwhile "went home for victuals," but only "came back about 1." Defeated, Telfair concluded, "little or nothing done this day."[102] Performing regular, short-term carpentry work for employers allowed Jemmy and Cudjo to operate freely outside of Telfair's shop and away from his domain except for any small tasks their master might demand. Jemmy's drunkenness further illustrates how profits made through self-hire allowed slaves to participate as consumers at Savannah in ways that their masters may not have approved.

The badge law attempted to curb the destabilizing character of the self-hire economy, but as the examples above illustrate, the mastery of self-hire slaves remained lax even after such laws were passed. However, hiring regulations served to curtail a second evil that was enabled by the short-term labor economy. The demand for

[101] William Grimes, *Life of William Grimes*, 52-3, 60.
[102] Ledger Book, entries dated February 18, 1797; April 5, 1797. Box 11, Folder 87. Telfair Family Papers MS793, GHS.

temporary workers in Savannah allowed for a large population of slaves who were not immediately familiar to residents to move through the town. Consequently, this anonymous character of the black population and the high demand for laborers contributed towards the ability of many slaves, especially runaways, to support themselves in Savannah without the permission or supervision of their owners. The institution of the badge system created a visible signal indicating that a person of color had permission to work outside of an owner's property but also that they fell under the control of an owner.

The continued robustness of the hiring economy and the ability for slaves to obtain housing in town gave rise to a significant population of slaves at Savannah who acted with and without the permission of their owners as quasi-free individuals. Between 1780 and the early 1820s, Savannah became the destination of at least 20 percent of all female runaways and just under 15 percent of all male runaways.[103] As a port city, Savannah provided a possible route for escape to other destinations for slaves, but the city itself provided perhaps the best opportunities for immediate survival.[104]

Many slaves had a deep knowledge of the swamplands and creeks that lie between Savannah and the nearby plantation districts, and runaways took full advantage of these natural hiding places. Georgians became painfully aware of the value that knowledge during the American Revolution when an enslaved man, Quamino Dolly, famously led the British down a little known section of navigable path through the swamp, enabling them to outflank General Howe's troops and take Savannah before the

[103] Wood, *Women's Work, Men's Work,* 111-3.
[104] On the prevalence of Savannah as a destination for runaways, see: Betty Wood, *Slavery in Colonial Georgia,* 169-188; Wood, *Women's Work, Men's Work,* 111-114.

town could be reinforced.[105] The British too had experienced how inhospitable the marshes and swamplands could be. When Henry Laurens informed George Washington of the movement of the British from Beaufort to Savannah under Colonel Maitland, he could not help but speculate on the Colonel's poor fortune. "I know the swamps which the Colonel must have penetrated; a detail of his line of March, if he really went that way, would excite a mixture of compassion & laughter." In fact, when Laurens' letter was republished in the *Pennsylvania Packet,* the editor provided readers with a more direct translation implying why Laurens' was so amused; Laurens was there quoted as saying that Maitland "must have plunged through swamps, bogs, and creeks, which had never been attempted before but by bears, wolves, and runaway Negroes."[106] During and after the American Revolution, some slaves successfully continued to live independently along the Savannah River in maroon camps. The winding creeks branching off of the Savannah river provided access to well camouflaged, defensible islands along the South Carolina and Georgia boundary line. Groups of runaways continued to occupy the islands, which sat on Abercorn creek, as late as 1823.[107]

Just as runaways evaded capture by using the camouflage provided by the wild lands and swamps in the area surrounding Savannah to their advantage, slaves also found that the city's environment provided its own means of concealment. In Savannah, runaways would have to constantly interact constantly with a white slaveholding

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[105] Timothy Lockley, " 'The King of England's Soldiers' Armed Blacks in Savannah and Its Hinterlands during the Revolutionary War Era, 1778-1787," in Harris and Berry, *Slavery and Freedom in Savannah*, 26-7; Fraser, *Savannah in the Old South*, 126.
[106] Henry Laurens to George Washington. Philadelphia, October 24, 1779. Henry Laurens, *The Papers of Henry Laurens* (University of South Carolina Press, 2000), 195; "Extract of a letter from his Excellency General Washington, dated Head-Quarters, West-Point, October 21, 1779," *Pennsylvania Packet, Philadelphia, PA,* October 26, 1779.
[107] Timothy Lockley, "'The King of England's Soldiers," 26-41. For more on the Maroon community on the Savannah River, see: Timothy James Lockley, *Maroon Communities in South Carolina: A Documentary Record* (Columbia: University of South Carolina Press, 2009), Chapter 3.

population whose interests demanded their return to slavery, but it appears that the large size of the town and their own familiarity with urban territory allowed many slaves to elude capture. Even as owners became aware that their slaves were freely living and working in the city, identifying and intercepting the precise location of the runaway proved difficult. The short-term nature of employment and the presence of hundreds of slaves who might provide shelter or aid enabled runaways to locate new means of support even after being detected by slave owners, agents, urban dwelling family members, or other slaves.

In at least six separate advertisements placed in Savannah's newspapers before 1800, the owners of runaway slaves attempted to stop residents of Savannah from hiring or otherwise employing their slaves so that they might be forced to return home without a means of support. In 1788, James Johnston cautioned anyone "against harbouring a mulatto wench named Hannah, my property, who has for some time been working about town[.]" Johnston was "determined to prosecute anyone so offending with the utmost rigour of the law." Similarly, Mary Bulloch cautioned "all persons against employing said fellow Beaufort without her sanction."[108] To combat the ability of slaves to find employers willing to ignore existing badge laws, City Council fined those employing slaves without the permission of the master. For instance, in 1803, Nicholas Barry was fined for employing a negro slave and team "without knowledge or consent of the owner."[109] Still such instances of prosecutions were rare, likely because many jobs performed by slaves often were completed over a matter of hours or days. Furthermore,

[108] *The Georgia Gazette.* December 11, 1788; September 18, 1794. For additional advertisements, see issues dated: July 12, 1787; August 4, 1791.
[109] CCM, 1800-1804, April 2, 1804.

some slaves already had experience working in town with the permission of their owners, making it difficult for employers to distinguish which slaves were legally employable.

Advertisements indicate that slaves ably found employment in any number of arenas, regardless of whether they had permission from owners to do so. Joseph Stiles noted having been "informed" of his slave August's being "at work in or about the neighborhood of Savannah[.]" Similarly, Balthaser Shaffer noted that Adam ""has been employed in cutting of grass and lately bringing up oysters and still may employ himself in said business with his correspondents in town." Runaway slaves most often worked as porters or laborers, likely as such work was temporary and in high demand. Peter's owner noted that his slave "has been lately seen about the wharves in Savannah." John M'Mahon informed readers that Dublin "worked as a porter in Savannah about 9 months past[.]"[110] One owner of a nearby Wilmington Island plantation described his slave Frank as "well known in Savannah," where the slave had been "seen working on the wharves and on board the shipping." Runaways Flora and Mary were also advertised as being "so well known in Savannah, and the plantations contiguous thereto, that a description is unnecessary."[111] Such acknowledgements indicate that many slaves already had a good deal of experience in town, likely gained as hirelings, seasonal domestic servants, or marketers. In fact, Betty Wood has found that as many as forty-one slaves advertised were identified as being "well known" in Savannah.[112]

Even if their owners detected their presence in the city, many runaways

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[110] *The Georgia Gazette.* October 25, 1792, January 15, 1795l, January 21, 1790. *Columbian Museum & Savannah Advertiser,* July 21, 1807.
[111] Similarly, Stephen Neyle advertised that his slave, Sue " is so universally known that she needs no further description. It is strongly suspected that she is harbored either in this city or very near it." *Georgia Gazette*, April 25, 1793; August 6, 1789; September 4, 1794. See also July 6, 1798.
[112] Betty Wood, *Slavery in Colonial Georgia,* 177.

successfully eluded capture thanks to their existing knowledge of the city. When Humphrey Murphy's slaves Charles and Frank ran away, each took his badge along. Such hardware symbolized the trust of their master, further camouflaging their status as runaways and allowing them to obtain employment more easily. Daniel Holden noted that his runaway slave Jacob "wrought some time as a porter, but last winter was in Mr. Leggett's blacksmith shop[.]" Jacob's confidence in his ability to both support himself and avoid his master was best evidenced by Holden's admission that Jacob had "been seen in dram shops lately in the evenings."[113]

Past experience working in town also enabled slaves to forge relationships with other slaves who might serve as useful allies along with family members already employed in the city. Ben, who was a prime field slave, boatman, and cooper, ran away twice from his owner in St. Peters Parish, South Carolina, but always headed towards Savannah, "where he was then harbored, being well known about there by the negroes, as he worked there with the late Mr. Guinn[.]" The owner of Sidney similarly suspected that his slave "may be lurking about the town and concealed by some of her acquaintances."[114] Rural slaves who had family members who served families in town or worked as hirelings also appear to have been able to spend sufficient time in town to become familiar to town residents themselves. Mingo was "well known in Savannah, as he has a wife at Mrs. Jenkins'," where it was suspected he would be harbored. Although William Dunabar knew his slave Sarah to be "much given to drink and when drunk is very talkative and quarrelsome," he also cautioned readers that she "is very knowing and sensible and will […] pass herself off as free, having a free sister in Savannah, and two

[113] *Georgia Gazette,* March 12, 1795; June 13, 1793.
[114] Ibid*,* September 20, 1792; September 17, 1789.

other sisters at or near the same place."[115]

As the number of slaves in Georgia grew with the developing plantation regime, slave owners increasingly viewed the presence of free blacks as menacing to the security of their property. These tensions were heightened in Savannah, where, like other cities across the American South, the availability of diverse skilled and unskilled work attracted larger numbers of free people of color. Free people of color served as visual reminders to slaves and their owners that freedom was possible for black men and women in Georgia. But, the fact that they tended to retain close, personal connections with slaves that free white residents generally did not have posed a more immediate challenge. Most free blacks were former slaves themselves or at least had family members who remained enslaved. Furthermore, the mobility of slaves and the existence of independent black institutions, such as the First African Baptist Church, promoted the formation of new association between free and enslaved people of color, fostering a community which allowed slaves to create individual identities apart from those attached to them under the racial hierarchy.

Still, early laws concerning the regulation of the socializing and laboring practices of slaves in Savannah generally did not apply to the city's free blacks, likely because the size of the free black population remained quite small through 1790.[116] Colonial authorities initially believed that the presence of free people of color strengthened Georgia's economic and military position. Under the 1765 code, free people of color immigrating to Georgia received rights equal with any citizen barring the right to vote. Free individuals, whether black or white, enlarged the portion of the population that

[115] Ibid*,* September 19, 1793; August 31, 1786.
[116] Betty Wood, *Slavery in Colonial Georgia,* 127-8.

would support white security interests while meeting the colony's increasing labor demands. However, by 1770, the previous enthusiasm for free black settlement had disappeared, and all provisions providing free blacks' equal footing with whites were removed. Under the 1770 code, the same trial rules and punishments for slaves in felony cases, including murder and the rape of whites, applied to free blacks. But the law otherwise only addressed free blacks alongside free whites in laying out penalties for aiding slaves in running away or participating in illicit activities off the plantation.[117]

Chatham County's free black population experienced rapid growth at the close of the eighteenth century, but they remained generally exempt from ordinances addressing trade, work, or socializing among slaves. In 1790, 112 free people of color comprised a mere 1 percent of Chatham County's population while 8,201 slaves accounted for 76 percent of the total. By 1800, the free black population had doubled in size, while the enslaved and white population increased by only ten percent and 50 percent respectively.[118] The 1790 badge law restricted regulations to slaves, but five years later, ordinances demanded that free people of color would be subject to the same restrictions as slave peddlers. Free blacks were also prohibited from being employed in stores without white supervision, but they remained exempt from general badge requirements for specific employments. After 1800, rules regulating the economic and social activities

[117] Free blacks were also subject to a one-pound, one shilling, nine pence poll tax in Georgia after 1785, but it is more likely that the tax was intended to increase revenues rather than actively discourage free black residency. "An Act for the ordering and governing slaves within this province, and for establishing a jurisdiction for the trial of offences committed by such slaves, and other persons therein mentioned; and to prevent the inveigling and carrying away slaves from their masters, owners, or employers." Passed May 10, 1770. *The First Laws of the State of Georgia*, 167-8; W. McDowell Rodgers, "Free Negro Legislation in Georgia Before 1865," *The Georgia Historical Quarterly,* Vol. 16, No. 1 (March, 1932), 33.

[118] In 1790, white population of Chatham County was 2,456 individuals. In 1800, Chatham County contained a population of 3,673 whites, 9,049 slaves, and 224 free people of color. Census statistics from: Historical Census Browser. Retrieved [October 2014], from the University of Virginia, Geospatial and Statistical Data Center: http://mapserver.lib.virginia.edu/.

of slaves at Savannah would increasingly include free blacks as the specter of revolution in St. Domingue, the subsequent arrival of foreign free people of color during the 1790s, and the increase of the free black population in the Lowcountry—likely aided by the ability of slave hirelings to afford to purchase their freedom—each contributed towards a shift in the perceived danger posed by free blacks, particularly in the city.[119]

While any slave held the potential to become a runaway or rebel, Georgia's white slaveholders and residents viewed the economic freedoms and independence allowed to slaves in private spaces in Savannah to be particularly problematic for the ordering of Lowcountry slaves. The constraints of the master's own yard, the presence of separate sites where slaves openly socialized, and the profitability of the self-hire system each created physical separations between slave and master, which could ultimately allow urban slaves to plot the overthrow of masters or simply to be more resistant to the commands of whites. Even with the adoption of codes that regulated the distinct slaveholding practices found at Savannah, the difficulty of enforcing the general rules of racial order outlined by the 1770 code continued to trouble authorities, commentators, and citizens from Chatham County. At the same time, many residents within Savannah also believed that some rules that limited the economic or social activities of bondpeople were counterproductive within city limits.

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[119] For instance, free people of color had previously been exempted from ordinances prohibiting slaves from renting houses on their own, but after 1807, they became subject to the same rules. "An Ordinance for regulating the hire of drays, carts and waggons as also the hire of negro and other slaves, and for the better ordering free negroes, mulattoes or mestizoes within the City of Savannah," passed September 28, 1790," passed September 28, 1790; "An Ordinance to amend certain parts of an ordinance entitled 'an Ordinance for regulating the hire of Drays, Carts, and Waggons, and also the hire of negroe and other slaves; and for better ordering free negroes, mulattoes or mestizos within the City of Savannah," passed, January 27, 1795. City Ordinances. Vol U.13.01; OCC, CSRLMA; "An Act for the better regulation of free negroes, in the cities of Savannah and Augusta, and the towns of Washington, Lexington, and Milledgeville," passed December 7, 1807. *A compilation of the laws of the state of Georgia, passed by the legislature since the political year 1800, to the year 1810, inclusive.* Ed. Augustin Smith Clayton. (Augusta: Adams & Duyckinck, 1812), 369.

Section III: The Practical Constraints of the Enforceability of Law

Laws controlling assembly, independent living situations, trading, or drinking attempted to prevent such evils from corrupting the general slave population, but by the 1770s, Georgia authorities and residents of Savannah and the surrounding countryside identified the town as a site where such evils were not only more prevalent among slaves but actively allowed by residents, merchants, tavern owners, and even some planters. These individuals publicly identified the poor behavior by slaves in Savannah with frequency, but the law remained subject to lapses of enforcement for three primary reasons. First, the identification and prosecution of either crimes or offenders remained difficult as the pace of urban commerce led to fleeting interactions between whites and blacks and the relative anonymity of urban geography distanced slaves from the constant watch of the master. Secondly, laws that moderated slave behavior required community members to aid in identifying criminal behaviors and providing such information to city authorities who then might prosecute offenders. However, the white population was often unable or uninterested in providing such cooperation. Finally, the official bodies and officers charged with enforcing laws—primarily the City Watch—failed to identify and stop a sufficient number of crimes to effectively deter participation by either blacks or whites in illicit behaviors.

Under the 1770 slave code, owners retained a great deal of authority over the use of their slaves, but the community remained primarily responsible for the policing of slave behaviors. Institutions such as the badge and ticketing systems relied upon the good judgment of slaveholders as they allowed slaves to interact independently at Savannah, but responsibility for ensuring that slaves were acting under the direct

supervision of a white employer or owner or that slaveholders were poised to take responsibility for their slaves ultimately fell upon the shoulders of the wider community. The prosecution of slave activities, such as illegally trading with whites on the Sabbath, relied upon the production of information concerning individual violations of the law. Under the 1770 law, "any complaint being made to, or information received by any justice of the peace, of any offense being committed by any slave" would empower the justice to "commit such slave or slaves to the workhouse." A section clarifying the fines and penalties under the act specified that half of any fine would contribute to the operation of the government, but the other half would go to any informer. In several instances, those informants could be slaves. For instance, if information presented by a slave concerning a plot to poison a master proved to be valid, the slave received a reward of 20 shillings.[120] Under the 1770 code, still other members of the community were responsible for reviewing the information presented by informers and other witnesses since a jury of "not less than seven of the neighborhood freeholders" would hear "the accusation brought" against the slave.[121]

In a town where a large portion of both the white and black population moved beyond its boundaries with changes in the seasons or the flow of employment, reliance on white residents to identify misbehaving or runaways blacks and relay such information to city officers posed great difficulties. Locating informants who were interested in successfully prosecuting such cases all the way through proved equally difficult. For instance, when Samuel Ikly accused Emanuel Keiffer of allowing his slave work as

[120] "An Act for the ordering and governing slaves within this province, and for establishing a jurisdiction for the trial of offences committed by such slaves, and other persons therein mentioned; and to prevent the inveigling and carrying away slaves from their masters, owners, or employers," passed May 10, 1770. *The First Laws of the State of Georgia*,168.
[121] Ibid, 179.

butcher without a badge, Council summoned Keiffer to answer his complaint. Upon Ikly's "not appearing to support the charge," Council had no choice but to order Keiffer's dismissal.[122] In addition to the logistical deterrents of providing information to the city, many white residents were simply uninterested enforcing particular laws. The very mobile nature of the town's white planter families further fueled the movement of domestics but also facilitated the continuous movement of slaves who traveled by boat and foot between plantations and town ferrying visitors, correspondence, and marketing. Many whites had different reasons for allowing blacks to spend time in the city interacting with local inhabitants. Often, those reasons were underlined by personal economic motives or philosophies towards slaveholding that might clash with existing provisions concerning slave behavior.

As early the mid-1760s, Georgia officials solicited Savannah residents to provide better assistance to officers in town for the purpose of correcting the poor behavior of black and white Savannahians. A plea from the magistrates of Georgia published in 1767 in *The Georgia Gazette* called for residents to provide information on those who excessively drank, swore on the Sabbath, or were guilty of other "disorderly practices," but also expressed serious concern with "the many open and daily breaches of some of the most salutary of our provincial laws" concerning slaves. Such practices including dealing with slaves without tickets and "cabals and riotous meetings of negroes, in the town of Savannah," which "often occasions the unhappy slave being brought to a violent and untimely death."[123] Throughout the 1760s and 1770s, Chatham County grand jurors and Georgia officials complained regularly in the *Georgia Gazette* about slaves living

[122] CCM 1791-6, April 2, 1793.
[123] *The Georgia Gazette,* January 21, 1767.

independently from owners, committing robberies and plotting rebellions. They also implied that residents of Savannah ought to be more vigilant in observing and taking action against such practices as they appeared prevalently in town.[124] In 1776 Governor Archibald Bulloch encouraged Savannah residents to take heed of "the tumultuous meetings of Negro Slaves, in and about the Town of Savannah, & their practice of buying & selling [on] the Lord's Day."[125]

Even as calls were made for watchfulness from town residents, evidence of prosecutions of slaves for a variety of violations and the complaints of Chatham County residents indicate that many whites actively participated in the violation of such laws. The complicity of owners of dram shops and shopkeepers with the illegal activities of slaves remained a frequent complaint of grand jurors well into the nineteenth century. In October of 1797, the grand jury called for a republication of the 1765 law under which any goods exchanged with slaves were to be documented by an owner's ticket. A large number of violations led jury members to suspect that "the part which prohibits dealing with negroes without tickets is not enforced for want of a sufficient knowledge of the same."[126] However, between 1783 and 1818, twelve separate grand juries argued that white business owners ought to be held responsible for violations of the law in allowing slaves to socialize at their dram shops or otherwise "disorderly" establishments.[127]

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[124] For a complete overview of Grand Jury complaints concerning blacks in Savannah and the surrounding area of the Lowcountry between the 1760s and 1810s, see: Betty Wood, *Slavery in Colonial Georgia,* 167-8, 189-190; Wood, "'White Society' and the 'Informal' Slave Economies of Lowcountry Georgia," 313-331.

[125] Proclamation of Governor Archibald Bulloch, April 9, 1776, State of Georgia Proclamations Book H, 1754-94, pp.209. Cited in: Wood, *Women's Work, Men's Work,* 147.

[126] Chatham County, Grand Jury Presentment, October 21, 1797. Chatham County, Superior Court, Minutes, Book IV & C, 1796-1799, CCCH.

[127] Chatham County Grand Jury Presentments, February 1794; October 1796; January 20, 1802; February 2, 1804; January 1808; January 3, 1809; May 1815; January 1817; January 1818; June 1818. Chatham

Testimony further indicates that those dealing or selling liquor to slaves generally premeditated their violation of the law. One 1808 complaint accused liquor sellers of "having private doors for the admission of negroes on the Sabbath day (as evidenced from the many we see inebriated)" and recommended the City Marshal's attention to such location.[128]

Violations for the "entertainment of negroes" frequently appear in the records of city council. Such events described "riotous" gatherings or the participation of slaves in social activities, which ranged from drinking, to dancing, rioting, or card playing, either in homes or businesses. In one exceptional case, R.J. Cavallier stood accused of keeping a riotous house, "where negroes learn the military exercise." More typical was the case of Sappho Mitchell, who appeared before council in 1792 to answer for "a disorderly meeting of white persons and negroes […] in the house kept by Saunders and Brown." In this case, the gathering was considered a sufficient "danger of the safety of the inhabitants" that the city revoked the establishment's liquor license. The Marshal ably dispersed the gathering, resisted only by one white attendee, Dr. John Love, who "obstructed the Marshal," but many of the prosecutions of shopkeepers and liquor sellers indicate that the information that city officers acted upon originated from the members of the community. In 1790, the City Marshal received information that Isaac Attease was "employing and selling rum and otherwise dealing with Negroes on Sunday last" and brought Attease before Council.[129] Although the identity of such informants remains generally absent from records of such prosecutions, two cases for entertaining presented

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County, Superior Court, Minutes Books 3 through 9, CCH. For complaints of 1783 and 1788, see: Timothy Lockley, *Lines in the Sand,* 82.

[128] Chatham County, Grand Jury Presentment, January 5, 1808. Chatham County, Superior Court, Minutes, Book 7, 1804-1808, CCCH.

[129] CCM 1791-6, August 10, 1790; October 30, 1792. CCM 1808-1812, November 12, 1809.

before council in 1796 indicate that some shopkeepers may have informed on one another. On October 24th, Christopher Gun presented information to council accusing Benjamin Jewell of selling liquor to slaves, but during the same session, Jewell accused Gunn of the same crime, leading Council to fine both men.[130] It is more likely that competition over the business of slaves motivated the shopkeepers to bring one another's crimes to the attention of Council rather than any qualms over the moral hazards of allowing slaves to drink.

Though consistently carried out, prosecutions remained insufficient to deter whites or blacks from trading or keeping company. Timothy Lockley's review of City Council minutes reveals that one-fifth of all individuals granted licenses to retail liquor before 1820 had also been prosecuted for trading with slaves, entertaining slaves, or keeping shops after hours or on Sundays. Officials attempted to curtail the selling of liquor to slaves by raising the minimum fine to a staggering $100. Previously, fines for selling liquor to slaves averaged just $20 per offense.[131] Grand juries argued that dram shops posed both moral and economic evils. One 1809 jury complained that the presence of such shops in Savannah "seduce labouring men from their duty and deprive us of a class of people useful to the community."[132] However, the profitability of dealings with slaves motivated white shopkeepers to continue to accept their business.

Slaves represented a significant group of consumers and producers for the Lowcountry, and they also made highly desirable trade partners. Without access to credit, they typically dealt in cash. Charles Ball observed that Savannah's shopkeepers

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[130] CCM 1791-6, October 24, 1796.
[131] Lockley, *Lines in the Sand,* 82-3; Betty Wood, "'White Society' and the 'Informal' Slave Economies of Lowcountry Georgia," 313-331.
[132] Chatham County, Grand Jury Presentment, January 3, 1809. Chatham County, Superior Court, Minutes, Book 8, 1808-1812, CCCH.

coveted the trade with slaves, noting that they were "ready to rise at any time of night to oblige them."[133] In part, the efforts of authorities to control the trade between slaves and white shopkeepers failed because the interests of elites and less affluent whites did not perfectly align on the issue of trading. A sizable class of non-slaveholding whites ran most of Savannah's local shops, and the significant amount of production and trade generated by the black population presented them with a steady supply of goods that helped maintain inventory. Lockley observes that 879 individuals violated the ordinances governing trade for Savannah between 1790 and 1848. Most offenders were prosecuted for entertaining negroes, selling liquor without license, or violating the ban on Sunday trading. Of this group, less than a quarter were slaveholders while still fewer could be considered elites. Such individuals had little reason to uphold racial boundaries, especially when they conflicted with their own economic self-interest and seemed to have little direct impact over Georgia's security. Just as storekeepers in Savannah provided essential outlets for slaves outside of Savannah who otherwise may not have been able to vend their produce or goods, some traders may have relied upon slaves to generate their profits.[134]

On one hand, the proximity of Savannah to many plantations left masters in a poor position to exert control over the after hours activities of their slaves. William Grimes's account of raising a small crop of rice on the plantation of his owner and selling it at Savannah illustrates that such activities were often conducted without the knowledge of the master. After raising the rice, he "carried it to town" where he earned "about five

[133] Quoted in: Wood, "'White Society' and the 'Informal' Slave Economies of Lowcountry Georgia," 316. Lockley, "Trading Encounters," 33-6.
[134] Only five of those guilty of violations held five or more slaves. Lockley, *Lines in the Sand,* 96; Lockley, "Trading Encounters," 37.

or six dollars" that could pay for provisions "in case of emergency[.]" In other instances, Grime noted carrying on his "head a bundle of wood, perhaps three miles, weighing more than one hundred pounds," which could then be sold. Slaves like Grimes fluidly traveled between country and town without the consent of an owner. If Grimes' trading kept him in Savannah until "late in the evening," he would proceed to his "master's house unknown to him, and lodge there."[135] Grimes' ability to make use of his owner's residence in town in order to conduct business without his permission further illustrates just how resourceful slaves could be as they evaded the commands of a master.

However, there is some evidence that slaveholders supported the independent commerce of slaves. Some rural planters counted on slaves to provide some of the materials necessary to their upkeep and believed such practices promoted satisfaction among the slave population. For such men, restrictions over the ability of their slaves to trade threatened to undermine the operational model of their plantations. Many whites also rejected the premise that stamping out the independent economic activities of slaves would lead to the creation of an orderly slave population.[136] The success of slaves in selling their goods and produce certainly might lead one to conclude that some planters supported the marketing activities of slaves.

The integral role that slaves played in connecting the plantation household to town may have forced planters to accept the mobility of slaves and their exposure to strangers and businesses within Savannah. White slaveholders often seemed uninterested

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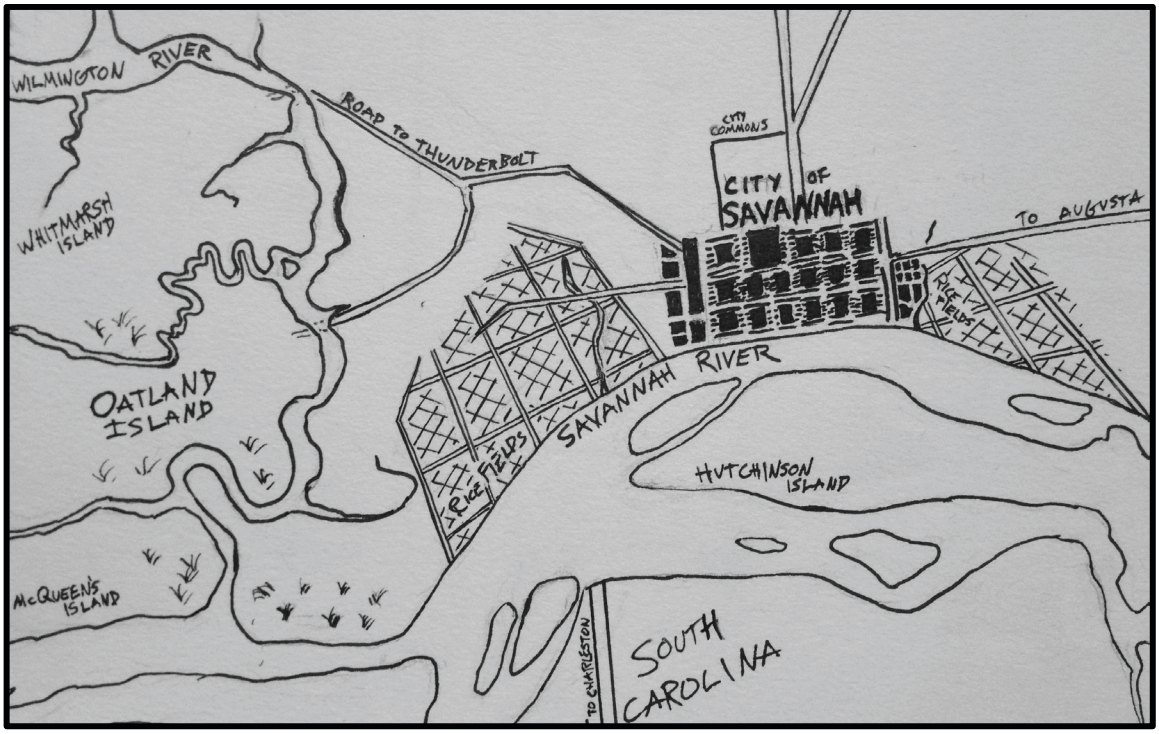
[135] William Grimes, *Life of William Grimes,* 38-9.

[136] As Betty Wood concludes, "by the early nineteenth century, a few whites were suggesting that there was no great harm, and might be certain advantages, in allowing slaves to accumulate a limited amount of personal property because those who did so would be unlikely to run away and abandon, or behave in any other way which might jeopardize, their material possessions." Betty Wood, "'White Society' and the 'Informal' Slave Economies of Lowcountry Georgia," 325; Philip D. Morgan, "Black Life in Charleston," 120-1.

in restraining the travel of slaves who commonly worked as hirelings or couriers, likely because such measures were unnecessary and difficult to enforce. Slaves remained the primary method for ferrying plantation yields to town but also for conveying the necessaries of daily life, including correspondence or goods that could only be located in town. Such conveniences forced planters to place a substantial amount of trust in such individuals. Margaret McQueen's correspondence to her cousin, Eliza Mackay, indicates that the McQueen slaves visited town quite frequently to fulfill the family's needs when they resided at their plantation at "Oatlands," an area situated about four miles from Savannah and known generally as Oatland Island. The exchanges between McQueen and Mackay, who resided in Savannah, typically occurred at least once per day and were nearly exclusively carried by one of the plantation slaves.

***Figure 1.1*: Savannah and Surrounding District Circa 1815**



McQueen often sent slaves to Savannah with items produced on the plantation for her cousin or with letters requesting that specific items from market be sent by the slave's return. Letters indicate that slaves were expected to enter the town's stores and market themselves in order to obtain the requested goods. For instance, one Sunday night, McQueen had Quamino carry "a leg of mutton" to her cousin along with a letter instructing Mackay to have him "fetch me a seven penny loaf and a three penny."[137] As provisions ran short in Savannah during the War of 1812, Quamino was sent to town with "a bag and a petition for a loaf[.]" Isolated at Oatlands, McQueen implored her cousin to send "particular intelligence tomorrow by the boy."[138] Both Margaret McQueen and her sister, Mary Anne Cowper, relied heavily upon slaves who served the family in town or worked as hirelings to navigate the city in conducting plantation errands. When requesting that the family's slave Flora "buy a nice Ham (not too large) before she leaves Town[,]" Cowper noted that such trips were required frequently. "I must send in twice or perhaps three times a week to keep me in necessaries."[139]

The presence of the family's slaves in town made such frequent trips possible, but at other times, the personal trips to Savannah made by slaves also facilitated such traffic. Informing Eliza Mackay that "Nancy has leave to go to town tomorrow [Thursday] and stay till Wednesday," Margaret McQueen used Nancy's return trip to procure fresh produce in town. Not requiring "anything more from market till then[,]" McQueen noted that if Nancy were to find "any good peaches or apples of a reasonable price" she would "be glad of some." Although McQueen expressed some discomfort with the frequency of

[137] Margaret McQueen to Eliza Mackay, "Sunday night" 1813. Box 1, Folder "1813." Mackay and Stiles Papers, SHC.
[138] Margaret Cowper McQueen to Eliza Mackay, dated "1813." Ibid.
[139] Mary Anne Cowper to Eliza Mackay, Undated. Box 1, Folder "Undated Mary Anne Cowper." Mackay and Stiles Papers, SHC.

Nancy's trips to town, such concerns were primarily over Nancy suffering too much "fatigue" as she completed the journey on foot. "I do not like to deny Nancy going to Town tho' I am not over fond of it as she must go and return in good time the same day[.]"[140]McQueen was not concerned that Nancy's visits to the city would corrupt her slave. She viewed them as advantageous to her own purpose, even if they originated from Nancy's own personal reasons for going.

In addition to rural slaveholders and the shopkeepers and tavern owners of Savannah, slave owners who resided in town comprised a third group of individuals who were often willing to allow their slaves to violate existing regulations about the interactions of their slaves in the local economy. By the 1790s, grand juries and city authorities alike recognized that slave owners commonly permitted slaves to make wages or sell wares on the streets of Savannah without having obtained proper license to do so from the city. Although badges were intended to signal that owners had knowledge of particular work or vending activities, slave owners themselves were often complicit in the violation of such requirements.

Only a limited number of badges were available for purchase from the city, but many slave owners who allowed their slaves to operate as hirelings for only limited periods of time may have found the expense and process of obtaining a badge unappealing. Samuel Frink's 1771 estimate of ten percent of Savannah's slave population as self-employed hirelings likely remained the same or grew through the close of the eighteenth century as Savannah's export economy continued to boom.[141]

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[140] Margaret Cowper McQueen to Eliza Mackay, Undated. Box 1, Folder "Undated Margaret Cowper McQueen (1)"*;* Margaret Cowper McQueen to Eliza Mackay, Undated. Box 1, Folder "Undated Margaret Cowper McQueen (3)," Mackay and Stiles Papers, SHC.
[141] Cited in: Philip D. Morgan, "Black Life in Eighteenth-Century Charleston," 191.

Presuming that the number of slaves operating for themselves did remain at that figure, the number of badges issued by the city never fully met existing demand. In 1798, the city's 3,454 blacks accounted for just over half of its total population. By 1820 the black population had grown just slight to 3,657.[142] It would be reasonable to estimate that at least 350 slave hirelings may have worked in Savannah during this period.

City treasury records indicating the number of badges forged for slaves indicate that the annual rate of badge issuance varied but generally remained far below this estimated number of self-hire slaves. In 1792, the city had "one hundred and seventy Negro Badges struck for the ensuing year" and increased production to 180 badges in 1801 and 280 in 1808. The figure generally hovered between 160 and 170 through 1809.[143] The substantial upswing in badge production indicates that labor market conditions forced the city to allow more slaves to be able to legally work. In any given year, the average batch of badges would supply just around five percent of the black population. Even at the height of badge production in 1808, the total number of badges would have only covered an estimated 8 percent of the city's slave population. Furthermore, the number of badges for each specific employment varied greatly. Of the 178 slave badges sold between July 1806 and August 1807, one hundred thirty-eight went to porters and laborers, followed by twenty-one to venders of small wares, fifteen to

[142] Although no available figure exists for the city's black population in 1810, estimates for the years 1798 and 1820 provide some guidelines for how many slaves may have inhabited Savannah during this period. Walter Fraser, *Savannah in the Old South,* 159; Richard Wade, *Slavery in the Cities,* 327.

[143] Spikes in production occurred during the 1810s, when badges totaled between 232 and 291. During the following decade, production increased, rising in 1825 to 302 badges. CCM 1791-6, December 11, 1792. CCM 1800-1804, January 12, 1801, January 10, 1803, May 28, 1804; CCM 1805-1808, January 25, 1805; Cash Book entry, January 14, 1808. City of Savannah Treasurer's Cash Books 1806-9, Vol. 1, 5600CT-540A; Cash Book entries, January 15, 1817, March 7, 1811, April 12, 1825. City of Savannah Treasurer's Cash Books 1808-25 Vol. 2, 5600CT-410, CSRLMA.

fishermen and grass cutters, and four to tradesmen.[144] In fact, evidence of the badge violations for 1806 and 1807 indicates that the tightness of badge supply for individual employments was indeed an issue. Of the fourteen badge violations recorded during those years, nine of the slaves were caught without badges while working as grass cutters. The fifteen badges issued by the city that year simply were not sufficient to meet the demand for grass cutters in Savannah.

Many owners actively violated badge laws when they could not obtain badges for professions that were in limited supply, relying upon their slaves not to get caught. Slaves and owners did counterfeit badges, as evidenced by the passage of a law in 1790 specifying fines for free persons and slaves caught using such badges, but they also attempted to use legitimate badges for purposes outside of their sanction. Abraham Abrams' slave worked as a carpenter using a porter's badge, which ran nearly one-third of the cost of a carpenter's badge. In this instance, it is likely that Abrams purposefully obtained the badge either because carpenter's badges were not available or because he knew that his slave could find work as a skilled laborer regardless of what kind of badge he obtained.[145] As City Council increasingly restricted the number of badges issued to venders of small wares, or "VSW," slaveholders who otherwise might have opted to obtain a badge simply began ignoring the requirement. In 1795, City Council charged Quamino Lawrence with allowing his slave girl to sell her cakes on the street without a badge, but when Lawrence petitioned council to obtain the proper "license and badge to

[144] Although 196 badges—inclusive of slave and dray badges—were issued for 1806-7, the city increased production by 26 percent, commissioning 247 badges for the following year. CCM 1805-8, August 25, 1807.
[145] CCM 1791-6. October 15, 1792; "An Ordinance for regulating the hire of drays, carts and waggons as also the hire of negro and other slaves, and for the better ordering free negroes, mulattoes or mestizoes within the City of Savannah," passed September 28, 1790. City Ordinances. Vol U.13.01; OCC, CSRLMA.

sell beer, cakes, &c." for the slave shortly after, they denied the petition. The circulation of desirable VSW badges led City Council to pass a resolution in 1803 that commanded that slaves with such badges ought not be permitted to "send out or employ any other slave to sell or vend their small wares through the streets, under pain of forfeiting the Badge."[146] Yet, because such badges remained restricted, slaves and their owners continued to actively develop strategies that would allow them to sell small wares. For instance, in 1804, Madame Gaultier was charged for her slave vending small wares while wearing a porter's badge. Again, the cost of the badge may have been a factor. At the time, a VSW badge cost $7.50, if the slave qualified for one, whereas a porter's badge cost $1.50.[147]

Savannah's City Council appears to have found slave owners generally culpable for the actions of their slaves. Fines for violations of the badge law befell slave owners far more often than employers, who also could be held responsible for missteps concerning hirelings under badge laws. Dozens of indictments for badge violations presented before City Council used a common language of culpability. For instance, in 1791, Moses Lyons and Free London, a free man of color, were each fined for "suffering their Negro Slaves to sell poultry in this City without a ticket or Badge."[148]

However, city authorities experienced some difficulty in identifying whether employers or owners ought to be sanctioned for the illegal hire of slaves, demonstrating one way in which the badge system ultimately failed to account for the existing flexibility

[146] "VSW" is the designation used by Savannah authorities for vender of small wares badges. CCM 1791-6, April 14, 1795. CCM 1800-4, February 7, 1803.
[147] Ibid, May 14, 1804; "An Ordinance For regulating the hire of drays carts and wagons as also the hire of negroes, and better ordering Free negroes, mulattoes or mustizoes within the city of savannah and for other purposes herein mentioned," passed January 26, 1801. City Ordinances. Vol U.13.01; OCC, CSRLMA.
[148] CCM 1791-6, January 6, 1791; July 1, 1791.

inherent in the dynamics of mastery and ownership under hiring arrangements. In 1791, City Council charged Captain Francis Watlington with allowing a slave woman to sell wares without a badge, but Watlington "was out of the city and could not be summoned" for two weeks. Upon his return, he notified Council that "the Negro was in the employment of Lovey Van, at the same time the law was transgressed." Although Van, a free man of color, "pleaded ignorance of the law," he received a fine.[149] In this instance, the prosecution of the badge violation took over six weeks as the slave woman's owner allowed her to work on her own in town even in his absence. Furthermore, the identity of the responsible employer was not immediately clear, as Lovey Van provided no direct supervision over his slave as she sold her wares. Such cases illustrate how self-hire disrupted the ability of slave masters to be identified, let alone held responsible for the actions of their slaves. Two weeks after hearing the case concerning Van and Watlington, City Council received information from the clerk of the market that attorney John Peter Ward had allowed his slave Cain to sell small wares without a badge. Although Ward was identified as Cain's owner, City Council commanded that either Ward "or the person having charge of the said Negro be summoned to attend." Here council clarified that employer or owner might be responsible depending on the circumstances of the case, which at times led to disputes over culpability.[150]

The indirect ownership and operation of slave hirelings by agents or legal guardians provided additional difficulties for legal compliance, occasionally resulting in the oversight of badge laws. When William Stevens appeared before City Council for allowing his slave to vend small wares without a badge, he informed them that the slave

[149] Ibid, August 9, 1791; August 23, 1791; September 25, 1791.
[150] Ibid, September 6, 1791.

was actually the property of a Miss Mills, for whom he acted as a guardian. Moreover, the slave actually been "hired out to a Free Negro, called Oronoke." Stevens insisted, "if the Rules of Council were violated, it was done without his knowledge[.]"[151] Similar questions surfaced in 1792 when City Council attempted to prosecute John McIntosh, a minor, through his guardian, James Houston, for allowing five slaves belonging to the estate of McIntosh's father "to work out in this city without Badges" as tradesmen. Houston "offered several matters in mitigation of the offence[,]" including the fact that guardianship over McIntosh's property had changed hands over the past year. In fact, changes to McIntosh's guardianship had led to other issues with the boy's property that came under review by City Council. In 1791, James Houston also appeared to answer for "renting a house to a negro woman, slave" owned by McIntosh.[152] Given the fact that those acting as agents or guardians were often responsible for the slaves of multiple owners or estates, their failure to properly follow the rules governing the activities of their slaves is perhaps not surprising. Such individuals may not have intentionally violated badge requirements, but allowing slaves for whom they were legally responsible to operate freely without ensuring that the law was being followed demonstrates one way that the nature of the hire system worked to undermine badge requirements.

Based on the number of slaveholders who appeared before City Council for badge law violations, Betty Wood has described such violations as "extensive." However, additional analysis of the City Council Minutes reveals that violations of the badge laws may have been even more flagrant between 1791 and 1815. Wood has determined that the city brought nineteen violations between 1791 and 1795 and sixteen violations

[151] Ibid, April 25, 1796.
[152] Ibid, October 26, 1791; November 8, 1791; October 15, 1792.

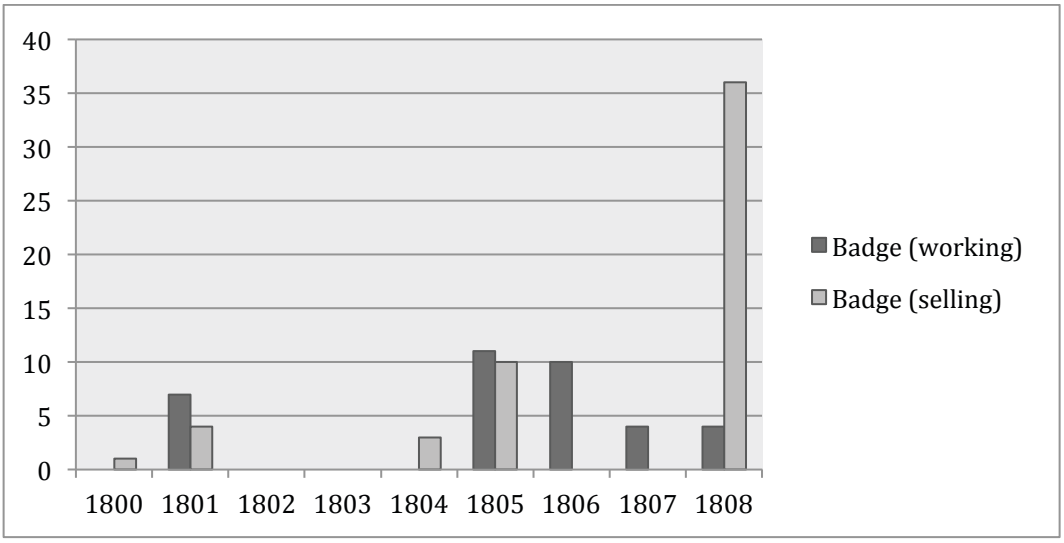
between 1805 and 1806 for slaves working without badges. However, my own analysis of the City Council Minutes reveals marginally higher rates of 23 violations and 18 violations, respectively. Whereas Wood has determined "at least 11 owners" were fined for allowing their slaves to vend goods in the city without a badge or ticket allotted for that purpose between 1791 and 1796, my analysis of council minutes reflects that at least fourteen slaveholders were brought before council. There is further evidence to indicate that prosecutions during the first two decades of the nineteenth century may be higher as well. Wood's research on the Savannah jail books, which were kept between 1809 and 1815, indicates that only 36 slaves were kept in jail for badge violations. However, badge violations did not always result in arrest. City Council minutes indicate forty-two badge violations occurred during the same period, of which twenty-three cases concerned work violations and nineteen cases concerned selling violations.[153]

Evidence of these prosecutions supports the claim that slaves and their masters violated badge laws frequently, but uneven patterns of enforcement demonstrated within the City Council Minutes for the period between 1790 and 1819 indicate that only a fraction of the actual violators of Savannah's badge laws may have appeared before council. Prosecutions occurred in waves. Between 1800 and 1804, eight slaves without vending badges were prosecuted, but during the following four-years, sixty-four separate cases were reviewed by Council. Moreover, prosecutions ebbed and flowed on a year-to-year basis. Between 1804 and 1805, badge violations rose from three to twenty-two and remained elevated at eighteen cases in 1806. Although violations dropped again in 1807,

[153] Wood, "'White' Society and the 'Informal' Slave Economies of Lowcountry Georgia," 319. My figures for badge violations totaled from: Savannah City Council Minute Books: June 1791-Dec 1796; July 1800-Dec. 1804; January 1808- August 1812, OCC, CSRLMA; CCM, January 1805-1808, (microfilm), Live Oak Public Library, Savannah, Ga.

a new peak for prosecutions under the badge law occurred the following year when forty cases were brought before council.

***Figure 1.2*: Violations of Badge Ordinances Tried Before Savannah City Council 1800-1809[154]**

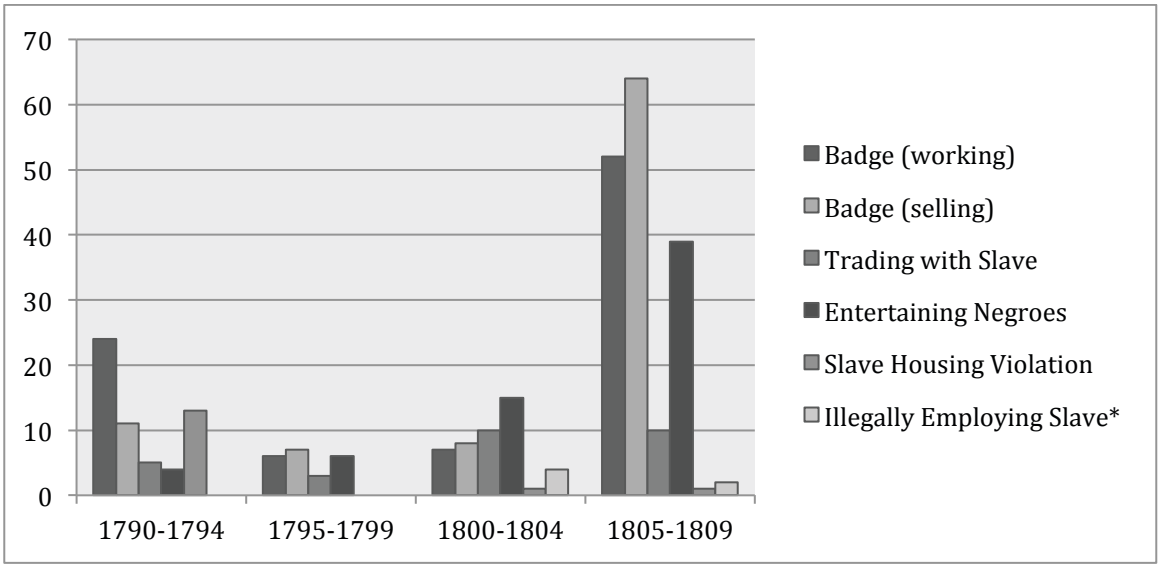


Yet, the increased capacity for prosecution did not indicate sustainable changes in the enforcement of the badge laws. Cases remained high through 1809, when forty-one badge violators came before council, but during the following decade, fewer than a dozen badge violations were reviewed in total.

Analysis across several categories of black policing ordinances reveals similar inconsistencies in the patterns of enforcement over time. Prosecutions for violations fluctuated both in terms of the overall number of violations brought before council but also the categories of violations prosecuted.

[154] Totaled from: Savannah City Council Minute Books: July 1800-Dec. 1804; January 1808- August 1812, OCC, CSRLMA; CCM, January 1805-1808, (microfilm), Bull Street Library, Savannah.

***Figure 1.3*: Number of Slave Ordinance Violations before City Council between 1790 and 1809[155]**



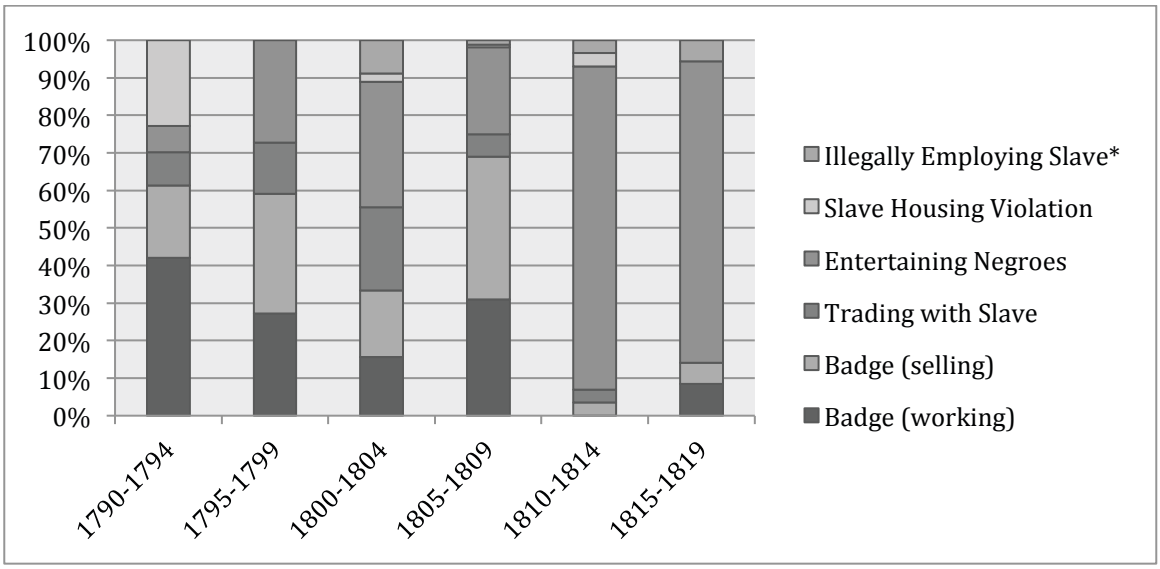
*Illegal employment is defined as a slave employed in a shop or in an illegal trade.

An upsurge in prosecutions in 1808 marked a concerted effort to crack down on slaves who sold goods illegally on the city streets and the entertainment of slaves on Sundays. Of the fifty-six separate offenders charged by City Council that year, forty were badge violations with ENS violations accounting for the remainder. Ninety percent (36) of those badge violations were brought against slaves for selling goods. In 1809, badge violations received similar attention, but less than half involved the sale of goods. Violations for entertaining slaves plummeted from sixteen prosecutions the previous year to a mere three in 1809. By contrast, only sixteen total violations were prosecuted in 1810, but thirteen of those cases involved those who entertained slaves. A similar pattern

[155] Between 1790 and 1809, 297 violations of slave ordinances appeared for illegal employment of a slave, ENS, housing violations, dealing with slaves, or badge violations. Totaled from: Savannah City Council Minute Books: June 1791-Dec 1796; July 1800-Dec. 1804; January 1808- August 1812, OCC, CSRLMA; CCM, January 1805-1808, (microfilm), Bull Street Library, Savannah.

occurred in 1811 and 1812, when a combined total of fifteen cases were brought in both years, twelve of which were for ENS.[156]

***Figure 1.4*: Distribution of Slave Ordinance Violations appearing between 1790 and 1819[157]**



These fluctuations in prosecutions indicate that city officers were highly inconsistent in their enforcement across all types of restrictions placed on the economic and social activities of people of color in Savannah. The concentration of large numbers of prosecutions during years preceded by lulls indicates a concerted campaign by authorities to address individual crimes. The city's crackdown on ENS and badge violations in 1808 and 1809 appears to have been inspired at least in part by public outrage. In both years, multiple grand juries voiced complaints about disorderly houses and slave sellers operating on the Sabbath. "On that day," jurors complained, "while in

[156] Totaled from: Savannah City Council Minute Books: January 1808- August 1812, OCC, CSRLMA; CCM, January 1805-1808, (microfilm), Bull Street Library, Savannah.
[157] Between 1790 and 1819, 423 violations of slave ordinances appeared for illegal employment of a slave, ENS, housing violations, dealing with slaves, or badge violations. Totaled from: Savannah City Council Minute Books: June 1791-Dec 1796; July 1800-Dec. 1804; January 1808- August 1812; September 1812-September 1817, OCC, CSRLMA; CCM, January 1805-1808, (microfilm), Bull Street Library, Savannah.

our churches the higher orders of Society are taught to reverence God—the multitude are crying Small wares about our Streets." According to the jury, the public market was "filled with Boys and negroes, engaged in different kinds of games, forgetful alike of the laws of God and their Country."[158] Complaints from the Chatham County grand jury over the continued operation of gambling houses and other establishments for the entertaining of slaves in Savannah in 1817 similarly corresponded with a spike in prosecutions; that year City Council charging nineteen individuals with ENS. The conclusion that such waves of enforcement were part of coordinated efforts by city officers is further supported by the fact that city officers charged multiple offenders during the same session of City Council. Each of the nineteen violators were charged on three separate days in October and November, eight of whom were charged during the same council session. Five establishments—those of James F. Lefebre, John P. Gizourne, Thomas Bibb, and John Roberts—were singled for prosecution on the basis of information provided to the Chatham County grand jury by three citizens in January. Four of the named proprietors were among those charged *en masse* by the city later that year.[159]

The sharpness of the increase in slave ordinance enforcement during individual years indicates that the illegal activities of people of color and their white owners or associates likely went largely unchecked during significant periods of time. Any explanation for the inconsistency of enforcement remains inconclusive, but the difficulty inherent in successfully identifying and trying violations of slave policing ordinances

[158] Chatham County, Grand Jury Presentment, April 29, 1808. Chatham County, Superior Court, Minutes, Book 7, 1804-1808, CCCH.
[159] Chatham County, Grand Jury Presentment, January 22, 1817. Chatham County, Superior Court, Minutes, Book 9, 1812-1818, CCCH.

undoubtedly served as a contributing factor. Laws relied largely upon individual citizens to identify violators, notify the proper city authorities, and provide testimony before City Council in a formal setting. It is clear that city residents were either not reporting enough incidents to officers or that City Council simply was unable to act on what information they did receive. In either case, city officers appear to have been equally unsuccessful at identifying and charging offenders.

For over half a century following the establishment of the City Watch, residents and authorities at Savannah identified the poor performance of the white residents of the city and surrounding suburbs who manned the patrol and City Watch as the source of the unchecked behavior of the city's black population. In a letter to the *Georgia Gazette* in 1763, editorialist R.L. singled out the disobedience of slaves to the laws of Savannah as particularly troubling but quipped that "the daring insolence of the negroes for some time past surely must induce those concerned not to neglect it." For R.L., the notion of "neglect" corresponded to the fact that the patrol law was being "scandalously evaded by those persons who reside near Savannah, under a pretence[sic], that as they muster in town, they are exempted from that duty[.]" R.L. insisted that "their vicinity to the town" made such a duty all "the more necessary for them to perform," but the residents of Savannah's outskirts appear to have disputed their own obligations to patrol. The patrol law, R. L. argued, "can only mean that those who live in town shall not be liable to the patrole duty."[160]

Six years later, in a speech before the colony's two houses of assembly, Governor Wright expressed similar concerns over the ability to maintain the night patrols of the City Watch. Wright stated that the night watch, which was "at present performed by the

[160] *The Georgia Gazette,* R.L. to Mr. Johnston, September 1, 1763.

inhabitants, seems to be upon a disagreeable and improper footing[.]" Arguing that "this duty is absolutely necessary to be done," Wright insisted on the need to pay "a constant watch company, and to frame a law subjecting them to such orders, regulations, and discipline" that would provide the city with a more effective force.[161] Even with compensation, compelling residents to perform City Watch duty remained difficult. In 1794, grand jurors complained that "the frequent robberies committed in and about this City" required that the law be changed "to compel the constables to do their duty[.]"[162]

Grand jurors and city authorities remained equally concerned over whether those compelled to serve could properly perform their duties when on active guard. Within Southern cities, the membership of urban patrols had similarly become a contentious issue. In one well known critique over the conduct of slaves in Charleston published in 1772, an editorialist writing under the pseudonym "the Stranger" located those charged with policing slave activity as the source of the "general defectiveness of laws pertaining to slaves[.]" One Charlestonian confided in the Stranger that Charleston's constables were men "of infamous Lives and Characters, and not worth a Groat," as they were in fact the proprietors of tippling houses, dram shops, or other establishments. The constables "consequently drew much of their Subsistence from Dealings with Negroes."[163] Constables in Savannah were appointed from among the white male inhabitants above the age of twenty found in each ward in the city, and the law exempted those who held political appointments and many men of education, including lawyers and

[161] *Ibid,* November 8, 1769. Statom, "Negro Slavery in Eighteenth-Century Georgia," 58, 77.
[162] Chatham County, Grand Jury Presentment, July 29, 1794. Chatham County, Superior Court, Minutes. Volume 3, 1793-6, CCCH.
[163] *South Carolina Gazette,* August 27, 1772. (microfilm), Library of Congress.

physicians. Most members of the regular patrol hailed from the lower classes of white society, and shopkeepers and tippling house owners undoubtedly served among them.[164]

Criticisms of City Watch members indicate that concerns over the character of constables and patrollers were well placed. For instance, in 1807 Watchman Henry Weyland appeared before City Council for "firing at and wounding a negro the property of Mrs. Montgomery[.]" When additional representations were made "of improper conduct in some of the watchmen" shortly after Weyland's reprimand, City Council formed a committee "to investigate the present state of the City Watch and the manner in which it is conducted[.]"[165] The committee found the conduct of four watchmen who had been found to be drunk "so improper as to induce the committee to dismiss them from that service" and install temporary watchmen. The committee suggested "the necessity of directing the officers of the guard to make their report more special in future on all cases of drunkenness" of watchmen as they believed it to be "particularly destructive to those objects for which the guard was instituted."[166] When watchman Washington Power "beat a negro upon Guard" and "insulted the Superintendant of the City Watch," City Council required Power "to give security for his peaceable behavior" and dismissed him from the Watch.[167] The encounters between watchmen and citizens and slaves prompted City Council to require Watch privates to present bonds ensuring their good behavior after 1810. However, as most members of the watch tended to be less affluent, Council determined that the financial burden would prevent many from serving, instead allowing each private to "produce a voucher signed by at least two respectable persons, residents in

[164] "An Ordinance for appointing Constables in the several Wards of the City of Savannah," passed April 20, 1791. City Ordinances. Vol U.13.05: OCC, CSRLMA.
[165] CCM 1805-8, April 13, 1807; April 27, 1807.
[166] Ibid, April 18, 1807.
[167] CCM 1808-1812, January 4, 1811.

Savannah," certifying that he was "an honest sober man, and as such recommended as a Watchman."[168]

However, the most penetrating criticism of the Watchmen extended from their failure to actually apprehend a meaningful number of black criminals. These accusations did not attribute the high number of offenders to the law being poorly written or misunderstood by residents but instead emphasized that Watch members had not exerted sufficient "vigilance" over specific criminal offenses. For instance, one 1797 grand jury asserted that whites continued to trade with slaves without tickets because residents were unaware of laws prohibiting such activities but simultaneously argued that the prevalence of other illicit activities on Sundays extended from the fact that Sabbath laws were "not enforced by the City's Officers."[169] Similar accusations were echoed by grand jury presentations in 1802, which expressed concerns over "assemblages of drunken and riotous negroes and People of color" and the tippling houses that served them. Grand jurors recommended that City Council "cause their Officers to be more alert and vigilant in the preventing of those abuses in the future." Moreover, they argued that they city ought to raise funds that might produce a better suited "City Guard or Watch to be composed of Trusty Men under proper directions"[170]

Although comments concerning vigilance may have partly reflected the ability of individual Watchmen, residents and Savannah authorities recognized that the most substantial barrier to the effective policing of blacks in the city remained the insufficient manpower of the force itself. Almost immediately after the inception of the City Watch

[168] Ibid, February 19, 1810; April 2, 1810.
[169] Chatham County, Grand Jury Presentment, October 21, 1797. Chatham County, Superior Court, Minutes. Book IV & C, 1796-1799, CCCH.
[170] Chatham County, Grand Jury Presentment, January 20, 1802. Chatham County, Superior Court, Minutes. Book 5 & D, 1799-1804.

in 1757, the assembly struggled to keep a body of men in operation. Two years after its creation, the patrol shrunk from a force of between five and ten men to just five, and the number of watchmen continued to fluctuate.[171] Ten remained the standard complement until being increased to a company of twenty-four privates commanded by one captain and two sergeants in 1796. Although such increases indicate that smaller guard contingents did not have sufficient manpower to police the city's population, such growth in the police force did not continue. By 1804, the Watch had been reduced to eighteen man patrols.[172]

The ability for the city to properly fund a body that could more effectively implement city law stopped any significant restructuring of the city's police force. While Watchmen were initially expected to perform their duty without compensation, after 1759, a small fee of one shilling was allowed to each Watchman to incentivize service. Watch Superintendents defrayed that cost by collecting an additional assessment on all inhabitants in Savannah.[173] However, cost remained a limiting factor. Alongside complaints over the social activities of slaves, a 1796 grand jury complained of "the enormous expence[sic] with which the corporation have shackled the citizens of Savannah to support a guard," which jurors insisted "could be as well executed […] at one fourth of the expence[.]" Complaints that the patrol was too costly were echoed

[171] "An Act for establishing a Watch in the Town of Savannah," passed March 27, 1759. CRSG, 18:290-5.
[172] This number would increase to twenty-four between 1804 and 1805 before falling to eighteen in 1814. CCM 1800-1804, April 29, 1804; CCM 1812-1817, March 25, 1814; "An Ordinance for establishing a Night Watch in the City of Savannah and Hamlets thereof," passed June 18, 1793; "An Ordinance Establishing a guard and watch in the City of Savannah for the better security of the same, and the Inhabitants thereof," Passed June 20, 1796; "An Ordinance for the purpose of establishing and Organizing a regular night watch for better protecting the city of Savannah," passed November 24, 1806. City Ordinances, Vol. U.13.05: OCC, CSRLMA.
[173] "An Act for establishing a Watch in the Town of Savannah," passed March 27, 1759. CRSG, 18:290-5.

again six months later when the jury recommended abolishing the City guard all together in order to resolve the heavy financial burden on Savannah's citizens.[174]

The debate over the expense of the city's police reflected a general belief that the body still remained unable to properly guard the city regardless of how the Watch was configured or funded. Shortly after the Chatham County grand jury recommended the reconfiguration of the Watch in 1802, City Council acknowledged that the city's night patrols had "proven ineffectual and inconvenient to the Citizens[.]" City Council proposed placing "a watchman for each ward, and a lamp at each corner of every street in the City, and at each well in the public squares" and called a public meeting to discuss funding the expanded force.[175] However, "so few of the inhabitants assembled" to advise Council, that they suspended the meeting and scrapped the proposed provisions.[176] Changes were again suggested in 1805 by a grand jury that viewed a nonexistent city guard as directly responsible for several stores having "been broke open and plundered in this city[.]" Heeding their recommendation that City Council investigate the guard or make a new model for a regular guard that would be funded by the citizens, council members insisted that they were "strongly impressed with the importance" of the grand jury's recommendation for the establishment of a new guard. With their previous experience in mind, they warned that adopting a more effective system for the City Watch was "far beyond the reach of the present resources of the corporation[.]" Most importantly, they argued, to obtain the revenues necessary to expand the watch would require action by the legislature either "increasing the powers of the corporation" to levy

[174] Chatham County, Grand Jury Presentment, April 6, 1797. Chatham County, Superior Court, Minutes. Book IV & C, 1796-1799, CCCH.
[175] CCM 1800-4, August 23, 1802.
[176] Ibid, October 15, 1802.

such a tax or creating a "tax to be appropriated to the support of a City Guard or Watch under the immediate controul and direction of the Corporation."[177] The continual struggle by municipal authorities to man and fund the City Watch illustrates how the institution of urban order still remained tied to the limitations of their powers during the late 18th and early 19th centuries.

Conclusion

From the late 1750s forward, authorities at Savannah relied upon visible institutions of authority to coerce acceptable behavior from the city's enslaved, free, and quasi-free black populations and their white associates. In addition to physical spaces such as the city's workhouse, the regular presence of the city patrols provided a symbolic reminder to slaves that the individuals who owned them did not retain exclusive control over their actions and bodies. The badge system served to further broadcast whether black activities received not only the sanction of slave owners but also that of city authorities.

Yet, such efforts to physically control black bodies in urban space fell short as the mechanisms that the city relied upon to enforce such laws ultimately failed for three significant reasons. First, those directly tasked with policing the city, such as the officers of the City Watch and city marshal, appear to have provided an inadequate physical presence to deter criminal behaviors related to work, trade, or vice. Such a failure may have been connected to the disappointing individual performances of constables, but the capacity of the Watch for either charging individual criminals or reducing criminal

[177] Chatham County, Grand Jury Presentment, February 2, 1805. Chatham County, Superior Court, Minutes. Book 7, 1804-1808, CCCH; CCM 1805-8, June 17, 1805.

practices remained seriously deficient as city officials struggled to maintain a constant police presence while under budgetary constraints. Secondly, the abundance of private space available in town facilitated the continuation of criminal activities by slaves and whites who served as their partners in drinking, gambling, trade, and other mutually beneficial activities. Slaves who worked as hirelings or couriers often lived and socialized away from the direct supervision of masters who either remained at a distance on the plantations or were unwilling to share their limited space in town with their slaves. Urban slaves took advantage of that distance to undermine rules prohibiting them from socializing, drinking, and trading. Regular hirelings, seasonal domestics of planters, and an assortment of other plantation slaves, who served as intermediaries for the conducting of slave or planter business between plantation and town, ushered in and out of the city, leaving many of its members unidentifiable.

Finally, the conflicted interests of rural and urban slaveholders and white shopkeepers made such individuals less likely to support measures that limited the economic and social activities of the city's black residents. The fact that such laws relied upon residents to inform officials of violations made their enforcement difficult. Many of the laws intended to ensure that some measure of control was being exercised over Savannah's enslaved population remained disconnected from the fact that a highly mobile population of laborers was required to satisfy the operational requirements of the city's economy. Yet, the demographic profile of the region dictated that by the 1770s those laborers would be enslaved. Although grand juries and editorialist would continue to complain about the lack of ordinance enforcement at Savannah well into the nineteenth century, such complaints do not indicate the poor behavior of slaves and their masters or

white allies caused any significant structural issues with the functioning of slavery within the urban economy or the underlying strength of racial ordering. If loose standards for mastery and the allowance of small freedoms to slaves had been perceived as potentially devastating to the stability of slavery generally, it is likely that evidence would reflect a larger number of individual citizens bringing information to city officers concerning violations or more efforts towards the restructuring of slave ordinances or the City Watch. While large slave gatherings or self-hire practices were identified as potential steps towards an independent, insurrectionary slave population, Savannah's black population remained generally free of the suspicions of local authorities until the mid-1790s, when concerns over revolutionary and foreign influences left residents and leaders more distrustful of free and enslaved blacks generally.

By that point, factors external to the practice of slavery within Georgia or Savannah, including the Revolution in St. Domingue, the appearance of imminent foreign military threats, and the arrival of hundreds of unfamiliar French West Indian whites, slaves, and free people of color, and guided how Georgians measured the potential dangers attached to the freedoms taken by slaves in the city. These concerns would eventually drive forward the political capital necessary to reform statutory laws concerning manumission and the residency of free people of color as legitimate black freedom appeared as a threat to the social order. However, even as such concerns peaked, instituting these measures proved difficult as the cooperation of the community remained central to their enforcement. Knowledge of the status and identities of Savannah's black residents held widely by the public continued to play a key role in determining when public authority over people of color could be appropriately asserted in

both public and private spaces in the city that otherwise would have been impossible to police through the patrol system alone. But the multifarious economic and personal interests of white residents made such strategies of policing difficult. As the following chapter illustrates, new regulations aimed at preserving the racial order suffered from similar drawbacks as they conflicted with a different set of interests held by different groups, including hundreds of new French West Indian whites, their slaves, and free people of color.

Chapter Two

"A Contagion Within": St. Dominguan Refugees at Savannah, 1793-1809

In September of 1793, Monsieur Boyer found himself in yet another American port city, this one smaller than the last. Boyer had arrived in the Brig *Mary* along with "a Number of French People on board […] who have been obliged to fly from St. Domingo, stating peculiar hardships in their situation."[1] The City Council members "were unanimously of opinion" that barring any danger of illness, the French refugees and their servants were to be permitted into the city. A committee of citizens also granted Boyer special permission to "land some Negroes formerly of St. Domingo and last from Baltimore" from the brig.[2] Previously, the arrival of slaves from the West Indies had proceeded unchecked at Savannah since such cargoes were commonplace. By 1793, city residents were well informed by newspapers accounts of the devastation sweeping across plantations and towns in St. Domingue unfolding 1,100 miles to the south and rightly cautious of new black arrivals.

The appearance of large numbers of French arrivals shocked local authorities in US port cities. The first St. Dominguan refugees arrived in Norfolk, Virginia, but by August, upwards of 1,200 French passengers from 120 ships were reported to have poured into the port of Baltimore, "many of whom have escaped by swimming from fire and sword, naked, and in want of everything."[3] Baltimore officials claimed to have been "without the least previous expectation of their arrival" or any notion "[o]f the extent of

[1] Savannah City Council Minutes 1791-6, October 1, 1793; October 16, 1793. OCC, CSRLMA. (Hereafter cited CCM)
[2] *The Georgia Gazette,* June 13, 1793. Microfilm, 1/3/1793 through 11/24/1796.
[3] *Ibid,* August 15, 1793; Winston C. Babb, "French Refugees From Saint Domingue to the Southern United States: 1791-1810." (PhD diss., University of Virginia, 1954), 57-61.

the calamity[.]"[4] State Department documents indicate that the Federal Government had little idea how many French refugees had arrived on US soil. A report issued in 1794 to estimate the cost of supporting the refugees numbered those in need at two thousand, but historians have estimated that as many as 15,000 refugees entered during this first wave of immigration.[5] Estimations or predictions seemed impossible; as one Baltimore delegate reported to congress, "such a scene of distress had never before been seen in America."[6] The $15,000 allotted for the maintenance of the refugees by the Federal government ran dry after just two months. The lack of supplemental relief indicates that the US government viewed the refugees as only a temporary addition to the population.[7]

Historians differ slightly in their estimates, but generally agree that as many as 25,000 French citizens, slaves, and free people of color entered the US between 1791 and 1810.[8] For the most part, they came in three waves, propelled by shifting military tides on St. Domingue and the play of metropolitan politics in the Caribbean. The battle for Cap Français in 1793, the withdrawal of the British army from the island in the summer of 1798 and 1804, and the expulsion of the French from the island of Cuba in 1809 each served as a significant catalyst. French settlers did not take the decision to immigrate to the United States lightly as destinations in the British and Spanish West Indies offered

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[4] *American State Papers*, January 10, 1794. 3rd Congress, 1st Session, Volume 1, 170.
[5] Mary Treudley, "The United States and Santo Domingo, 1789-1866," *The Journal of Race Development*, Vol. 7, No. 1 (Jul., 1916), 111.
[6] *Annals of Congress*, 3rd Congress, 1st Session, 169-173.
[7] This money was provided by tapping into debt owed to the French from the American Revolution. A petition produced by Peter Gauvain and Louis Dubourg, two representatives of the Baltimore refugees from Cap Français, further implored congress to act to release funds on the behalf of French Refugees. *Annals of Congress*, House of Representatives, 4th Session, January 28, 1794, 349-352; Babb, "French Refugees from St. Domingue," 80-6.
[8] John Davies estimates that as many as 25,000 refugees arrived from destinations within the French empire between 1791and 1809, while Winston C. Babb estimates between 15,000 and 20,000 landed in the South alone during the period of 1791-1810. Ashli White, *Encountering Revolution: Haiti and the Making of the Early Republic.* (Baltimore: Johns Hopkins University Press, 2010), 5; John Davies, "Class, Culture, and Color: Black Saint-Dominguan refugees and African-American communities in the early republic." (PhD diss., University of Delaware, 2008), 44-5; Babb, "French Refugees From Saint Domingue," 370.

more immediate refuge and economic opportunities. Furthermore, social practices in the islands for white and colored refugees more closely resembled those in St. Domingue. From Port au Prince, Havana was just 662 nautical miles away. Savannah was 280 miles further than Havana while New Orleans was nearly twice as far.[9] The French established sugar and coffee plantations in Cuba, Jamaica, Puerto Rico, Trinidad, and British Guiana. While French refugees had been hesitant to head to Cuba initially, after 1803, Spanish authorities encouraged the settlement of the French exiles and they flourished there, aiding in the growth of the colony's sugar enterprises.[10] However, an estimated 10,000 of the refugees in Cuba—the bulk of the French settled there—would eventually land in the United States less than six years later, driven out by hostilities between Spain and France.[11]

From the initial 1793 exodus forward, refugees found that the US offered political stability and security absent from elsewhere in the Atlantic world during this period. The United States provided neutrality and financial support that many found less forthcoming in British and Spanish holdings. As refugees accumulated along the Atlantic coast, the complex political and economic interests of St. Dominguans influenced many to consider the United States would as a permanent site of settlement, particularly since their own

[9] From Port au Prince to: New York City, 1,372 nautical miles; New Orleans, 1,219 nautical miles; Havre, France, 4,005 nautical miles. Babb, "French Refugees From Saint Domingue," 31-2. Stanley L. Engerman and B.W. Higman, "The Demographic structure of the Caribbean Slave Societies in the eighteenth and nineteenth centuries," in *Geneal History of the Caribbean: The Slave Societies of the Caribbean.* Ed. Franklin W. Knight. Volume 3. (London: UNESCO, 1997), 67. On the resistance of French refugees to settlement in the US, see: Paul Lachance, "Repercussions of the Haitian Revolution in Louisiana," in *The Impact of the Hatian Revolution in the Atlantic World.* Ed. David P. Geggus (Columbia, SC: University of South Carolina Press, 2001), 210-212.

[10] The 10,000 French residents of Cuba likely had a hand in increasing the coffee yield exponentially. In the district surrounding the eastern town of Santiago de Cuba, yields multiplied ten fold. White, *Envountering Revolution*, 170.

[11] Most of the later 1809 exodus settled at New Orleans. Lachance, "Repercussions of the Haitian Revolution in Louisiana," in *The Impact of the Hatian Revolution in the Atlantic World*, 210-219; Ibid, "The 1809 Immigration of Saint-Domingue Refugees to New Orleans: Reception, Integration, and Impact," *Louisiana History 29 (1988):* 109-41.

place within the French republic remained tenuous. The fears manifested in many port cities towards outsiders and increasingly tense diplomatic relations between the US and the French government—particularly during the period before the Quasi-War in 1798—influenced the desire and ability of many settlers to remain in the US. In the South, dramatic shifts in attitudes towards blacks from the West Indian during the 1790s further complicated the decision to remain.

While Savannah received fewer white émigrés directly from St. Domingue than other Southern destination—including Charleston, New Orleans, and Norfolk—the city's response towards the newly arrived French people of color was aggressive.[12] Under the parameters of existing quarantine law, authorities cautiously searched out their presence in each incoming vessel carrying French West Indians. Less than one month after Boyer and the St. Dominguans arrived at Savannah in the *Mary,* a council of citizens pressured City Council to enact laws to combat two immediate dangers facing the city: a yellow fever outbreak in Philadelphia and "the importation of Negroes and people of colour from St. Domingo and other places." In response, the city issued orders to quarantine all people of color, whether slave or free, on shipboard and to then transport them out of state. This use of power was so radical that City Council felt the need to assure state authorities "that nothing but the most urgent necessity has induced the people of Savannah to adopt the measures they have done[.]" They argued that any "delay until the sense of the Legislature, or the inhabitants at large could be collected" created a danger that outweighed their unapproved expansion of powers. Within two weeks, Governor

[12] Winston Babb has estimated that between 200 and 300 refugees arrived at Savannah from St. Domingue. By comparison, 1,000 refugees entered through Charleston and 10,000 through Louisiana. Although an exact number of refugees cannot be determined, Savannah received the smallest number. Chapter three provides an analysis of estimates for the Savannah arrivals, illustrating why the number of refugees was likely higher. Winston C. Babb, "French Refugees From Saint Domingue," 80-6.

Edward Telfair confirmed that Savannah authorities could prevent free blacks from landing. State laws preventing "the introduction of contagious disease, as well as those […] punishing and suppressing the infections" of people of color would, according to Telfair, maintain "the peace and good order of the community," by preventing the "many abuses and inconveniences of a nature not to be tolerated" originating from free people of color.

However, Telfair refused to allow the Corporation to deny the entry of slave property. He cautiously drew a line concerning French slavery and black danger, projecting a desire to settle a population of French slaveholders. By the summer of 1795, a deteriorating sense of security along the Georgia coast forced a policy change when the appearance of significant numbers of people of color prompted Georgia's legislature to extend the ban on entry to all people of color—slaves and free—from the West Indies and Florida.[13]

This chapter will examine how the arrival of French refugees and the threat of conflict with British and French forces on the Georgia coast during the late 1790s prompted Savannah authorities to test and expand a system for regulating outsiders and integrating individuals into the community, especially free and enslaved people of color. The first section focuses on legal strategies of exclusion pursued by Savannah authorities in response to free and enslaved West Indian people of color. Georgians recognized French slaves as poisonous property and several incidents illustrate the threat black St. Dominguans posed to public safety, but laws banning the importation of slaves challenged the strength of the state's ideological commitment to slaveholders' personal property rights. White refugees found that while they were welcome in Savannah, their

[13] *The Georgia Gazette,* October 17, 1793; October 31, 1793. CCM 1791-6, July 2, 1795.

black slaves, servants, and companions were not. The second section explores the difficulties encountered by city officials tasked with enforcing importation bans for slaves and residency restrictions for free blacks beyond Savannah's waterways. Once free and enslaved West Indians did enter Savannah, it was up to Anglo and French Savannahians and to decided which people of color deserved a place among them. However, the cooperation of residents with residency and importation policies was far from consistent. The population of French slaves that refugees managed to land, whether under legal or illegal circumstances, represented a perpetual source of uncertainty for city officials concerned with the regulation of racial boundaries in the city.

Quarantine shifted the site of regulatory domain, sidestepping the notion that blacks and whites might coexist if the boundaries of race were properly policed. When faced with the tangible threat that French slaves might incite black rebellion, Southerners again used quarantine laws to isolate slaves from outside influences during the 1820. Charleston authorities prohibited the entry of black sailors into Charleston in 1823 following the Denmark Vesey conspiracy, and Savannah authorities did so in 1829 after David Walker's seditious pamphlet arrived there. However, the power of the states to enforce the quarantine laws enacted in 1829 received challenge on constitutional grounds.[14]

By contrast, when local authorities first utilized quarantine to prevent the entry of free people of color from St. Domingue, they did so with a greater degree of latitude from federal and state authorities but less certainty as to the nature of the infection they were combating. The final section emphasizes how the concerns Georgia officials exhibited

[14] Robert Forbes, *The Missouri Compromise.* (Chapel Hill, University of North Carolina Press, 2009), 153-162, 231.

towards free and enslaved blacks during this period also extended out of the broader political and military conflicts that encompassed tensions with European powers in the Atlantic during the late 1790s and the Quasi-War period. Rumors that British convoys of black emissaries had been sent to the Georgia coast in 1798 intensified the existing frustrations expressed by Savannah officials over the large population of West Indian slaves and free people of color who had either illegally arrived in the state or were permitted to remain there as a result of the Governor's earlier support of slave importation. The expanded powers of local authorities in policing the harbor to avoid the entry of West Indian slaves, European privateers, and political subversives inevitably proved insufficient to keep people of color out of Savannah, but not before raising serious questions concerning the city's commitment to personal property rights, process, and public safety.

Section I: "[M]any abuses and inconveniences of a nature not to be tolerated": Importation and Enforcement

It is unclear how many of the St. Dominguans who immigrated to the Lowcountry after initially landing or settling elsewhere in the United States illegally or legally carried their black slaves or servants with them. Nor is it apparent how many free people of color successfully landed on their own. The total number of refugees entering into Savannah during the height of St. Dominguan migration in the 1790s remains difficult to determine. A report issued by the State Department in 1794 provides the only available figures for the arrival of refugees into Georgia during this period. The report indicates that only 150 total refugees arrived at Savannah, but the true figure is likely significantly larger—perhaps twice as large—as the report does not account for the additional ships

carrying West Indians that arrived at Savannah after 1794 or refugees who arrived at Savannah after first stopping elsewhere.[15] Such individuals were not always identified specifically as "refugees."[16] Perhaps most importantly, population totals did not account for how slaves and free people of color from St. Domingue commonly made their way into Savannah. Many were smuggled silently into the city in breech of the law.

Direct hostility by the state towards the settlement of free people of color lessened their impact, but more colored than white French refugees almost certainly arrived in the city, at least through the first half of the 1790s. Concerned over the rising number of French people of color, Savannah's City Council ordered a citywide census in 1798. Of the 1,280 free and enslaved people of color in the city over the age of fifteen, 219 were from the French West Indies. According to those figures, French slaves comprised 19 percent of Savannah's population of African decent, which did not account for French slaves already at work on surrounding Lowcountry plantations outside of the city's limits.[17] Twenty of the ninety-nine free people of color in the city were of St. Dominguan origin.[18]

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[15] Winston Babb uses the State Department total exclusively. Babb, "French Refugees From Saint Domingue," 80-6.

[16] Ships did arrive from the West Indies after 1794. For instance the sloop *Cornelia* arrived from Kingston with fifteen whites and thirty-six people of color, in June of 1795, but it is unclear whether some or all of the group was forced to depart Savannah. West Indian slave importation remained legal at the time of their arrival. CCM 1791-6, June 6, 1795. For additional West Indian ships arriving at Savannah after 1794, see cases concerning the arrival of Claud Borel and his slaves, the *Betsey* CCM 1791-6, July 1, 1795; March 17, 1795

[17] Census of people of color above the age of fifteen in the City of Savannah," May 28, 1798. RG 4-2-46, File II Subjects--Negroes, GDAH. By comparison, the entry of French slaves into Philadelphia was felt more dramatically as more refugees in total entered the city. In Philadelphia, the estimated 800 slaves that arrived from St. Domingue increased the city's black population by approximately 25 percent and as many as five hundred black Saint Dominguans remained in Philadelphia by 1810. Gary B. Nash, "Reverberations of Haiti in the American North: Black Saint Dominguans in Philadelphia," *Pennsylvania History,* Vol. 65, Explorations in Early American Culture (1998), 47; John Davies, "Saint-Dominguan Refugees of African Descent and the Forging of Ethnic Identity in Early National Philadelphia," *The Pennsylvania Magazine of History and Biography*, Vol. 134, No. 2 (April 2010), 117.

[18] There is little doubt that this census underestimates the number of blacks in the city as the federal census performed just two years later reflects 224 free blacks and 3,216 slaves as Savannah residents. Other

Between 1793 and 1809, free and enslaved black St. Dominguans entered into the South by land and by sea through a variety of legal and extra-legal avenues. A significant portion of the white population of St. Domingue appeared in the United States at one time or another, but slaves and free people of color came—or were carried there—in proportionately fewer numbers relative to the population distribution of St. Domingue. In 1789, 40,000 whites, 27,000 free people of color and 452,000 slaves inhabited St. Domingue. John Davies estimates 15,000 whites, 6,000 slaves, and 4,000 free people of color arrived into the US from St. Domingue before 1809; Winston Babb posits of the 15,000 to 20,000 St. Dominguans who arrived in the Southern states, only 3,000 of this number were free people of color.[19] Using Davies' larger estimates for black migration, free people of color entered the US at less than half the rate of white immigrants, while only slightly above one percent of the island's slave population arrived in the mainland US. The complex involvement of people of color in St. Domingue's Revolution and future governance in part explains why many remained on the island. But challenges to the arrival of free and enslaved blacks during the beginning, middle, and end of their journey from the island further impeded their entry into the US. Rebellion, privateers, and American fears of black insurrection each forced separation of slaves from masters and, in the case of free people of color, served as barriers to residency.

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evidence indicates that the total number of arrivals from the revolutionary period who remained at Savannah after 1817 is likely higher as seventy-four West Indian natives registered with the Chatham County clerk in 1817, but forty-five listed no date of entry, leaving their presence in Savannah during the 1793-1809 period questionable. Dates of arrival are not listed in Volume 1. Compiled from: City of Savannah, Georgia Records, Clerk of Council– Registers of Free Persons of Color, 5600CL-130. Volumes 2,3, and 4. City of Savannah Research Library & Municipal Archives, Savannah, Georgia. (Hereafter abbreviated CSRFPC); Janice Sumler-Edmond, *The Secret Trust of Aspasia Cruvellier Mirault: The Life and Trials of a Free Woman of Color in Antebellum Georgia.* (University of Arkansas Press, 2008), 8.

[19] Davies, "Class, Culture, and Color: Black Saint-Dominguan Refugees," 44-5. Babb, "French Refugees From Saint Domingue," 370-2, 381.

Reports surfacing in American newspapers concerning British privateers demonstrate that many refugees sailing from St. Domingue between 1793 and 1795 had been able to remove from the island with black servants only to lose them to British raiders on the sea. After British declaration of War on France by the British in February of 1793, Caribbean shipping faced constant threat by British privateers. Although American cargo vessels remained neutral, by the spring of 1794, over 250 American ships reported harassment or boarding. As the American schooner *Eliza* sailed from Cap Français to New York with twenty-eight French passengers on board in August of 1793, she was attacked by two groups of privateers from British ports. Shortly after being robbed by a Jamaican privateer of "all the money, plate and jewels they could there find, besides 5 negro girls and some small articles [,]" the *Eliza* was boarded by the second captain, who claimed that "he had often got good pickings out of others leavings[.]"[20] The same Jamaica privateer struck again shortly after, raiding another group of French passengers fleeing to Philadelphia. The editor of the *Georgia Gazette* venomously condemned the immorality of attacking West Indian refugees. "There is not a French passenger among the very many on board the vessels brought in here by our privateers but complain of the merciless treatment they meet with[,]" he wrote. "Flying from a scene of unexampled misery and horror, with the scanty gleanings to which they look for procuring the means of existence, they did not expect from a *British* enemy a series of barbarous oppression and petty plunder[.]"[21]

French refugees who did manage to land their slaves in the US generally brought few. When Martinique-born Moreau de St. Mery arrived in Portsmouth, Virginia from

[20] White, E*ncountering Revolution,* 102; *The Federal Gazette, and Philadelphia Evening Post:* Philadelphia. August 12, 1793.
[21] *The Georgia Gazette,* August 22, 1793.

France, he encountered an acquaintance from Cap Français "bewailing the fate that had reduced him to only two Negro servants." Moreau, who abandoned all seventeen of his slaves at le Cap, now had none and found the anguish of his fellow Frenchman distasteful in context. Although he left empty handed, Moreau's mother managed to travel up from Charleston with a single servant, "her griffon Sylvie." Several émigrés had substantial slave holdings in St. Domingue but often arrived with few of their servants. The Dutreuilh family left nearly all of the slaves working on their coffee plantations under Jean Baptiste's supervision, taking only two domestics.[22] Claude Nicholas De Segur settled on Sapelo Island with his wife Renee Heloise Mirault. At the time of their marriage, they owned a cotton and indigo plantation worked by twenty to thirty slaves and also a contingent of ten slaves. However, only one of the slaves, Fine, can be positively identified in the inventory of Segur and Mirault's St. Dominguan properties as having followed her owners to Savannah.[23] A deed similarly documenting the marriage property of John Montalet and his wife Renee Michel Mirault reflects that in addition to "some jewels and other valuable effects [...] from the said Island of St. Domingo[,]" the pair "settled with the negroes of […] John Montalet[.]"A successful planter, Montalet owned sixty-three of slaves according to official records in St. Marc, but when Montalet "took asylum" at Savannah, only twelve slaves were listed in his claim documenting the

[22] Moreau de St. Mery, *American Journey: 1793-1798.* Transl. and Ed. Kenneth and Anna M. Roberts. (Garden City, NY: Doubleday, 1947), 42-4. A document from the Consul-General of France at the United States confirms that Marie Anne Dutreuilh and her four children departed St. Domingue "avec deux Domestiques." Statement of Philippe-Joseph Létombe, the Consul-General of the French Republic in the United States of America, September 9, 1793. 1976-0435M (Folder 2), Grand Dutreuilh Family Papers, Georgia Department of Archives and History, Atlanta. (Hereafter GDAH.)

[23] The slave Fine was later sold to Andrew Sorcy from whom she ultimately purchased her freedom, but is identified as De Segur's former property. CCDB, Book 2B, Deed of Nicholas de Segur, November 11, 1808. Book 2H, Deed of Andrew Sorcy, May 28, 1818. CCCH.

property Montalet and Mirault arrived with.[24] After Montalet re-established himself as a planter on Sapelo Island near Savannah, he acquired slaves for the new plantation in the same method as his fellow Frenchmen, purchasing and trading the French slaves available in the Lowcountry.[25]

During the early 1790s, Southern destinations provided immigrants with the opportunity to both replenish and secure their slave property that Northern and Mid-Atlantic ports refused to offer. Ashli White has argued that Southern and Northern cities posed many of the same challenges for refugees, assessing that "geography—whether the city was in the North or the South—conditioned conclusions far less than one might expect." It is true that economic factors—including the short supply of specie, credit, housing, and other necessities—caused difficulty for refugees universally in ports of asylum. However, Southern states alone offered the unique economic conditions required to replicate life in the West Indies, specifically, the ability to buy or legally employ slaves in an environment suitable to plantation agriculture. In Virginia, Moreau de St. Mery found that "many who had brought Negro servants with them remained because the laws of Virginia permit slavery[,]" but, moreover, "most of them lacked the means to proceed elsewhere."[26]

In Northern states that did permit slaveholding like Pennsylvania and Massachusetts, French émigrés faced the immediate loss of at least part of the value of their human property as gradual abolition laws transformed slaves into indentured servants.[27] The great majority of those fortunate enough to land in Northern ports with

[24] CCDB, Book 2F, Deed of de Segur and Mirault, February 14, 1816.
[25] The following chapter will explore the character of French slaveholding in Savannah in depth.
[26] Ashli White, *Encountering Revolution,* 8, 24; Moreau de St. Mery, *American Journey: 1793-1798,* 50.
[27] White, *Encountering Revolution,* 26.

their servants brought few. Of 310 French slave owners documented as arriving in Philadelphia, 92 percent brought three or fewer slaves.[28] These figures reflect that larger slave owners rarely attempted to remain in territory outside of states authorizing lifelong slavery. Under the 1780 gradual emancipation law, émigrés entering Pennsylvania had a six-month window, after which they were forced to enter into terms to free their slaves or leave the state. Despite appeals by refugees in 1793, the legislature refused to make any exception to the law that would free their slaves. The loss of slaves was immediate and dramatic. Between 1791 and 1794, 816 slaves arrived into Philadelphia, 659 (81 percent) of whom were emancipated.[29] New York laws similarly complicated slaveholding. A 1788 statute made the selling of slaves out of state illegal in New York, and the 1799 gradual emancipation law later forced slaveholders to remove from the state entirely. Often destitute arrivals could not afford to do so. After the French declaration of emancipation in 1794, St. Dominguans held in slavery in Northern states challenged their status, but Sue Peabody demonstrates that for the most part, US courts strictly maintained the preeminence of state laws in determining the status of imported slaves.[30] Still, such

[28] Gary B. Nash, "Reverberations of Haiti," 52.
[29] John Davies, "Saint-Dominguan Refugees of African Descent," 110-1. Sue Peabody, "'Free Upon Higher Ground' Saint-Domingue Slaves' Suits for Freedom in U.S. Courts, 1792-1830," Ed. Geggus, David Patrick, and Norman Fiering. *The World of the Haitian Revolution*. (Bloomington: Indiana University Press, 2009), 265.
[30] The case of Madame Jeanne Mathusine Droibillan de Volunbrun illustrates the complications such laws posed for slaveholding St. Dominguans traveling to the Mid-Atlantic States in the 1790s. Volunbrun arrived in New York in 1797 with at least nineteen slaves. When she decided to send her slaves to Virginia, the New York Manumission Society challenged her move to avoid the emancipation law in court. Eventually, Volunbrun made her way to Baltimore, but Volunbrun's slaves proved they would not peaceably serve their mistress when American and French law both provided potential arguments to support their freedom; Volunbrun's slaves directly challenged their mistress in court for their freedom on the grounds that she violated both an existing Maryland importation law when she brought the slaves into the state in 1802 and the 1794 decree of emancipation by the French Convention. Volunbrun successfully retained her property and later sold the slaves in New Orleans, but her struggle to negotiate state and international laws across several jurisdictions illustrates the challenge facing St. Dominguans hoping to settle with their slaves, even in states where holding property in slaves was perceived as a fundamental right. Sue Peabody, "'Free Upon Higher Ground," 272-5; Patricia A. Reid, "The Haitian Revolution, Black Petitioners and Refugee Widows in Maryland, 1796-1820," *The American Journal of Legal History,* Vol.

cases indicate the challenge of slaveholding in the Northern states during the 1790s.

Yet, local, state, and national policy concerning importation and residency for West Indian slaves and free people of color also created difficulties for the use of slaves and black servants in the South. South Carolina passed the most comprehensive restriction of the slaveholding states over the entry of all black West Indians in October 1793 in response to rumors and conspiratorial stirrings in Charleston. All free people of color from St. Domingue already residing in the state were to depart within ten days, while any slaves and free people of color who arrived were to be immediately deported. By contrast, most states allowed restrictions that could still accommodate the slaves white refugees arrived with. After 1795, North Carolina law allowed the entry of slaves from the Caribbean provided that they were under fifteen years of age. Laws also permitted all free people of color to continue to reside there. Virginia, like South Carolina, refused to admit free people of color from St. Domingue after 1793 but remained committed to allowing the entry of slaves, even after the state's Attorney General challenged the legality of allowing West Indian slave imports in 1809.[31]

Other slave states modified limitations set on importation as the French crisis unfolded. Maryland barred slave imports since 1783, but the legislature exempted the slaves of French refugees in 1792. The rule allowed between three and five slaves per settler, who would register the slaves locally. However, by 1796, Maryland's legislature barred all French slaveholders—including those seeking residency—from bringing in any slaves and empowered the mayor of Baltimore to expel any French slave who appeared

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50, No. 4 (October 2008-2010), 448-452; Martha Jones, "Time, Space, and Jurisdiction in Atlantic World Slavery: The **Volunbrun** Household in Gradual Emancipation New York," *Law & History Review*. Vol. 29, No. 4 (Nov2011), 1031-1060.

[31] Ashli White, *Encountering Revolution*,149; Babb, "French Refugees From Saint Domingue," 61-3, 221-2.

as dangerous to the city.[32] Although Louisiana received the largest number of refugee slaves, the window for legal importation was brief. Under Spanish rule, all Caribbean slave imports to Louisiana—excepting African born slaves—were banned by 1790. Following the success of sugar planting in the colony, the government reopened the slave trade in 1800, but the act organizing the Orleans Territory barred slave imports from outside of the US in 1804. Between 1806 and 1809, neither free black nor enslaved refugees were permitted residency.[33]

For Georgia's lawmakers and jurists, like others across the South, the potential threat posed by West Indian blacks challenged their strategies for containing dangerous slaves in an existing legal culture that maintained the supremacy of individual property rights. The proposal to ban slave imports from West Indian slaves had a precedent, but not a strong one. During the 1760s, Georgia planters became concerned that West Indian slave traders were exporting rebellious slaves and lobbied for a ban on the importation of slaves from the West Indies. However, metropolitan authorities overrode the proposed ban on a technicality, leaving imports unchecked.[34] In the wake of the loss of nearly two-thirds of the slave population during the American Revolution, Georgians imported slaves aggressively, increasing the slave population to nearly thirty thousand by 1790. At the Constitutional Convention, Georgia acted alongside South Carolina as the lone supporters of the continuation the foreign slave trade.[35] During the period of legal

[32] Peabody, "Free Upon Higher Ground," 267-8; Patricia A. Reid, "The Haitian Revolution, Black Petitioners and Refugee Widows," 440; White, *Encountering Revolution,* 149.
[33] Adam Rothman, *Slave Country: American Expansion and the Origins of the Deep South.* (Harvard University Press, 2005), 83-5; Babb, "French Refugees From Saint Domingue," 73-5.
[34] Walter Fraser, *Savannah in the Old South,* 93.
[35] Georgia imported 48,000 Africans between 1790-1810, exceeding all other states; Mississippi and Louisiana imported 18,000 and South Carolina 15,000. During the 1780s, the French West Indies served an important roll in supplementing the immediate needs of the plantation economy as slave importers dealt with the logistical challenges of importing African slaves. Allan Kulikoff, "Uprooted Peoples: Black

importation, the legislature did impose a significant tax of £50 for each West Indian slave, but the tax functioned to attract St. Dominguan planters while discouraging slave speculators.[36]

Consequently, when Savannah City Council attempted to block the entry of enslaved and free people of color from the West Indies early on in the St. Dominguan exodus in October of 1793, Georgia's Executive approved the city's use of quarantine powers, but predictably denied that they could apply to slaves. The power to institute quarantine powers extended back to 1760 when the outbreak of smallpox in Charles Town raised concerns among authorities about the spread of contagion by ship. Under the law, the Governor was empowered to prevent entry of persons from any area where infection was known and to "appoint Boats and Centinels" for the purpose of preventing those individuals from entering into the state. When the act was updated seven years later, the law instituted a new requirement that demanded that all non-seasoned slaves be isolated on Tybee for at least five days, regardless of their point of origin, for the purpose of "cleansing and purifying the said Slaves and Ship[.]" Still, these "additional regulations" were intended "to prevent any malignant and contagious Disorders [from] being introduced" in Georgia as the point of origin for most slaves and conditions on their voyages made them excellent candidates to carry disease.[37] By contrast, the

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Migrants in the Age of the American Revolution, 1790-1820" in *Slavery and Freedom in the Age of the American Revolution.* ed. Ira Berlin and Ronald Hoffman. (Charlottesville, Va.: University Press of Virginia, 1983), 146-9; Watson Jennison, *Cultivating Race: the Expansion of Slavery in Georgia 1850-1860.* (University of Kentucky, 2012), 53-7.

[36] Jennison, *Cultivating Race,* 55-6.

[37] "An Act to oblige ships and other Vessels coming from Places infected with epidemical Distempers, to perform Quarentine," passed April 24, 1760. CRSG:18, 365-371; "An Act to prevent the bringing into and spreading of Contagious Distempers in this Province; to oblige Masters or Commanders of vessels going out of any Port within the same first to produce a Passport from the Governor or Commander in Chief to prevent the harboring of sick sailors and others and for the regulating and well ordering of the Lazaretto

measures passed in 1793 marked the first usage of quarantine powers to permanently block the entry of individuals for the purpose of spreading a "contagion" that was non-health related. For twenty months following the decision to block free black St. Dominguans from landing, City Council allowed slave imports to continue unimpeded at Savannah out of deference to the Executive, the rights of incoming slaveholders, and the needs of the plantation economy.[38]

During the period of legal West Indian importation, Savannah's City Council reviewed the entry of five ships with more than seventy-six people of color from the West Indies on board. Health officers and other city officials communicated regularly to City Council as to the nature of the people of color on board, and, in one instance, denied the entry of black passengers. In the case of the *Fanny,* City Council commanded the captain of the sloop to land the ship's sixteen free people of color on Tybee Island, approximately seventeen miles from the city, before the other passengers and crew would "be at liberty to enter in the same manner as if she had not brought the said people of Colour."[39] When a Jamaican captain permitted more than ten people of color to enter into Savannah in violation of quarantine in 1795, Council empowered "the city Marshall to apprehend them and put them on the brig."[40] It is not entirely clear how many St. Dominguan free and enslaved people of color entered Savannah before the quarantine restrictions, but the resources of the city government initially appeared sufficient to maintain the quarantine.

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upon the Island of Tybee," passed March 26, 1767. Ibid, 814-827; Walter Fraser, *Savannah in the Old South,* 56.

[38] Notably, the legislature did impose a significant tax of £50 for each West Indian import during the period of legal importation, functioning to attract planter settlers while discouraging slave speculators. Jennison, *Cultivating Race,* 55-6.

[39] Totaled from the landings of the *Lilly, Fanny, Betsey, Mary,* and *Cornelia.* CCM 1791-6, October 1, 1793; May 21, 1795; May 23, 1794; March 17, 1795; May 21, 1795.

[40] Ibid, May 21, 1795.

State and local authorities in Georgia monitored and rewrote importation and residency laws in response to shifting perceptions towards the potential dangers of black immigration and the increasing numbers of French refugees in the Lowcountry. The decision to prevent the landing of all French West Indian slaves at Savannah marked a decisive turn of events concerning the safety of the port of city and the nature of the French vessels that began appearing nearby. On June 29, 1795, City Council became aware of a second violation of the importation law by a French privateer, *La Verigeur,* when citizens of the city reported "that a number of Negroes, arrived […] yesterday, [are] considered as Freemen, and have passed about the streets with side arms" contrary to the law for all seamen. Although the men did return to quarantine on Tybee, the investigation by the city health officer revealed discrepancies in the identification of the *Verigeur* sailors. According to Dr. Burke, the blacks "did not amount to ten," and they had reached Savannah after being misrepresented as Spaniards and Portuguese on a "list of men or sailors on board."[41] The fears of citizens and city officials concerning the privateer's less savory sailors developed from two growing threats to peace in the port: the entry of men from privateers into the port and the entry of French blacks.

At the time of the incident with *La Verigeur*, Savannah officials identified French privateers and black refugees as sufficiently dangerous threats to merit a review of existing policy for policing the port. Mayor William Stephens wrote to Governor George Matthews immediately to inform him of dangers relating to "the large importation of Negroes," who were "expected from the West Indies," and "the [i]nfractions of the Quarantine Laws [caused] by Privateers bringing up Negroes" to the city.[42] One such

[41] Ibid, July 2, 1795; June 29, 1795; July 7, 1795.
[42] Ibid, June 29, 1795.

"expected" cargo entered port two days later when Monsieur Claude Borel and his 100 St. Dominguan slaves arrived onboard a ship from Jamaica.

City Council immediately called a meeting of the citizens, perceiving that "the safety of this City and of the County will be much endangered by suffering the said French slaves to land." Citizens supported Council's opinion of the slaves, and proposed enacting "the precautions taken by the people of South Carolina and the British West India Islands[,]" banning all slaves who had resided in the West Indies or Florida for over one month; the proposal allowed for traders' cargoes and non-creolized slaves. Under the new rule, any violating vessel and slaves would "be sent to sea" by the Corporation. Monsieur Borel requested an exception to the law that now prevented the landing of his slaves waiting down river. Although Council felt that Borel had "conducted himself since his arrival [...] in a very decent and proper manner," while the Citizens deliberated over the new rules, city authorities insisted they had "no controling power" that could override the citizens' "unanimous" opposition to his landing. They suggested that Borel immediately send his slaves somewhere "less obnoxious to the People, in case their fears should be realized, from any mischiefs dreaded."[43] Although Borel's landing had been prevented, the case illustrated that the limitations over their power to regulate entry into the port posed a public danger. Borel appealed to Governor George Mathews, who overrode the city's decision and allowed Borel's slave cargo to be landed away from Savannah at St. Marys, near the Florida border. In response to the Governor's intervention, City Council published a statement, attempting to raise public awareness of

[43] Ibid, July 21, 1795; July 1, 1795; July 2, 1795.

the dangers of landing slave or free West Indian blacks and "the inability of Council to prevent it, [as] the existing Laws not prohibiting the evil complained of."[44]

When the legislature banned the entry of slaves from the West Indies seven months later under a new militia act passed on February 22, 1796, the act marked a change in the disposition of state authorities towards their role in regulating importation. The enactment of a state constitutional ban over the commercial importation of slaves after October 1798 further supported the commitment of Georgia authorities to a more cautious temperament concerning slaves, particularly as the ban was enacted ten years prior to the activation of Federal requirements. These decisions to override planter interests and block the importation of West Indian slaves revealed that by the mid-1790s, Georgians generally accepted that these slaves, irrevocably transformed, presented too great of a risk for the stability of the resident slave population.[45] Although Georgia's Constitution banned the importation of slaves after October 1798, the legislature would have "no power to prevent emigrants from either of the United States to this State from bringing with them such persons as may be deemed slaves by the laws of any one of the United States."[46] Viewing migrant slaveholders as essential to the continued growth of the plantation economy, authorities exempted the slaves of individuals.

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[44] Ibid, July 13, 1795; Jennison, *Cultivating Race,* 58-59.

[45] The following chapter establishes a timeline concerning the 1790s and domestic insurrection threats and other concerns towards French slaves and slaveholding. David Brion Davis and Seymour Drescher each provide slightly different interpretations concerning the impact of the revolution for the slave trade in the Caribbean and the Americas generally. While Davis emphasizes the impact of the revolution, Drescher notes that the slave trade continued to be robust beyond the revolution in St. Domingue. The fact that the U.S. trade was already limited by the Constitution of 1787 may have also lessened the overall impact of the revolution on the trade. David Brion Davis, "Impact of the French and Haitian Revolutions," in *The Impact of the Hatian Revolution in the Atlantic World,* 3-9; Seymour Drescher, "The Limits of Example," in *Ibid,* 10-14.

[46] Journal of the Constitutional Convention of the State of Georgia, 1798. MS284, GHS.

Beginning with the 1796 West Indian ban, State officials relied on those at Savannah to control the circumstances under which slaves could be settled in the Lowcountry. Unlike previous quarantine laws, militia patrols could now arrest any suspected violators and left with the City Council the ultimate decision to have slaves or free people sent from the state. Those responsible for the entry of illegals would be charged the cost of jailing and exportation.[47]

The actions of city authorities in two cases—the *Exuma* in 1798 and the *Nancy White* in 1809—betrayed that while authorities unanimously agreed on the prudence of keeping French people of color out of Savannah, the chaotic circumstances of the arrival of people of color could delay or prevent them from carrying out the specific directivities of the statute. These cases demonstrate that even as local officials defended the city's power to police the port under the 1796 law in the face of criticisms made by the state executive and legislature, they continually failed to fulfill their obligations under the law. In the case of the *Exuma,* the very public and aggressive interactions between the Corporation and state executive concerning the limits of corporate powers led to a public debate over how local power ought to be effectively and appropriately used to mitigate the dangers posed by people of color.

When the *Exuma* arrived off the bar at Tybee Island on September 12, 1797, thirty-five people of color unexpectedly arrived with her Savannah bound cargo. In an act "of humanity," Captain Daniel Callahan rescued the group after their ship, the

[47] Robert Watkins, George Watkins, Robert Aitken, eds. *A digest of the laws of the State of Georgia: from its first establishment as a British Province down to the year 1798, inclusive, and the principal acts of 1799.* (R. Aitken, 1800), 601.

General Nichols, foundered off the coast of St. Augustine.[48] Authorities quickly discovered that *Nichols* had been commissioned by the colonial administration of Grenada to deliver 137 runaway slaves and 91 free people of color convicted of "treason and rebellion" into exile on any non-British colony west of Cuba. As they were "all *French and chiefly free people of color, commonly called Brigands,* and absolutely convicts," authorities placed the thirty-five survivors in the federal jail to await exportation.[49]

For four months, the *Exuma* blacks remained in Savannah, but in January, with the Georgia legislature's support, Chatham County's Tax Collector, William Norment, attempted to seize them for sale as slaves under the state's importation tax laws.[50] Within a week of the attempted seizure, City Council published a formal "protest" against the tax collector and legislature, complaining that the sale itself was "highly injurious and dangerous to the peace and safety of the state[,]" unconstitutional, and a violation of the Corporation's powers under the 1796 militia act. Surprised by the boldness of the city's condemnation, Governor James Jackson wrote Mayor John Glenn three days later, inquiring whether the Corporation aimed "at prescribing laws for and fixing limits to the General Assembly, or by violence or force to prevent the operation of their Acts[.]"[51] Glenn insisted that city authorities had "the least intention of acting with disrespect" and that their response had "arisen altogether from the words of the law of the State," but

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[48] The position of the *General Nichols* was calculated from the coordinates provided by the ship that rescued the remainder of the crew. *Georgia Gazette;* September 16, 1797; February 23, 1798.
[49] John Glenn to Governor James Jackson, March 9, 1798. State of Georgia Executive Minutes, June 28, 1798 to Nov 7, 1799, GDAH. The position of the *General Nichols* was calculated from the coordinates provided by the *Exuma*. *Georgia Gazette,* September 16, 1797; February 23, 1798.
[50] *Georgia Gazette,* March 24, 1798, James Jackson to John Glenn, Mayor of Savannah, February 26, 1798. Georgia Executive Minutes, GDAH.
[51] *Georgia Gazette,* February 23, 1798; James Jackson to John Glenn, February 26, 1798. Georgia Executive Minutes, GDAH.

over the following weeks, the governor pushed back on those claims.[52]

The public review of the city's efficacy revealed two major obstacles in the exportation process. First, the process of identifying the legal status of the people of color proved to be problematic for City officials. All thirty-five were initially believed by the city to be brigands but also free men, which would "illegally and unconstitutionally, without accusation or trial, deprive *freemen* of liberty[.]"[53] Governor Jackson criticized the fact that the freedom of the blacks had been determined only upon "the hearsay evidence of the City Marshall who heard some of the Prisoners say they were so." Meanwhile, the owners of the *Exuma*'s cargo had freely "reported them [the slaves] to the said collector for sale."[54] The Governor ultimately agreed with City Council that at least some of the men were free and concluded that the sale of any of the people of color would have been repugnant at the very least on the grounds that West Indian blacks, whether slave or free, still posed a threat to public safety.

Second, city authorities received heavy criticism for failing to keep the blacks in "close and safe custody" during their extended stay. In the enumerations of the *Exuma* blacks made by city officials, their numbers diminished, moving from thirty-five to twenty-five. By March of 1798, Jackson found that "no sufficient account has been yet rendered of the missing number." Furthermore, the city had released several of the twenty-five people of color—which at different points became twenty-six. In January, only seventeen of the twenty-five people of color were supposedly in the possession of the jail keeper, as seven of the detainees were onboard the ship *Phenix,* and the remaining

[52] John Glenn to Governor James Jackson, March 9, 1798; Governor's address to the General Assembly, Louisville, January 8, 1799. Georgia Executive Minutes, GDAH.
[53] *Georgia Gazette,* February 23, 1798.
[54] James Jackson to John Glenn, February 26, 1798; John Glenn to James Jackson, March 9, 1798; March 24, 1798, Executive Minutes, GDAH.

two "had gone up the country" to Augusta under orders from Alderman Henry Putnam.[55] To make matters worse, the two taken by Putnam managed to escape, but were recaptured, at which point the alderman sold one out of state.[56]

The delay in the release of the people of color and their scattered locations were partially attributable to the city's failure to develop a responsible plan for their exportation. The circumstances of the accidental arrival of the people of color left no party financially liable for the importation of the people of color under the law. Without guidance from the 1796 act—in which, Mayor Glenn argued, there was "not a word said of Brigands,"— the city "embraced the first proposal" for exportation. By that point, only fourteen of the prisoners remained to be exported.[57] A year after the events, Jackson noted that he still remained "uninformed" as to "what to this day have become of the remainder" of the *Exuma* blacks apart from the fourteen they did send to East Florida. Jackson expressed yet more dissatisfaction with that outcome as he did not consider the distance between Savannah and the resettled brigands to be sufficient. If "they should prove of the description declared, there is little doubt of their returning to this state, and probably in a lawless gang[.]" Thus, the actions of the Corporation "left the state exposed to an equal, if not a worse situation than if they had been separately sold."[58] Events unfolding later that summer would indeed prove the governor to have been correct.

The *Exuma* affair damaged previously peaceable relations between City Council

[55] March 24, 1798, Executive Minutes; *Georgia Gazette,* April 6, 1798.
[56] Captain and Doctor Putnum of Savannah were advertised as the owners of a French mulatto man, Gilbert, and black country born black man, Ned. *Southern Centinel*: Augusta. December 28, 1797.
[57] *A digest of the laws of the State of Georgia, 601;* John Glenn to Governor James Jackson, March 9, 1798. Executive Minutes, GDAH.
[58] March 24, 1798, Ibid.

and the governor. The governor brought prosecutions against Alderman Putnam and William Norment each for their various violations of the exportation act or their duties of office, but ultimately refrained from modifying City Council's powers over quarantine and exportation of contraband people of color. However, Jackson very nearly dissolved the entire body, declaring that "nothing but their being an elective body, and […] a consideration that it would be unjust to punish the many Citizens of Savannah for the misdoings of a few" stopped him from doing so.[59] In many ways, leaving the matter up to the citizens of Savannah seemed fitting as state and local officials painstakingly made every nuance of the saga publically known.[60] Interestingly, the corrupt Henry Putnam was re-elected Alderman for Oglethorpe Ward just three months after the governor publicly announced his desire to prosecute the officer.

Ten years after the *Exuma* affair, the shortcomings of local quarantine enforcement again received attention from authorities at the state level as a group of French refugees, including free and enslaved people of color, landed at Savannah following their exile from Cuba. Following the French occupation of Madrid and the removal of King Ferdinand VII from the throne of Spain by Napoleon Bonaparte in 1808, royalists on the island successfully pressured the Governor to expel all non-naturalized French residents in March of 1809. Over 7,300 of the estimated 10,000 exiles made the

[59] This ability extended from the Legislature's revision to the 1787 act of incorporation whereby city which allowed for the Governor to dissolve the City Council. "Powers granted by the Legislature to the Corporation of Savannah," passed December 23, 1789. City Ordinances. Vol U.13.01: OCC, CSRLMA. Governor's address to the General Assembly, Louisville, January 8, 1799; March 24, 1798, Executive Minutes, GDAH.

[60] Seven separate statements from the governor or City Council members outlining the political battle behind the *Exuma* brigands were published between February 23, 1798 and January 29, 1799. See: *Georgia Gazette,* February 23; March 2, 1798; April 6, 1798. *Columbian Museum & Savannah Advertiser,* February 16, 1798; April 6, 1798; April 13, 1798; January 29, 1799.

US their final place of settlement.[61] New Orleans received the bulk of the refugees but a handful of ships landed in ports across the Atlantic seaboard.[62] Left with no other property in the wake of confiscations by Cuban authorities, exiles desperately sought to gain entry for their slaves, but existing state importation bans and the 1807 Federal law banning the foreign importation of slaves were vigilantly enforced for the most part.[63]

When the first 141 refugees from Cuba arrived at Tybee Island aboard the *Nancy White* on May 22, 1809, city officials immediately put the militia law into force to block any people of color from entering into the city. However, the ordeal of removing the ship's eighty-two people of color from the state reaffirmed the weakness of existing police procedures for removing illegal blacks from the state.[64] Like the *Exuma* proceedings, the corruption of municipal officers was also central to the case of the *Nancy White.* In accordance with protocol, the city collected all of the free and enslaved people of color in the Chatham County jail, where they would remain until the owners or importers were able to send them away from Georgia. However, just two weeks later, Alderman John Pettibone discharged the slaves and free people of color from the jail and into the city without the knowledge of Council after soliciting $748.50 directly from white passengers to cover fees for the guarding, jailing, and exportation of their slaves. While Pettibone insisted that this fell within the power provided by the 1796 act, Council

[61] White, *Encountering Revolution,* 168-172; Babb, "French Refugees from St. Domingue," 375; William R. Lux, "French Colonization in Cuba, 1791-1809," *The Americas*, Vol. 29, No. 1 (Jul., 1972), 57-61.
[62] This total from official manifests registered at 7,323, but does not reflect non documented arrivals .Estimates include 178 passengers at Philadelphia, 376 at Norfolk, 220 at Charleston, 118 at New York and 230 at Baltimore. Lachance, "Repercussions of the Haitian Revolution in Louisiana," in *The Impact of the Haitian Revolution in the Atlantic World*, 210-219; Babb, "French Refugees from St. Domingue," 50, 64-77.
[63] Congress provided an exclusive exemption from the slave trade ban to the St. Dominguans settling the Orleans Territory in response to the unique local needs of the territory's growing plantation economy. White, *Encountering Revolution,* 185-200.
[64] Figures provided by *Republican and Savannah Evening Ledger,* July 27, 1809; *State v. John Pettibone, Esq.* May 10, 1810. Chatham County Superior Court Minutes, Book 8, CCCH.

eventually deemed his actions to be "illegal, unjust and oppressive and particularly hard in this case," as the fees he collected came from individuals who "were rather objects of Charity than otherwise."[65]

Evidence presented to Council by four of the French refugees revealed that Pettibone's scheme extended beyond simple extortion. The alderman "attempted to buy one of the Negroes for about Two hundred dollars" from a refugee, Monsieur Lefebre. Pettibone also supposedly offered that for the cost of two slaves, he could "get the Officers of the United States Customs to run these Negroes on shore[.]"[66] The corrupt proposals indicate that the Alderman already had some familiarity with methods and personnel necessary to illegally move people of color into the city.

While these accusations could not be proved in trials brought against Pettibone for malpractice in office and extortion nor in the civil trial brought against him by the Cuban refugees, the Georgia Superior Court did convict him for acting outside of the militia law when he released the people of color.[67] City Council also expelled him from office for acting with "indecent or ungentlemanlike[sic] behavior."[68] Yet, how citizens and leaders viewed Pettibone's actions remains unclear. Within two years of being voted out of office, Savannahians returned Pettibone to his former office, and when he died in 1814, Council declared that the city had "lost a valuable upright Officer and the County a consistent and useful patriot."[69]

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[65] CCM 1808-1812, July 24, 1809 and August 7, 1809.
[66] Ibid, August 7, 1809.
[67] *State v. John Pettibone, Esq,* May Term 1810; *Etienne Mouchet et al vs. John Pettibone, Allan Pemberton, and Greene R Duke esqs, Justices of the Peace*. September Term, 1809. Superior Court Minutes, Book 8, CCCH.
[68] CCM 1808-1812, July 24, 1809 and August 7, 1809.
[69] Ibid, September 4, 1809. September 6, 1811. CCM 1812-7, October 15, 1814.

In reviewing the procedures surrounding the *Nancy White,* Judge Thomas Charlton expressed frustration in trying to grasp how to determine what constituted willful dereliction in the fulfillment of the exportation law. Before Pettibone's sentencing, Charlton declared that the Alderman's motives for keeping the refugee bond money and failing to export the blacks remained unclear. If the people of color had not been sent away due to any "sympathy which the deplorable and unhappy situation of the Exiles had excited" in Pettibone or difficulties arising from the logistics of arranging passage for the slaves to a foreign port, Charlton would have exonerated Pettibone as either motive suggested that Pettibone had been "influenced by an honest intention[.]"[70] However, neither the City Council nor the Superior Court justices could determine any certain calculus for Pettitbone's decisions based on evidence that Pettibone had in some instances taken "Bonds to export the negroes and in others he did not."[71] Charlton referred here to the slaves of a man named Texier that were exempted from the bond requirement. The decision seemed unethical to the Judge as the Frenchman's "indigence and distress could not have been greater than that which was felt by each of the unfortunate exiles."[72] However, alternate sources betray that Pettibone most likely did have a just reason for allowing Texier, or Francis Tessier, a seventy-seven year old merchant, to forgo the bond; the people of color he claimed responsibility for were, in fact, of free Indian parentage.[73]

Through Pettibone's trial, Charlton and Council members assumed that the identification of West Indian people of color was a simple step in the process of

[70] *State v. John Pettibone, Esq.* May Term 1810. Superior Court Minutes, Book 8, CCCH.
[71] CCM 1808-1812, July 24, 1809.
[72] *State v. John Pettibone, Esq.* May Term 1810. Superior Court Minutes, Book 8, CCCH.
[73] May 21, 1816, France Department of Foreign Affairs Register, Register of Births, Marriages and Deaths. MS6011, GHS; Deed of Charles Vallois, March 20, 1817. Chatham County Deed Books, Book 2G, CCCH.

exporting free and enslaved undesirables, but court deeds recorded eight years later indicate that the alderman did in fact go to great lengths to distinguish the racial identities of passengers. In 1817, Tessier and other travelers from St. Domingue assisted in establishing the Indian heritage of the Maupas children by testifying in court at Savannah. This testimony provided the Maupases with legal proof of their free status that was otherwise impossible to obtain due to the wide scale destruction of government and personal records following the revolution in St. Domingue. Francis Tessier had known Jean Maupas, the white man who fathered the three children, for seven years in St. Jago de Cuba before they departed for Savannah together. He affirmed that the Maupas children enjoyed " all the rights and privileges of white citizens" in Cuba and that they were entitled similarly "to the rights of white Citizens of an Indian origin" under the laws of Georgia.[74] Charles Vallois and Stephen Gruand, who had both known Jean Maupas in St. Domingue and Cuba, also testified that after arriving at Savannah, the children's father "did prove to the satisfaction of John Pettibone Esq., one of the committee to receive the French refugees from Cuba Island […] that his children above named [were] entitled to all the rights and privileges of the white refugee[.]"[75] Pettibone's failure to take the bond from Tessier likely related to this process of establishing "satisfaction" with the local committee.

The disarray surrounding the *Nancy White* affair most poignantly exemplified the personal nature of Savannah's policing operation. The knowledge of white St. Dominguans helped city officials expel unwanted individuals, just as it could also help people of color to put forward their own arguments for remaining in the city. In the

[74] Deed of Francois Tessier, March 20, 1817, Deed Books, 2G.
[75] Deeds of Charles Vallois and Stephen Gruand, March 20, 1817. Ibid.

examples of importation enforcement outlined above, the arrival of slaves onboard documented ships facilitated the process of identifying and repulsing West Indian people of color, but in the cases of the *Nancy White* and the *Exuma*, even the act of jailing and isolating blacks confirmed as contraband sometimes proved insufficient to effectively remove such slaves or to prevent their exposure to the general slave population. Free and enslaved French refugees who did not enter through documented ships arriving from the West Indies presented an even greater challenge to city officials tasked with preventing their arrival.

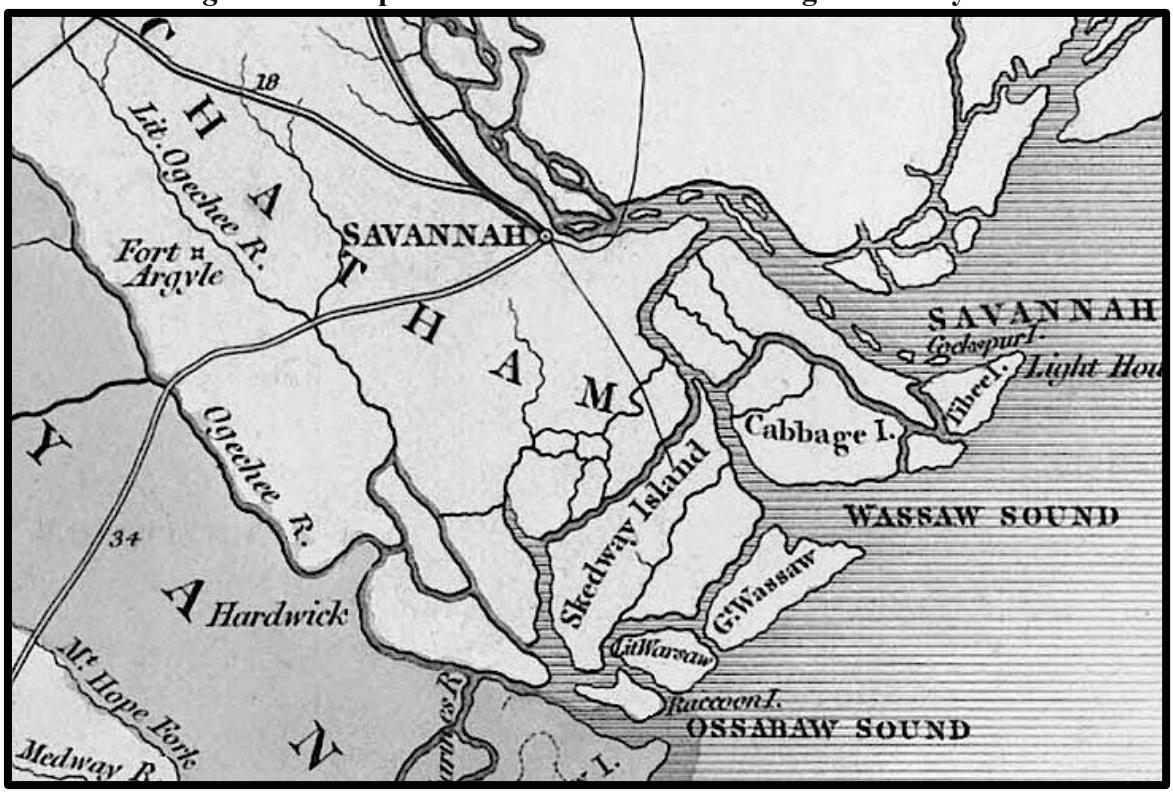
Section II: Local Knowledge and Policing

The 1796 militia law permitted Savannah to retain control over the pursuit of free and enslaved West Indian people of color on the river or within the city. Yet, even as authorities and citizens agreed on prudent policies for keeping dangerous blacks away from the coast, officials in Savannah and elsewhere in the Lowcountry found enforcing bans to be a difficult undertaking. Ideally, vigilant patrolling and performance of quarantine procedures allowed for the effective isolation of blacks to occur on shipboard and would result in the creation of an official record of all black persons or property aboard incoming vessels. However, contraband slaves and free people of color often entered the city without authorities being alerted to their presence, and once within the city proved remarkably difficult to detect.

In a letter to John Adams in 1798, Governor James Jackson described how the vulnerabilities of Savannah's coastline and the routes inland provided unwanted visitors with access to the city:

"There are three inlets Tybee Wassaw and Ossabaw, all of which lead to within a few miles of the City, exclusive of Savannah River which runs before the Town. Ossabaw leads to Beaulie, where Compte D'Estaing landed his whole army, and Wassaw leads to Thunderbolt point, five miles from Savannah, whilst Tybee Creek and little Tybee inlet communicating with the waters of Wassaw river from Augustine's Creek, which again communicates with Savannah river five miles below the City[.]"[76]

Figure 2.1: **Map of Savannah and Surrounding Waterways**



Map of Georgia & Alabama exhibiting the post offices, post roads, canals, rail roads & c.; by David H. Burr (Late topographer to the Post Office), Geographer to the House of Representatives of the U.S. *The American Atlas.* (London, J. Arrowsmith, 1839). Courtesy of Library of Congress, Geography and Map Division [Online at: http://hdl.loc.gov/loc.gmd/g3920.rr002000].

Many ships simply passed undetected by those policing the ports of the eastern seaboard. The Governor of South Carolina confessed that slaves and free blacks from the West Indies were ferried to Charleston aboard boats captained by men who entered into the

[76] James Jackson to John Adams President of the United States, Louisville, August, 8 1798. Executive Minutes, GDAH.

harbor "without reporting them, and when they come to the city, suffer them to go on shore, by which means they elude the law."[77]

Complaints of South Carolinians implied that Georgia served as a point of vulnerability in preventing West Indian blacks from entering the South. Slave importers successfully evaded the law by directly bringing West Indian cargoes into Georgia, where it remained legal to import slaves from many Atlantic and African ports until 1798, only to later unload the illegal cargo in South Carolina. François La Rochefoucauld-Liancourt estimated that between six and seven hundred Africans entered through Savannah in 1796, with another two to three thousand expected. He speculated, "a third of those who are imported, are, in spite of the prohibition, every year smuggled into Carolina."[78] One group of Charleston petitioners in 1797 expressed outrage at the "number of Citizens of this state who have purchased and possess a number of French and other West Indian Negroes and other people of color" and faulted poorly designed importation laws that had "not been so calculated as to insure their due observance and execution" for the wide availability of French slaves. The importation restrictions had been so successfully navigated by Georgia's slave importers as "to throw a monopoly into the hands of such Merchants[.]"[79] Given that Georgia's own rabid hunger for slaves exceeded South Carolina's enough to keep the Atlantic trade alive, it is likely that many of these illegal

[77] White, *Encountering Revolution,* 150.
[78] Kulikoff's figure targets the net migration of African slaves and Chesapeake slaves into Georgia between 1790 and 1810 at 52,000 as compared to South Carolina's 19,000. However, Philip Morgan's offers a much higher estimate for South Carolina at nearly 50,000. Kulikoff, "Black Migrants," in *Slavery and Freedom in the Age of the American Revolution*, 149. Philip D. Morgan, "Black Society in the Lowcountry: 1760-1810," in *Ibid,* Table 3, pp 87. See also, Philip D. Morgan, *Slave Counterpoint: Black Culture in the Eighteenth-Century Chesapeake & Lowcountry,* Table 20, pp 85. François-Alexandre-Frédéric duc de La Rochefoucauld-Liancourt. *Voyage dans les États-Unis d'Amérique : fait en 1795, 1796 et 1797.* (Paris: Du Pont, 1799), Book IV, 605.
[79] *Petition to the Honorable the President and other members of the Senate aforesaid,* December 1797. *Race, Slavery, and Free Blacks. Series I, Petitions to Southern Legislatures, 1777-1867* [Microfilm]. Ed. Loren Schweninger. (Bethesda, MD: University Publications of America, 1998), reel 8.

West Indian slaves imports inevitably ended up south rather than north of the Savannah River.

Slave owners and importers similarly attempted to bring their property into Georgia in violation of the laws. In 1798, the Chatham County grand jury complained of the presence of slaves "who are secretly brought into this state from other states over land, whereby the acts of the legislature for preventing the introduction of such persons are evaded."[80] Often such cases were not discovered until extenuating circumstances forced them into view. When shopkeeper Peter Catonnet's slave Matthias claimed he was a free man, the testimony made before the Chatham County Court by Cattonet's agent, Francis Homaca, revealed that Matthias' freedom was not the only aspect of his identity that would cause his enslavement to be illegal. When Homaca was in New York in the winter of 1802, he "received from Mr. John David two negroes to bring to Savannah for sale, one of which was the negro Boy named Mathias" who "never declared or pretended he was free," and was later "once sold in New York and twice sold in Savannah[.]"[81] In his efforts to protect Catonnet's property claim, Homaca admitted to bringing a slave, who was born in Guadeloupe, into the state for the explicit purpose of sale, in full breach of the law.

Operating with the knowledge that slaves and free people of color did manage to illegally enter Savannah, urban authorities relied upon methods of policing already in place that utilized community knowledge and existing patrol mechanisms. However, citizens questioned the efficacy of these tools and the city officers in charge of them as they had done in the past when City Watchmen failed to deter slaves from illicit activities

[80] October 21, 1797; October 12, 1798. Superior Court Minutes, Book IV & C, 1796-1799. CCCH.
[81] Deed of Francis L. Homaca, November 25, 1808. Deed Books, 2B.

like drinking or trading. In October of 1796 and 1798, Chatham County grand jury members complained that the militia law of 1796 assigning officers "to take up all seasoned negroes" from the West Indies and have them "transported" had "not been put in force."[82] In November 1803, Council provided additional conditions for the deportation of French people of color in order to more effectively rid the city of those already residing in Savannah. People of color deemed to be illegally imported, "who," Council reflected, "in the opinion of the Mayor ought not to be allowed to go at large," were to be jailed, and their owners were to provide a five hundred dollar bond per slave that would be refunded only after they provided "satisfactory proof to Council" that the slave had been exported within three months.[83] However, the measure did not solve the difficulty of detecting illegals.

Low rates of prosecution by state or city authorities for illegal importation indicate the implicit difficulty in establishing abuse of the law. With no explicit process for slave registration outside of enumerations made for the purpose of tax assessment, which did not require owners to prove the origins of their property, state and local laws were of little help in the city's mission of identifying illegal slaves. Between 1793 and 1812, the Chatham County Superior Court convicted five individuals for illegally importing slaves, which by law carried a hefty $500 penalty. Two cases dealt with a single slave, but the remainder failed to specify the number of slaves.[84] City Council reviewed eleven additional cases where blacks resided illegally in Savannah, which

[82] October 15, 1796; October 21, 1797. Superior Court Minutes, Book IV & C, 1796-1799. CCCH
[83] CCM 1800-1804, November 14, 1803.
[84] This total would exclude any cases falling under Federal jurisdiction. Superior Court Minutes: Book 3, 1793-6; Book IV & C, 1796-1799; Book 5 & D, 1799-1804; Book 7, 1804-1808; Book 8, 1808-1812, CCCH.

resulted in the exportation of three free people of color and forty-five slaves.[85] West Indian slaves could live illegally in Georgia for years before authorities determined that their presence in the state was, in fact illegal. John Couper imported fifty-two slaves from North Carolina in 1799, but eleven years passed before the court demanded that he prove that his slaves had been legally landed in Georgia under the exception for importation made for those wishing to settle. He faced being fined $51,500 if the penalty specified in the law was carried out.[86]

Those who did settle from out of state or intended to enter the city briefly often provided evidence of such plans and disclosed information concerning their slaves to city authorities to successfully avoid such prosecutions. When John Leseur settled in Savannah in 1801, he entered a deed in the Chatham County Court confirming his intention to bring seventeen of "his own family negroes." The deed, signed by the Mayor of New York, confirmed that Leseur had no "intention or inclination of selling or parting with any of the said negroes," but brought them into the state "for the sole and only purpose of setting, living and establishing himself" in Georgia. Leseur reassured the court, "their removal is not forced or compelled by any act or deed committed by the said negroes or either of them contrary to the law." Although several of the slaves were French, under the 1798 Constitutional exemption, Leseur could import his property, provided that he could establish not only the safety of his slaves, but also his connection to them as a master. This statement confirmed that the slaves were not defective or rebellious. When John Savary was forced to stop in Savannah after his ship came under

[85] This total cannot account for the period between December 1796 and July 1800 as these volumes of minutes are missing from the city records. Totaled from City Council Minutes, June 1791-Dec 1796, July 1800-Dec. 1804, January 1805-1808, OCC, CSRLMA.
[86] . June Term, 1810. Superior Court Minutes, Book 8, CCCH.

distress on his way from Barbados to Charleston, he requested an exception from City Council that would permit him to bring his nine slaves into the city. Permission was granted to Savary after he was able to produce similar reassurances concerning his slaves. Like Leseur, Savary provided a history of servants, assuring council they "were born in his employ" and that he had "no intention wish or desire to sell or dispose of them[.]" Finally, he supplied a bond guaranteeing their departure.[87]

City council relied on the marshal, constables, patrols, and the militia to apprehend West Indian people of color who entered the city unbeknownst to authorities, but those investigations only commenced when members of the community—including slave owners, witnesses, or even the slave—volunteered information. When the Commissary of commercial relations of the French Republic in Georgia, John Mary Sotin, reported to authorities that William Parker had facilitated the arrival of "negroes and mulattoes" from Cap Français, City Council ordered the City Marshal to use the militia in order "to discover the said negroes or mulattoes, and […] to obtain information respecting [their] importation" in order to apprehend them.[88] Although the fluidity of the urban black population made the identification of French people of color difficult, information originating within the wider community provided city officers like the marshal a viable foundation for policing importation and residency restrictions.

Valuable information concerning West Indian people of color was mostly confirmed from slave owners, witnesses, or even the slave rather than legal documentation. In 1803, Council discovered that Jean, a free black St. Dominguan who presented himself as Samuel Hinson, "was brought into this Port some months since by a

[87] Deed of John Leseur, May 29, 1801. Deed Books, 1V; CCM 1804-8, September 1, 1807.
[88] CCM 1800-1804, June 13, 1803.

Capt. Gribbin from Port au Prince," but only arrived at that conclusion after Hinson "was committed to prison by the said Capt soon after his arrival here upon some groundless pretence[.]"[89] Hinson's personal dispute with the captain led to his identification and exile, not the city's police work. City militia officers apprehended the largest group of undetected West Indian slaves, numbering twenty-one, only after three Savannah residents acquainted with their owner, Daniel O'Hara, informed Council that O'Hara brought them into Georgia directly from Jamaica. Finally, John Wallace, the Spanish agent at Savannah, reported to Savannah's mayor that two St. Dominguan settlers, John Poullen and Thomas Dechenaux, had found three "French Negroes" on Blackbeard Island, part of the Sapelo settlement. Council interviewed Wallace, Poullen, and the negroes, "who called themselves Spanish Subjects, and said they were bound to St. Augustine." The Frenchmen brought them to Savannah, where Wallace had allowed them to be put in his kitchen until authorities could provide instruction for their exportation.[90] In this instance, City Council relied upon the testimony of several individuals, including the slave owner, hirer, and slaves in order to establish the identity and thereby the violation.

French refugees were best positioned among Savannah residents to identify West Indian people of color based on their experiences together in St. Domingue, but they rarely opted to provide that information to city authorities. Two women, Mrs. Planquet and Mrs. Boucher, testified to City Council in 1804 that a woman named Marie Louise "was at Cape Francois, in the West Indies in the month of July last," where she was "there considered a free woman[.]" Based on this information, a militia officer placed

[89] Ibid, August 22, 1803; September 5, 1803.
[90] Ibid, June 18, 1804; CCM 1791-6, April 25, 1796.

Marie Louise in jail to await exportation. In another instance, the Mayor of Charleston presented his Savannah counterpart with "several affidavits" from French settlers concerning Felix, a French slave owned by a Savannah resident. The St. Dominguans at Charleston testified "that the [n]egro was a [c]onvict in St. Domingo and among those who [aided] the slaves in the insurrection of that place[.]"[91] In establishing Felix's history as a champion of the rebellion, witness accounts provided authorities with evidence that could only originate from within the population of St. Dominguan refugees. In this instance, Savannah authorities benefited from the fact that white St. Dominguans shared a common interest in removing Felix.

Deeds filed by white St. Dominguans in the support of the free status of people of color further indicated that familiarity between whites and blacks arriving from the same parish often served more to aid St. Dominguan people of color than to alert authorities of their illegal presence in the city. Mathurin Bion served as the guardian to Joseph Bion, a free mulatto who arrived with him at Savannah after evacuating from Jeremie in 1803. When Mathurin lost his "red Spanish leather pocket Book, containing sundries, papers, bills, etc. and particularly a certificate" testifying to Joseph's freedom, he registered evidence of the boy's freedom and, consequently, his entry from the West Indies with the Chatham County Court. Even the French Consul at Savannah, Paul Pierre Thomasson, admitted employing an illegal resident. Testifying that the "negro woman named Therese, living in my house of her own will, for these thirty five years last past, is Free," Thomasson confirmed that "the deed stating her freedom, made in St. Domingo, was in

[91] CCM 1804-8, June 18, 1804; CCM 1791-6, November 29, 1795.

my possession, and may probably be yet amongst my papers, if it was not lost."[92] The man Therese entrusted with her freedom papers would be an unlikely candidate to inform Savannah authorities to her presence. Dozens of additional deeds and Catholic records that will be examined in detail in chapter four demonstrate the willingness of whites to ignore the knowledge of specific cases where free people of color from St. Domingue were living in Savannah.[93]

These examples illustrate that city officers actively attempted to police and remove French people of color who continued to live in the city successfully due to the complicity of white St. Dominguans who—with rare exception—did little to aid the city in enforcing the expulsion of their black servants, friends, and family. Although a relatively small population, the presence of French people of color tells us much about the complexities of race, law, and politics in Georgia as French émigrés and established Savannah residents ignored the importation law and the sanctity of public safety in directly importing or buying slaves they knew were prohibited. For city officials, the struggle to prevent the danger carried by French blacks from spreading within the city unfolded in the midst of a growing crisis concerning the safety of the port as a destination not only for contaminated black slaves and settlers, but also for conspirators and French agents.

[92] Deed of Mathurin Bion, October 26, 1811. Deed Books, 2D; Will of Paul Pierre Thomasson, June 25, 1832. Chatham County Wills, Book I, 1827-1840. CCCH.
[93] See generally: St. John the Baptist Catholic Church Savannah Parish Register 1796-1816. [Microfilm] Drawer 32, reel 56, GDAH; and Chatham County Deed Books: 1L through 2L, CCCH.

Section III: The Politics of Asylum and Belonging

"Hospitality, goodness, charity, and compassion are cowardice disguised, are cheats in war."[94]
—Anonymous Editorialist, *Columbia Museum and Savannah Advertiser*

In July of 1798, a group of young men from Augusta wrote to John Adams searching for words of comfort. Like most Americans, the writers had celebrated the coming of the French republic. Now, they could find no answer for her hostilities. "[W]e long wished to view the injuries and insults offered by them to the United States, their contempt of our government through the medium of their ambassadors, their unrighteous and piratical attacks upon our commerce, as the usurped and nefarious acts of individuals, unsanctioned by their government." Events had forced them to conclude the opposite and abandon any love for the French government. Adams politely responded, praising their "unalterable attachment to […] country and government" but demonstrated little surprise at the current position of the United States and a gentle rebuke of her people. "I have ever beheld [the French Revolution] with reverence, unable however to comprehend any good principles sufficient to produce it, to see its tendency or in what it would terminate- but the warm zeal, the violent attachment to it, manifested by Americans, I have ever believed to be an error in public opinion- it was none of our Business- we had, or ought to have had nothing to do with it, and I always believed we were making work for severe repentance."[95]

By the summer of 1798, most Americans had abandoned their "warm zeal" towards the French revolutionary cause. As relations with the French government deteriorated, authorities across all levels of government had also grown cautious of the complicated political allegiances of the French already enjoying asylum within the US.

[94] *Columbia Museum and Savannah Advertiser*, June 12, 1798.
[95] John Adams the Young Men of the City of Augusta in the State of Georgia, July 20, 1798. John Adams Paper, 1798. Box 10. Colonial Dames Collection, MS965, GHS.

For Savannah officials, the challenge of controlling the entry and influence of outsiders was deeply influenced by broader Atlantic events unfolding during the mid-1790s. By 1798, the campaign to control the influence of revolution over the slave population was no longer waged primarily through the rejection of slave imports. Southern authorities, keenly aware that the revolutionary politics of the French Atlantic had not yet been fully contained, overwhelmingly concerned themselves with the threat posed by the approach of rebel slaves, or "brigand negroes," sent by foreign enemies to American port cities. However, restricting the influence of revolution was not relegated to controlling the entry of slaves. State and local leaders, who long recognized that slaves could not be solely responsible for the woes of St. Domingue, increasingly imagined white refugees from France and the West Indies to be potentially as subversive as the rebel slaves of St. Domingue.

Simultaneously, the increased presence of foreigners and sailors instigated an increase in violence within Savannah and on the riverfront, further influencing the efforts of city authorities to more effectively control and police the presence of non-resident outsiders. In 1794, Superior Court Judge George Walton reflected on a sharp increase in murders just as the first wave of refugees entered Savannah. "While the Inhabitants of the old world are drenching the earth and the ocean with their Blood, for political purposes," Walton observed, "the contagion seems to have reached us through the more unworthy channels of personal malevolence, by wanton hostility[.]"[96] The presence of such outsiders who conveyed a sense of violence, both real and imagined, tested Americans who had identified with the republican values of the French Revolution.

[96] February 5, 1794. Superior Court Minutes, Volume 3, 1793-6, CCCH.

Clear American support for the French revolution became most visible after the declaration of the republic in 1792, and in all major American cities citizens and state officials joined in public scenes of pageantry. During the decade following the American Revolution, the economic relationship between the US and French West Indies took on a special significance for those involved at all levels of trade, including planters and merchants or shopkeepers who dealt French goods. With the cutoff of trade to the British West Indies, San Domingue became the second largest US trade partner behind Great Britain by the 1790s. By the end of 1791, Thomas Jefferson reported that trade with the French West Indies totaled an estimated $3,284,656 in exports and $1,913,212 in imports.[97]

In the early 1790s, ships from Port au Prince and Cap Français flowed in and out of Savannah on a weekly basis.[98] Anthony Desverneys advertised his arrival with diverse goods from le Cap, including the colony's prized sugar, but also a diverse assortment of luxuries; Devsverneys carried the "best sweet oil in baskets and small cases, sugar plums, fruits preserved in brandy, capers, olives, anchovies, corks in bags, and a few new negro boys and girls, about 10 years old." French merchants in Savannah, though a small group before the Revolution, found that their exotic goods and wines sold readily in Savannah. Bernard Lefils and Decheneaux advertised "best Bourdeaux, Burgundy and other claret wines; sherry and Teneriffe wines" many kinds of sugars, including loaf, brown and refined powder sugar, coffee, hyson, souchong and green tea, "bloom raisins in jars, plum

[97] Ashli White, *Encountering Revolution*, 7; Babb, "French Refugees from St. Domingue," 8. For an overview of American responses to the French Revolution, see: Stanley Elkins and Eric McKitrick, *The Age of Federalism: The Early American Republic, 1788-1800.* (New York: Oxford University Press, 1993), 308-336.

[98] Shipping traffic between Savannah and the French West Indies became interspersed after April of 1793. Before the disruption, two ships per week on average either departed or entered at Savannah from the French islands in 1793. Estimates totaled from: *The Georgia Gazette.* January 3, 1793 through November 24, 1796. (Microfilm), Live Oak Public Library, Savannah, Ga.

raisins in cases, fresh grapes, etc."[99] The success of the trade relationship between America and France and her colonies carried great significance for the new American economy and the alliance between the nations but also for how Americans sympathized with the French who migrated to the US from the metropole and Caribbean during the 1790s.

Many who had supported the Americans during their own republican struggle became enemies of the French republican experiment, ensnared within the fallout of class warfare. The majority of those arriving had royalist ties, and many had experienced the destructiveness of Republican politics as their own property became repossessed in the chaos of regime change. However, the observations of visitors and the outpouring of revolutionary support in the newspaper indicate that others among the French arrivals after 1793 held diverse sympathies. When the French Vice Consul of Charleston visited Savannah in the spring of 1793, he observed that most of the French residents could pass as republicans. Tensions amongst the French themselves occasionally devolved into scenes of violence in port cities that shocked Americans. A number of Frenchmen arriving at Philadelphia from le Cap in November of 1793, "who from their dress might have been taken for gentlemen[,]" attempted to murder a fellow passenger from St. Domingo whom they claimed had committed outrages there. They "attacked him with swords, sticks, and sills and knocked him overboard, and […] attempted to accomplish the assassination, by throwing stones and other things upon him." Philadelphia's mayor

[99] *Georgia Gazette,* December 13, 1792.

expressed shock at the behavior of those whose salvation "from fire and sword hath been so recently offered."[100]

After traveling to safety across the Atlantic, refugees experienced a range of receptivity from an American population that reflected their varied opinions towards the revolution and its displaced victims. After the arrival of the first unfortunates on board the *Mary*, a Savannah editorialist who identified himself only as "A Yankee," cautioned his fellow citizens against judging the political allegiances of those in need. A Yankee encouraged Georgians to "comfort the dejected parent with hopes of future prosperity, and press the weeping orphan to our bosom […] for, whether Aristocrats or Democrats, they are men and our brethren." Similarly calls to detach feelings of politics from the moral imperative of providing relief echoed through congress when refugees first arrived in the US. Criticizing the French Ambassador for unfairly distributing resources for refugees "to a particular class of people[,]" Representative Abraham Clark of New Jersey insisted that "[i]t was not the business of the House, whether the refugees at Baltimore were democrats or aristocrats. They were men; and as such, were entitled to compassion and to relief."[101]

The politics of providing relief for refugees and military aid to the French responding to the rebellion of St. Domingue placed Federal authorities in a tenuous position as representatives of Republicanism in the Atlantic World. In the summer of 1791, the Federal Government and the state of South Carolina each extended credit to the French government to aid in their response to the slave rebellion on the island. However, during the following two years, the public reacted unfavorably to repeated French

[100] Martha L. Keber, *Seas of Gold, Seas of Cotton: Christophe Poulain Dubignon of Jekyll Island.* (Athens: UGA Press, 2002), 227; *Georgia Gazette,* December 12, 1793.
[101] *Georgia Gazette,* October 3, 1793; *Annals of Congress*, 3rd Congress, 1st Session, 350.

military failures and the arrival of significant number of refugees from St. Domingue identified as royalists and aristocrats. These individuals were perceived as failing to confront a situation they were at least partly responsible for creating.[102] After the fall of Cap Français in 1793, public sympathy shifted towards refugees as narratives described the violence occurring on St. Domingue, but diplomatic relation with the French remained complicated.

Although the French revolution expanded upon an existing ideological divide between the Federalists and Republicans, the radicalism of the revolution also increasingly threatened the ideas represented within the Federal Constitution concerning rights of persons and property. As one of St. Domingue's assigned commissioners, Sonthonax had freed many slaves in his attempt to regain control of the island, but when he presented a decree calling for general emancipation before the French National Convention, this action potentially re-contextualized rebel slaves as defenders of the French Revolution. As violence and radicalism tore at the pieces of the French empire, Jefferson and the Republicans were forced to rebalance their support of revolutionary principles in order to reject the more radically disruptive social restructuring occurring in St. Domingue and France.[103]

Within the United States, distrust of French refugees emanated directly from the French foreign ministers stationed within the United States. Edmond Charles Genet questioned the politics of the St. Dominguan refugees and accused them of conspiring against the interests of the government, basing his suspicions partly upon the arrival of

[102] White, *Encountering Revolution*, 54-7.
[103] Simon P. Newman, "American Political Culture and the French and Haitian Revolutions: Nathaniel Cutting and the Jeffersonian Republicans," in *The Impact of the Hatian Revolution in the Atlantic World.* Ed. David P. Geggus, 74-7.

confirmed political enemies of the republican government. After commissioners Sonothonax and Polverel attempted to pass strategic laws that provided free men of color with military appointments and legal rights, white colonists rebelled and attempted to assert political control over the colonial administration through St. Domingue's Governor-General, Thomas-Francois Galbaud. Shortly after the failed struggle culminated in the battle of Cap Français in June of 1793, Galbaud fled to the US.[104]

The French Consulate attempted to exercise great control over the ability of many émigrés to return to St. Domingue, and continued American neutrality complicated their ability to do so. The French government insisted that the American government prevent expeditions of colonists from departing the US for Saint Domingue. The Federal government did agree not to permit refugees on board American ships unless their passports had been signed personally by Citizen Genet. Although Thomas Jefferson agreed with the propriety of the request, he admitted to Genet that US authorities could do little to prevent "the departure of emigrants to Santo Domingo" just as it could not "force them away" from asylum within the US.[105]

In August of 1793, an estimated 2,000 émigrés plotted to launch a military operation from the US in order to retake St. Domingue. Lead by General Galbaud, they were willing to forge an alliance with England or Spain to do so. US newspapers supplied refugees with constant news of the military operations in St. Domingue and communications from European powers and fellow refugees. In November of 1793, a group of St. Dominguan planters residing in England called for the King of Britain to aid them, under a set of conditions including that "the French Government, not the Allied

[104] White, *Encountering Revolution,* 101-3.
[105] Thomas Jefferson to Citizen Genet, Nov 30, 1793. Quoted in: Babb, "French Refugees from Saint Domingue," 96-9, quotation on 98.

Powers, will definitively decide amongst themselves respecting the sovereignty of St. Domingo." Simultaneously, the Lieutenant Governor of Jamaica, announced in US newspapers his deployment of British forces. In September, Citizen Genet claimed to have discovered a second conspiracy against the French republic. Supposedly supported by 1,000 refugees in Baltimore and Philadelphia, General Galbaud was again the accused leader.[106]

Michel-Ange-Bernard Mangourit, the French Consul at Charleston, viewed the St. Dominguan planters, or "colonial aristocrats" as he termed them, with equal disgust. Robert J. Alderson has identified three instances where the Mangourit blocked rumored attempts to transport refugees back to St. Domingue from Charleston, made by American, French, and British parties.[107] In a letter widely published in American papers, Genet claimed that Mangourit had reported the presence of "counter-revolutionaries" who would attempt to repeat the situation of their colony. In St. Domingue, this group had "impregnated with antipathy the elements of a colony flaming and raging equal to a volcano[.]" Genet warned that the same "boiling lava which overflows this continent may possibly reproduce here the vulcano[*sic*] which vomited it forth." Genet's phrasing cut to the heart of what Americans themselves feared; although he could not admit to having evidence of "the least symptom of an insurrection[,]" his implication was clear; a slave insurrection would certainly not be unexpected in the midst of the treacherous factions abounding amongst the French in the US.[108] Genet's successors, Fauchet and Pierre

[106] *Georgia Gazette,* November 7, 1793; Winston Babb, "French Refugees from Saint Domingue," 92-8.
[107] Robert J. Alderson, *This Bright Era of Happy Revolutions: French Consul Michel-Ange-Bernard Mangourit and International Republicanism in Charleston, 1792-1794*. (University of South Carolina Press, 2008), 54-6.
[108] *Columbian Centinel*: Boston. December 7, 1793. White supports an interpretation of this letter as specifically pointing to it being "not unreasonable that the white exiles would also instigate a slave

Adet, also believed the refugees to be "veritables monstres" and claimed their only commonality to be "hatred of the Republic[.]"[109]

The continued presence of many St. Dominguan refugees within the US was inherently tied to debates within France concerning whether they would be welcome in any section of French territory. The character of St. Dominguan refugees and their lack of support for the Revolution came under the most scrutiny following the recall of Sonthonax and Polverel by the National Convention for a review of their policies within St. Domingue in January of 1795. The commissioners successfully refuted the accusations of St. Dominguan planters concerning various abuses of power and irresponsibility in provoking war and usurping private and colonial property. In that process, Sonthonax and Polverel leveled public accusations at the refugees in France and America, accusing them of having questionable allegiance to the Republic. When the Colonial Commission returned damning statements concerning the behavior of refugees, it constituted a serious indictment of the future of their status as French citizens. Successfully reinstated as a commissioner in St. Domingue by the French government, Sonthonax issued a statement to Pierre Adet, the current minister in the US, which was then translated and circulated in newspapers throughout the United States, informing all exiles from St. Domingue that they were definitely and permanently banished from the island. Passports to refugees could only be pardoned by the consul on a case-by-case basis. The clash between Sonthonax and Toussaint Louveture in the summer of 1797 gave some encouragement to planters that they might return to aide the island's rebuilding process. Discussions by the French Directorate continued concerning the

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rebellion in the United States, in order to subvert the republican cause wherever they found it." White, *Encountering Revolution,* 107.

[109] Quoted in: Winston Babb, "French Refugees from Saint Domingue," 292-3.

status and allegiances of the St. Dominguans with the withdrawal of the British troops in the following year, but the French government ultimately ceased the debates.[110]

Americans too became less receptive towards the refugees following several diplomatic developments. While Americans attempted to remain neutral, several actions taken by the French government and its foreign ministers left the Federal Government in an increasingly untenable position towards the French by the mid-1790s. In the Lowcountry, French ministers attempted to recruit Americans for maritime operations and an invasion of Spanish Florida. Savannah resident John Holland reported in May of 1794 that a French sloop of war had landed on Amelia island on St. Mary's, where 150 to 300 Americans rumored to have gathered "intended to join the French, and take the oaths of allegiance to them, in order to invade the Floridas." Although an agent and a privateer captain each "attempted to beat up for volunteers in Savannah," authorities apprehended the men.[111] Genet's early efforts to commission French privateers out of several American ports constituted a similarly brazen violation of international law and undermined American foreign policy by endangering trade with the West Indies and increasing pressure on the uncertain relations between the US and Britain. State and local officials in port cities most immediately felt the economic impact of the French campaign and were forced to deal with new concerns for public safety.

In Savannah, the appearance of a large number of foreigners and Americans from privateering vessels interrupted the tranquility of the town. In the spring of 1793, scuffles

[110] Ibid*,* 116-120; Ashli White, "A Flood of Impure Lava: Saint Dominguan Refugees in the United States, 1791-1820." (PhD diss., Columbia University, 2003), 201-5.
[111] Constant Freeman to Henry Knox, May 6, 1794. National Archives and Records Administration: Senate, Transcibed Reports, RG46. [Online at: *http://wardepartmentpapers.org/docimage.php?id=10345&docColID=11354&page=1*, George Mason University, Papers of the War Department, accessed October 1, 2014]; Elkins and McKitrick, *The Age of Federalism,* 350-4, 365-371. For an overview of Consul Mangorit's invasion recruiting and plans, see: Alderson, *This Bright Era of Happy Revolutions,* 51-3, 129-144.

between British and French sailors broke out in the streets of Charleston. Consul Mangourit assured residents of Charleston that Frenchmen would no longer proceed in the city "without proper weapons" for defense.[112] However, discord shortly followed in Savannah as residents reported that sailors from French privateers were "daily parading around this the city with arms[,]" a behavior considered to be "unusual, and not admitted of heretofore." In 1794, the City Marshal alerted City Council that "armed seamen had threatened his life, and the last evening had nearly taken it," also leaving a constable "very much wounded[.]" Responding to these incidents and other "violent assaults upon the unarmed Citizens" of Savannah, Council passed an ordinance to jail any foreign or American seaman who took to city streets "with Cuttlasses, Pistols, Daggers, and Swords[.]"[113] The increased violence brought to Savannah by seamen from outside of the port echoed existing tensions already playing out between European nations on the Atlantic. Officials were keenly aware of how American participation could carry even greater consequences for peace on the coast.

In Charleston, William Moultrie responded to Genet's commission offer by demanding "all houses of rendezvous for volunteers in the French service to be immediately shut up," insisting that he was "determined to exert his power and influences to prevent the fitting out of privateers in this port." Charleston newspaper editors responded that the accusation of privateers being outfitted "have no more grounds that the pretended declarations of M. Genet." Yet, evidence does indicate that some American did support participation in privateering and other activities under French leadership that might violate American neutrality. William Moultrie's own position was less than clear

[112] *City Gazette & Daily* Advertiser: Charleston. April 30, 1793. Mangourit quoted in: Alderson, *This Bright Era of Happy Revolutions*, 63-5.
[113] CCM 1791-6, December 5, 1793; November 6, 1794.

as he initially supported Genet's efforts to operate privateering operations and to raise an army on American soil to invade Spanish territory.[114] In Savannah, Dr. Benjamin Putnam was the first Georgian prosecuted by the Federal court for "being concerned in" the privateer *Anti George*, a ship whose presence in the port had also prompted a riot and resulted in the arrest of the French officers. Although accounts of the mob's motivations varied, Putnam claimed the militia officer's actions were "unauthorized[sic] by any Authority under heaven, that of Arbitrary and rank Despotick, excepted, too prevailing in this City at this time[.]" Moreover, a crowd, amongst whom "some of the most active of the rioters were aliens," aided the militia officers in their threats to tar and feather the Frenchmen.[115] By the close of 1793 an additional four charges had been brought against a merchant group for outfitting a ship under a commission from the Republic of France. The case confirmed that the French retained the right to outfit privateers in American ports, but the Federal court judge insisted that right extended only to French citizens and not Americans. Three additional US district court trials carried similar charges brought by British merchants and underwriters, who insisted such "seizure was piratical" as the American vessels were "not legally appointed in conformity with the treaty between the United States and the French Republic[.]"[116]

American participation in French privateering operations signaled to the British an abandonment of neutrality. British assaults on US shipping commenced as they instituted a shipping blockade of French West Indian ports in November of 1793.[117]

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[114] *Georgia Gazette,* April 25, 1793; Alderson, *This Bright Era of Happy Revolutions*, 22, 33.
[115] *Georgia Gazette,* July 25, 1793.
[116] *Ibid,* November 21, 1793; October 30, 1794; November 6, 1794; March 12, 1795.
[117] Reports from March 1794 reflected that over 250 US ships had been seized and 150 confiscated by the British, often regardless of whether they were destined for French or neutral ports. Elkins and Eric McKitrick, *The Age of Federalism,* 376, 388-391.

Sailing from New Providence, the *Flying Fish* terrorized the Southern coast in the summer of 1794, and acted to dissuade those in Savannah and Charleston from continuing their attacks on British shipping under the French. When the schooner first intercepted an American ship under the command of Captain Town off Cape Romaine on the South Carolina coast, the crew of the *Flying Fish* removed the ship's cargo of flour, but paid for the barrels and freight, using the opportunity to issue a warning. "They informed Capt. Town that it was their determination to take all vessels sailing from Charleston whitherto[*sic*] bound, and to send them to Jamaica, as the people of this city were 'a pack of villains,' who were constantly fitting out privateers."[118]

Tensions with the British came to a head on the Georgia coast when on February 25, 1795 a twenty-four-gun British war sloop fired on the US revenue cutter *Eagle* as it neared St. Simon's island. Thirty-eight men from the *Sphynx* boarded the cutter and, believing it to be a privateer, announced the vessel was operating in violation of the "laws of nations." The British sailors quietly departed after discovering that the *Eagle* was in fact the property of the US government. The *Eagle's* first mate, Hendrick Fisher, reported that one of the British vessel's gunners had informed Fisher that he "aimed the shot to sink the schooner, and that it was his intention when the boats rowed alongside to have shot the man at the helm if the cutter had not immediately hove to."[119] Even without Fisher's account of the gunner's intentions, the closeness of the warship to the Georgia coast must have surprised many in Savannah. Such incidents underscored long existing tensions with a British enemy, but by the mid-1790s, as this familiar conflict seemed to subside, a rival to that threat seemed to appear as the French took more

[118] *Georgia Gazette,* June 12, 1794.
[119] *Ibid,* March 12, 1794.

aggressive actions towards the Americans.

The re-establishment of terms of trade with the British under Jay's Treaty in 1795 angered the French who were already frustrated by the refusal of Americans to support their war efforts. The Directory's decision in February 1797 to invalidate the Franco-American alliance of 1778 and begin seizing American ships bound to French or neutral ports made it impossible for the Americans—including even Jefferson and the Republicans—to support the French.[120] The increased assaults on American shipping impacted the cost of goods generally, but had a particularly potent effect in port economies that relied heavily upon West Indian trade. In July 1797, Savannah merchant William Mein reflected to his partner, Robert Mackay, on the deterioration of Savannah's economic position. "The French continue to take American vessels" he wrote, adding that the increase of insurance premiums had been "immensely high and adds much to the price of goods." Although Mein reported that Congress had outfitted vessels for the purpose of protecting shipping, he concluded woefully, "I am flattering myself every thing will be amicably adjuted*[sic]*."[121] Tensions with the French government came to a head in 1798 with the commencement of the three-year period of the "Quasi War," during which time American and French vessels were constantly embroiled in conflict in the West Indies and along the coast of the United States.

The summer of 1798 marked a turning point in American sentiment concerning the French. The deterioration of the diplomatic relationship between France and America

[120] Between October 1, 1796 and June 21, 1797, Secretary of State Timothy Pickering totaled more than 316 cases of attacks on American shipping. United States Office of Naval Records and Library. *Naval Documents Related to the Quasi-war Between the United States And France: Naval Operations from February 1797 to December 1801*. Volume 1. Washington: GPO, 1-6.

[121] On July 1, 1797, Congress commanded the outfitting and deployment of three forty-four gun frigates, the United States, Constitution and Constellation. "Act Providing for Naval Armament," July 1, 1797. USONRL. *Naval Documents Related to the Quasi-war*, 7-8; William Mein to Robert Mackay from London. July 5, 1797. Box 5, Colonial Dames Collection, MS965, GHS.

served as the primary driver behind the passage of the Alien Enemies Act in 1798, which marked the first time that the Federal government claimed the authority to expel foreign residents. During the first wave of emigration, members of Congress generally agreed that citizenship qualifications were too lax, but the debates of 1794-5 divided the Federalists and Democratic Republicans sufficiently to keep the citizenship requirements open.[122] However in the following years, the factionalism of émigrés and the actions of other radical revolutionary supporters confirmed for many that dangerous characters had already arrived on US soil. Members of Congress speculated generally about the dangers from publishers and the wider French population. The publication in Benjamin Bache's radical republican newspaper of French Minister Tallyrand's letter concerning the XYZ affair revealed the unflattering state of relations with the French. It was rumored that the Executive Directory ordered the letter into circulation, and its publication confirmed the pervasive influence of the French government and the danger of publishers.[123]

Publishers' visibility evidenced intellectual radicalism, but the House debates also confirmed the concerns of state and federal politicians towards a cast of manipulative characters. South Carolina Representative and ardent Federalist Robert Goodloe Harper announced to the House that "France had her secret agents in this country, and […] every means had been made use of to excite resistance to the measures of our Government, and to raise a spirit of faction in the country favorable to the views of France[.]" Addressing the General Assembly after the passage of the Alien Enemies Act, Georgia Governor

[122] The naturalization act reflected suspicions held by Democratic Republicans towards members of the aristocracy seeking citizenship and required them to renounce their noble title prior to being awarded citizenship. White, *Encountering Revolution*, 114-5.

[123] Ashli White similarly situates the 1798 act beyond the immediate concerns of seditious publishers, addressing a broader concern "about the 'Jacobins' in their midst." Ashli White, "A Flood of Impure Lava," 194-200; James Morton Smith, "The 'Aurora' and the Alien and Sedition Laws: Part I: The Editorship of Benjamin Franklin Bache," *The Pennsylvania Magazine of History and Biography*, Vol. 77, No. 1 (Jan., 1953), 3 -23.

James Jackson similarly acknowledged that "attempts though the channel of the public prints to destroy the confidence of the Union" had been made but suggested that "the attacks of every open or insinuating invader, whether the monarchical class of Britain, or the democratical enthusiasts of France" would only succeed if Americans allowed their passion for foreign causes to surpass their commitment to their own independence:

> "Success might crown our partiality for either for a moment, but the bitterest remorse might succeed the event, entangled in European politics although America with the sword, like China with her manners, might ultimately prevail as a nation, it might be too late to prevent a Tartar from establishing a Throne-let us steer clear of Scylla, whilst we avoid Charybdis, and preserve our partiality for our own Government."[124]

The debates over the Alien and Sedition act revealed a turn in the tide of general public sentiment towards distrust of the French. Arguing against the law, representative Joseph McDowell of North Carolina claimed that the power of such an act would exploit general sentiment, "which at present exists against France and Frenchmen," the end result of which, in McDowell's view, would be that "men who would neither be guilty of treason or sedition, would probably be reported against[.]"[125] McDowell's point concerning the present temperature of feelings towards entering émigrés was most poignantly illustrated by the attempts of several governors to bar the entry of any St. Dominguans who fled after the departure of the British from Port au Prince and the public reactions that followed.

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[124] *Annals of Congress,* 5th Congress, House of Representatives, Vol. 2, 2nd Session, 1972-3; Governor's address to the General Assembly, Louisville 8 January 1799. State of Georgia Executive Minutes, June 28, 1798 to Nov 7, 1799. GDAH.

[125] *Annals of Congress,* 5th Congress, Vol. 2, 2nd Session, 2021. For the extent of the debate, see pp . 1954-2029.

After the British evacuation of St. Domingue, the *Columbia Museum and Advertiser* reported in June 1798 that upwards of 3,000 St. Dominguans "embarked mostly in vessels belonging to the United States."[126] Officials from Georgia to Pennsylvania acted unvaryingly to reject incoming ships in response to rumors concerning the character of the incoming French passengers. Pennsylvania Governor Thomas Mifflin moved to prevent the landing of any French people of color and acknowledged the possible "necessity of extending the prohibition to white men[.]" Mifflin was not even certain that the state executive had the power to do so.[127] Philadelphia newspapers reflected palpable speculation concerning the character of those arriving. Editorialists reported that blacks coming from Port au Prince would "mutinize, leave the ships, and march to Phildelphia." David Pinkerton, an American who had arrived in Philadelphia from St. Domingue, immediately warned city authorities of the imminent landings to follow, insisting that "a considerable number of slaves, that have all been trained to arms […] and attached to their master's interest" would be arriving with their masters. Pinkerton admitted that there "are some men of principle" among the French evacuees, but "the greater part of those already arrived […] fully ripe for any turn which we may take with respect to France." The debate between Governor Mifflin and President Adams exemplifies the mixed concerns of state authorities and federal officials. Adams ultimately refused Mifflin's request, but the reaction of Pennsylvanians during the crisis indicates that even officials in non-slave states expressed serious concern over the revolutionary character of blacks and whites entering from West Indian areas rife with insurrection. After the refugees arrived, they were forced to publicly defend their "good

[126] *The Columbian Museum and Savannah Advertiser,* June 8, 1798.
[127] Thomas Mifflin to John Adams, June 27, 1798. *Carey's United States* Recorder: Philadelphia. June 28, 1798.

character" and that of their slaves against "the reports circulated respecting them[,]" insisting that the slaves "never had born arms" and that they had "fortunes in the United States and property with them[.]"[128] They were clearly not what authorities expected.

Communications from Secretary of State Timothy Pickering to Robert Liston, the British minister to the United States, concerning incoming refugees indicate that the Federal government did consider the problem of limiting asylum for white French refugees necessary and unique to the period of hostilities. Public reproach towards incoming refugees at Philadelphia demonstrated to Pickering that hostilities might "render it a duty of the Government […] to prescribe regulations and measures, in regard to French citizens, not before contemplated, but which the public security may require." Although the passengers arriving from the Mole were so "destitute of foundation" that they had been permitted to land at Philadelphia, residents articulated "unfounded suspicions and reproaches against these people[.]" Pickering concluded, "the actual state of things between the United States and France, induced by the violence, intrigues and real hostilities of the latter, may render their residence here less eligible than at any former period[.]" White refugees from St. Domingue continued to receive asylum under Federal laws, but the changing nature of the warfare on the island made Americans uncertain of any ships conveying French passengers or sailors that entered into US waters.[129]

During the open hostilities with France, Southern officials and commentators more directly drew connections between the French living within the US and the

[128] Nash, "Reverberations," 63-5; Letter of David Pinkerton, June 28, 1798, *Ibid*; *Columbian* Centinel: Boston. July 7, 1798.
[129] Timothy Pickering to Robert Liston, July 3, 1798. USONRL. *Naval Documents Related to the Quasi-war*, Volume 1, 162; Nash, "Reverberations," 63.

potential destabilization of slavery in the Lowcountry. In 1794, anonymous commentator Rusticus wrote to his fellow citizens at Charleston that it "has been asserted that there actually exists within our [c]ity a Society corresponding with that which the French term des Amis des Noirs," in other words, an abolitionist society.[130] The discussion of French agents continued on through the era of open hostilities. In January of 1800, congress received a petition from several free men of color in Philadelphia, requesting a review of national policy concerning slavery for the purpose of not ending but modifying the institution. South Carolina's Representative John Rutledge, Jr. argued that the discussion of such subjects posed a great danger in the context of events in St. Domingue and the presence of French "emissaries" in the Southern states who supported emancipation. Rutledge insisted that these French abolitionists "have begun their war upon us; an actual organization has commenced; we have had them meeting in their club rooms, and debating on that subject, and determinations have been made." Furthermore, Rutledge confirmed that French abolitionists had already commenced their efforts to poison Southern slaves against the institution. "I do believe that persons have been sent from France to feel the pulse of this country, to know whether these [slaves] are the proper engines to make use of; these people have been talked to; they have been tampered with, and this is going on." The House voted overwhelmingly—eighty-five to one—to cease all discussion of the petition, denying that the government had any jurisdiction on the subject, and asserting that the subject of the laws of slavery and emancipation had "a tendency to create disquiet and jealousy[.]"[131]

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[130] "Rusticus" to "Gentlemen," August 7, 1794. Letters from Rusticus, 1794. (43/775) South Carolina Historical Society.

[131] January 2, 1800. *Annals of Congress,* House of Representatives, 6th Congress, 1st session, December 2, 1799 to May 14, 1800, 229-245.

Like those at Philadelphia, officials in Savannah viewed the threat of slave uprising as emanating from all segments of St. Dominguan society following the British evacuation in the summer of 1798. By late May, Savannah Mayor John Glenn reported to Governor James Jackson that "certain Negroes under the description of Brigands" had been directed from Port au Prince towards the coasts of Georgia and South Carolina, supposedly as the emissaries of the British forces evacuating St. Domingue.[132] After the first ship in the Port au Prince convoy, the *Maria,* landed in Charleston on June 5th, it became apparent that the people of color did not match the descriptions circulating among officials, just as they had not for the Philadelphia arrivals. Thirty-four enslaved and thirteen free people of color arrived in Charleston on board the schooner *Maria.* Two additional ships arrived at Charleston less than a week later, carrying over one hundred refugees, including "a large number" of people of color. Although the Captain of the *Maria* stated "that he was compelled to take them on board by the British governor," Charlestonians were relieved to find that Americans commanded the vessels approaching from St. Domingue.[133] Governor Jackson noted that the arrival of the black St. Dominguans in Charleston "was not what I had expected[,]" but concluded that "their being under the description of brigands or not it makes little difference" as "they will be exceedingly troublesome" if they were to get footing in Georgia.[134]

The rumors of slave soldiers proved untrue, but the uncertain reasons behind the British decision to send the slaves and the murky political allegiances of the St. Dominguans raised the suspicions of Georgians at a time when America stood on the

[132] Governor James Jackson to Thomas King Esquire, May 31, 1798, Executive Minutes, GDAH. Order of James Jackson, June 11, 1798, Ibid.
[133] *The Bee*: New London, Connecticut. July 4, 1798
[134] James Jackson to James Seagrove Esquire, Louisville, July 23, 1798. Executive Minutes, GDAH.

precipice of a naval war. In September 1797, the editor of the *Georgia Gazette* speculated that a ship bound from Grenada with 157 people of color had been heading for Savannah before she wrecked.[135] When South Carolina Governor Charles Pinckney allowed the landing of the white Port au Prince refugees the following summer, and an editorialist in the *Columbia Museum and Savannah Advertiser* openly denounced the decision. "A multitude of Frenchmen, of various colors and pursuits, first renegadoes[sic] to their king, then to their country; first false friends, and ultimate traitors to England, are now […] thrown upon our shores, and ushered into our ports." For the author, the French arriving from Port au Prince represented a dangerous enemy because they behaved treacherously towards all flags; the conclusion that they could not be trusted had little to do with their color. The landing of the whites and rejection of colored St. Dominguans struck the author as "[v]ain and useless distinction! If the whole body be suspicious," he concluded, "the whites are principally so." Laws aimed towards preventing only black St. Dominguans from landing did not address the true contagion as they "send away the instruments, and take in their employers," he argued, "who will certainly find ways and means of landing their auxiliaries, or procuring others to accomplish their designs."[136]

Georgia officials never attempted to bar white refugees from entry, but the communications of the governor and the Mayor of Savannah during the 1798 Brigand scare reveal a synthesis of the fears concerning European invasion and the contagion of black rebellion surrounding the arrival of "brigand" people of color.[137] According to

[135] *Georgia Gazette,* September 16, 1797.
[136] *Columbia Museum and Savannah Advertiser*, June 12, 1798
[137] This section relies heavily upon the communications of the executive office due to the absence of evidence from the City Council of Savannah for the 1796-1800 period.

Governor Jackson, the rumors that the ships due to arrive in Georgia and South Carolina had been "shipped for those States by the British on their evacuation of Port au Prince […] occasioned a serious alarm all along the Sea Coasts." However, that "alarm was very much increased when the failure of the negotiations between the general government with France was known."[138] Governor Jackson's concerns extended from the notion that "any enemy who possesses the West India Islands" would see Georgia as a premier target. In addition to her coveted lumber, he noted that "what under our present prospects would induce an attack more readily is her frontier situation, her defenceless*[sic]* ports and the nature of her domestics[.]"[139]

Georgians who had lost their human property to the British army during the American Revolution understood very well what Lowcountry slaves might do during invasion by a foreign power. Alan Kulikoff has suggested 5 percent of all slaves in the southern colonies ran away during the course of the Revolutionary war, but slave losses in Georgia and South Carolina during wartime ran significantly higher.[140] As Jackson explained to President Adams, an enemy bolstered by "persons sewing sedition among

[138] Governor's address to the General Assembly, Louisville, January 8, 1799. Executive Minutes, GDAH.
[139] James Jackson to John Adams President of the United States, Louisville, August 8, 1798. Ibid.
[140] The presence of the British military in Lowcountry Georgia and South Carolina not only encouraged slaves to run away, but also worked to encourage insolence or insurrection within the slave populations still on plantations. Unfortunately, estimates of Georgia runaways are difficult, as little census information exists for the slave population during the period immediately following the American Revolution. One official account estimates the presence of 15,000 blacks in Georgia in 1776, but estimates for the slave population are not available until 1787, when two sources site figures of 20,000 and 27,000 blacks. Ira Berlin estimates that Georgia's slave population fell from 15,000 to 5,000, constituting a loss of two-thirds of that population. According to Berlin, as many as 5,000 to 6,000 slaves may have been evacuated with the British through Savannah and between 10,000 and 12,000 through Charleston. Philip Morgan estimates that South Carolina lost approximately 25,000 slaves during the American Revolution, one-quarter of the pre-Revolutionary slave population. However, he notes that this estimate is "admittedly far from trustworthy[.]" By contrast, Alan Kulikoff has estimated that as few as 13,000 slaves in South Carolina ran away to the British or the backcountry during the war. By contrast, in Maryland and Virginia, slave populations actually experienced marginal growth during wartime, despite some escape. Philip D. Morgan, "Black Society in the Lowcountry", 108-111; Allan Kulikoff, "Uprooted Peoples," 146. For census sources, see: Evarts Boutell Greene and Virginia Draper Harrington, *American Population Before the Federal Census of 1790* (New York: Columbia University Press, 1993), 182. Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America,* 264, 303-4.

our slaves" need only present a "specious offer of freedom, and […] he would be joined in one fortnight by ten thousand blacks whose numbers would daily accumulate." In convincing Adams of the dangers that the local slave population might cause in a conflict, Governor Jackson emphasized that the people of color sent to the Georgia coast were very much a part of the impending foreign military threat. Jackson admitted to Adams that ideas concerning a war fought by slaves "may not strike you with the same force they do me, but being on the spot I know the foundation for them possible and rational." [141]

Following the opening of hostilities with the French, state and local authorities re-contextualized their response to approaching St. Dominguan people of color within a conversation concerning defense against invasion that called for the use of powers at all levels of the government rather than relying only upon local strategies concerning quarantining contagion. Georgia officials desperately sought federal support to defend generally against invasion in the wake of the rupture with France. By discussing brigand negroes as invaders rather than property, state and local officials required instructions from the executive before formulating their own strategies for defense. However, delays in the federal mail over the spring and summer months and the inability of the regional commander of Federal troops to acquiesce to Jackson's request for aid forced him into action.[142] The Governors of Georgia and South Carolina each agreed to provide reciprocal militia assistance in case of attack in either state. Jackson believed that the

[141] James Jackson to James Seagrove Esquire, JP Camden County, Louisville, July 23, 1798; James Jackson to John Adams President of the United States, Louisville, August, 8 1798. State of Georgia Executive Minutes.

[142] Jackson reported to the Mayor of Savannah that communications from the Secretary of War had been absent since April, and that his last communication had taken nearly four and a half months to arrive from Georgia. James Jackson to Matthew McAllister Esqr., Louisville, August, 8 1798. Ibid.

seriousness of the situation required the states "to carry our ideas a little beyond the immediate object before us. The political prospect is dark," Jackson continued, "and the enemies of the United States may think to profit from the different classes of people among us, previous to a possibility of support from, or even a knowledge of attack, by the General Government."[143] Communicating with the Secretary of War, Jackson confidently defended his decision to block the people of color and to enter into the militia arrangement with Pinckney as having been undertaken without "any intention of assuming the powers of the Executive of the United States," but he acknowledged that the powers guiding the state executive were no longer demarcated. Jackson asserted, "the President will no doubt see the propriety of preventing those people from being landed in either of these States where so many thousands of persons of colour might be incited to insurrection by their seditious tenets."[144] Several months later, the Secretary of Defense confirmed that "the vigorous measures pursued" against the black Port au Prince arrivals were indeed "proofs of a vigilant and active Executive."[145]

The impending approach of French and Spanish privateers, warships, and brigand blacks all made authorities in Savannah anxious to improve upon the fortifications of the seacoast and frontiers, as it was generally believed that "of the different ports in Georgia, Savannah would be the mark."[146] However, the severe limitations of the Corporation's

[143] James Jackson to Governor Charles Pinckney, Louisville, June 14, 1798, Ibid.
[144] James Jackson to the Honorable the Secretary of War, James McHenry, June 17,1798, Ibid.
[145] Secretary of War James McHenry strongly Jackson's demands in September in a letter to John Adams, "We ought to give all the attention in our power to Georgia, which is not only much exposed but of much importance in the defence[sic] of the nation. Secretary of War James McHenry to His Honor John Adams, September 3, 1798. [Online at: *http://wardepartmentpapers.org/docimage.php?id=10345&docColID=11354&page=1*, George Mason University, Papers of the War Department, October 1, 2014]; From the Secretary of War [James McHenry] to the Governor of Georgia [James Jackson]. September 11, 1798. James Jackson Papers, MS422. GHS.
[146] James Jackson to John Adams President of the United States, Louisville, August 8, 1798. Executive Minutes.

ability to raise revenue apart from existing legal methods of collection compelled officials to demand that state and federal government take more responsibility for the defense of the city. In June, Governor Jackson confirmed to Mayor Glen that he had already pushed his defense powers "so far as I can go, without orders from the general government" but assured him that "should any possible event require it […] all the Horse companies in the State are held in readiness to march."[147] When no instructions or sign of support had arrived from the Federal government by August, citizens in Savannah wrote to the Governor, arguing that if he could not improve "the defenceless[sic] condition of this City and Harbor," then the legislature ought to be brought into session "immediately to communicate to the General Government, a representation of the alarming and defenceless[sic] condition of the City." Although sympathetic to the demands of Savannahians, Jackson balked at the request, insisting that the aid necessary to fortify the 120 miles of the state's coastline would be beyond "even the abilities of the state" and suggested they pursue a subscription "among the merchants and planters who are most interested[.]"[148]

The suddenness of the arrival of the brigand slaves had prompted Savannah authorities to recognize their own limited ability to protect the port from outside threats in the future. But, the drama surrounding the brigands also emphasized the failings of their past policing efforts and the existence of domestic safety concerns. When Governor Jackson reported to John Adams on August 8th that brigand people of color "driven from other ports are collecting here, and have possessed themselves of Amelia Island on the

[147] James Jackson to John Glenn, June 11, 1798. Ibid.
[148] Savannah City Council to Governor James Jackson, August 2, 1798; James Jackson to Matthew McAllister Esqr., Louisville, August, 8 1798, Ibid.

Spanish side," the statement hid a subtle truth.[149] Two months earlier, Jackson wrote to the Mayor of Savannah, asserting that the 200 people of color who entered into Camden County from Florida were among the West Indian people of color that the city had been responsible for repelling and exporting. Now, residents of St. Mary's had "apprehensions of an insurrection" from the slaves and free blacks who had been exported to Florida in the case of the *Exuma* and others. Although existing practice demanded "they be exported from time to time" by Savannah officials "as they arrived[,]" Jackson determined "the evil now too great for immediate remedy" under the existing system for exportation. Although the Governor and Mayor agreed on a light tax for the purpose of shipping the brigands further from Georgia, the magnitude of the breech in public safety posed by the presence of dangerous French people of color shocked Jackson. "I could not possibly have had the smallest idea that there were 200 of that disposition within the City, and as many more without[,]" he concluded.[150]

In the end, authorities in Savannah were responsible for allowing the most genuine threat of insurrection and invasion into the Georgia Lowcountry. The complicated task of maintaining proper quarantine and identifying dangerous blacks throughout the difficult terrain of Savannah and her immediate waterways challenged authorities. Two additional rumors concerning ships filled with black brigands further tested the city in September of 1802 and October of 1803, but in both cases, the mobilization of the state militia and US vessels satisfied state and local authorities. In the first instance, the Mayor of New York City alerted authorities at Savannah in September that "seven or eight hundred Brigand negroes" rumored to be "the very refuse of the

[149] For report of landings, see: *Columbia Museum and Savannah Advertiser,* June 15, 1798. James Jackson to John Adams President of the United States, Louisville, August 8, 1798. Executive Minutes.
[150] James Jackson to John Glenn, esq., June 20, 1798, Ibid.

Island of Guadaloupe [sic] and highly criminal" would attempt a landing in Georgia or South Carolina. By October 26th, newspapers up and down the coast reported the landing of four French frigates at Waccamaw plantation near Georgetown, where they supposedly "landed not less than one thousand" of the brigand blacks. However, after several corrections, the supposed brigand convey appeared to be a single ship filled "with 497 inoffensive Scotch passengers."[151] During the events of 1803, Major General James Jackson asserted that "invasion and insurrection were expected[,]" but no landings were made. Jackson insisted that "had an invasion taken place," any invaders would "have been annihilated or forced again to sea."[152]

After the brigand scare elapsed, Savannah continued to contend with the presence of a significant number of free and enslaved French people of color who had entered the city either legally or illegally, often doing so, in both instances, with the help of the white members of the refugee community. Hundreds of white refugees remained in Savannah far beyond the ending of open hostilities between the US and France, eventually shedding the distrust arising from the revolutionary politics and diplomatic tensions of this tense period. But for free and enslaved blacks living in Savannah, the suspicions surrounding the revolutionary activities of blacks during the 1790s would have a lasting impact over how authorities viewed members of both groups, regardless of whether they originated from the West Indies. Suspicion concerning French slaves and free blacks inevitably

[151] Reports of the landing issued from papers in virtually every state. For example, see: "An Important Letter from a Gentleman in Fayetteville, to the Editors, dated the 15th inst." *The Daily* Advertiser: New York, October 26, 1802. *Virginia Argus:* Richmond. November 6, 1802. *Worcester* Gazette: Massachusetts. December 1, 1802.
[152] *Georgia Republican & State Intelligencer:* Savannah. October 27, 1803. 1802-1804 (microfilm) GHS. CCM 1800-4, September 10, 1802.

impacted how all members of the French community were perceived locally as they settled into permanent residency in the Georgia Lowcountry.

Chapter Three

"Obligatory instruments of their fortunes": French Slaveholding in the Georgia Lowcountry

Governor Jackson's letter acknowledging the 200 French people of color living within Georgia's borders indicates that residents of Camden County and Savannah's Mayor both viewed Claud Borel's slaves as part of a threat to peace in the Lowcountry. Jackson recalled that "General Borrels Negroes […] arrived the year before the [Militia] Act passed; […] were settled and I understood had been on the St. Mary's for a considerable time [.]" Even as he negotiated with Mayor John Glenn for the removal of the other known French slaves, Jackson insisted that Borel and his property be allowed to remain since his residency had been determined to be legal.[1]

For Jackson, Borel's placement on the Florida border seemed to minimize the risk of any potential malevolent influence his slaves might convey. However, as Claud Borel ran his plantation at St. Mary's during the following fifteen years, the decisions he made concerning his slave property made the objections of Glenn and others over the continued presence of the slaves seem perhaps more valid than Jackson acknowledged. Even though Borel's slaves had not participated in the Camden uprising, how Borel behaved as a slaveholder directly contradicted the spirit of state and local efforts to control the influence of French slaves and the growing problem of free people of color in the state.

Several of Borel's slaves departed from his plantation St. Mary's as he sold or freed them. In two separate instances, Borel freed his slaves, even as Georgia laws banned owners from enacting private manumission. The slaves, Rodney and Pelagie,

[1] James Jackson to John Glen, esq., June 20, 1798. State of Georgia Executive Minutes, June 28, 1798 to Nov 7, 1799, GDAH.

were permitted to move about the Lowcountry in a state of quasi-freedom.[2] Perhaps more alarming, Borel also sold several of the French slaves from his Camden County plantation in Savannah. A wealthy French factor and auctioneer, Petit de Villers, served as Borel's agent in the city, facilitating the sales. Like the slaves, the purchasers were always fellow St. Dominguans.[3] The transactions of slaveholders like Borel reveal that St. Dominguans did not simply prefer to surround themselves with French slaves but simultaneously participated in a network that maintained a degree of internal control over the circulation of French slaves within that community.

American and French slaveholders both contributed to a wide range of perceptions concerning how French slaveholding and mastery differed in character from that practiced by Americans. The thousands of French slaves and their owners who spread across the South between 1793 and 1809 not only experienced a different kind of plantation slavery on St. Domingue or elsewhere in the West Indies, but both groups had lived under a racial hierarchy that fundamentally differed from the one they found in the American South. White southerners feared the French slaves and their owners would spread sedition, but French slaveholders also disrupted key underpinnings of order within the slave system on a day-to-day basis as they attempted to exert control over the labor, social behaviors, and freedom of their slave property in Savannah.

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[2] "Act prescribing the mode of manumitting Slaves in this state." Passed December 5, 1801. Prince, *Digest of the Laws, 1822,* 456-7; Deed of Claud Borel, May 18, 1809. Deed Books, 2C; Deed of Claud Borel, June 6, 1811. Deed Books, 2D. The participation of French residents in the trust arrangements that created such quasi-freedoms will be discussed in-depth in Chapter five.

[3] Given the absence of other deeds in evidence, which would trace additional transactions amongst the Borel slaves, it seems plausible that these French slaves were part of Borel's original cargo. Baptism of Louisa Susette, July 9, 1801. St. John the Baptist Catholic Church Savannah Parish Register 1796-1816. (Microfilm) Drawer 32, reel 56, GDAH; Deed of F.D.P. DeVillers, August 14, 1808. Deeds Books, 2A; Deed of Claud Borel, January 8, 1806; Deed of Claud Borel, November 15, 1809. Deed Books, 2F.

A body of French refugees that initially appeared as transient blossomed into a community defined by the cultural and economic practices and institutions they shared in the French Caribbean. At the same time, French settlers at Savannah remained closely connected with free and enslaved black West Indians whose continued presence remained a source of worry for those in the Georgia Lowcountry. As French settlers at Savannah adapted to the dominant social economy of their new home, the diverse experiences—or lack of experience—of French men and women who brought or acquired slaves and their strong attachment to the employment of West Indian people of color accentuated concerns over the presence of French blacks.

While a handful of studies have touched on the presence of French refugees in the American South, the population at Savannah has been almost entirely overlooked.[4] This chapter explores the process of settlement among French refugees at Savannah and the extent to which their distinctive approach towards slaveholding and people of color stood out from Lowcountry norms as they settled there between 1793 and 1809. Section one establishes the diverse motivations or circumstances for the arrival of French refugees at Savannah. This brief snapshot illustrates why and how a seemingly wanderlust population of refugees transformed into a closely-knit, somewhat insular community. The following two sections provide a context for understanding how Savannahians

[4] For studies that touch generally on the South, see: Ashli White, *Encountering Revolution;* Winston C. Babb, "French Refugees From Saint Domingue"; Alfred Hunt, *Haiti's Influence on Antebellum America: Slumbering Volcano in the Caribbean.* (Baton Rouge, 1988); John E. Baur, "International Repercussions of the Haitian Revolution," *The Americas,* Vol. 26, No. 4 (April 1970), 394-418. Louisiana has received the bulk of attention concerning refugees generally. See for example: *The Road to Louisiana: The Saint-Domingue Refugees, 1792-1809*, ed. Glenn R. Conrad and Carl A. Brasseaux. (Lafayette, La: Center for Louisiana Studies, University of Southwestern Louisiana, 1992); Paul Lachance, "The 1809 Immigration of Saint-Domingue Refugees to New Orleans: Reception, Integration, and Impact," *Louisiana History 29 (1988):* 109-41*;* Ibid, "Intermarriage and French Cultural Persistence in Late Spanish and Early American New Orleans," *Histoire Sociale/ Social History* 15 (1982), 47-81; Nathalie Dessens, "From Saint Domingue to Louisiana: West Indian Refugees in the Lower Mississippi Region," in *French Colonial Louisiana and the Atlantic World.* Ed. Bradley G. Bond. (Baton Rouge: LSU Press, 2005), 244-264.

viewed French refugees as the potential masters of slaves following the events in St. Domingue. The role of French planters in the disintegration of slavery in St. Domingue colored American perceptions towards St. Dominguan slaveholders, but scares over fires and threats of insurrection related to French people of color in the South and at Savannah more closely connected French refugees to domestic black rebellion as they were responsible for the arrival of these threats into US ports. The final section highlights the insular qualities of the French slaveholding community and the distinctiveness of their attempts at slave mastery in the Georgia Lowcountry. As French refugees bought, sold, or hired slaves in both plantation and urban environments, they did so with a continued preference for French slaves, transacting exclusively with other French slaveholders or mercantile agents at Savannah. French slave owners lacked familiarity with the geography and alternate legal and labor regimes of the Lowcountry. Their previous experiences as slave owners in the West Indies worked to further differentiate practices of slaveholding among the French from the norms instituted at Savannah.

Section I: Transitioning through Tragedy

By 1800, Savannah ranked twenty-first amongst the largest cities of the United States. Its population of 5,146 rendered it less than a third the size of Charleston.[5] The city had become an important site of national commerce, though Governor James Jackson argued the accounts of the trade were "far short of its actually exports, which go

[5] Charleston's population was 18,824 in 1800. *Population of the 100 Largest Cities and other Urban Places in the United States: 1790 to 1990,* Population Division Working Paper No. 27. Census Bureau, Population Division U.S. Bureau of the Census. Washington, D.C. June 1998.

coastwise and appear to the credit of other States."[6] As a consequence, Savannah's resident population remained small relative to the burgeoning economic productivity of its hinterlands. Lumber, rice, cotton, and indigo filtered into storehouses on the river and scattered again with the daily parade of assorted ships like sand through an hourglass. The city formed a nexus, no larger than the forces of commerce required. Along with the cotton, rum, and all the fine things that came and went on those boats, so too did sailors, visitors and their servants, pausing at the nexus, only for a moment.

When the first refugees from St. Domingue appeared in the fall of 1793, authorities immediately viewed them as a body distinct from the majority of "strangers" and seamen carried into port through conventional patterns and flow of the inter-Atlantic trade. City authorities generally exercised some control over the presence of seamen, preventing them from "being on shore after bell," and sailors did come under the direct authority of a vessel's master who might mediate on their behalf in case of dispute with the city.[7] But, the circumstances of departure and the size of the exodus from St. Domingue raised new concerns for city officials that were not previously relevant to the city's moderated interactions with strangers. St. Dominguans had no specific point of departure or destination that would constitute their definition as transient, nor did they have clear intentions to stay in the city.

City Council's decision to create a detailed census of the city's inhabitants at the exact moment of the landing of the émigrés in 1793 represents the first attempt by authorities to create any comprehensive record of knowledge concerning "strangers"

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[6] James Jackson to John Adams President of the United States, Louisville, August 8, 1798. State of Georgia Executive Minutes, GDAH.

[7] See violation of eight semen by City Council, January 24, 1792. City of Savannah, City Council Minutes, June 1791-Dec 1796 CSRLMA. City Ordinances of Savannah, August 19, 1789. Book 1789-1842 U.13.02, CSRLMA.

within the city. An alderman and constable in each city ward were "to take an exact account of all inhabitants, their families, and domestics, and cause them to be registered in an alphabetical [b]ook, taking special care to examine all strangers that may be found in their districts[.]" The census represented the first attempt to utilize the power of comprehensive documentation and surveillance *within* the city for any purpose outside of revenue collection. Created ostensibly for the purpose of protecting public health, it departed from strategies targeting specific points of infection, which did so primarily outside of the city onboard ships or otherwise relied on specific information coming from within the community.[8]

In reality, authorities did not utilize the register and exercised little interest in monitoring white refugees, in no small part due to confusion at every level of government concerning their future within the US. When officials in Savannah set out to disperse $500 in Federal aid provided for the French, they advertised in the *Georgia Gazette* for "the unfortunate inhabitants of St. Domingo, who have taken refuge […] within the state of Georgia" to make themselves known in order to claim relief. The advertisement indicates that city officials had little idea of whether or where St Dominguans who arrived in the port remained.[9]

St. Dominguan refugees remained mobile and unpredictable as their diverse material and political concerns motivated their distinct perceptions towards the permanence of settlement within the US. The haphazard conditions of escape initially

[8] Not until the War of 1812 did City Council attempt to enumerate the actual number of foreign strangers in the city via census, but this was done more explicitly and in a wartime context. In 1819, the city did issue a similar proclamation in context of a quarantine calling for boarding houses to similarly report "persons arriving at their house" and to report any illness. City Council Minutes 1808-1812, July 3, 1812; CCM, 1791-6, October 12, 1793; CCM 1817-1822, August 9, 1819.
[9] *Georgia Gazette,* May 8, 1794; White, *Encountering Revolution*, 71-4.

carried the refugees to various port cities, but they tended to move around in accordance with their personal desires. At Savannah, the French community continued to mature through the first decade of the nineteenth century as refugees arrived from other cities in the US and Caribbean.

Across the South, several cities received large groups of refugees directly from St. Domingue. Approximately 1,000 refugees entered through Charleston, 3,000 through Baltimore and the port cities of Virginia, and 10,000 through Louisiana. Savannah reported significantly fewer arrivals. Winston Babb estimates that Georgia received a total of between two and three hundred émigrés through 1809.[10] Yet, Babb's estimate for Georgia only includes direct arrivals from St. Domingue who were documented by the State Department's 1794 report and one additional ship's manifest reflecting the arrival of 141 Cuban French exiles in 1809. The 291 individuals totaled from these two sources, makes his maximum estimate of 300 seem too low.[11]

Only a portion of the French who eventually settled at Savannah disembarked from direct voyages between St. Domingue and the US. The remainder arrived as part of later sub-migrations of individual refugees within the Atlantic, voyages that proceeded to Savannah indirectly after first entering a different port city, undocumented landings, or the unknown component of the black refugee demographic. In fact, the impact of Atlantic sub-migrations on the population of permanent French settlers in the US is

[10] This assessment of Charleston immigration seems reasonable given the contemporary estimation by historian David Ramsay of "several hundreds" arriving in the 1790s, and the estimation presented to the State Department by South Carolina officials placing the total between three and four hundred. An estimated 255 refugees entered into Charleston during the 1809 period of Cuban immigration. Winston C. Babb, "French Refugees From Saint Domingue," 80-6, 380-3.

[11] Producing estimates that would solve for the stated deficiencies would require data that is not immediately available, particularly as it pertains to the illegal entry of blacks from St. Domingue or even their legal entry as ships with less than ten people of color were exempt from review under the quarantine law of December 13, 1793 law. CCM 1791-6, May 23, 1794; Winston C. Babb, "French Refugees From Saint Domingue," 81-8.

perceptible in the 1794 State Department report used in Babb's estimate; of the estimated 150 refugees who initially landed at Savannah, only 100 remained by the spring of 1794.[12]

The mobility of the inhabitants of the French Caribbean, both before and after the rebellion, renders it difficult to provide an account of the precise number of French refugees from the West Indies who remained in Savannah permanently.[13] Death records, the registers of St. John the Baptist Catholic Church, county deeds, and the records of the French Consulate in Savannah each provide some clues as to the population that remained after the turmoil that initially motivated migration between 1793 and 1809 had settled, but only provide coverage of the white population. Of the 264 French émigrés compiled from these sources, three-quarters established their previous residence or birthplaces as being in the West Indies and over two-thirds of the total specified St. Domingue.[14] The visibility of the French at Savannah indicates that these figures were still higher. Writing in 1805, refugee Pierre Reigne estimated that "more than a quarter of this city is populated by French who are here as refugees." Using the 1800 population statistic, Reigne's observation, if based only on the white population, would provide an estimation of the French at around 485 individuals.[15]

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[12] Ibid.

[13] The fact that many of the inhabitants of St. Domingue came initially from France means that many did not self-identify in vital records as having lived in the West Indies.

[14] The bulk of the émigrés(180), identified St. Domingue as their place of origin or birth, nineteen identified as being from Cuba, one from Guadeloupe, one from Jamaica, and one from the "French West Indies," but it is almost certain that most of the Cuban refugees arrived from St. Domingue. Only sixty-one specified France and one specified Switzerland—23 percent. St. John the Baptist Parish Register; France Department of Foreign Affairs Register, Register of Births, Marriages and Deaths, MS 6011, Georgia Historical Society; Deed Books, 1L through 2L.

[15] 1,940 whites lived in the city in 1800. Second Census of the US; Walter J. Fraser, *Savannah in the Old South,* 144; Pierre Reigne to R.R. Dr. Caroll, August 20, 1805. French Catholics File, Savannah Catholic Archives.

Although a relatively small number of refuges landed in the Lowcountry directly from the West Indies, correspondence and legal documentation indicate that many of the French settlers arrived in Savannah after initial stops elsewhere in the United States or abroad. Unpredictable circumstances of departure, the absence of information concerning their families and compromised property, and financial desperation often forced refugees first to larger ports and mid-Atlantic cities. French born émigrés Pierre Paul Thomasson and Marie Francoise Victoire Eugenie fled to Jamaica from St. Domingue in 1795. Although "ignorant" of their date of arrival in the US, they lived in Jamaica and a second destination for at least ten years before their final arrival in Savannah, where Thomasson would later become the French Consul.[16] Philadelphia was a popular port of arrival for many who later settled at Savannah. Madam Marie Prien Reingeard testified that "the eventful era which arrived at St. Domingue in 1798 that forced its inhabitants to expatriate and to find refuge in strange countries," led her family first to Philadelphia with two infants and a newborn.[17] Joseph Meric resided in Philadelphia for eighteen months before departing for Savannah, where he became established as a ship owner and builder, shop owner, and later a US citizen. Community members supporting his bid for citizenship praised him as "a man of good moral character [...] attached to the principles of the Constitution."[18] Several French Savannah families also arrived from a Pennsylvania settlement on the Susquehanna River named

[16] April 20, 1816. France Department of Foreign Affairs Register, GHS.
[17] May 12, 1821. Ibid.
[18] Thomas M Woodbridge, Francis Roma, Peter Menard, Nicholas Ancieaux, Peter Catonnet, D. L'Homaca, and John Jackson each testified to Meric's character. Chatham County Superior Court Minutes, Book 5 & D, 1799-1804. CCH. CCCH; January 5, 1804, November 4, 1819 and May 21, 1816, France Department of Foreign Affairs Register.

"Asylum," including the Royalist Cottineau family and Father Anthony Carles, Luce Cottineau's brother, who served as the city's only Catholic priest.[19]

Émigré families suffered from the need to balance the interests of their property with personal safety, often resulting in an absence of male family members when arriving in the US. Letters and legal deeds reflect the unwavering desire of many of the French at Savannah to return to plantations, enterprises, or family members still in limbo in the Caribbean well into the 19th century. Forty-three year old Maria Borie, "[l]eft a husband in St. Domingo," with no way to join him at the time of her death in 1804 due to continued hostilities.[20] The experience of the Reingeard family reflects the danger posed by stubborn attachment to property by the planter class. Jean Baptiste and Marie Pauline Santy l'Homaca lived in Cayes St. Louis, but Marie departed the island only after Jean Baptiste died in 1796. Marie carried five-year-old Jean and two year old Carolina to Savannah, where she raised her young, fatherless children over the next fifteen years.[21]

During the extended period of warfare in St. Domingue, planters struggled to assess the varied economic and physical risks of staying to protect and cultivate one's property or fleeing to safety. Lewis Rossignol de Belleanse's description of his financial state of affairs to the Chatham County Superior Court in May of 1804 illustrates some of the painful decisions that accompanied this process of negotiating shifts in political and military rule over the island. Rossignol's 675-acre plantation at Grande Anse continued to produce coffee through the revolutionary period and "continued to be improved as

[19] Thomas Paul Thigpen, "Aristocracy of the heart: Catholic lay leadership in Savannah, 1820-1870." (Ph.D. Dissertation, Emory University, 1995), 224-6. Peter Guilday, *The Life and Times of John England.* (New York: Arno Press, 1969), 160.
[20] 1803: Register of Deaths in the City of Savannah from October 29, 1803 to December 31, 1806. *Savannah, Georgia Vital Records, 1803-1966* [database on-line at Ancestry.com]. Provo, UT, USA.
[21] November 19, 1818. France Department of Foreign Affairs Register.

much as the circumstances permitted" until English troops evacuated in 1798. However, "under the negroes' government," the operational costs of the plantation increased greatly. Rossignol explained that "from the beginning of the Revolution of St. Domingo[,] the expences[sic] have been multiplied," as "it was always necessary to maintain oneself at home in a perpetual defence[,]" even while paying troops for protection. Moreover, "the Republic and the negroes had one half" of any crops produced. Yet, even under these conditions Rossignol's coffee plantation remained profitable. Between 1792 and 1803, the plantation at Grande Anse generated a total of $111,672.62 from coffee. Coffee prices remained relatively consistent between 1792 and 1798, bringing in between 20 and 25 sols per pound until crashing to 12 sols in 1799. A rise in coffee prices in 1803 reflected the potential for the recovery of coffee prices, according to Rossignol's court testimony, but the evacuation of French forces from the island in 1803 ultimately "forced" his desertion of the estate.[22]

Lewis Rossignol de Belleanse's eventual arrival in Savannah speaks to the presence of familial networks that drove émigrés to distinct parts of the country.[23] Safety concerns in part prompted separate departures. For instance, before abandoning the colony, Rossignol wisely "kept his family in the United States of America and in France." But, family members who established themselves successfully in early migrations also functioned to provide connections and support—both financial and emotional—to later arrivals. "Mrs. R," a Savannah woman whom preacher Nathan Fiske

[22] Rossignol cites a conversion rate of 25 sols per pound at the rate of 8 livres and 5 sols per dollar, giving rise to his calculation of income in dollars. Deed of Lewis Rossignol de Belleanse, May 26, 1804. Deed Books, 1Y.

[23] R. Darrell Meadows provides an excellent examination of how existing social networks facilitated the extensive travel conducted by "roving communities" of French immigrants that moved between the ports of France, the West Indies, and North America. R. Darrell Meadows, "Engineering Exile: Social Networks and the French Atlantic Community, 1789-1809," *French Historical Studies.* Winter 2000 23 (1), 67-102.

became acquainted with during his visit to Savannah in 1824, recounted a voyage from St. Domingue that carried her, along with her mother and daughter, from St. Thomas to Guadeloupe and finally to Savannah. At each stage of her journey, the desire to join a family member motivated her departure. Although the pair "lived comfortably" in Guadeloupe, Mrs. R's daughter "wished to visit Savannah to see her brother, who left St. Domingo with their father in law[,]" and they eventually settled there.[24] Rossignol de Belleanse's sister, Marie Anne Félicité Rossignol Grand Dutreuilh, known as Cité by her family, departed St. Domingue a decade before her brother, but her journey to Savannah was far from direct.[25] A three-month journey from L'Artibonite carried Cité to Jeremie, the Bahamas, and finally, Trenton, New Jersey, where she remained more than nine years before her arrival in Savannah.[26] When Dutreuilh departed with her four children, she did so without her husband, who remained, like her brother, on their plantation at Petite Riviere de l'Artibonite. Cité longed for her chance to return, but her son, Grand, advised against doing so the year before Rossignol de Belleanse was forced into exile. Writing from Port Républicain, Grand advised that "[t]he country is not habitable for women.

[24] Fiske to [?], March 1, 1824. Folder 5, Nathan Welby Fiske Papers, MS285. Newberry Library, Chicago, IL.
[25] The connection between Louis de Belleanse and Anne Dutreuilh can be established through letters between them placing the former in St. Domingue through the early 1800s, and more firmly in the participation of Grand Dutreuilh, Anne's son, in the burial of de Belleanse's daughter Elizabeth in Savannah in January of 1807. Burial of Elizabeth, January 8, 1807. St. John the Baptist Parish Register 1796-1816, GDAH.
[26] Passport, June 22, 1793. Folder 2, Grand Dutreuilh Family Papers, GDAH Manuscript; Certification of residency made by the "inhabitants of the township of Trenton," June 16, 1798, Ibid. Letters to Cité at Trenton are dated through 1802. Documentation of her death in Savannah in 1810 stated that she "had resided in Savannah about 6 years much respected and has left some reputable relatives." Grand Dutreuilh Jr. to Marie Anne Félicité Rossignol Grand Dutreuilh, Port Républicain, August 26, 1802. Folder 4, Grand Dutreuilh Family Papers, GDAH Manuscript; 1807-1811: Record of Deaths in Savannah, GA from February 10, 1807 to May 29, 1811. *Savannah, Georgia Vital Records, 1803-1966* [database on-line at Ancestry.com]. Provo, UT, USA.
[26] November 19, 1818. France Department of Foreign Affairs Register.

You would see things here which would cause you much sorrow." He advised her to "[b]e patient for 2 or 3 more months," but she would never return.[27]

Many émigrés relied on networks of kin and acquaintances to inform them of the state of their own affairs and the possibility of return to the colony. Without communication from her husband, Cité relied upon Rossignol inform her of his safety while in St. Domingue. In September of 1798, Rossignol reported that he had seen "a man who had fled that part of the country and who told me that [Dutreuilh] was in good health[.]" Conscious of the financial instability of her family's own situation in the US, Cité also sought information concerning the state of the family's plantation. Rossignol reported, "with regret I must say it is badly run." Half of the crop was "set aside for the Republic and the field hands," like his own, leaving the family's portion "encumbered with all expenses for exportation and management" incurred under the regime. "So, you see, my dear friend," Rossignol offered apologetically, "they will be able to pay you a very small sum."[28] Such inquiries developed with almost desperate purpose as isolated and financially destitute refugees in the United States—women in particular—searched for any old sources of income that might again become viable. But as time went on, the ability of the Dutreuilh plantation to provide any financial relief became even more doubtful. By 1799, Rossignol encouraged his sister to practice great economy, as it was "absolutely impossible" for her husband to send any money: "his means and mine are

[27] Grand Dutreuilh Jr. to Anne Félicité Rossignol Grand Dutreuilh, July 1, 1802. Folder 4, Grand Dutreuilh Family Papers, GDAH Manuscript.
[28] Rossignol de Belleanse to Anne Félicité Rossignol Grand Dutreuilh, January 6, 1799 (Possibly 1800). 1976-0435M (Folder 3), Grand Dutreuilh Family Papers, GDAH.

destroyed; even love cannot do what is impossible."[29] In the interim, the members of the Dutreuilh family already in the US cunningly sought out new means for their survival.

During the early years of the nineteenth century, several developments at St. Domingue increasingly forced French refugees to consider estates and other sources of income on the island as losses. A handful of refugees did attempt to return at various points, particularly after Napoleon came to power. For instance, Monsieur Coquillon advertised the permanent closing of his Broughton street dying business in 1803, with intent "to return in one month upon his property, near the town of Cayes St Louis southern parts of St Domingo[.]" However, like many others, Coquillon returned to Savannah shortly after, likely having found his efforts to be futile.[30] For the Dutreuilh family, the murder of the family's patriarch, Jean Baptiste, demonstrated that success at St. Domingue could be a double-edged sword. Grand reported to Cité that his father's death at the hands of local black leaders had been financially motivated:

"The prospect of a superb cotton crop had made him decide to remain here, in this infamous place. [...] Mr. Magnan told me that no one had ever seen such beautiful cotton plants and that our poor father's only desire was to come and join us this spring. It is his love for us which brought his death."[31]

For Grand, the violence against white property owners, prompted by the arrival of French forces in the summer of 1802, motivated him to stay far from the property at l'Artibonite "so long as peace has not been completely restored." Across the country, he reflected, "[o]ne runs the risk of being assassinated at every step. Such is the state in which we

[29] Rossignol de Belleanse to Anne Félicité Rossignol Grand Dutreuilh, September 13, 1798. Ibid.
[30] By 1806, Coquillon again appears at Savannah, entering deeds for slave sales and serving as a witness in Chatham County Court. Deed of Frances Bartholomeu Coquillon, January 14, 1806. Deed Books, 1Z; Deed of Paul Dupon, February 13, 1809, Deed Books, 2B; *Georgia Republican & State Intelligencer*, October 16, 1803.
[31] Grand Dutreuilh, Jr. to Anne Félicité Rossignol Grand Dutreuilh, June 14, 1802. Folder 4, Grand Dutreuilh Family Papers.

live."[32] Grand returned briefly to l'Artibonite during peaceful months later in 1802, attempting to return the plantation to working order, but generally found the endeavor hopeless. Within two years of their patriarch's death, the remainder of the Dutreuilh family had migrated to Georgia.[33]

Although hostilities forced thousands to abandon their lands, sometimes more than a decade after the beginning of hostilities, refugees actively fought to reclaim parts of their estates within French territories and former colonies. Developing such claims was an ongoing process, often documented in both French and American courts. However, most evidence indicates that after 1803, few individuals with claims on land in St. Domingue returned to re-establish those claims personally. Cité Dutreuilh's daughter, Marie Anne Félicité, did not attempt to liquidate the remaining property held by the family in St. Domingue until 1858.[34] Such possessions ceased to have any substantial impact over the day-to-day management of affairs for most of the French residing in Savannah and were generally discussed only in the context of wills or marriage contracts. The difficulty of positing an ownership claim likely deterred many from trying. When Sophie Carré married Auguste Simmonet in 1809, the court relied loosely on testimony from former residents of St. Domingue to describe the property owned by Carré as no legal record of the property existed. The deed did not indicate any specific intentions for the property, but other refugees did register legal documents that reflect their intentions to recover lands in St. Domingue. In 1812, planter Benis Alexander Delannoy agreed to give his new wife Ann Videl Parisot one third of his possessions in St. Domingue, which

[32] Grand Dutreuilh, Jr. to Anne Félicité Rossignol Grand Dutreuilh, June 14, 1802; Grand Dutreuilh, Jr. to Anne Félicité Rossignol Grand Dutreuilh, August 26, 1802, Ibid.
[33] Grand Dutreuilh, Jr. to Anne Félicité Rossignol Grand Dutreuilh, Port Républicain, August 26, 1802, Ibid.
[34] Glynn County Deed, 1858. Folder 1, Grand Dutreuilh Family Papers, GDAH.

entitled her to specific real estate "in case the said colony should be restored to peace and order and the old inhabitants should be permitted to return[.]"[35] It was not until April of 1825 that colonists finally received indemnity from the Haitian government for their property, and even then those settlements reflecting values that dated back 35 years.[36]

The economic difficulties of many St. Dominguans who fled into the US were compounded by the increased pressure of demand placed on local economies by the large volume of immigrants. In Norfolk, Moreau observed that "[a]t many market stalls the French are overcharged, and more than one heart obviously loves money more than it does the French." Housing was also continually problematic in most US port cities, including Norfolk and Charleston. While officials at Savannah reported that refugees could still find housing at reasonable rates of between four and six dollars per week, their extreme poverty created other issues.[37] Lenders refused to issue credit to refugees on the value of their St. Domingue estates as the ultimate value and security of these assets remained too unpredictable. Cash poor refugees found their survival most often relied upon the trade or selling of personal goods, including silver, linens and other textiles, and jewelry. Cité Dutreuilh's financial desperation upon arriving in the US drove her to sell her pearls. One seller in New York informed her that such a sale was impossible there, "where there are only poor Frenchmen with no desire for such items."[38] Those lucky

[35] Will of Jerome Francois D'Espinose, July 12, 1808. Chatham County Wills, Book G, CCCH; Deed of Auguste Simmonet and Paul Dupon, February 13, 1809. Deed Books, 2B; Deed of Benis Alexander Delannoy, January 13, 1812. Deed Books, 2D.
[36] Winston Babb, "French Refugees From Saint Domingue,"105-6.
[37] Norfolk's 500 houses could hardly situate the number of French requiring shelter, and in Charleston housing rates skyrocketed. One refugee in Charleston documented paying $32 for one month's room and board when the market rate for several months of accommodations outside of the city ran around $22 per month, according to a contemporary. Moreu de St. Mery, *American Journey,* 51-9; Winston C. Babb, "French Refugees From Saint Domingue," 84-6; Ashli White, *Encountering Revolution*, 24.
[38] Labiche de Seignefort to Anne Félicité Rossignol Grand Dutreuilh, November 2, 1800. Folder 3, Grand Dutreuilh Family Papers, GDAH.

enough to retain any possessions from their former lives and desperate enough to try to sell them received little relief from the deflated luxury goods market.

With few options developing from either the St. Dominguan or American economies, many French men and women forced themselves into unfamiliar territory of employment. After stops in France and Baltimore, Francois Petit De Villers successfully relocated his mercantile house to Savannah, and established himself as the agent for many prominent Lowcountry planters, including Charles Pinckney and John Rutledge. However, Villers found that most of his fellow countrymen were themselves "engaged in pursuits to which they were, for the most part, strangers."[39] Upon his death in 1805, city administrators recognized Pierre Mirault as having been "formerly a sugar planter" but "lately a baker."[40]

The evaporation of profitable, established business connections and capital often forced French men and women to carry their families towards promising economic opportunities, including several that capitalized on the American passion for French culture following the Revolution. Reflecting on the humbled state of the French as he traveled through the Lowcountry in April of 1817, Baron de Montlezun—a former royalist and resident of St. Domingue—noted that "[o]nly a few second-rate dancing masters, musicians and as many saw-bones have prospered." Women in particular took advantage of the opportunity to use French skills to their advantage. Mrs. Theresia Millot and her daughter advertised to *Georgia Gazette* readers that the younger Miss Millot, "being properly qualified for teaching the Harpsicord, or Piano Forte, Vocal Music, and Drawing," sought any employment that could "induce her to remain here." Millot's ad

[39] *Daily Georgian,* March 24, 1825; Thigpen, *Aristocracy of the Heart,* 441.
[40] December 1, 1805. Register of Deaths in the City of Savannah from October 29, 1803 to December 31, 1806. *Savannah, Georgia Vital Records, 1803-1966* [database on-line at Ancestry.com]. Provo, UT.

further illustrated her state of poverty as she requested that students provide instruments, having "lost her own by the late disasters at Cape Francois."[41]

Savannahians, like other Americans during the period, sought French teachers for their children, and such jobs required the outlay of fewer resources. Maria Roma, the wife of a successful city contractor and carpenter Francis Roma, taught English and French to students on York Street. Luce de Cottineau also educated girls while her brother, Abbe Antoine Carles, operated a school for boys in addition to performing his duties in the Catholic Church.[42] Grand Dutreuilh's quest to provide his mother with some comfort carried him through a series of new employments and into legal troubles with his creditors. While Cité remained at Trenton, Grand departed for Philadelphia to locate work as a French language tutor, but found little success. He departed for St. Domingue soon after in order to escape debts and to assist his father. After his short-lived attempt to restore the family's plantation in St. Domingue, Grand pursued a number of ventures, including a mercantile business in Savannah and "speculation" in Martinique.[43]

Effective networks quickly grew from the shared experience of flight from the West Indies, and refugees often provided one another with invitations or knowledge of opportunities to aid their settlement. At Savannah, several émigrés with no familial relation to Grand Dutreuilh approached him concerning partnerships for his mercantile business. Jean Francois Pouyat, an established French shopkeeper from St. Domingue

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[41] Lucius Gaston Moffatt and Joseph Médard Carrière, "A Frenchman Visits Charleston, 1817," *The South Carolina Historical and Genealogical Magazine,* Vol. 49, No. 3 (Jul., 1948), 149; *Georgia Gazette,* October 3, 1793.
[42] Thigpen, "Aristocracy of the Heart," 99; Martha L. Keber, *Seas of Gold, Seas of Cotton*, 226-7.
[43] Grand Dutreuilh Jr. to Anne Félicité Rossignol Grand Dutreuilh, January 12, 1809. Folder 4, Grand Dutreuilh Family Papers.

made introductions for him with Philadelphia suppliers. Dutreuilh also tapped into the network of local French merchants when he entered into a mortgage one year later for a "building and stores" at a busy Bay street location where both of the two previous occupants had been Frenchmen.[44]

Refugees, especially those who did manage to retain property or capital, viewed Savannah and the surrounding Lowcountry as rife with underdeveloped mercantile and planting opportunities. The Sapelo Company was the result of one such plantation enterprise that emerged out of both familial and haphazard connections forged by a group of ambitious émigrés. Julien Joseph Hyacinthe de Chappedelaine, a young nobleman, met Francois Marie Loys Dumoussay de La Vauve during his travels in the United States in 1788 and 1789. Shortly after, the two Frenchmen purchased Sapelo, Jekyll, Blackbeard, Cabretta and Little Sapelo islands. Chappedelaine then recruited Charles Christophe Anne Poulain du Bignon, a Breton noble and successful privateer who departed France in 1792 due to increasing hostility in Brittany, as an additional partner.[45] As Du Bignon sailed to Savannah onboard the *Silvain,* he became acquainted with other émigrés intending to settle in Savannah. The relationship he formed with the Lefils family onboard the *Silvain* later grew into a close personal connection but also a partnership. Du Bignon's selection of commission merchants in Savannah and Charleston reflects a reliance primarily on French agents, including Peter Catonnet, Francois Petit de Villers, and the house of his friend, Lefils and Dechenaux.[46] Thomas Dechenaux, who was

[44] Andrew M. Prevost to Grand Dutreuilh Jr. September 12, 1805. Folder 5, Grand Dutreuilh Family Papers; Deed of Pierre Morin, August 28, 1806. Chatham County Deed Books (microfilm), Books 2A-2B.
[45] Martha L. Keber, *Seas of Gold, Seas of Cotton,* 45-7, 89-111; June Hall McCash, *Jekyll Island's early years : from prehistory through Reconstruction.* (Athens: University of Georgia Press, 2005), 102-5.
[46] Keber, *Seas of Gold,* 177-8, 197.

Lefils' brother-in-law and partner, also established his own mercantile relationship with Du Bignon.

While Christophe Du Bignon may have intended to return to France, the uncertain conditions of the continent motivated Sapelo planters to put their energies into the Sea Islands. In letters sent in 1798 and 1801, Du Bignon complained that the continuation of the wars in Europe and abroad meant "there is no possibility of leaving." With little choice, the French settlers at Sapelo and later Jekyll islands actively recruited other French families to join their colony. Still in the midst of his mercantile experiments in 1809, Grand Dutreuilh commented on his own recruitment in a letter to his mother:

"the Messrs. Dubignon are urging me to settle on Jekyl. They offer me a house in a most convenient location on their wharf to keep a store and they would put in it half of the capital needed to start it; besides that they offer me as much land as I could cultivate. I cannot begin to tell you, my dear mother, all the marked expressions of friendship this worthy and excellent family have for me and what an interest they take in my unfortunate situation."[47]

The relationship between the Dutreuilh and Du Bignon families would soon extend beyond business as their members intermarried. The sister-in-law of Grand Dutreuilh's sister, Treyette, married Christophe's son, Henri DuBignon. Grand's niece, Félicité Rissault, eventually married Henri DuBignon's son, Joseph DuBignon, in 1839.[48] Grand's establishment of his first mercantile endeavors in Savannah likely motivated the settlement of his sisters and mother in Savannah after 1804.

Over time, Savannah's French community blossomed as success in shared economic enterprises allowed émigrés to settle their family members in Georgia. As

[47] Ibid, 200. Grand Dutreuilh Jr. to Anne Félicité Rossignol Grand Dutreuilh, January 12, 1809. Folder 4, Grand Dutreuilh Family Papers.
[48] June Hall McCash, *Jekyll Island's early years,* 112-5, 132.

French refugees and slaveholders set about to rebuild their property and standing, they accumulated land and slaves, two commodities that symbolized commitment to permanent settlement in the Lowcountry. However, as the French immersed themselves as slaveholders and planters in Savannah and the surrounding districts, their reputations as masters developed in the context of the revolutionary activity of West Indian people of color and their previous experiences as slave owners in St. Domingue and the importers of dangerous slaves into Georgia.

Section II: "An example to injure the community:" French Slaves and Domestic Servitude

Many questions concerning race and freedom that had been bubbling just below the surface after the American Revolution emerged with the pivotal timing of the rebellion in St. Domingue. Debates surrounding the relationship between freedom and republican ideology during and following the American Revolution forced some of the most important anti-slavery argumentation into public view. The effects of that debate were felt most poignantly in the decision to limit the future lifespan of the trans-Atlantic slave trade under the Constitution of 1787. However, the revolution in St. Domingue also provided a visible disruption to the institution of slavery that stirred action from advocates and detractors alike. While abolitionists—particularly those in Britain—used the Revolution in St. Domingue to support arguments for emancipation, Southern legislatures were also motivated to close the Atlantic slave trade prior to the

Constitutional deadline in response to a perceived increase in the dangers of non-domestic slaves.[49]

For many Southerners, the events of 1791 confirmed that the emancipation of a large slave population would be devastating for the whites present, but they also illustrated how the irresponsibility of white slaveholders could also lead to the destruction of slavery. Regardless of whether or not the disease of slave rebellion spread to the non-French plantation economies of the Atlantic, St. Domingue illustrated to the residents of the South that the interactions of slaveholders with the slave population could carry tremendous consequences for their ability to maintain a stable slaveholding republic.

Historians continue to debate how the rebellion impacted perceptions of American slaveholders towards the state of slavery in the South, particularly as the presence of slaves from St. Domingue elicited a wide range of reactions. As the previous chapter illustrated, state and Federal authorities simultaneously called for restricting the entry of contaminated French slaves into the nation, but many slaveholders in Georgia rejected those conservative importation policies, motivated by the strength of the plantation economy and the subsequent demand for enslaved laborers like others across the South and West Indies. Planters in the Spanish and British West Indies sought increasing numbers of slaves to fill the role of a new St. Domingue in the international sugar market, and imports of African and West Indian slaves in the Caribbean took off at an accelerated

[49] David Brion Davis disagrees with Winthrop D. Jordan's assertion that antislavery reformers had the power necessary to enact greater changes to slavery at the close of the eighteenth century. Davis contends that the economic importance of the institution, the supremacy of property rights over human rights, and the new formulation of governmental self-determinism each acted to prevent the introduction of emancipatory policies. On the relationship between anti-slavery reform and emancipation after the American Revolution, see David Brion Davis, *The Problem of Slavery in the Age of Revolution, 1770-1823.* (Ithaca, 1975), 255-262; Winthrop D. Jordan, *White over Black: American Attitudes toward the Negro, 1550-1812* (Chapel Hill, 1968), 342-403; John E. Baur, "The International Repercussions of the Haitian Revolution," 408-13.

pace. In the United States, South Carolina reopened the slave trade in 1803 after a sixteen-year hiatus, just as the French army suffered defeat in their attempt to retake St. Domingue.[50] As Seymour Drescher has concluded: "If one wishes to describe the situation, as of 1814, as a balance sheet between greed and fear, greed had won hands down."[51] But despite whatever threats of insurrection may have surfaced within the slave population of the US, whites continued to integrate "French negroes" into that population, buying, selling, working, and hiring them.

Most Southerners sought to rationalize the events in St. Domingue in a way that would not detract from slavery within the US. The rebellion proved that even economic success and a seemingly effective system for instituting social order could not avert certain vulnerabilities that could lead to the total destruction of a slave society. Many Southerners believed that specific circumstances exclusive to St. Domingue explained why these vulnerabilities were exploited, but they also believed that certain characteristics of French slaveholding generally answered for the destabilization of the island. Consequently, many Americans viewed the incoming French slaveholders with caution for several significant reasons.

The failures of French military intervention and colonial governance each deserved a fair share of blame for the success of St. Domingue's slave rebellion, but Southern commentators also believed that St. Dominguan planters were also culpable. Planters had permitted their own political interests to interfere with their responsibilities

[50] The reopening of the slave trade left South Carolina as the sole importer of slaves in the US between 1803 and 1808. David Brion Davis, "Impact of the French and Haitian Revolutions," in *The Impact of the Haitian Revolution in the Atlantic World.* Ed. Geggus, 5; Babb, "French Refugees From Saint Domingue," 130.
[51] Seymour Drescher, "The Limits of Example," in David P. Geggus, Ed. *The Impact of the Haitian Revolution*, 11.

towards public safety and policing of the slave population. The persuasiveness of this argument was most directly supported by evidence of the alliances forged between some white St. Dominguans and rebel slaves for the purpose of fighting off republicanism and reinstating royal rule.[52] For their part, the colonists defended themselves by pointing back towards French ministers in the US and corrupt ministers in Saint Domingue as having caused sufficient disruptions to the island's rule as to cause the destabilization of a slave system that had provided the French with supremacy in sugar production in the Atlantic for over fifty years. Actions by the French government—for example, the issuing of the 1794 emancipatory decree—led many slaveholders to agree with the notion that the French government may have played a larger role in the mismanagement of the colony.[53]

Americans attempted to distance slavery within the US from the rebellion on St. Domingue further by arguing that the brutality of slavery in the West Indies created dissident slaves. By establishing that French slaveholders treated their slaves differently, it was argued that slaves held by American owners were naturally disinclined to pursue a similar political agenda.[54] Americans and others believed that West Indian slavery featured harsher work regimes, more deadly climates, and more oppressive mastery. An anonymous Frenchman visiting Charleston in 1777 argued that the response of slaves from the French colonies towards white masters and the slave regime differed greatly from those of the slaves he witnessed in newly independent America. Although "bent

[52] White, *Encountering Revolution,* 89-92. For instance, Jean Baptiste de Caradeux, who ultimately settled in Charleston, received a reputation as such a traitor as he was rumored to have assisted in the slave insurrection occurring in Léogane, refusing to aid the militia there. David P. Geggus, "The Cardeux and Colonial Memory," in *The Impact of the Haitian Revolution*, 231-246.
[53] White, *Encountering Revolution*, 254-7.
[54] Ibid, 126.

[…] under the oppressive yoke of slavery[,]" the visitor argued that American slaves "do not assuredly deplore their lots as do the West Indian slaves; they do not have that fear and terror of white men which causes all the Negroes in French colonies to assume a servile respectfulness in the presence of white men[.]" While American slaves "have a peculiar kind of pride and bearing, without denigrating into insolence," the Frenchman concluded, "they regard a man who is not their master simply as a man, not a tyrant."[55] Although only one witness' account, the Frenchman clearly viewed French slaves as more submissive to all whites.

Yet, historians have generally concluded that the rebellion in St. Domingue cannot be attributed exclusively to the material conditions experienced by slaves during the period, though they were brutal. Rather, influences external to the slave system served as a likely catalyst. Jeremy D. Popkin has argued that the intellectual currents of the French metropol provided the key to slavery's destruction. In a lengthy process that began during the 17th century, the post-Enlightenment emphasis on individualism—especially on the economic potential of the individual—among other liberal philosophies challenged existing authoritarian models. In the 1780s, planters recognized that the revolutionary rhetoric within France had the potential to undermine the power dynamic between master and slave and justifications that supported it. After the dissolution of the royal colonial administration following the commencement of the revolution in France and the passage of the Declaration of Man and Citizen, the Declaration remained

[55] See for example: Edward D. Seeber, *On the Threshold of Liberty: Journal of a Frenchman's Tour of the American Colonies in 1777.* (Bloomington: Indiana University Press, 1959), 124-5.

prohibited from circulation in San Domingue out of fear that it would spread amongst slaves.[56]

The slave population of St. Domingue did not appear particularly mutinous, as few rebellions or conspiracies appear to have occurred after 1704. After the Makandal conspiracy in 1758, when a slave was accused of plotting to poison white planters, there were no large-scale conspiracies on the island until after the beginning of the French Revolution. Maroonage certainly took place with regularity, but because it was so prevalent, historians have generally discounted the localized manifestations of *petit maroonage* as a non-factor in the revolution. Maroonage actually may have acted as a "safety valve," relieving pressure from within the slave population that otherwise may have resulted in the appearance of more rebellions on the island before 1791. Moreover, few of those rebelling in 1791 have been identified as fugitives.[57]

While the relationship between French slaves leaving St. Domingue and the rebellion remained unclear for Americans, the period following the entry of refugees from St. Domingue reflects a tangible increase in the fear of slave insurrection. As Julius

[56] David Geggus similarly contends that the slave rebels profited the most from the destabilization of political relations on the island caused by the intellectual currents of the French Revolution and earlier royal reforms. Changing moral standards within Europe, in combination with the rising cost of slaves in the French Caribbean, prompted the French state to institute a series of slavery reforms in 1784 to 1785. The royal reforms—which reinstituted the Code Noir and generally provided more legal protections for slaves—met with intense resistance from planters. This tension created schisms between slavery as practiced and as described under law. David Geggus concludes that it may not be possible to say that the slaves themselves lived under improved conditions by 1789, but impact of the reform efforts by the government and the scattered attempts of planters "may have provoked a sense of relative deprivation among slaves." David Geggus, "Slavery, War, and Revolution in the Greater Caribbean, 1789-1815," in *A Turbulent Time: the French Revolution and the Greater Caribbean.* Ed. Geggus and Gaspar, 4-11; David Geggus, "Saint-Domingue on the Eve of the Haitian Revolution," in *The World of the Haitian Revolution.* Ed. Geggus, Patrick, and Fiering, 10-5. For an excellent overview of the causal nature of the events of the rebellion, see Carolyn E. Fick, "The French Revolution in Saint Domingue: A Triumph or a Failure?" In *Ibid,* 51-75; Jeremy D. Popkin, *You are all Free: The Haitian Revolution and the Abolition of Slavery* (New York, Cambridge University Press, 2010), 30-3. On the influence of French philosophy over slaves, and more generally the connection between intellectualism and rebellion within the slave population, see also: Herbert Aptheker, *American Negro Slave Revolts*. (New York: Columbia University Press, 1943), 100-113.

[57] David Geggus, "Saint-Domingue on the Eve of the Haitian Revolution," in *The World of the Haitian Revolution*, 4-6.

Scott has artfully illustrated, the channels of communication, or "common wind," carried new of the events and ideas surrounding revolution in St. Domingue to all peoples in the Atlantic world, including slaves who had never set foot on the island.[58] If there was hope amongst Americans that the contagion would be contained to St. Domingue, it quickly elapsed as rumors of slave plots emerged from Jamaica, Martinique, and Cuba. During the course of the 1790s, documented slave revolts increased 150 percent over the previous decade. Within the United States, historians have connected several of the most significant slave revolts occurring after the revolution in St. Domingue, including Gabriel Prosser's uprising in 1800 and the Denmark Vesey conspiracy in 1822, to French sources of insurrection. In Louisiana, three significant uprisings, occurring in 1795, 1804, and 1811, involved slaves or free people of color. The first of these events took place at Pointe Coupee Parish, 150 miles from New Orleans, and involved dozens of slaves but also three free people of color and four whites. Authorities eventually hanged twenty-three of the rebels. According to Thomas Jefferson, an informant claimed that a known criminal from Santo Domingo had instigated the rebellion.[59]

Although officials in Georgia never experienced such a sizeable uprising at any point during the slave regime, the events at Pointe Coupee and elsewhere colored their response towards French slaves and free people of color. As Governor James Jackson's

[58] Julius Scott, "The Common Wind: Currents of Afro-American Communication in the Era of the Haitian Revolution." (Ph.D. diss., Duke University, 1986).
[59] Trial testimony surrounding the Vesey conspiracy in particular pointed to rumors of St. Dominguan connections; Vesey was said to have read newspapers concerning the rebellion to inspire conspirators. Testimony also claimed Vesey had been working in connection with a "French band" of 300 former St. Dominguan slaves and had solicited the government of Haiti directly for aid. Walter C. Rucker, *The River Flows On: Black Resistance, Culture, and Identity Formation in Early America.* (Baton Rouge: LSU Press, 2006), 169-170; Aptheker, *American Negro Slave Revolts*, 41-52, 214-244. Herbert Aptheker, "American Negro Slave Revolts," *Science & Society,* Vol. 1, No. 4 (Summer, 1937), 521; Babb, "French Refugees From Saint Domingue," 232-42; John E. Bauer, ""The International Repercussions of the Haitian Revolution," 416-418.

communications illustrated, the slaves that were either permitted to land or were exiled to St. Mary's remained a source of worry in the late 1790s. Authorities were keenly aware of the slave activity that followed the wave of St. Dominguan immigration, which included arson in Albany, New York in November of 1793 and two separate gatherings of slaves in Virginia for insurrectionary purposes. In response to Savannah's brush with a fire in November of 1793, Josiah Tattnal, commandant of the Savannah militia, issued regimental orders in the *Georgia Gazette* for the assembly of the Chatham Regiment and expressed his concern that similar characters may have been responsible for the fire. For Tattnal, vigilance in performing militia patrol was most important, "especially when unpleasant communications have been received from sister states which may eventually concern this community."[60]

Rumors of slave insurrection related to West Indian people of color commenced in the Lowcountry as early as the fall of 1793. In Charleston, a conspiracy dubbed the Secret Keeper Plot supposedly involved black and white St. Dominguan "emissaries," who were rumored to participate in a coordinated slave plot extending as far as Virginia and North Carolina.[61] The supposed rebellion was unusual because of the interstate and international connections supposedly bound up in the conspiracy and its connection to both whites and blacks. Officials in Virginia claimed that correspondence from a conspirator in Richmond, Norfolk, and a black itinerant preacher in South Carolina plotted insurrection that would involve two hundred or more slaves newly imported slaves from Cape Francois. Michel-Ange-Bernard Mangourit, the French Consul at Charleston, reported to the French Minister of Foreign Affairs that in short time, the

[60] *The Georgia Gazette,* November 28, 1793.
[61] White, *Encountering Revolution*, 145-6.

Charlestonians had so severely exaggerated the plot that some believed 15,000 slaves were involved and that Mangourit himself was one of the supposed conspirators.[62] Just months later in December, Secretary of State Thomas Jefferson wrote to warn the governor of South Carolina of a rumor passed along by a refugee from St. Domingo of yet another insurrection. According to Jefferson, two men described as "a small dark mulatto" and "a Quateron of a tall fine figure," identified as Castaing and La Chaise, were headed for Charleston as part of the "execution of a general plan, formed by the Brissotine Party of Paris, the first branch of which has been carried into execution at St. Domingo."[63]

The second significant insurrection plot confirmed by authorities occurred in Charleston on November 14th where authorities suggested that between ten and fifteen French blacks conspired to set fire to the city and "to act here as they had formerly done at St. Domingo." As "the information first given was not so complete as to charge all the leaders in the business," the mayor hesitated to arrest the suspects and delayed "in taking any measures for their apprehension until their plan should be more matured, and their guilt more clearly ascertained." However, once the knowledge leaked out to the public, the City Magistrates felt obliged to arrest the slaves, and charged Figaro, Jean Louis, Figaro the Younger, Capelle, and Mecredi with plotting rebellion. The jury trial resulted in the hanging of three of the conspirators and the transportation of the remaining two out of the state.[64] In response to the event, petitioners called for the South Carolina

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[62] Robert Alderson, "Charleston's Rumored Slave Revolt of 1793," in *The Impact of the Haitian Revolution in the Atlantic World*, 93-4. George D. Terry, "A Study of the Impact of the French Revolution and the Insurrections in Saint Domingue upon South Carolina: 1790-1805." (M.A. thesis, University of South Carolina, 1973), 55-7.

[63] Thomas Jefferson to Drayton, December 23, 1793. Quoted in Babb, "French Refugees From Saint Domingue," 220.

[64] *Georgia Gazette,* December 1, 1797.

legislature to restructure the laws banning slave importation in favor of stronger legislation that would better prevent the arrival of West Indian slaves and free people of color. Moreover, petitioners that Charleston required better protection in light of the danger that existed from slaves already there. The conspiracy proved that "improper assemblies and conspiracies of negroes may be formed with more speed and facility, and with less probability of timely discovery[.]"[65]

Citizens and officials expressed concerns over the activities of blacks within Savannah before specific signs of slave mischief appeared. Initial calls for vigilant policing of free and enslaved blacks did not specify that French people of color would necessarily be the sources of any trouble and recognized that the familiar activities of slaves masked seditious activity. For instance, in February 1794, the Chatham County grand jury complained against the tendency for slaves to assemble against the law, arguing that sizable gatherings in Yamacraw, made "under the pretence[sic] of public worship in numbers of five and six Hundred at a time," could more safely be observed if slaves were to worship in the "room reserved in our churches for their accommodation." The members of the grand jury directly linked black assemblies as leading to "evil the tendency of which may prove destructive to our country and involve us in calamities of the same kind as those lately experienced by the unhappy inhabitants of St. Domingo."[66]

By September 1795, Savannah citizens presented information to City Council that plots of slave insurrection had spread to the city. Although the Mayor confirmed that the information implied "an intended meeting and Insurrection of Negroes, in and about this

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[65] *Petition to the Honorable the President and other members of the Senate aforesaid,* December 1797. Accession # 11379704. *Race, Slavery, and Free Blacks. Series I, Petitions to Southern Legislatures, 1777-1867* [Microfilm]. Ed. Loren Schweninger, reel 8.
[66] February 5, 1794. Chatham County Superior Court Minutes, Volume 3, 1793-6. CCCH.

City and that this information was certain[,]" the plot is not corroborated by any evidence outside of this mention in the City Council minutes. Nonetheless, city authorities took the accusation seriously. Militia officers Major General Jackson, and Col. Tattnall suggested "the propriety of the corporation securing or purchasing all the gun powder in this city, as a mean to prevent the vending of the same to Negroes, or improper persons[.]"[67]

In 1796, a series of fires and threats confirmed to officials that the dangerous characters reported in Charleston and elsewhere were indeed present in the city of Savannah. One resident commented, "some would whisper their opinion that the negroes of the place were the authors" of the fires, while others believed French slaves "intended to make a St. Domingo business of it."[68] Although accusations pointed to slaves, Savannah's City Council received proof one month after the fires that the incendiary was white and a Frenchman. John Farge was charged with assaulting two other Frenchmen and "threatening to burn the city."[69] Even in the height of the insurrectionary fears related to the West Indies, Savannah authorities did not always immediately perceive all disasters as springing from French sources.

When a devastating fire broke out in Savannah in November, authorities found no initial traces of incendiaries. On November 26th, a fire sparked in a seemingly non-suspect location—a bake house in the Market Square. The devastation covered two-thirds of the city, destroying 229 houses and damaging additional property worth an estimated one million dollars. The housing situation in the city became so desperate that

[67] CCM 1791-6, September 30, 1795.
[68] Quoted in George D. Terry, "A Study of the Impact of the French Revolution," 102; *The Columbian Museum and Savannah Advertiser,"* November 29, 1796.
[69] CCM 1791-6, July 4, 1796.

Council, acknowledging, "many Negroes and People of Colour, who are Slaves inhabit a great proportion of the remaining houses, in the city," solicited citizens to apply in order to repossess the available houses from black residents.[70] The *Columbian Museum* editor attributed the severity and scale of the fire to the fact that "[t]he season for two months previous to this incident had been dry." However, when a second fire was reported just days after the devastation, it was not viewed as an accident.

The *Columbian Museum* reported that the second fire had been set by an unknown person attempting "to reduce the remaining part of this city to ashes." Several arrests of arson suspects were made, and investigation by city authorities eventually led to the conclusion that the city had indeed been "designedly set on FIRE, in several instances," including the initial fire that was presumed to be accidental. On December 1st, Council directed the City Marshal and Constables to put out fires that remained in the lower Market area and near the wharves, directing them "to chastise any Negro they find making them up again." Although the race of the suspected arsonists remains unclear, such directions indicate the city's continued suspicion of the involvement of city slaves in fires. A third fire discovered on the morning of December 10th in the kitchen of Edward Harden also seemed connected: "from circumstances, it appeared to be designedly set on fire," the *Columbia Advertiser* asserted, "but we do not learn that any proof has yet been ascertained."[71]

Savannah residents and others affirmed that the fires were intentional. Charles

[70] Notably, the first application of Dr. Edmund Dillon for a house belonging to the slave of Mr. Blount was not obtained easily. Although "Mr. Blount had given Mr. Dillon leave to go into his house," Council noted simply that "possession could not be had." The Marshal was then commanded to "put Mr. Dillon in immediate possession of the premises." CCM 1791-6, November 28, 1796. November 29, 1796; *The Columbian Museum and Savannah Advertiser,"* December 6, 1796.
[71] *Ibid,* December 6, 1796 and December 13, 1796; CCM 1791-6, December 1, 1796.

Roberts, a business associate of the wealthy Savannah merchant Robert Mackay, expressed his sorrow at the loss of Mackay's House and the city's "distressed situation and deplorable condition," concluding that "such a general conflagration could not have happened by accident."[72] Mary Mackay found herself paralyzed between fear and the expectation of further disaster. She warned her husband that replacing any of their belongings lost to the fire would be premature. Several weeks after the last fire reported in the *Gazette*, she informed her husband, "the Devil's abroad yet, there [have] been attempts made to set the Town on fire." For Mackay, the continued arson attempts were not distant worries; "I assure you I am such a Coward that I can't sleep for fear [.]"[73] Mayor John Y. Noel advertised a $1,000 reward for any information concerning the arsonists. City Council also passed an ordinance on December 13th in order to better policing the city's private establishments. For a two-month period, any shop selling liquor would be required to close two hours early at 6 PM or face a twenty-dollar fine.[74]

As city officials sought to limit the dangerous white and black elements within the city inspired by the events of the French revolution and the threat of black invasion that also loomed large after 1798, the security of the black population became connected to such events and strategies. Governor James Jackson's response to the case of a slave Tom, who stood accused in 1799 of raping the wife of his owner, most poignantly embodied the extent to which authorities connected the tumult of the Atlantic with the need to assert new, more aggressive controls over all people of color in Georgia. Bulloch County residents petitioned for the Governor to pardon Tom after his owner, Sarah

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[72] Charles Roberts to Robert Mackay, February 22, 1797. Box 5. Colonial Dames Collection, MS965, GHS.
[73] Mary Mackay to Robert Mackay, December 16, 1797. Ibid.
[74] *The Columbian Museum and Savannah Advertiser,"* December 6, 1796 and December 16, 1796; Ordinance passed December 13, 1796. City Ordinances. Vol U.13.02: 1789-1842, OCC, CSRLMA.

Pridgeon, made contradictory statements concerning Tom's involvement in her rape. While Jackson wished " to extend the power of mercy in the Executive on all proper occasions whether to white or black[,]" he argued that the potential "invasion from a foreign power which is not unlikely would render the act of mercy impolitic and obnoxious." Even while admitting that "the proof may not have been as strong" in Tom's case, Jackson's emphasis strayed from the factual basis of Tom's hearing and justified his decision entirely on the political situation of the community. Jackson feared that "in all probability the persons of colour would take sides against the Country and every female they met be sacrificed[sic] to their lust," if Georgia were to suffer invasion.[75] In the context of war with the French, any review of Tom's situation could have a terrible impact over the tranquility of race relations. Tom's case provides rare evidence of how affairs of empire directly impacted how politicians viewed the functionality of local justice.

Section III: French Slaveholders and the Conditions of Lowcountry Slaveholding

Fears concerning insurrection, invasion, and conspiracy remained present in the minds of local officials, but the day-to-day transactions of French masters and slaves settled at Savannah also contributed towards the destabilization of local controls in place over the institution of slavery at Savannah. The appearance of French slaveholders before City Council for policing violations, including those pertaining to hiring and the "entertaining" of slaves, reflect that black and white Frenchmen consistently violated norms concerning the boundaries of acceptable black behaviors and white responsibilities. Local officials generally did not recognize such extralegal activities as

[75] James Jackson to Petitioners of Bulloch County, Louisville, June 10, 1799. State of Georgia Executive Minutes, GDAH.

distinctly French, but offending West Indian slaves tended to fall under the supervision of West Indian masters and both commonly committed violations of the slave ordinances. The prevalence of violations by West Indians reveals a distinct culture of French slaveholding in operation at Savannah that often placed masters at odds with authorities. Enslaved blacks from St. Domingue also actively took advantage of their French identity and access to the French community in order to pursue their own interests.

Desirable West Indian slaves were widely available in Georgia before the 1795 ban, and circulated to plantations owned by Anglo-Americans. Runaway ads illustrate that Americans had distinct notions concerning the characteristics of French slaves prior to the revolution. In Charleston, one owner reflected that though African-born, Tom "has much the appearance of a French negro."[76] Ashli White has concluded that after the revolution, "white exiles shied away from invoking 'creoleness' or 'Frenchness' when advertising the labor of refugee slaves."[77] However, the continued preference of St. Dominguans for French slaves and their relatively short supply meant that for the most part, French refugees were not immediately concerned with making their slaves appear more attractive to American slaveholders. In Savannah, the prevalence of networks internal to the refugee community facilitated the exclusive trade of French slaves among St. Dominguans.

French planters and slaveholders—both in the city and surrounding coastal area—most frequently traded, hired, or lent their West Indian slaves to other French refugees, either directly or through a collection of French agents acting for their legal or mercantile interests within the city. The passage of time forced most St. Dominguan slaveholders

[76] *City Gazette and Daily Advertiser,* July 15, 1799, quoted in Ashli White, *Encountering Revolution*, 39.
[77] Ibid, 36.

who remained at Savannah to purchase slaves who had never experienced slavery under any French regime. Refugees who operated plantations with significant labor demands accepted the fading "Frenchness" of their slave forces more quickly, but during the period of refugee settlement between 1793 and 1810, most French slaveholders demonstrated a clear preference for West Indian labor. While French government officials present in Georgia continued to maintain vital records concerning naturalized and non-naturalized residents in Georgia, as French residents accumulated property within Chatham County, they exclusively turned to local courts in order to conduct these transactions.[78]

As French slaves circulated to the port towns of the Atlantic coast, merchants and attorneys like Paul Dupon facilitated sales of slaves for refugees who sought to purchase or sell French slaves across state lines. Dupon acted as attorney for several Baltimore residents in their sale of slaves to Lowcountry planters. When Monsieur P. Chanche sought to sell his St. Dominguan born slave Lorette, Dupon arranged for a St. Mary's planter to purchase her. In 1803 he also acted as an "agent specially authorized to sell"

[78] Refugees who remained relied heavily upon the records produced by the French Consulate in addition to the register of the Catholic church and the sparse papers that survived the destruction of the revolution in order to transact within the Georgia court system. Although the status of their rights as French citizens remained in question during the turmoil of the revolution, the French consulate insisted on recreating documentation of legal relationships and transactions, and French officials demonstrated equal concern for maintaining records of French citizens. On March 27, 1794, Francois Courvoisie, acting agent of the Consulate of the French Republic in Georgia demanded that all French citizens "present their passports, &c. and declare the time that they believe they will remain in a foreign country" and report to the Consul any births or death that occurred within the United States. Courvoisie acknowledged the chaos of the population movement within the French empire; while such records had "fallen out of use under the Ancient Regime, they are too useful to be neglected under the new." Property issues did reach the French Consulate, but they tended to involve the dispersal of estates with property abroad. For example, upon the death of John Lemoyne, Francis Courvoisie, an agent for the French Consulate undertook the legal measures to dispense his property "at the office of the agent of the French Republic" as per an order from the Chatham County Court of Ordinary in order to settle with his creditors and heirs. *Georgia Gazette,* March 27, 1794. *Georgia Gazette,* November 27, 1794.

three slaves at Savannah for another St. Dominguan at Baltimore.[79] The Glynn county deed books reflect that French residents at Savannah similarly preferred to use French agents in the purchase of slaves locally. Poulain Du Bignon of the Sapelo Company accumulated more than sixty slaves by the end of 1799 through transactions mostly conducted with other French planters. Several agents located in Savannah, including Francis Petit DeVillers, Thomas Dechenaux, J.B. Goupy, and Peter Reigne, facilitated the sales.[80]

Dozens of deeds entered through the Chatham County courts provide a trail of evidence illustrating the emergence of an internal market for slave trading among the French refugees at Savannah.[81] When entering into a property transaction, French purchasers often recorded previous deeds of sale in the official court record for the purpose of establishing ownership histories for individual slaves that might protect a legal property claim. When J.B. Lacaze sold forty-eight year old Zaire to J.P. Rossignol de Grandmont in 1808, he included a deed reflecting that Nicholas de Segur had sold him the woman for the same price just two years earlier.[82] Not all new owners filed deeds of previous ownership simultaneously with new contracts, and the appearance of French

[79] Deed of Paul Dupon, May 17, 1806. Deed Books, 1 Z; Deed of Paul Dupon, September 7, 1803. Deed Books, 1X.

[80] For instance, in 1816, DeVillers, operating under the firm Williamson and DeVillers, sold Francis Roma a slave for Poulain as his "special agents and friends." Deed of DeVillers, August 14, 1808. Deed Books, 2A, CCCH; Keber, *Seas of Gold,* 193-7; Several advertisements also indicate the deployment of French agents by Dubignon and others of the Sapelo Company. For instance, see: Runaway Advertisement of Thomas Dechenaux, *Georgia Gazette,* July 31, 1794.

[81] I have identified approximately eighty deeds that indicate the exchange of French slaves between French refugees during this period. Some of the deeds reflect more than one transaction between French parties in the sale of slaves as they tend to list previous sales for each slave. There are likely more as these deeds were not collected originally for the purpose of enumerating slave sales among the French. Deed Books, Books 1V-3D; Chatham County Wills, Books G,H, and I; Chatham County Superior Court Minutes, Book 8, 1808-1812; Bills of sale from Joseph Meric and J. Deluvaty, "French and Spanish Originals," Thiot Family Papers, MS297, Emory University, Atlanta, Georgia.

[82] Deed of Nicholas de Segur, August 29, 1806; Deed of Joseph Behic Lacaze, November 12, 1808. Deed Books, 2B.

agents in these transactions aid in confirming the identities of slaves involved. When Marie Antoinette La Farque sold her slaves Antoine, Lubin, Delphin, and Florentine, Paul Dupon acted as an agent for the sale, first purchasing the slaves from La Farque, and then immediately selling them to Charles Asselin. Three years later, Asselin sold Florentine to Francois Tessier, a Cuban exile, without the use of an agent.[83] Even when an agent was not present to arrange a transaction, several community members could be involved with the ownership of a single slave. By the time that a free black woman named French Fanny sold her slave Maria in 1801, court deeds indicate that seven different individuals had participated in exchanges of ownership for Maria. In 1798, G.B. Priquet sold Maria to Robinson Mirault, a free black. Nine months later, Pierre Mirault, a white refugee acting on behalf of Robinson, sold Maria to a fellow St. Dominguan, Joseph Behic Le Caze. Le Caze then purchased the slave on the behalf of French Fanny, who sold the slave eighteen months later. In the three transfers of ownership, all taking place in less than two and a half years, each contracting party or guardian had been a former resident of the French West Indies, with the single exception of the final buyer.[84]

While it is difficult to ascertain exactly how exceptional such frequent exchanges in ownership of slaves were for this period, personal connections, magnified by the isolation of the French in an English speaking community, facilitated the transference of slave property between refugees. The closeness of living arrangements and the tendency for refugees to share property also perpetuated the sharing of slave property. The circumstances that brought Lequino Kerblay and his wife under the same roof as Madam

[83] Deed of Marie Antoinette de La Farque, June 16, 1809; Deed of Paul Dupon, June 16, 1809. Deed Books (microfilm), Books 2C-2D; Deed of Charles Asselin, October 26, 1812, Deed Books, 2E; *State v. Asselin,* July 28, 1808. Superior Court Minutes, Book 8, CCCH.
[84] Deed of G.B. Priquet, November 23, 1798; Deed of C. Mirault, August 26, 1799; Deed of Fanny, Free Woman of Color, March 13, 1801. Deed Books, 1W.

Cecile Vandeperre, a non-related divorcé, are unclear, but Kerblay's admiration for Vandeperre was clear when he gave her two slaves in his will. Thanking her for "the preservation of my life and of my liberty and also for my marriage[,]" Kirblay gifted Vandeperre the slaves as replacements for "the two which I had first sold to her which she resold to me and which I sold to Mr. Rainsford and for which she has paid me a long time ago[.]"[85] Kerblay had also sold Vandeperre "her actual servant" named Kina. Circulation of slaves among The French at Savannah was not always attributable to the bad behavior of slaves but also reflected a variety of personal and economic connections between refugees.

Connections within the French community also led to a less formal internal market for slave trading, borrowing and hiring. So many people of color circulated through the household of Pierre Mirault that he felt obliged to avert potential confusion over ownership through the use of clear language in his will. Mirault, who was a former planter but worked in Savannah as a baker, declared that "for the purpose of avoiding all of the difficulties because of negroes of various descriptions, who would be found in my house upon my death," the list of sixteen slaves he provided "are the only who belong to me at this moment."[86]

Although a strong market for short-term labor existed in Savannah, some owners willingly left slaves in short-term labor arrangements that might extend beyond city limits, leaving them in the hands of fellow scattered refugees. When Antoine Languier sold his slave François to fellow St. Dominguan William Cruvellier, Languier had to collect the slave from Charleston, where he was in the employ of yet another French

[85] Will of Lequino Kerblay, January 1, 1808. Chatham County Wills, Book G, 1807-1817.
[86] Will of Pierre Mirault, September 14, 1805. Chatham County Wills, Book E, 1791-1801.

resident, Madame Bourg.[87] The Sapelo planters frequently loaned or leased slaves among themselves, sometimes under the premise of a future purchase. When Claud Borel sold Pierre Favard the slaves Grifonne, Bougeote, and her child, they already resided at Sapelo, though Borel lived one county to the south. Three years later, Grifonne and her child had already been sold twice more to Sapelo planters; first to John Montalet then to Michel de Boisfeillet for the use of his brother, Joseph. After Grand Dutreuilh departed Jekyll Island, he left behind his slave, Clement, under the supervision of Sapelo Company planter, Christophe Du Bignon. Abbé Carles relayed to Grand's sister, Tréyette, that Clement had "badly misbehaved" since his departure, leaving Grand to conclude, "Clement is a rascal who otherwise will sooner or later be hung in town." Yet even as Clement cultivated a reputation for trouble, Grand reported, "Mr. Dubignon is to try him out as a cook and if he suits him he will give me $350.00 for him;" he admitted, "it really is more than I think he is worth."[88]

Although the proximity of fellow French slaveholders made the exchange of West Indian slaves easier, mastery in the Lowcountry still proved difficult as their slaves took advantage of their new surroundings. French speaking slaves utilized their bilingualism to their advantage in order to propagate the deception that they were free, a phenomenon especially evident after the entry of the first French refugees. This tactic illustrates that slaves understood that Savannahians perceived West Indian blacks as more plausibly free than their American creole or African counterparts. Even non-French speaking slaves attempted the ruse. William, the slave of a Santee planter was reported to pass "for a free

[87] Deed of Antoine Languier, January 25, 1804. Deed Books, 1Y.
[88] Deed of Claud Borel, January 8, 1806; Deed of Montalet, November 15, 1809. Deed Books, 2F; Grand Dutreuilh Jr. to Anne Félicité Rossignol Grand Dutreuilh, January 12th, 1809. Folder 4, Grand Dutreuilh Family Papers.

man from the West Indies; he is a bold artful fellow, pretends to speak French, and is somewhat acquainted with the West India Islands, where he says he was born." Though skeptical of William's claims, it is unclear whether the slave's master definitively knew whether the claims were false. John Fox described his runaway slave Adam as having " a deceitful countenance" and the ability to speak "good English and French; "a very artful fellow," Fox supposed he would try to pass as free.[89] Nicholas Allard advertised that his barber, Aza, did speak English but was born in St Domingo "and will attempt to pass for free."[90]

French slaves took advantage of the fact that their owners settled amongst unfamiliar people and used the anonymity of urban geography to their advantage. Savannah runaway advertisements reflect that refugee owners were well aware that their slaves would take advantage of that circumstance. Pierre LaGarde seemingly knew little about the whereabouts of his slave Colas, a 22-year-old cook and baker, whom he suspected had spent the previous ten days "concealed in this city or Charleston." LaGarde was certain that the slave would conceal himself within a city, even if he had to travel one hundred miles to do so. Savannah's character as a port city also provided slaves with additional avenues of escape. Thomas Dechenaux's slave Augustine made it as far as a sloop anchored at Savannah, where he managed to procure a letter of marque, but was returned to "his masters house, where he broke loose" that evening "with a pot hook round his neck, and a pair of hand-cuffs on." Dechenaux speculated that a city

[89] *Ibid, Georgia Gazette,* January 24, 1793, March 14, 1793.
[90] *Ibid,* May 21, 1795.

resident harbored the slave, and offered a generous fifty-dollar reward to "anyone who will prove and carry to conviction the person who harbored the boy."[91]

The unfamiliarity of masters with the residents and geography of the neighborhoods around Savannah may have provided West Indian slaves with increased opportunities to runaway or resist their masters, but many French refugees who became slaveholders also found equal challenge in adapting to the unfamiliar management practices of Lowcountry plantations generally. French refugees possessed a wide range of slaveholding experience. At one end, émigrés who acquired slaves in Georgia but had not resided in West Indies were unlikely to have any previous familiarity with controlling human property. For example, the Sapelo Company commenced its plantation enterprise under the guidance of men from France who had no experience in slaveholding. The letters of the young nobleman who founded Sapelo, Julien Joseph Hyacinthe de Chappedelaine, betrays the idealism of a man totally unfamiliar with slavery or the realities of managing laborers. Chappedelaine assumed that the slaves would be entirely self-sufficient: "They cost [nothing] but their winter clothing." Chappedelaine's co-founder, Francois Marie Loys Dumoussay proved slightly more thoughtful in his approach towards managing the company's slaves, electing to follow the French tradition of branding slave property. Dumoussay even provided a slight innovation to the process, branding each slave with an individualized inventory number on the chest. The branding system proved to be most useful in the identification of runaways, especially who made it off the plantation. For instance, when Dumoussay's slave, Tom, ran away in 1794, he

[91] *Columbia Museum,* July 28, 1796, February 27, 1798.

advertised that the boy was "branded on the breast[,]" making him more visibly identifiable to Savannahians.[92]

Unfortunately for Sapelo planters, the slaves held by the members of the company remained constant agents of mischief and non-cooperation. Slaves feigned illness, and one set fire to a barn on the island, which destroyed the corn crop stored there, but the regularity of runaways also plagued Sapelo.[93] Runaway ads indicate that some of the French planters ignored characteristics in their slaves that other Lowcountry planters may have found highly undesirable in their human property. Chappedelaine purchased a slave by the name of James Cook, who formerly served as a waiter in a Savannah coffeehouse. James' outstanding looks motivated Chappedelaine to rename him "Handsome James." James ran away many times over the course of his ownership by the Frenchman, beginning just two months after his purchase. Dumoussay suspected that James was being "harbored by white people, and that he will endeavor to get to some of the West India islands."[94] From Dumoussay's ad, it is clear that he knew of the slave's experience in the Savannah coffeehouse, and he likely believed that James would seek the aid of former white patrons or acquaintances from his earlier employment. Although familiar with James' connections within the city and his sense of self-importance, Dumoussay ignored these risks and purchased the man whom he continued to retrieve regularly.

Those who had been experienced slaveholders in St. Dominguans appear to have had trouble of their own with both slaves and local authorities as they attempted to

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[92] *Georgia Gazette,* October 30, 1794. Even after Dumoussay's death, the numbering system remained to aid in identifying runaways where the deceased could no longer; his bilingual slave Landau, speculated to be in Savannah could be identified by the marking "S.24." *Columbian Museum & Savannah Advertiser,* March 7, 1807.

[93] Quoted in Keber, *Seas of Gold,* 155. For more runaway examples, see *Georgia Gazette,* July 31, 1794; *Georgia Republican & State Intelligencer* (Savannah), October 14, 1803, (microfilm) GHS; *Columbian Museum & Savannah Advertiser,* April 25, 1800, March 7, 1807; Keber, *Seas of Gold,* 172.

[94] *Georgia Gazette,* December 22, 1791.

reestablish themselves in the Lowcountry. The fact that customary practices and laws concerning mastery in the Lowcountry diverged somewhat from those in the French West Indies may partly account for such difficulties. French travelers to the Lowcountry during the last quarter of the eighteenth century drew attention towards natural and positivistic laws that shaped the distinct character of Southern mastery and incentivized greater benevolence within the institution of American slavery. One French observer in Charleston claimed that the economic importance of the individual slave allowed for relatively moderated rule as it aligned with the financial interests of American masters. While French planters viewed slaves as "instruments necessary to their prosperity[,]" he argued that Americans approached slaves as "obligatory instruments of their fortunes […] whose perpetuation was important to their wealth[.]"[95] How individual planters chose to treat their slaves obviously varied within the French colonies, but for most Lowcountry planters, the relative unavailability of laborers, particularly in the years after the American Revolution, placed a premium on the value of slaves and their potential productivity. During the peak of slavery on St. Domingue in 1789, the island boasted a population distribution of 6.75 slaves per each free inhabitant.[96] Within Georgia, whites remained the dominant majority, even during the plantation boom in the years just before

[95] Edward D. Seeber, *On the Threshold of Liberty: Journal of a Frenchman's Tour of the American Colonies*, 124-5.

[96] Rice production in coastal Georgia operated under a separate set of economic drivers from those underlying the sugar and coffee plantation system in St. Domingue during the late 18th century. As planters in the French Caribbean sought to meet intensive labor requirements, the ready availability of Africans and the capital necessary for their purchase caused St. Domingue to remain the largest slave-importing colony until the revolution. St. Domingue absorbed 700,000 Africans by 1791, a figure equal to the total number of slaves imported into the US between 1700 and 1790. In 1789, before the outbreak of revolution in St. Domingue, the colony boasted a population of 452,000 slaves, 40,000 whites and 27,000 free people of color. Stanley L. Engerman and B.W. Higman, "The Demographic structure of the Caribbean Slave Societies in the eighteenth and nineteenth centuries," in *General History of the Caribbean: The Slave Societies of the Caribbean.* Ed. Franklin W. Knight. Volume 3. (London: UNESCO, 1997), 61; Adam Rothman, *Slave Country: American Expansion and the Origins of the Deep South,* 3; Babb, "French Refugees from Saint Domingue," 370-1.

the American Revolution when the portion of slaves relative to the state's total population peaked at 47 percent.[97]

Other French observers argued that divergences in the statutes structuring slavery in St. Domingue and in the South played a more important role in incentivizing masters to treat their slaves more humanely in the latter system. When François-Alexandre-Frédéric duc de La Rochefoucauld-Liancourt, an exiled nobleman and social reformer, visited Charleston in the late 1790s, the slavery laws of Georgia stood out to him as particularly unique in this respect. While the codes of South Carolina and Georgia were of "an English law," Georgia's slave code had a "softer" character than that of South Carolina. The presence within the laws of "the spirit of philosophy and humanity that characterizes the writings of at least the latter part of the century" had made Georgia's more recently drafted code "with a few exceptions, about as sweet and also slightly arbitrary as is possible admitting slavery."[98] Many slaves in Georgia likely would have disagreed with the nobleman.

Observable differences between the laws of slavery and the dispositions of masters and slaves in both places prompted French observers of American slavery to draw conclusions about the humanity of either system, but such assessments remained largely unscientific and could not be proved. In contrast with La Rochefoucauld-

[97] Within Georgia, the number of slaves present relative to the number of white settlers remained low at the close of the 18th century. Estimates made by Georgia officials in the years before the Revolution disrupted plantation slavery and the African trade to the American colonies—1773, 1774, and 1776—cite a population of 15,000 slaves. The 1773 and 1774 figures estimated a white population of 18,000 and 17,000 whites, respectively. Using the smaller 1774 figure, slaves comprised 47 percent of the overall population that year. Even with a boom in importation in the following decades, by 1790, high growth among the free population reduced the portion of slaves to 35 percent of the overall population. For the Georgia statistics, see: Evarts Boutell Greene and Virginia Draper Harrington, *American Population Before the Federal Census of 1790*, 182.

[98] François-Alexandre-Frédéric duc de La Rochefoucauld-Liancourt. *Voyage dans les États-Unis d'Amérique : fait en 1795, 1796 et 1797*, Book IV, 183.

Liancourt's glowing commentary of the "spirit" of the law of slavery, Moreau de Mery provided an account of the actual conditions of slavery he witnessed at Norfolk, which arrived at quite a different conclusion. His experience as former slaveholder in Cap Francois provided him with a basis for comparative evaluation of the treatment of slaves. Moreau claimed that American slaves "are held in a state of debasement which astounds even the inhabitants of the colonies." In addition to beating slaves frequently with whips, "for the slightest faults[,]" Moreau maintained that "a slave-owner can always find constables willing to execute his desires in this respect."[99] For Moreau, the harsher character of the American system of slavery could be attributed to the reliance upon the involvement of policing entities within Southern cities. Still, those entities appeared only as extensions of the master's power. The French at Savannah would soon find that same municipal authority might interfere with their authority as much as reinforce it.

The port cities of the American South struck visitors and former West Indian residents as more orderly than Caribbean cities. On a visit to Charleston in 1817, former St. Dominguan resident Baron de Montlezun admitted his surprise at how effectively city authorities had managed to regulate slave bodies in public space. "It is very charming, on coming from Havana, to know while you are going through any section of the city after nightfall that you are in perfect safety and do not have to worry about the dagger of the individual that you hear behind you." For Montlezun, the curfew for blacks made all the difference. "Negroes and people of color, free or slave, are obliged by law to be in their houses by ten o'clock in the evening; those who disobey are arrested."[100] While Montlezun's short time in the Lowcountry disqualifies his account from providing

[99] Moreau de St. Mery, *American Journey: 1793-1798*, 59-60.
[100] Lucius Gaston Moffatt and Joseph Médard Carrière, "A Frenchman Visits Charleston, 1817," 149.

evidence of the actual effectiveness of black policing, his impressions indicates that French West Indians were at least aware that the legal controls exerted over blacks in cities in the US caused a perceivable difference in the orderliness of the black populations when compared to their West Indian counterparts. The curfew he encountered in Charleston did not exist in similar urban contexts in the Caribbean, but it most certainly did in Savannah.[101]

B.W. Higman has argued, "virtually every feature of urban slavery in the West Indies was repeated with only minor variations in the towns of, for example, the United States, Cuba, the Danish Virgin Islands, and Brazil," by the late 18th and early nineteenth centuries. Although scholars generally agree with Higman, the validity of this statement seems truer in terms of economic similarities than in terms of how the slave populations in these places lived under the rules of their corresponding slave regimes.[102] In the American South, as in Saint Domingue, slavery shaped the undeveloped character of urban settings. No city in either place ranked amongst the ten largest in the Americas.[103] Few black or white St. Dominguans resided in the island's urban areas as a significant portion of the slave population was tasked to agriculture and absenteeism among planters was common.[104] Climate and the dominance of the plantation economy similarly

[101] The City Watch was permitted to take up any person of color after 10PM. "An Act for establishing a Watch in the Town of Savannah," passed March 27, 1759. *The Colonial Records of the State of Georgia*, 18:292-4.
[102] B.W. Higman, *Slave Populations of the British Caribbean.* (University of the West Indies Press,) 259
[103] The most significant city in the north of St. Domingue, Cap Français, had a population of 19,000 in 1789, making it slightly larger Charleston, where the population reached 16,359 in 1790. But both towns were still smaller than either New York or Philadelphia—the two largest cities in North America at the time. In 1800, Savannah ranked a mere twenty-first amongst the cities of the United States with a population of 5,146, making it a quarter of the size of Cap Français. White, *Encountering Revolution,* 16*; Population of the 100 Largest Cities and other Urban Places in the United States: 1790 to 1990,* Population Division Working Paper No. 27. Census Bureau, Population Division U.S. Bureau of the Census. Washington, D.C. June 1998.
[104] Port-au-Prince and Cap Français both remained small until the French Revolution for reasons mostly relating to the economic limitations of empire. Restrictive trade laws and the perpetuation of the

deterred a more permanent residence of planters and restrained immigration to Savannah through the early nineteenth century.

Although the character of Savannah's economy and its relationship to slavery resembled other towns in the West Indies, the legal codes that regulated the social and economic behaviors of people of color in place at Savannah exhibited a sensitivity and commitment to order. Authorities aggressively policed slave behaviors that masters otherwise found were permissible or at least commonplace in other port cities.[105] Consequently, French refugees frequently appeared before Savannah authorities between 1790 and 1820 for defying laws concerning how people of color lived and worked in the city as they grappled with variations in slave regulations at Savannah.[106] **C**ity authorities prosecuted lapses in black behavior under two major categories: those relating to the regulation of labor—such as hire or trade guidelines—and social boundaries—such as housing, assembly, or rules concerning the entertaining of slaves. Under both, the law placed primary responsibility on the owners of the slave or the premises where the slave

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"commission system" resulted in the lack of an indigenous network of capital for the plantation system as a class of domestic merchants failed to emerge. In addition to the fact that human and financial capital remained in the metropol, the character of the plantation system in its self-reliance created little need for commercial functions—whether retail, service, or financial—that more typically bound together towns and their hinterlands. Geggus, David P. "The Major Port Towns of Saint-Domingue in the Later Eighteenth Century," in *Atlantic Port Cities: Economy, Culture, and Society in the Atlantic World, 1650–1850*. Edited by Franklin W. Knight and Peggy K. Liss, (Knoxville: University of Tennessee Press, 1991), 107.

[105] By comparison, a city like Cap Français, where the population was comprised mostly of slaves and free people of color, presented free or enslaved people of color with fewer restrictions on their activities. Although legal restrictions for nonwhites increased after 1763 in response to the growing wealth and size of the free black population, David Geggus and Dominque Rogers have argued that such legislation was generally not enforced in either the courts or in day-to-day transactions. Geggus has identified official reports made within five years of the revolution that complained of insubordination by slaves and the openness of their social activities at Cap Français. But such reports conclude that "the police do nothing to prevent" gatherings of slaves, indicating that there was no legal prerogative to do so**.** David Geggus "The slaves and free people of color of Cap Français," in *The Black Urban Atlantic in the Age of the Slave Trade.* Jorge Cañizares-Esguerra, Matt D. Childs, and James Sidbury, eds. (Philadelphia: University of Pennsylvania Press, 2013), 107, 114-120.

[106] The fact that City Council Minutes do not exist for the peak of the French immigration period between 1796-1800 further alters any interpretation of the frequency of slave offenses.

was found violating the law, but slaves could be held liable if an owner refused to take responsibility.

French masters took advantage of a thriving market for slave hiring provided by Savannah's urban economy, as they had in other American cities, but found slight variations with their previous experience in St. Domingue. Under Savannah ordinances, badges issued by the city regulated the ability of slaves to operate as hirelings and the kinds of employments they could seek. By 1774, officials had instituted standardized wages for slave hires.[107] The regulation of self-hire distinguished the character of slavery in American cities from those of the West Indies. Reflecting on the continued increase of slaves who worked for themselves without any visible control of an owner, one group of laborers complained in 1828 that Charleston would "in a very short time, be in the condition of a West India Town[.]"[108]

The shortage of labor in St. Domingue had made slave hiring into a thriving practice among small-scale landowners and in the cities, where colonial authorities opted to impose few regulations over laborers and wages. In St. Domingue, the extraordinary demand for short-term labor pushed the premiums on hire contracts sufficiently high to actually incentivize the development of alternate contractual arrangements. Under this practice, known as slave pawning, owners pawned their slaves for a portion of the market value of the slave to a lender who would then receive any profits seen from the hire or use of the slave. Pawning solved concerns specific to slaveholding in the French West Indies in distributing the risk involved with seasoning between owners and renters, which

[107] Betty Wood, *Slavery in Colonial Georgia,* 122-3, 132-145.
[108] Quoted in: Jonathan D. Martin, *Divided Mastery,* 184.

in turn permitted owners to free capital in order to replenish slave stocks.[109] Slave pawning did not take hold in the American South, likely due to a less competitive hiring market, the lower rate of risk associated with slave ownership, and the fact that in many urban settings, like Savannah, authorities standardized labor rates.

Slave hire provided a source of immediate income, and refugees newly arrived in the US willingly entered into contracts to lease their slaves or allowed their slaves to locate their own work. During his 1795 visit to Charleston, La Rochefoucauld-Liancourt observed that the French depended heavily on the income made from slave hire. "Some of the colonists here have brought fortune," he remarked, but "[m]any do not save or have no more, and live from the product of the hire of some negroes that they brought with them."[110] Refugees found that the conditions for hiring varied across Southern states, both in terms of the regulatory authority exercised by officials and the temperature of the market. At Norfolk, Moreau de St. Mery found an oversaturated hiring market. People of color there performed "all the manual labor, and fill all the domestic positions" for the general rate of thirty-three French sous—or thirty-two cents—and one-third less for women. Norfolk, unlike Charleston and Savannah, did not regulate the cost of slave labor performed within the city.[111]

Labor rates set by Savannah officials allowed for the healthier operation of the short-term labor market after the arrival of the French and commanded up to a half dollar

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[109] Stewart R. King, *Blue Coat or Powdered Whig: Free People of Color in Pre-Revolutionary Saint Domingue.* (Athens: University of Georgia Press, 2001*,* 118.
[110] François-Alexandre-Frédéric duc de La Rochefoucauld-Liancourt. *Voyage dans les États-Unis d'Amérique,* Book IV, 70.
[111] Richard C. Wade, *Slavery in the Cities,* 40-7; Harlan Greene, Harry S. Hutchins, Jr., Brian E. Hutchins, *Slave Badges and the Slave-Hire System in Charleston,* 14-9; John J. Zaborney. *Slaves for Hire: Renting Enslaved Laborers in Antebellum Virginia*, 9-27, 120-148. For more on slave hiring and regulation generally: Jonathan D. Martin, *Divided Mastery: Slave Hiring in the American South.* (Cambridge: Harvard University Press, 2004.)

for a day's work.[112] The daily rate of two shillings paid to the Alexander family over 1792 and 1793 for the hire of their slave in town constituted "a generous price[.]"[113] Concerns that hiring allowed slaves too much independence caused different localities to restrict the right of slave owners to let slaves hire themselves in addition to wages. Virginia, Maryland, North Carolina and Kentucky each banned slaves from hiring themselves out before 1800.[114] Savannah and Charleston allowed the practice but adopted controls to restrain masters who otherwise might leave slaves operating in a state of quasi-freedom as long as they profited from that independence.

Every morning, excepting Sundays, dozens of slaves slipped out into Savannah's alleyways before the sun would begin to rise on their sleeping masters. Most set out to work in pre-arranged positions, caulking, washing, or providing for any kind of labor that a temporary master might request that day. Other hirelings spent the morning waiting at the market, where they would find jobs pushing goods or people through the city streets that could last them from sunrise to sunset. These slaves received one hour each for breakfast and dinner, and carried home a few shillings at the end of the day—or less if the work could not be found.[115] Still another group of slaves fanned out into the city to sell eggs, fish, fruit, and other goods. For such slaves, badges that had been purchased from

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[112] Moreau's conversion rate places the dollar at 6 shillings and the shilling at 17 1/3 sous. This would render the dollar worth 104 sous. Moreu de St. Mery, *American Journey*, 60-2. Longer-term contracts did allow for some reduction in rates. "An Ordinance for regulating the hire of drays, carts, and wagons as also the hire of negroes and other slaves…" passed September 28, 1790. City Ordinances, U.13.02: 1789-1842, OCC CSRLMA.

[113] Receipt of Mr. Couper. Folder 25, Alexander Hillhouse Papers, Financial and Legal Papers, 1758-1806, SHC.

[114] Georgia did pass a ban in 1803, but Savannah remained regulated internally. Like other states, the regulations were rarely, if ever, enforced. See Ch. 1. Jonathan D. Martin, *Divided Mastery,* 161-5; Loren Schweninger, "The Underside of Slavery: The Internal Economy, Self-Hire, and Quasi-Freedom in Virginia, 1780-1865," *Slavery and Abolition*, XII (September 1991),12-22.

[115] Ordinances of the City of Savannah, "An Ordinance for regulating the hire of drays, carts, and wagons as also the hire of negroes…" passed December 31, 1799. City Ordinances. U.13.02: 1789-1842, OCC CSRLMA.

the city by their owners served as the only visible indication that some white person, whether an owner, employer, or city official, had given them permission to work freely.

Although, the slave badge books for Savannah no longer exist, records found in the City Council Minutes of the city's enforcement of badge laws and a single surviving list of slaves and owners purchasing badges for vending of small wares (VSW) in 1801 indicate that French men and women actively hired out their slaves. St. Dominguans purchased seven (24 percent) of the twenty-nine badges the city set aside for colored sellers of goods in 1801.[116] Teresa and Mary Duclatt, or Ducla, two of the French VSW holders, were also free people of color.

French masters also frequently appeared for violations of the badge law. During the height of the immigration period between 1793 and 1809, refugees appeared before Council for allowing their slaves to work or sell without badges a total of twenty-eight times. Of these violations, the city prosecuted nearly two-thirds (18) in cases where slaves sold goods without badges. Occasionally, informers might site a specific good, as they did when Alexander Debross' slave girl had been found "selling candles without [a] badge[.]" But cases tended to refer more generally to slaves like Madame De La Rocque's slave Luis, whom she had allowed to "hawk [m]erchandize about the streets[.]" Working without a badge would cost violators one dollar, but fines for selling violations ranged between one and fifteen dollars. Mary Ann Lewis appealed her slave's four-dollar fine "as she was very poor and unable to pay it without distressing her family." Council allowed the fine to be remitted, but required her to present two or more

[116] Totaled from: CCM 1800-1804, List of VSW badges, January 26, 1801.

“respectable persons” who would confirm "that she is of a good Character and in distress[.]"[117]

Ignorance of established rules may explain why the French initially disobeyed declared boundaries concerning what people of color might do in public and private space. When Council prosecuted Monsieur Papot in 1793 for his slave girl working without a badge, his fine was excused when he pled ignorance of the badge law.[118] However, French refugees continued to answer regularly to City Council for their aberrant behavior many years after they first arrived, disregarding regulations that interfered with either the control of their slave property or their casual interactions with people of color.

Although not unsympathetic to the financial distress of the French, Savannahians informed city authorities of the wanton disregard of the law by French slaves and the lack of compliance by their owners. Nicholas Anciaux's slave Goodluck was reported for "refusing to work,” by a snubbed employer who complained of the idleness of a slave “having a porters Badge.” Madame Gaultier’s slave unsuccessfully attempted to dupe city authorities by trying to pass his porter’s badge for a vending badge as he attempted to sell merchandise on the street.[119]

French slave owners most predominantly violated badge laws, but other offenses point to the willingness of French masters to allow a degree of autonomy to slaves that city officials found unacceptable. In Savannah, no person of color was permitted to

[117] CCM 1804-8, August 26, 1805.
[118] CCM 1791-6, October 22, 1793.
[119] CCM 1804-8, May 14, 1804; July 30, 1804.

"attend" a shop unless a white employer was present.[120] Of the five documented cases reviewed by Council before 1820 where slave owners permitted slaves to operate their storefronts contrary to the law, three were brought against Frenchmen. Paul Thomasson, Francis Delannoy, and John Gizorne each allowed slaves to keep a shop "attended only by a negro[.]"[121] Outside of the inadequate supervision these men provided to slaves in the workplace, Council also found the willingness of the French to interact with people of color in other business and social settings equally unacceptable. Gizorne had permitted Joseph Myrick, a free black man who also resided with him, to sell liquor from his shop without a license. Delannoy continued to allow slaves to run his shop, three years after his first violation, but Council also prosecuted him for entertaining blacks in his shop. Thomasson's offences perhaps exceeded his peers. He and a fellow white refugee each purchased stolen city property when they bought oil "from a negro slave employed by the contractor to light the public lamps[.]"[122] The slave obviously could not have presented either man with a ticket approving the sale. Although Thomasson served in the office of alderman at the time of his offences, like many of his fellow white refugees, he expressed little concern towards maintaining the social protocols that created boundaries with slaves. Two weeks after he was prosecuted for allowing his slave to keep his shop, Thomasson again answered Councils accusations, this time for entertaining slaves on a Sunday.

[120] "An Ordinance for regulating the hire of drays, carts and waggons as also the hire of negro and other slaves, and for the better ordering free negroes, mulattoes or mestizoes within the City of Savannah," passed September 28, 1790. City Ordinances. Vol U.13.01: OCC, CSRLMA.
[121] CCM 1804-8, January 30, 1806; May 19, 1806; October 6, 1807.
[122] CCM 1817-1822, October 6, 1817, November 1, 1819; CCM 1808-1812, November 18, 1809; CCM 1804-8; May 19, 1806.

Between 1796 and 1820, informants and city police brought thirty-five separate charges against twenty-six French Savannahians for the entertainment of people of color on their property either on Sundays or after curfew.[123] The severity of fines for "entertaining negroes," which averaged fifteen dollars, illustrates the seriousness of officials towards especially dangerous behaviors. John Fleury received a $30 fine for "suffering negroes to dance in his house[.]" When informants accused R.J. Cavallier of keeping a "riotous house" where "negroes learn the military exercise," Council members thought the socializing so highly criminal that they immediately sent the case to the superior court for review. However, keeping mixed company was a profitable business encouraged continued disobedience. Moreover, the comparative regularity of personal interactions between free people of color and whites in the refugee community also encouraged their continued interactions in social settings. Of the five repeat offenders brought before city authorities for entertaining negroes, Louis Petit and Pierre Carré both answered to council for socializing with blacks three and five times respectively.[124]

Like the unfamiliar plantation regime and environment encountered by French planters and slaveholders in the Lowcountry, labor regulations imposed upon slaves at Savannah posed some challenges for those whose previous experience with slavery in the West Indies left them with alternate understandings of the social norms instituted by law over the behavior of their slaves. But violations among French whites for socializing with free and enslaved blacks emphasize cultural tensions that extended beyond

[123] City Council Minutes indicate a total of 176 violations for "Entertaining Negroes" were reviewed before Savannah City Council. This would mean that French residents committed at least 20 percent of the ENS violations at Savannah. Totals from: City Council Minute Books, January 5, 1796 through December 18, 1820, OCC CSRLMA. By comparison, Tim Lockley has found fewer violations (127) of "Entertaining Negroes" in the City Council Minutes for the period between 1790-1819. Using Lockley's lower estimate would mean that the French committed at least 28 percent of ENS violations. Lockley, *Lines in the Sand,* 209.

[124] CCM 1817-1822, November 15, 1819; CCM 1808-1812, November 13, 1809.

economic relations. While French refugees may have found some aspects of the practice of slavery in the Georgia Lowcountry like hiring to be generally familiar to their experiences as slaveholders in the West Indies, the social customs, hierarchies, and legal regulations varied wildly from those previously encountered in Caribbean destinations, particularly in the Spanish and French colonial systems. As the following chapter illustrates, the underlying cultural differences between French and American slave societies perpetuated the cultivation of unique bonds between white and free and enslaved black French refugees that were defined by their shared identities as St. Dominguans and the persistence of their cultural practices within French cultural institutions at Savannah, in particular, the Catholic Church.

Chapter Four

A Congregation "Grown Numerous and Respectable": Sponsorship and Black Catholicism in the Lowcountry

Experiences shared in St. Domingue and escape led to the forging of particularly close connections between white and free and enslaved black French refugee populations. Free and enslaved people of color from St. Domingue often had unique relationships with members of the white community that developed from law and customs native to the French West Indies which integrated people of color into households, economic enterprises, and institutions differently than in the Southern United States. While free people of color from the West Indies were not legally permitted to enter Savannah, many did settle, often with white relatives, employers, or associates who assisted in their efforts to navigate the legal system. The liberal disposition of many St. Dominguans towards freeing of their slaves also further entrenched the bonds between the white and free black refugee populations.

The resulting ideological divides concerning the parameters of freedom for people of color separated French attitudes towards people of color at Savannah from those of their Southern peers. The strength and exclusivity of the relationships among the French that bridged racial and class divides within a distinctly French sphere of cultural influence illustrates this separation. After the formation of Savannah's first Catholic Church, St. John the Baptist, by refugees, Catholic religious life came to play a central role in the lives of blacks and whites within the French community. The predominance of French practitioners provided an environment that supported the continuation of distinct patterns of black and white relations between refugees through the administration of religious rites.

Whites most often served as the sponsors to free and enslaved people of color in the Catholic Church. These relationships perpetuated the exclusive formation of cross-racial associations within the refugee community as Catholic practitioners at Savannah remained nearly exclusively first or second generation French through 1816. The relationships between blacks and whites displayed within rites administered within the Catholic Church at Savannah perpetuated social contours prevailing in St. Domingue. Catholic rituals linked individual congregants together under the equalizing principles of church membership, echoing the connections and responsibilities shared between white refugees for free people of color within the French community.

The tendency for scholars to overlook the influence of refugees on American communities apart from Louisiana is not surprising given the extraordinary differences of scale and integration between localities. David Geggus concludes that in "Jamaica and the eastern seaboard of the United States, [refugees] reinforced existing Catholic communities, impressing their hosts as cultivated and worldly, but generally they moved on or were absorbed within a generation or two." The classic studies of Winston Babb, Francis Childs and others also draw similar conclusions concerning the integration of the French communities generated by the French and Haitian Revolutions into local populations. While equally valid in the case of Savannah, the black and white members of the French community arriving at Savannah imbued a distinct and previously absent Francophone influence over the existing social, legal, and cultural institutions of the city and formed insular institutions of their own.[1] The fact that French families became

[1] David P. Geggus, Ed. *The Impact of the Haitian Revolution in the Atlantic World*, xiv; Paul Lachance, "Repercussions of the Haitian Revolution in Louisiana," in Ibid, 217-220; Frances Childs, *French Refugee Life in the United States, 1790-1800.* (Baltimore: Johns Hopkins Press, 1940); Paul Lachance, "Intermarriage and French Cultural Persistence in Late Spanish and Early American New Orleans," 47-81.

increasingly creolized over time does not outweigh the importance of establishing that the unique patterns of social relations between black and white French refugees existing within these institutions perpetuated social norms carried from St. Domingue that contrasted with the principles of racial hierarchy that defined social and religious life at Savannah.

By evaluating the character of the relations between white and black members within the refugee community, this chapter seeks to present an interpretation of Saint-Dominguan distinctiveness at Savannah. The first arrivals to Savannah from the French speaking world found a cultural landscape remarkably distant from the places they departed from within Europe and the Caribbean. However, as the French population grew towards the late 1790s, the founding of the Catholic Church and the continued arrival of black and white acquaintances from St. Domingue provided refugees with a new sense of community at Savannah. An examination of the shared origins of black and white French arrivals at St. Domingue and their continued interactions surrounding religious practices within the Catholic Church and local courts illustrate how personal familiarity provided more than just emotional comfort to white and black refugees at Savannah. Familiarity also played a central role in establishing the place of people of color within the refugee community and within Savannah at large, particularly as the exclusivity of French membership within the church further strengthened those bonds.

Section I: The construction of Community and Culture among the French

Sometime after 1809, Grand Dutreuilh departed Sapelo Island to settle in Martinique, leaving behind his only surviving immediate family members—his sisters

Félicité, Marie Francoise, and Treyette. Dutreuilh's previous failed attempt to resurrect the family's failed plantation in St. Domingue in 1802 and his establishment of a mercantile business in Martinique three years later exemplified the persistent internal struggle experienced by many among the French who had been forced into the United States against their will. These individuals felt compelled to reconnect with the French Caribbean, even decades after fleeing. In part, the continued economic difficulties of refugees inspired such desires, as they did for Dutreuilh. In 1817, he explained to his sister Félicité that Martinique "offers more advantages to earn a fortune—you would believe you have been carried back to our native land."

Yet, as Grand Dutreuilh attempted to persuade his sister to abandon Savannah to join him in Martinique, his letter shifted in tone as his almost uncontrollable feelings of resentment towards the cultural isolation of the French within the United States became the centerpiece of his case. "[L]eave the wretched country you live in," Dutreuilh demand, "which is not yours by the difference of language and customs where we shall always be considered aliens[.]" When Félicité and her daughter did not heed his calls, Dutreuilh insisted that the two maintained "unfitting prejudices" towards the French Caribbean.[2] They would remain in Savannah for the rest of their lives.

For many like Félicité and her daughter, enough of the cultural institutions and personal comforts of the French Caribbean could be recreated within the sizeable community of French refugees at Savannah to provide for a comfortable and permanent transition to life in the American South. During a 1796 visit to Charleston, exiled nobleman and social reformer François-Alexandre-Frédéric duc de La Rochefoucauld-

[2] Grand Dutreuilh Jr. to Marie Anne Félicité Rissault, June 24, 1817. Grand Dutreuilh Family Papers, GDAH.

Liancourt found that love for the pastime of gambling universally drew Frenchmen together. "The opinions, rather the political language of the colonists and corsaires, are strongly different; but love of the game levels all, and the French gambling dens, of which Charles-town is full, gathered around their tables [are] the fortunate aristocrats[sic] and the sans-culottes."[3] Apart from gambling, common political or intellectual interests also drew the French to one another's company. The memoirs of Charles Spalding Wylly, whose grandfather, Thomas Spalding, owned land at Sapelo known as the "South End," portray the French planters present on the islands of Sapelo, Saint Simon and Jekyll during his childhood as partaking in a vibrant social life steeped in European culture.

"With true Gallic light-heartedness they bore their bad and good fortune; fraternized with their neighbors at the "South End"; gave formal dinners, one to the other; with Mr. Spalding, discussed the latest works of Rousseau and of Voltaire; sacre'd all republican ideas and institutions, as they drank the healths of the royal family of France, never losing their sweetness of temper save at the mention of some late victory of *"le scelerat de Napoleo*n."[4]

Unlike in Charleston, where previous generations of French Huguenot settlers had already established a French presence in the city, St. Dominguans, with few exceptions, were largely responsible for establishing any distinctly Francophone culture at Savannah. French families were responsible for the formation of the city's first Catholic congregation, St. John the Baptist, and they dominated its membership until the arrival of Irish immigrants the 1830s. French refugees also established two separate Freemason

[3] Liancourt's travel account appeared in print at Savannah in 1800. *Columbian Museum & Savannah Advertiser,* September 19, 1800; François-Alexandre-Frédéric duc de La Rochefoucauld-Liancourt. *Voyage dans les États-Unis d'Amérique,* Book IV, 70.
[4] Charles Spalding Wylly, *The seed that was sown in the colony of Georgia : the harvest and the aftermath, 1740-1870.* (New York: The Neale Publishing Company, 1910), 19-20.

lodges, the "Constance" lodge in 1800 and six years later "L'Esperance."[5] They continued to enjoy new successes in mercantile and plantation enterprises but no doubt found the greatest comfort in the few friends, family, and servants who also ended their travels in Savannah. French refugees served as the only visible reminders of a past life. Baron de Montlezun described one such encounter at Charleston with a former acquaintance from Cap Français:

"One cannot believe or exactly define the pleasure he feels at seeing beyond the seas, on a foreign shore, persons whom he had known long ago, especially if there had been close bonds of friendship, and if the country, the circumstances and the period which their presence evokes, bear the imagination back to enchanting memories, to the springtime of life and the swarm of pleasures which arise from the happy conjunction of a patrimonial fortune and a paternal government. A true age of gold compared to the iron age in which we are now living."[6]

Although St. Dominguans who arrived in Savannah came from a diverse collection of cities and parishes, many did share close ties traceable to their lives before the rebellion. Family ties constituted the strongest connection between St. Dominguans, but former neighbors also ended up together in Savannah. Many of the émigrés in Savannah identified with a specific city on St. Domingue when entering Catholic Church or legal records registered in France or Georgia. Of the seventy-four French resident at Savannah who specified a parish or town in these documents, 31 (44 percent) named the urban areas of St. Marc (5), Port au Prince (3), Jeremie (9), Cap Français (4), Gonaives (3) or Cape Nicholas Mole (7). The largest group from outside of urban settings settled at

[5] John Baur argues that "[f]or a full century before the French and Haitian revolutions, Charleston, South Carolina, had been infused with a French atmosphere." Huguenots entered South Carolina following their ejection from France after the revocation of the Edict of Nantes in 1765. John E. Baur, "International Repercussions of the Haitian Revolution," 399-400; Thomas Paul Thigpen, "Aristocracy of the Heart," 433-4.
[6] Lucius Gaston Moffatt and Joseph Médard Carrière, "A Frenchman Visits Charleston, 1817," 143-4.

Savannah included fifteen refugees from five separate families inhabited plantations at la Petite Rivière de l'Artibonite in the West department. Two additional refugee planters also identified the capital of l'Artibonite Department, Gonaives, as their place of origin.[7]

The destruction of many parish legal records during the rebellion compelled a process of information reconstruction within refugee French communities that informs the different interpersonal relationships carried on between refugees of all colors. Refugees created legal instruments through three distinct institutions for the purpose of establishing their history: the Catholic Church, French Department of Foreign Affairs, and Chatham County Courts.[8] When Pierre Mirault, a retired French army officer and Catholic vestryman, died in 1819, seven former residents of St. Domingue testified that they "were familiar at St. Domingue, and in this city of Savannah" with the deceased and his wife. Although Mirault hailed from Petite Rivière, the seven witnesses claimed diverse origins, including St. Marc, Parish des Cayes in the South, and Petite Rivière.[9] Hints of former associations also occurred in records involving black St. Dominguans living in Savannah, concretely linking them to whites in local communities in St. Domingue.

The specific origins of free and enslaved St. Dominguan people of color tend to be absent from the records at Savannah, but deeds of manumission and affidavits

[7] The remaining identifications are generally scattered, between one and four to a specific parish. These records do not pertain to disembarkation, thereby allowing the reasonable assumption that the places of origin reflect former points of habitation. St. John the Baptist Catholic Church Savannah Parish Register 1796-1816, GDAH Drawer 32, reel 56; France Department of Foreign Affairs Register, GHS; Deed Books (Chatham County), Books 1L through 2L. CCCH.

[8] The relationships and circumstances of the connections between black and white French refugees in Savannah will also be discussed in the following three chapters within the context of legal instruments—including guardianships, and manumission or property trusts—created for the protection of free people of color.

[9] Death Certificate, Pierre Michel Joseph Mirault, November 4, 1819. France Department of Foreign Affairs Register, GHS; Thigpen, "Aristocracy of the Heart," 22.

supporting claims to freedom made by masters and other white community members provide rare identifications of the origins and the nature of the arrival of black St. Dominguans. These deeds, filed for the purpose of legally protecting migrants' status as free individuals, positively identify former slaves, servants, family members, or other black acquaintances as having lived in specific communities or household in St. Domingue.[10] When Claude Borel entered a deed on behalf of Marie Louise, a free woman living in Savannah, he stated "that she was born free in my home at l'Artibonite parish[.]"[11] Planters Pierre Mirault and Joseph Behic de la Caze also emancipated slaves born at Petite Rivière in 1800. Mirault also served as a witness for Joseph Meric, a mariner whom he knew at both Savannah and St. Domingue, when Meric emancipated his St. Marc born slave, Perminne.[12]

White refugees apart from former slave owners, provided testimony or stood as a witness in order to legally establish the freedom of their black compatriots or the racial identity of those of free Indian decent. Joseph Meric and three other white refugees, including a merchant, a carpenter and a fellow mariners, filed deeds with the Chatham County Superior Court that testified to knowing Marie Honoree Persinette and her mother from their time at Cap Francois, asserting that "she is of indian extraction[.]"[13] When the racial status of Perrine Regis' grandchildren came under question in 1858, Mayor Richard Wayne gave a court deposition that confirmed that two white St. Dominguans, Laurent and Boifeuillet knew that Regis "was of indian extraction," and that her father

[10] Of the 174 baptismal, death, and marriage records of free and enslaved black Catholics, only fifteen provide nativity for St. Dominguans and no further specifications. Seventy-one of the 174 identified free people of color

[11] Deed of Claud Borel, June 6, 1811. Deed Books, 2D.

[12] Deed of Pierre Michel Joseph Mirault, June 16, 1801; Deed of Joseph Behic de la Caze, February 8, 1800; Deed of Joseph Meric, June 17, 1801. Deed Books, 1V.

[13] Deeds of Joseph Meric, John J. Turel, Eli Ajon, Barthelemy Lafitte, December 9, 1815. Deed Books, 2F.

was a white Frenchman.[14] In 1816, Hortense Picard, a free mulatto born also St. Nicholas, was living in Savannah, but "was without her papers stating her freedom[.]" Two white former residents of Mole St. Nicholas, John Bled and Henry Schnyder, confirmed not only that these facts had been recorded in the parish record book, but also that they had known her mother, Nanette, who lived as a free black woman for 24 years in the Mole.[15] These documents illustrate that associations between whites and former slaves and free black employees or other associates persisted, sometimes for decades beyond the chaotic circumstances of rebellion, exile, as both groups took advantage of accessibility to legitimate legal power at Savannah to secure the protection of freedom for black refugees.

For people of color, migration to the United States most often occurred with white employers and family members, recreating some aspects of the structure of St. Dominguan households. Laws across the South unfavorable to black residency meant that successful entry might depend upon their place within a white household. Marie Jeanne Presvost was so moved after her slave "Cité abandoned the land of liberty to follow me to this country and shared here in my Misfortunes," that she manumitted her at Savannah. Presvost proudly noted that the slave had "bore no doubt, of the benefit of the Republic in her favor[,]" indicating that perhaps Cité had negotiated terms for her arrival in the US with Presvost.[16] Monsieur Charteau reflected similar admiration for his servant, Jean Gaule, who was " oftener called by the name sans nom," or "no name." Although Charteau had manumitted in St. Marc for "good conduct and fidelity since the

[14] Deed of Richard Wayne, January 18, 1858; Deed of Edward J. Purse, December 13, 1857. Deed Books, 3R.
[15] Deed of Jacques Roumillat, March 3, 1816. Deed Books, 2G.
[16] Deed of Marie Jeanne Presvost, December 22, 1797. Ibid.

Insurrection of negroes[,]" the events surrounding their evacuation had left Jean with no freedom papers. Charteau testified that "in consequence of the wish of the said negro to follow me and stay with me as my servant as he has been until this day I therefore give to him this paper to witness his situation and to be of service to him when and where be required."[17] Here, Jean Gaule—or Sans Nom—continued to work for his former master as he continued to enjoy his freedom at Savannah.

In other instances, people of color reached the city in the company of whites who were friends or familial relations. Mathurin Bion testified to the court that Joseph Bion, a boy of thirteen who resided with him, was the "natural son of Francoise Hard," a free mulatto woman whom he had known in Jeremie. Bion asserted himself as "the guardian" of the boy, but he did not claim to be his relation, even as he gave Joseph his own last name and provided legal testimony and procured an additional witness to protect his freedom.[18] In another instance, Luke—the young, illegitimate mulatto son of Monsieur Lucas, a white man—arrived at Savannah under the care Monsieur Sommiers, Luke's godfather and Lucas' former business partner in St. Marc. Lucas, who "was sentenced to be shot by order of Dessaline" and later by order of Toussaint Louveture, requested that Sommiers bring his illegitimate son "to America and treat him as he would his own child[.]" In Savannah, Luke continued to work for several years in the household of Sommiers' widow, who promised to release him at "the age of fifteen years and no longer[,]" but upon her death Luke was seized as a slave by the estate's beneficiaries. He

[17] Deed of Charteau, May 5, 1798. Deed Books, 1W.
[18] Deed of Mathurin Bion, October 26, 1811. Deed Books, 2D.

worked under the extended family until asserting his claim to freedom four years past his mistress' promise.[19]

After arriving at Savannah from St. Domingue sometime before 1803, Mulatto Rose Jalineau lived with a white merchant, Francis Jalineau, with whom she fathered several children. When Francis died on the return passage to Savannah from Cuba in 1823, Rose took up work as a Pastry cook, and lived independently with her two youngest children, three year old Adeline and two year old John.[20] John and Adele both grew to responsibility quickly in Savannah, setting to work as a carpenter and a seamstress at ages fifteen and sixteen. Rose inherited Jalineau's house in Baracoa, Cuba, but all three chose to remain in the US. Their father had provided the family with some money and several slaves, which kept them in some comfort at Savannah for many years.[21]

Although the majority of people of color likely entered Georgia as the servants or slaves of white St. Dominguans, life at Savannah brought changes in those relationships. Felicienne arrived from St. Marc as the slave of Monsieur De Colmesmil, but he manumitted her "for the good service" she provided him, also providing her with a

[19] Unfortunately, it is unknown whether Luke was able to obtain his freedom as no evidence of his case appears the court records of freedom suits. Deeds of P. Gizorne, Francis Tessier, and Isadore Stouf. January 27, 1818. Deed Books, 2H.

[20] Baptism of Elizabeth Jalineau, December 18, 1803; Baptism of Mary Elizabeth Jalineau, June 29, 1807; Baptism of Simon Francois Jalineau, June 29 1807. St. John the Baptist Catholic Church Savannah Parish Register, GDAH; Will of Francis Jalineau, August 24, 1824. Chatham County Wills, Book H, CCCH; Chatham County Deed Books, Deed of Simon Jalineau, August 24, 1824. Deed Books, 2N; Chatham County Register of Free People of Color, Vols. 1 and 4, CSRLMA; *1840 United States Federal Census,* Chatham County, Georgia.

[21] Rose Jalineau appeared in the Chatham County inferior court as late as 1854. John Jalineau appears on the 1856 Chatham County Tax Digest, but Adele last appears in 1844 on the country free black registers. Deed of Stephen H. Simmons, January 23, 1854. Deed Books, 3B; Deed of Francis Jalineau. February 14, 1818. Deed Books, 2H; Deed of William Henry Spencer, April 25, 1816. Book 2F; *Georgia Property Tax Digests, 1793-1893.* [database on-line at Ancestry.com]. Provo, UT, USA; Chatham County Register of Free People of Color, Volumes 2 and 4, CSRLMA; Will of Francis Jalineau, March 22, 1822. Chatham County Wills, Book H, 1817-1827.

female creole slave and the freedom of her child. According to passport and customs papers, three Dutreuilh family servants initially accompanied the family from St. Domingue, but only Claritte, a free woman of color, appears to have remained in the family's service by the time they arrived at Savannah in 1806. In 1817, Grand wrote to his sister, unsure whether Claritte remained in her employment. "I like to believe she is still living with you; tell me about her and her children who must have grown a lot by now." Claritte remained with the Dutreuilh family at least sixteen years after their departure from St. Domingue, but she did choose to leave the family during her later life, appearing in city records living independently from the Dutreuilhs and working as seamstress.[22]

However, even as French people of color became free from the control of former St. Dominguan employers, former slaves or free black servants continued to maintain economic relationships with them. Slave owners presented gifts of slaves to free people of color who had served faithfully or shared bonds of blood. Wills also indicate that within the French community, the exchange of slaves went beyond singular gifts as people of color maintained relationships with their former masters and other slaveholders. Mademoiselle Felicienne, a creole from St. Marc, experienced slavery, freedom, and mastery all under the guidance of her former master, Monsieur de Colmesnil. In 1805 Felicienne, then free, bought her slave woman, Fanny, for the price of $400 from her former master. Pierre Mirault hired the slave Raymond from his free black domestic, Thereze. When Mirault gave her all of his household furniture in his will, he clarified that the act settled a debt for "Raymond who belonged to her and has died in my

[22] Deed of De Colmesmil, May 28, 1805. Deed Books, 2A; Grand Dutreuilh Jr. to Marie Anne Félicité Grand Dutreuilh, June 24, 1817. Folder 4, Grand Dutreuilh Family Papers GDAH. Chatham County Register Free People of Color, Volume 2. CSRLMA.

service[.]" Francis Jalineau similarly settled his debt with Grace, a free woman of color, by giving her three slaves "in consideration of a sum of money which I borrowed from her and which she acquired by her own industry[.]"[23]

Like white refugees, free black refugees also preferred to buy and sell property with other members of the French community. In addition to transacting with former employers or white family members, familiarity between black and white refugees at St. Domingue likely also facilitated economic transactions between the two groups. Black French slaveholders also preferred to own slaves born in the French West Indies. At least some French refugees likely remained heavily reliant upon the French language to communicate with buyers, sellers, or their slaves, perhaps explaining, at least in part, their preference for transacting within the French community and for purchasing French slaves. Mademoiselle Thérése St. Hubert, a free woman of color, purchased the creole slave Fauchoir for 400 gourdes from a white St. Dominguan planter, Montalet. Joseph Meric sold Francillette, a slave woman born in Cap Francais, to free man of color Charles Reigner. Reigner completed the purchase using his guardian, Paul Dupon, who was also a white St. Dominguan. Meric also sold real property to two free black refugees, including the sale of a lot in Washington Ward to Manette Tardue and a house a few doors down to Betsey Baptiste.[24]

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[23] Deed of De Colmesmil. May 28, 1805. Deed Books, 2A; Will of Pierre Mirault, September 14, 1805. Chatham County Wills, Book E, 1791-1801. For examples of wills that convey slaves as gifts from former masters, see: Will of Francis Jalineau, March 22, 1822. Chatham County Wills, Book H, 1817-1827; Will of William Cruvellier, June 2, 1807. Chatham County Wills, Book E, 1791-1801.

[24] The ownership and trade of slave and real property among members of the free black community at Savannah is discussed in greater detail in Chapter 7. Deed of Montalet, June 11, 1807. Deed Books, 2A; Deed of Joseph Meric, May 25, 1814, Deed Books, 2F. Deed of Joseph Meric, March 21, 1818; Deed of Joseph Meric, July 2, 1817, Deed Books, 2H. For additional examples of slaves purchased by French people of color from white refugees, see: Deed of D. Lambertoz, September 28, 1807; Deed of Anthony Tardy, July 7, 1810. Ibid, 2C. Deed of Louis Rossignol, December 12, 1810, Ibid, 2D.

The economic and legal interactions outlined above illustrate that connections based on geography, employment, or personal interactions that were forged between white and free and enslaved people of color in St. Domingue and during the experience of immigration continued on once they settled in Savannah. Within the French refugee community, religious worship within the Catholic Church posed an additional point of association for white and black French refugees at Savannah that strengthened the insularity of the community. Shared participation in the administration of religious rites gave legitimacy to the life events of marriage, burial, and baptism for congregants. The participation of white congregants in black religious ceremonies within the congregation of St. John the Baptist Church perpetuated existing connections between black and white practitioners as free and enslaved blacks incorporated existing ties to current or former white employers, associates, or family members into events of great significance in their personal lives and for the congregation as a whole.

Section II: The Establishment of the Catholic Church in Georgia

The centrality of Catholicism in the lives of so many free and enslaved St. Dominguans led to the creation of new and strengthening of old congregations within the United States. In St. Domingue, Catholic congregations often served as conduits through which state or church authorities attempted to influence the relationship between masters and slaves under the guise of faith. Within the Lowcountry, where the influences of Catholicism had previously been absent, French arrivals freely adapted religious practices from the French colonies to fit the needs of their community within a non-Catholic slave

society, allowing black and white refugees a point of association insulated from local influences concerning religion and order for people of color.

The diversity of metropolitan law and the influence of the Catholic Church provide important sources of distinction for the growth of the slave societies of the Spanish, Portuguese, British, and French Atlantic colonies through the close of the eighteenth century. Colonies developed distinct characteristics, primarily driven by the diverse structural concerns of empire, including the nature of colonial production and its relation to the broader metropolitan economy, the purpose and design of settlements—whether for strategic military, religious, or other purposes—and the availability of slaves and settlers. The slave societies of Catholic colonies reflect that the church wielded sufficient institutional power to supersede metropolitan or economic concerns. While the shape of the slave societies found within the French colonies by the late 18th century differed greatly from those within the Spanish Caribbean, these societies fundamentally contrasted with the British system, as they supported liberal recognition of the slave's personality in law.[25] The Spanish and Portuguese colonies reflected the strongest integration of the Roman Catholic Church in the slave system. Law under the *Siete Partidas* fully embraced the personhood of the slave, permitting the rights of slaves to marry, worship, and even purchase one's own freedom via *cortacion*. Such laws represented a solution for the lack of manpower necessary to secure local slave

[25] Frank Tannenbaum, *Slave and Citizen,* (Boston: Beacon Press, 1992), 88-93; Stanley M. Elkins, *Slavery, a Problem in American Institutional and Intellectual Life* (University of Chicago Press, 1959); Herbert S. Klein, "Anglicanism, Catholicism, and the Negro Slave." *Comparative Studies in Society and History,* Vol. 8, No. 3 (Apr., 1966), 304-5. 295-327; E.V. Goveia, *The West Indian Slave Laws of the 18th Century.* (Caribbean Universities Press, 1970), 9-55; Gad Heuman, "The Social Structure of the Slave Socieities in the Caribbean," in *General History of the Caribbean.* Ed. Franklin W. Knight, *138-168;* Hillary McD. Beckles, "Social and Political Control in the Slave Society," in *UNESCO,* 194-122. Arnold A. Sio, "Marginality and Free Coloured Identity in Caribbean Slave Society," *Slavery & Abolition* 8, no. 2 (September 1987), 166-182; Jane Landers, *Black Society in Spanish Florida* (Urbana: University of Illinois Press, 1999), 8-22.

populations and provide military protection by integrating slaves into the social hierarchy rather than isolating the slave beyond any scheme of relative rights.[26]

Similarly, the French regime under the *Code Noir* integrated Catholic principles into the power dynamic between master and slave. Although the *Code* bore a strong resemblance to the function of British law in attempting to maintain public order while articulating clear metropolitan support for growing the slave economy, the laws simultaneously conceptualized the slave as person whose religious salvation remained important.[27] When the French arrived at Savannah, slave masters practiced Catholicism, free from the interventions of the *Code Noir* into their faith and its demands concerning that of their slaves, and they often demonstrated commitment to the religious life of black congregants that reflected characteristics of faith developed in the French colonies.

During the early years of French settlement at St. Domingue, the enthusiasm of planters towards baptism and conversion of slaves emanated from the strength of their faith during a markedly more pious era. The state and planter community both accepted

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[26] Laws that granted rights liberally to free people of color often developed apart from the interests of the planter class, like elsewhere in the Spanish Caribbean, due to the fact that the crown retained significant control over the legal and economic dimensions of slavery in the colonies under its control. The transition of Louisiana from French to Spanish rule exemplified these differences. Under French rule, manumission was restricted, particularly as the availability of slaves was limited in comparison with the French West Indian colonies. After the transfer of rule to the Spanish in 1762, economic and security concerns inevitably reproduced social structures seen elsewhere in the Spanish Atlantic as metropolitan authorities supported the growth of the free black population, viewing it as the key to both. Thomas Ingersoll estimates that through 1769, fewer than 200 blacks had been freed in Louisiana. By 1803, 1,330 blacks had been freed under Spanish rule. Different localities did tend to inform the degree to which free people of color would receive economic or political rights. Cuba, although maintaining legal separation of colour, granted free people of color equal legal privileges during the 19th century. As evidenced in the political conflicts leading to the island's upheaval, freedmen in St. Domingue received significant economic privileges but not the political rights that they came to feel they were entitled to. Despite the restrictions generally leveraged against the official sanctioning of mixed race relationships, urban environments and disproportionate gender ratios promoted frequent contact between races in intimate context. Thomas N. Ingersoll, "Free Blacks in a Slave Society: New Orleans, 1718-1812." *The William and Mary Quarterly*, vol. 48, No 2. April 1991, 180-189; Cecilia A. Green, "A Civil Inconvenience"? The Vexed Question of Slave Marriage in the British West Indies," *Law and History Review*, Vol. 25, No. 1 (Spring, 2007), 26-7, 43-5; Tannenbaum, *Slave and Citizen*, 88-90.

[27] E.V. Goveia, *The West Indian Slave Laws of the 18th Century*, 37-50.

the concept of baptism for slaves as a sufficiently necessary practice as to be required by the second article of the 1685 Code Noir. The version of the *Code Noir* in place during the first half of the 18th century on St. Domingue required masters to provide religious instruction to slaves and to baptize them in accordance with the code's overall recognition of the moral personality of the slave. The recognition of marriages, limitations over the selling of children, and the requirement of Catholic burial rights all further acted to push masters towards integrating religious rites and ethics into the practice of slaveholding.[28] Planters initially recognized that the participation of Africans also served to make the population more controllable, but, as Sue Peabody elegantly concludes, the equalizing of the slave and master's soul before God provided "an alternative line of authority that could undercut the absolute secular power of the master over his or her slave."[29]

Furthermore, the misalignment of the economic incentives of planters and the law of the colony ultimately led to political divisions over the place of the Catholic Church within St. Dominguan society. In 1733, Father Jean Baptiste Le Pers reflected on the dysfunction between law and practice when describing a slave's baptism, explaining that "we employ strong means to make him maintain his innocence, […] but their zealousness here and that of their Master often abandons them[;] the inhabitants of the ordinary imagine that it is against their interest that their Slaves are engaged in marriage, because the Law of the Prince, as well as that of the Church, forbids the sale of Husband without

[28] Suzanne Krebsbach, "Black Catholics in Antebellum Charleston," *The South Carolina Historical Magazine,* Vol. 108, No. 2 (Apr., 2007), 144; Caryn Cossé Bell, "French Religious Culture in Afro-Creole New Orleans, 1718-1877." *U.S. Catholic Historian*, Vol. 17, No. 2, French Connections (Spring, 1999), 6-9.
[29] Sue Peabody, "'A Dangerous Zeal': Catholic Missions to Slaves in the French Antilles, 1635-1800," *French Historical Studies,* Vol. 25, No. 1 (winter 2002), 68.

Wife, and Children under a certain age."[30] Historians have demonstrated that while the *Code Noir* demanded certain standards concerning humane treatment and religion, a lack of evidence of enforcement and the clergy's own interpretation of the attitudes of slave masters indicate that the code was not universally accepted.[31] As one astonished pro-slavery journalist concluded after the revolutionary commissioners attempted to reinstate the *Code Noir* in 1793, the code had "always been judged so absurd that its execution has never been attempted. It is completely contrary to the spirit of slavery that any authority should be interposed between the master and the slave."[32] The question remains as to what extent and capacity planters did use the code's guidelines.

After the large increase in slaves in St. Domingue in the mid-18th century, the clergy's ability to indoctrinate the slave population in the Catholic faith became more difficult, even with the continued support of the crown. By the 1780s, there were 10,000 slaves per missionary on the island.[33] As non-whites became more demographically significant during the early eighteenth century, the equalizing effects of Catholic identity posed a threat to safety on the island. This perception led to the development of a body of law intended to minimize the risks associated with black demographic significance by

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[30]George Breathett misquotes this passage as follows: "Once a slave is baptized, everything is done to protect him morally, but masters often do not co-operate, especially in marriage, which is not in the master's best interest." However, I have translated above based on the French: "Dès qu'un Esclave est baptisé, nous nous appliquons fort aux moyens de lui faire conserver son innocence, & le plus sûr de tous est de le marier; mais ici leur zélé, & celui de leur Maître les abandonnent sou- vent , les Habitans pour l'ordinaire se figurent qu'il est contre leur intérêt que leurs Eíclaves soient engagés dans le mariage, parce que la Loi du Prince, aussi bien que n celle de l'Eglise, leur défend de vendre le Mari sans la Femme, & les Enfans au-des- sous d'un certain âge." (L'Honoré, January 1733), 371; George Breathett, "Religious Protectionism and the Slave in Haiti," *Catholic Historical Review*, 55 (April 1969-January 1970), 32-3.
[31] George Breathett, "Catholicism and the Code Noir in Haiti," *The Journal of Negro History*, Vol. 73, No. 1/4 (Winter - Autumn, 1988), 5-9; Jeremy D. Popkin, *You are all Free: The Haitian Revolution and the Abolition of* Slavery,141-3.
[32] Claude-Corentin Tanguay-Laboissiere to General Galbaud, May 17, 1793, quoted in Popkin, Jeremy D. *You are all Free,* 142.
[33] Sue Peabody, "'A Nation Born to Slavery': Missionaries and Racial Discourse in Seventeenth-Century French Antilles," *Journal of Social History*, Vol. 38, No. 1 (Autumn, 2004), 120-2.

instituting stronger mechanisms of control on the basis of race.[34] The resistance of masters towards the Church-driven program of Catholic indoctrination was most evident in the slaveholders' successful efforts to remove the Jesuits from St. Domingue in 1763.[35] While religion may have been legally required for St. Domingue's population in the decades before the revolution, Catholicism as practiced no longer allowed an intermediary in the dynamic between slaves and masters.

The island's planters believed that Catholic worship permitted people of color to form an independent community as they performed separate masses and were allowed to hold some minor church offices. Planters further believed that Jesuit controls in place over the performance of religious rights departed from the existing power structures that governed the slave population. Planters criticized Jesuits for marrying free people of color without receiving the consent of local parish priests, and also claimed that priests intentionally refused particular whites the right to serve as godparents for their mulatto slaves. Peabody concludes that "[t]he missionaries' spiritual successes had permitted slaves to organize politically, thus creating a nightmare for those responsible for maintaining public order and the racial and class hierarchy on which plantation society depended."[36] As black refugees established themselves in congregations along the eastern seaboard of the United States, indications of similar beginnings of political

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[34] Ibid, 113-126.

[35] On St. Domingue, much tension existed between slaveholders and Jesuit priests whom slaves and the growing population of free blacks viewed as allies and protectors. Planters were able to influence their expulsion by accusing the Jesuits of economic mismanagement, insubordination of the crown, and destabilizing the slave population. At the hearing following the indictment of the Jesuits at the Council of Cap Francais, the attorney general argued that the Jesuit cure performed his function in serving the free and enslaved community in a way "which seem to inspire and announce to these same Negroes that they form a body of faithful distinct and separate from the others." Quoted in: Sue Peabody, "'A Dangerous Zeal': Catholic Missions to Slaves in the French Antilles," 82; George Breathett, "Religious Protectionism and the Slave in Haiti," 37-8.

[36] Sue Peabody, "'A Dangerous Zeal': Catholic Missions to Slaves in the French Antilles," 83.

independence amongst black practitioners and clergy were remarkably absent, no more so than at Savannah.

The influence of the Catholic Church over religious life in the Lowcountry remained undeveloped until the French Revolution forced practitioners to Georgia and South Carolina in significant numbers. Consequently, the relationships between black and white refugees within the newly established church were influenced by four qualities unique to the environment at Savannah. Firstly, the strong role of whites in the religious lives of free people of color during the twenty years following the founding of St. Johns reflected the congregation's reliance on lay leadership in the absence of consistency in institutional and clerical leadership. Secondly, the separation of religion from a body of law concerning blacks that linked religious and state imperatives allowed planters and other whites to exercise more autonomous control over slave congregants and allowed for greater inconsistency of Catholic practice within the French community in the US. Existing Protestant religious traditions at Savannah that brought people of color and whites into contact, even within biracial congregations, limited those interactions by comparison to Catholicism. Equal access to central religious rites like baptism or burial and uniformity in their performance by black and white Catholic congregants fostered fewer boundaries. Finally, the circumstances surrounding the displacement of refugees forged or made closer personal relationships between many black and white St. Dominguans who then settled in Savannah, where the small and insular community sustained that process.

In South Carolina and Georgia, hostility towards the Catholic religion dissipated only after the American Revolution. Through the close of the eighteenth century,

Maryland and Louisiana had the largest Catholic populations in North America, which included numbers of enslaved and free people of color. By 1785, Maryland had a thriving Catholic slave population of three thousand, but remained an isolated example of Catholic slaveholding within the former British colonies.[37] At the time of the Louisiana Purchase, 30,000 of the nation's 80,000 Catholics lived in the new French territory.[38] People of African decent had practiced Catholicism as slaves and free people in the Spanish Colonies and French colonies of North America since the 16th century, but the significant French immigration that occurred between 1793 and 1809 propelled the growth of bi-racial urban Catholic communities along the eastern seaboard. At Charleston, French arrivals chartered St. Mary's, the Lowcountry's first Catholic church, in 1791.[39]

Within Georgia, Catholic toleration unfolded slowly over the second half of the eighteenth century. Acceptance of Catholics increased after Georgia was re-chartered as a royal colony in 1752, but only after the passage of the 1777 Constitution were they finally granted freedom to worship. Prior to the arrival of the St. Dominguan refugees, the most significant Catholic population to settle in Georgia came from Maryland around 1790, but no priests were present until Father Oliver Le Mercier arrived with a group of refugee settlers in 1796. Within five years of his appearance, Savannah became the capital of Catholic ministry in Georgia, where a congregation of 100 worshipped. The stresses of increasing numbers of immigrants were reflected in the church's request for

[37] Cyprian Davis, "Black Catholics in Nineteenth Century America," *U.S. Catholic Historian,* Vol. 5, No. 1, The Black Catholic Experience (1986), 1-2; Babb, "French Refugees from Saint Domingue," 252.
[38] Ibid, 251-2.
[39] Thomas Paul Thigpen, "Aristocracy of the heart: Catholic lay leadership in Savannah, 1820-1870." (PhD Diss., Emory University, 1995), 31-43; Peter Guilday, *The Life and Times of John England.* (New York: Arno Press, 1969), 157-9; Krebsbach, "Black Catholics in Antebellum Charleston," 144.

aid from the City Council. Petitioners explained that from the "continued emigration from Europe and the West Indies, settling on these hospitable shores to avoid death or persecution, [our] congregation has grown numerous and respectable[,]" but the poverty of immigrants meant that new Catholic practitioners "are mostly unable to give that assistance which other churches receive from their congregations[.]" After receiving a grant from City Council for land on Liberty Square, members of the congregation constructed a small church under the direction of Francis Roma, a carpenter who arrived from St. Domingue two years after Le Mercier, and dedicated the structure to St. John the Baptist in 1801. Not until 1839 would a more permanent cathedral take its place.[40]

Fortune scattered fleeing St. Dominguan clergy like Father Le Mercier among groups of newly arrived Catholics and existing congregations that remained underserved by the limited pool of clerics residing in the US. In 1789, only thirty-five priests fell under the control of the first Bishop of the United States, John Carroll of Baltimore. Winston Babb has identified at least six St. Dominguan priests who attended the worshipers in Maryland alone, but new priests appeared haphazardly elsewhere. For instance, no priest resided at Norfolk during the 1790s when hundreds of French Catholics arrived there.[41] French priests exclusively led the Savannah congregation until Bishop John England appointed Robert Browne as pastor in 1820, with the single exception of a temporary Irish replacement for Le Mercier briefly during 1802. In December 1803, St. John's was blessed by the arrival of a second refugee priest when Reverend Anthony Carles arrived in Savannah where his sister, Luce Cottineau, and her

[40] Thigpen, "Aristocracy of the heart," 31-43, 296; Will of Francis Roma, April 7, 1819. Chatham County Wills, Book H, 1817-1827.
[41] Babb, "French Refugees from Saint Domingue," 251-257.

husband lived. Carles had served as a parish priest in St. Domingue and, along with the Cottineaus, fled from both revolutions in France and later St. Domingue.[42]

During Carles' sixteen-year tenure in Savannah, the extent of the French influence over the church is further evidenced by the political unity of the congregation and absence of outside influence. In New York, Philadelphia, Norfolk and Charleston, increased immigration, particularly by the Irish, resulted in increasing ethnic divides and subsequent political division within Catholic communities by 1820, but the absence of similar migrant groups within Savannah allowed for the continued domination of the French in clerical and lay leadership positions. As the number of Catholics grew in Charleston, the separation of worshipers into congregations reflected the ethnic divisions of congregants. St. Mary's continued as a predominantly French congregation until the founding of the city's first cathedral in 1822.[43] At Charleston, members expressed increasing anti-French sentiment and attempted to reject the standing French priest, Reverend Picot de Cloviére. Visible dissention among church leaders was visible in the selection and re-appointment of French clergy in 1815 and 1816.

Savannah acquired its third French priest when Reverend Cloviére requested to be transferred there in 1816. Upon his arrival, he confirmed to Archbishop Leonard Neale that the trouble at Charleston remained absent at Savannah. While Cloviére did find a handful of enemies within the congregation, on the whole he concluded, "I could not expect to find better dispositions in Savannah nor Augusta[.]"[44] The smaller community at Savannah eventually lost its French character over subsequent generations but

[42] Thigpen, "Aristocracy of the heart," 39; Babb, "French Refugees from Saint Domingue," 259.
[43] Suzanne Krebsbach, "Black Catholics in Antebellum Charleston," 144.
[44] Quoted in: Guilday, *The Life and Times of John England*, 157-160, 172.

remained undivided. By 1850, just 23 percent of the leading Catholic families of St. John the Baptist had one member who was either first or second generation French.[45]

The swift development of Catholicism in the lower south resulted in the establishment of a diocese based in Charleston in 1820 that would oversee parishes within Georgia, South Carolina, and North Carolina. John England arrived in the Lowcountry shortly after being appointed the first bishop. He estimated that the diocese membership constituted 150 in Georgia, 200 in South Carolina and a mere twenty-five in North Carolina. Congregations at Augusta, Locust Point, and St. Mary's joined that at Savannah, but the latter remained the site of the state's largest Catholic population. By England's death in 1842, his diocese had grown to encompass 7,000 members across fourteen churches.[46]

Although the Catholic membership at Savannah remained small compared to other denominations through the early antebellum period, observers remarked on the passion of the white and black membership towards their religion. When Bishop England visited the city in 1823, one non-Catholic resident reflected that "[a]ll the people have been running mad after a Catholic Bishop England." Dismissive of the religious power of Bishop's sermon, she concluded that while the sermon "was not calculated to do any good but I never saw a church so crowded before."[47] Although Protestant denominations had dominated religious life in Savannah and continued to do so after the arrival of the

[45] Fifteen of the leading Catholic families—nearly 14 percent—were exclusively first or second generation French. Thigpen, "Aristocracy of the heart," 217.
[46] Babb estimates that the Savannah congregation consisted of 500 in 1821, but the secondary work cited makes no mention of any estimation of the congregation size. Babb, "French Refugees from Saint Domingue," 260. Confirmed in: Thomas O'Gorman, *A History of the Roman Catholic Church in the United States.* (The Christian Literature Co., 1895), 307. Raymond H. Schmandt, "An Overview of Institutional Establishments in the Antebellum Southern Church," in C*atholics in the Old South: Essays on Church and Culture*. Eds. Randall M. Miller and Jon L. Wakelyn. (Macon, Georgia: Mercer University Press, 1983), 60-3; Babb, "French Refugees from Saint Domingue," 251, 259.
[47]Blank to Mrs. Sarah Cutler, March 6, 1823. Bulloch Family Papers 1784-1865, SHC.

French settlers, the French retained a strong attachment to Catholicism, placing the church at the center of their community. When church authorities sent Abbe Carles to Augusta in 1805, leaving Savannah without any priest, Pierre Reigne, a refugee parishioner at Savannah, described the situation as "deplorable" in light of the religious needs of the sizeable congregation that had emerged. Writing to Bishop John Carroll, Reigne testified that the French refugees, who accounted for "more than a quarter of this city […] are all Catholics. In their misfortune, their consolation is a good pasteur who will be a sweet balm[,] beneficial to their suffering and to their affliction of so many kinds." Displaced French congregants like Reigne—whom l'abeé Carles described as "sincerely attached to the religion of his Ancestors"—expected the church and its personnel to provide them with both spiritual relief and the ability to conduct formal ceremonial rites. In Reigne's case, his marriage to a local St. Dominguan woman could not proceed without the return of Abbe Carles.[48] Carles himself warned Caroll that "a few years more without pastors, and the RC of this town and the neighbourhood will lose gentlemen[.]"[49]

Carles did return, but in the absence of sufficient clergy to minister to the needs of congregants, lay leaders assumed an important role in the religious lives of the congregants. In many senses, the structuring of the hierarchy of the community of practitioners within the Catholic Church facilitated the forging of personal connections that often fell outside of formal religious practices. As Thomas Paul Thigpen concludes, "the wealthier lay leaders gave advice, moral encouragement and financial assistance to many of the parish's newcomers" in addition to providing support during religious

[48]Pierre Reigne to R.R. Doctor Caroll, August 20, 1805. French Catholics File, the Catholic Diocese of Savannah Office of Archives.
[49] Anthony Carles to R.R. Doctor Caroll, August 20, 1805. Ibid.

services.[50] As a racially integrated congregation, the leadership expectations at St. Johns fell upon both white and black church members.

Godparent relationships strongly echoed these connections as members of the white community took responsibility for the children of slaves and free people of color when they received baptism. The rite of baptism holds special value in Catholicism both in its connection to institutional doctrine, biblical text, and religious life within the church. Baptism is charted within Old and New Testaments scriptures as a central religious practice and is the only ritual noted in the Nicene creed, which defines the underpinnings of Christian faith for most Western Christian practitioners.[51] For Catholics, the baptism of infants is viewed as a process that creates a bond between the family and the community as parents and godparents commit to raising the child in the Catholic faith. The sponsorship of enslaved infants by free individuals is traceable to the period of St. Augustine (354-430 AD) when slave owners stood as the sponsors for the children of their slaves.[52] However, in Catholic communities where slavery was practiced in North America, the role of slave owners as godparents varied locally.

The baptisms of black infants at Savannah reveal multiple patterns of association, although they did not always operate strictly along lines of direct personal connections. Slave owners sometimes served as godparents for their own slaves, but they also occasionally served as godparents for the slaves owned by friends or family. In other instances, serving as the godparent of a black individual did not reflect one's position as a leader within either the congregation or slaveholding community, but represented a

[50] Thigpen, "Aristocracy of the Heart," 40-42.
[51] Gary W. McDonogh, *Black and Catholic in Savannah, Georgia*. (Knoxville: University of Tennessee Press, 1993), 261-2.
[52] Sidney W. Mintz and Eric R. Wolf, "An Analysis of Ritual Co-Parenthood (Compadrazgo)," *Southwestern Journal of Anthropology,* Vol. 6, No. 4 (Winter, 1950), 343.

voluntary action motivated by a relationship between the black and white congregants outside of slavery, for instance, when white family members stood as godparents for colored relations. The cumulative record of baptisms for free and enslaved people of color indicates that the associations of black and white congregants within the Catholic Church were defined through multiple patterns of paternalistic power relations operating within the church community.

In comparison to the integrated Protestant congregations, the religious practices and records of St. Johns demonstrate that Catholic leaders did approach the place of people of color differently. While perhaps more commonplace elsewhere in the South, as was the case at Charleston, biracial congregations remained rare at Savannah.[53] During the early 19th century, the Catholic, Presbyterian, and Baptist churches represented the only religious institutions permitting blacks and whites to practice their faith together at Savannah. By 1830, only Catholics and Presbyterians continued to support bi-racial congregations. Although services remained segregated in both congregations, St. Johns maintained one fluid set of parish records for black and white members, thoroughly documenting rites of marriage, baptism, and burial as well as the participation of church members. By contrast, although the Independent Presbyterian congregation contained more than seventy-five African-Americans, the church still maintained a separate list of "Coloured Members" which listed only baptismal dates. The sparseness of the documentation further reflects that fact that within the Presbyterian Church, the religious

[53] Although Christ Episcopal Church did have black communicants, they accounted for no more than a handful. Founded in 1788, the independent black Baptist church of Savannah, later known as the First African Baptist Church, garnered a significant following in Savannah, leading to two further independent black Baptist churches. The success of these congregations can be traced to the leadership of several free black preachers, including Andrew Bryan, Henry Cunningham, and Andrew Marshall. Whittington B. Johnson, *Black Savannah,* 10-23.

rites themselves required a smaller degree of community participation and formal pomp than experienced by Catholic parishioners.[54] The religious rites practiced within the Catholic Church were essential to congregational identity as they promoted a cohesive culture that bound congregants together and reinforced the exclusivity of the congregational community.

Church officials and visitors alike commented on the passionate participation of people of color in both religious practices and church community life. Bishop England observed that language, whether African dialect or French, created difficulty in the performance of catechism amongst blacks, but praised the piousness of Savannah's blacks and their "charity in assisting each other in time of sickness or distress, not only with temporal aid [...] but by spiritual reading, prayer, and consolation[.]"[55] When Reverend Picot de Cloviére commented on his new congregation after arriving in Savannah in 1816, he found Anthony Carles to be a man of "good behavior, but rather sickly, cold and tepid. His chapel is in a most languishing state[.]" In contrast to the cold clergyman, Cloviére found that "15 or 20 people of color are the edifying part of it."[56] White congregants also felt confident in their fellow African American congregants; when Bishop England confirmed congregants at Savannah in 1835, a member of St. Johns commented that "the orderly and regular conduct of the Roman catholic persons of color" and their attention to religious duties left them to "enjoy the confidence of the

[54] Ibid, 16-17; List of "Coloured Members," Independent Presbyterian Church Session Minutes 1828-51, Books 1 and 2, (microfilm) GDAH.
[55] Thigpen, "Aristocracy of the heart," 223, 571.
[56] Reverend Picot de Cloviére to Archbishop Neale, February 11, 1816. Quoted in: Guilday, *The Life and Times of John England*, 172.

white population in fullest extent;" he concluded, "I may safely venture to add, that they deserve it."[57]

By 1810, Savannah, Philadelphia, Baltimore, and New Orleans, exhibited the highest rates of black Catholicism in the US.[58] While the actual membership size of the congregation of St. John the Baptist are unknown, records of religious rites indicate that blacks comprised a sizable portion of the congregation, even during the early years of the church. Baptisms provide the most direct evidence of the active participation of black Catholics and demonstrate clear connections between black and white parishioners. Between 1796 and 1816, the majority of the five-hundred sixty-seven infants baptized in Savannah were either slave (33 percent) or free children of color (25 percent). White baptisms accounted for 42 percent of the total, and six free Indian baptisms accounted for the remaining 1 percent. Marriage and burial ceremonies among free and enslaved people of color occurred less frequently. Of the total number of ceremonies apart from baptisms performed in the church, people of color accounted for only 19.4 percent of marriages and 6 percent of burials.[59] However, burials and marriages for free people of color featured congregants of all races who served as witnesses, resembling a similar cross-racial participation found within the larger body of baptismal records.[60]

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[57] Quoted in: Thigpen, "Aristocracy of the heart," 573.

[58] Unfortunately, records for Charleston are not available during this earlier period, but it is likely that the congregation exhibited similar strength in black participation. In the 1790s, St. Dominguan refugees doubled the population of Baltimore's Catholic church. Ashley White, *Encountering Revolution,* 29.

[59] Whereas seventy-five marriages and ninety-eight burials for white congregants took place between 1796 and 1816, record books reflect the marriages of two slaves, sixteen free people of color, and three Indians, in addition to the burial of two slaves and four free people of color. All records of Catholic rites discussed in this section are found in: St. John the Baptist Catholic Church Savannah Parish Register 1796-1816. (Microfilm) Drawer 32, reel 56, GDAH.

[60] For instance consider the following examples in the variation of the race of witnesses. The marriage between mulatto Paul Guillaume Mirault and Renette Michelle, an Indian, featured four St. Dominguans, two whites and two free mulattoes, as witnesses. By contrast, when free mulattoes John Baptist Charette and Mary Joanna Sovvet wed, all three witnesses were free mulatto men. Marriage of Paul Guillaume

In communities where large French populations produced a flood of new white and black membership, the dominant West Indian community often defined the resulting relationships between black and white practitioners as local urban Catholic cultures remained undefined or entirely absent, as at Savannah. The records of St. John's at Savannah reflect that white St. Dominguans remained strongly represented as the godparents of both free and enslaved people of color through 1817. Whites served as 38 percent of godparents to enslaved or free black children at Savannah.[61] Establishing the race of parishioners who served as godparents presents some evidentiary difficulties as the church registers often did not designate members as free blacks, but statistical analysis of the registers performed with mindfulness towards these difficulties still reveals much about how the connections between white and black refugees developed during the establishment and growth of Catholic religious life at Savannah and how these cross-racial associations differed for slaves and free people of color.[62]

Although Catholicism did strike Southerners as distinctly equalizing, within the church, hierarchy remained fixed and directly indicative of a paternalistic ordering that

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Mirault and Renette Michelle, June 4, 1807; Marriage of John Baptist Charette and Mary Joanna Sovvet, July 14, 1803. St. John the Baptist Parish Register.

[61] Limitations over access to the second set of Parish records of St. John the Baptist related to privacy rights prevent a similar statistical analysis of the race of parishioners and godparents for the period after 1816. Although the earlier register is microfilmed, the parish register for 1816-1838 is restricted to original copies held in the Catholic Diocese of Savannah Office of Archives. Two hundred thirty-nine whites served as godfathers and godmothers between 1796 and 1817. Totaled from: St. John the Baptist Parish Register, GDAH.

[62] The identities of most black, mulatto, or Indian members have been established through their appearance in multiple record sets outside of the church that indicate their identity. In other cases, racial identity could be established by the fact that only a first or first and middle name was listed in the parish registers as this was common only in the records of rites accorded to people of color. In rare cases where the registers did not assert a race for a member and no other signals indicate the participation of people of color, it is presumed the member was white. Similarly, among the baptisms of free black infants, the church only specified a colored godparent as being a slave in one instance. It is likely that others may have been assumed, incorrectly, to be free. Parish records very rarely identified black and white members specifically as French, with a small number of exceptions. For instance, when Cecilia, the child of Marie Francois was baptized, Father Carles noted the child as being "Free mulatto girl, mother French, full name Marie Francois Therese[.]" However, most members of the church were French. Baptism of Cecelia, January 23, 1817. St. John the Baptist Parish Register.

fully supported the place of slaves on that scale. As in St. Domingue, church authorities within the US faced their own challenges concerning how the political and theological position of the Catholic Church resituated black worshippers relative to the established social order under slavery in the South. However, these confrontations occurred in response to changes in global political tides concerning slavery that materialized decades after the Catholic Church became a thriving presence in slave states. When Pope Gregory XVI condemned the slave trade in 1839 for its "contempt of the rights of justice and humanity," Bishop England assured several of the nation's leading political personalities, including Martin Van Buren and Georgia's former Governor, John Forsyth, that the doctrines of Catholicism supported the institution of slavery in full. For Bishop England, "that Catholic theology should ever be tinctured with the fanaticism of abolition" was no danger. "Catholics may and do differ in regard to slavery[,]" he argued, "but our theology is fixed."[63]

Catholicism's support of slavery's place in the universe of human relationships paralleled the vision of southern elites. "Slavery was one of many hierarchical social relationships," Andrew Stern has concluded, "as natural—indeed, as divinely ordained—as a parent's authority over a child and, in many respects, preferable to a capitalistic system in which owners exploited workers without a sense of responsibility for them."[64] Relationships like those of godparents and ceremonial witnesses could also exercise the enforcement of the hierarchy within the church, but in other instances, these associations less definitively followed those ordained lines.

[63] Andrew Stern, "Southern Harmony: Catholic-Protestant Relations in the Antebellum South," *Religion and American Culture: A Journal of Interpretation*, Vol. 17, No. 2 (Summer 2007), 173.
[64] Ibid, 175-6.

Section III: Worship and Service from above and below the Balcony

The centrality of Savannah as a capital of Georgia's growing Catholic membership introduced distinctly urban patterns of sponsorship for both enslaved and free people of color. Although religious ceremonies and services generally remained relegated to plantations or missions in the French Antilles, the limited resources of the church in the US altered that dynamic, leaving masters, slaves, and free blacks residing in the surrounding area tethered to the small house of worship on Liberty Square. Slave and free people residing on the sea island plantations travelled to the city to partake in religious rites, particularly after the establishment of a physical church in 1801. Between 1796 and 1817, eighty-five percent of the 472 baptisms where the ceremony's location was identified specified Savannah as the site of baptism. However, slave baptisms took place in the city at a lower rate (70 percent).[65] A few scattered entries reflect that Le Mercier and Abbe Carles did make visits to the slaves at Sapelo, Jekyll, St. Marys, and other plantations surrounding Augusta, particularly before the establishment of the physical church, but only one entry reflects a sizable baptism, when "about forty seven negroes, men, women and children belonging to the planters" of Sapelo Island were baptized by Father Le Mercier.[66] The low rates of visitation to the Sea Islands by clergy and the comparatively irregularity of the participation by plantation slaves within the church indicates French masters did not enforce religious participation. As of 1798 at least 199 French slaves resided within the boundaries of the city, not including those settled on surrounding plantations—a group Governor Jackson estimated was equal in

[65] Locations could be identified in 472 of 562 total baptisms. 400, or 85 percent, of the 472 ceremonies identifying the ceremonial site occurred in the city, as opposed to 104 of 149 of ceremonies for just enslaved infants. St. John the Baptist Parish Register 1796-1817, GDAH.
[66] Baptism conducted on Sapelo Island, July 26, 1801. Ibid.

size to the group in Savannah—yet an average of only 9 slave infants received baptism per year.[67] Furthermore, the slaves who did receive baptism more often had masters who resided in the city, and the white or free people of color who served as godparents to slave children also tended to be urban residents, making it most likely that most slave congregants were, in fact, city residents themselves.

Individuals from all classes represented at St. Johns served as godparents for enslaved congregants, reflecting that slaves may have had at least some autonomy in their selections. Slaves were the largest group represented as godparents for enslaved children and accounted for 44 percent (159) of the 359 godparents listed in 183 baptismal records for slave children. However, in 52 percent of all ceremonies at least one of the two sponsors was a slave. Outside Savannah, slaves more frequently sponsored infants. Of the 149 ceremonies where location could be determined, enslaved godparents appeared in 60 percent of 44 baptisms, compared to 36 percent of the 105 baptisms within the city. Of the remaining 201 godparents who sponsored the baptisms of enslaved infants but were not enslaved themselves, whites and free people of color each accounted for 30 and 25 percent of the total.[68]

***Table 4.1*: Race of Sponsors of Slave Baptisms at St. John the Baptist[69]**

	Slave	White	Free Person of Color	Indian
Godfather	77	59	43	0
Godmother	82	50	48	1
Total Godparents	**159**	**109**	**91**	**1**
% Total Godparents	**44.2%**	**30.3%**	**25.3%**	**0.3%**

[67] "Census of people of color above the age of fifteen in the City of Savannah," May 28, 1798. RG 4-2-46, File II Subjects--Negroes, GDAH; James Jackson to John Glen, Esq., June 20, 1798, State of Georgia Executive Minutes, GDAH.
[68] St. John the Baptist Parish Register, GDAH.
[69] Of the baptismal deeds in the register, 183 of 185 baptisms for slaves listed at least one godparent. Ibid.

Slave owners were well represented among whites sponsors of slave infants, appearing in half of the 66 baptisms where at least one white served as a godparent and the owner of the slave could be identified. However, masters or their immediate family members did not generally sponsor the children of their own slaves as they appeared in only 6 percent of all baptisms for enslaved children.

The relatively infrequent appearance of owners as white sponsors to their own slaves indicates the unpredictability and highly personal nature of sponsorship. Some owners chose to sponsor many of their own slaves while others chose to sponsor none. Black and white members of Thomas Dechenaux's family actively took part in baptism of the family's slaves as Dechenaux and his daughter served as godparents in two of the baptisms, and another Dechenaux slave served as godmother in the third.[70] Of the remaining 68 whites sponsoring slave infants outside of the owner's family, some of these individuals can be identified within the owner's extended family.[71] For instance, Mary Gaultier and Gabriel Yvonnet, were married, but various members of each family took turns serving as godparents for the slaves of their in-laws.[72] As reciprocal arrangements, these instances of extended family sponsorship likely carried the same expectations as direct sponsorship by a master. Whether slaveholders or their family members appeared as sponsors of enslaved infants at the request of the parents of these children or whether the parents were permitted to even consent to such arrangements is

[70] Baptism of Peter, April 20, 1806; Baptism of child of Mirza, March 27, 1803; Baptism of John Joseph Thomas, January 4, 1801. St. John the Baptist Parish Register.
[71] The forty sponsors who were either masters or family members include two free women of color who served as godmothers to two of their own slaves. The exact number of extended family sponsors cannot be determined given the wide variation of names and the unavailability of vital records for such a significant number of immigrants.
[72] Baptism of Mary Anne, July 28, 1797; Baptism of Francis Adelaide July 28, 1797. St. John the Baptist Parish Register.

unclear. Consequently, it is impossible to assess whether the infrequent sponsorship of enslaved children by their owners indicates any specific conclusion about the independence allowed to slaves in the context of the religious practices within St. Johns.

The racial diversity featured in the Catholic communities in the new world meant that whites, Indians and people of color often shared rituals together, particularly as the limited availability of clergy and scattering of congregations made the commingling of white and black parishioners into a single flock a matter of practicality. However, without strict canonical guidelines, congregations formed within slave societies—even where Catholicism dominated law and culture—did not reflect uniformity in the exercise of white control over black religious life within the church. Within the US, congregations in Louisiana and Philadelphia demonstrate that the role played by white slaveholders in the religious lives of slaves shifted over the course of the 18th century as the character of local congregations shifted, impacting racial dynamics. By the 1790s, the interactions of whites and people of color within the Catholics church in Louisiana contrasted with the French dominated community at Savannah, where whites played a significant role in rituals for black members. Whites uniformly served as godparents for slaves in New Orleans until 1730, but by 1763, nearly all of the 139 recorded slave baptisms involved one slave or free black godparent.[73] By contrast, 42 of the 185 slave baptisms (23 percent) at Savannah involved no people of color as either godparent.[74] The increasing independence of black membership in Louisiana was also paralleled in the formal record keeping of the church after 1795 when some parish priests began registers

[73] Mary V. Miceli, "The Influence of the Roman Catholic Church on Slavery in Colonial Louisiana, 1718-1763," (Ph.D. diss., Tulane University, 1979), 73-93; Caryn Cossé Bell, "French Religious Culture in Afro-Creole New Orleans," 6-9.

[74] Of 185 deeds, thirty-nine involved two white godparents, two involved a single white godparent, and one presented a lone Indian godmother. Totaled from: St. John the Baptist Parish Register.

documenting religious rites separated by race.[75] By contrast, priests at St. John's at Savannah, maintained a single book for congregants of all races from the congregation's founding forward.

Even within French dominated congregations, relations between black and white sections at Savannah appear to have been somewhat anomalous. Unfortunately, the absence of parish records for Charleston before 1845 prevent the formulation of earlier comparisons for the St. Dominguan membership. However, within these later records, Suzanne Krebsbach has demonstrated that although religious support similarly extended from white Catholic families to black members in the Charleston congregation, it occurred on a selective basis. Krebsbach concludes that slaveholders "had a more hands-off religious relationship with their human property[,]" but many did sponsor their slaves as part of the process of encouraging their adoption of Catholicism.[76] The sacramental registers of St. Joseph's in Philadelphia more clearly demonstrate a similar trend to those found in New Orleans, reflecting that black members increasingly opted not to choose whites as godparents. Although whites had exclusively sponsored black baptism before the arrival of St. Dominguan people of color and continued to do so after their initial arrival, John Davies finds that between 1793 and 1810, black émigrés constituted the majority of godparents for the 118 black St. Dominguans baptized. The elevated participation of black sponsors may reflect the demographic pressures of the St. Dominguan migration, which increased the city's black population by nearly one-fourth,

[75] The colony at Isle Brevelle within the parish of Natchitoches in Louisiana has been well documented as a uniquely developed Catholic intermixed society and boasts the earliest Catholic community church built by nonwhites in America. It was constructed in 1829. Gary B. Mills, "Piety and Prejudice: A Colored Catholic Community in the Antebellum South," in C*atholics in the Old South*, 175-180. For an in-depth treatment of the colony, see: Gary B. Mills, *The Forgotten People: Cane River's Creoles of Color* (Baton Rouge: Louisiana State University Press, 1977).
[76] Suzanne Krebsbach, "Black Catholics in Antebellum Charleston," 144-155, FN 22.

but Davies also speculates that the transition in Philadelphia also pertained to the increased economic independence of the black community following the release of many former slaves from their indentures in the period after 1800.[77]

By contrast, the demographic underrepresentation of free people of color at Savannah and their relative economic suppression worked to repress the independence of St. John's black membership. Free people of color did of course appear as godparents for slaves at Savannah as intermarriage and the nature of the transitional status of slavery linked the two groups, but the association of so many members from the two classes—particularly in the many instances where there is no perceivable familial relation between the congregants participating in the baptismal ceremonies—also indicates an intermingling of the black community of a distinctly urban character. Slaves baptized within the city limits were far more likely to have one free black godparent than outside of Savannah. Free blacks appeared as sponsors in thirty-three percent of the 103 slave baptisms occurring within the city as compared to twelve percent of the 43 slave infants baptized on the Sea Islands, at Augusta, or St. Marys.[78] Subsequent generations of black Catholics would increasingly assert their religious autonomy within the church at Savannah as the insularity of French influence within the Catholic church became increasingly diluted with passing generations, but the strength of white participation in the ceremonies for free and enslaved congregants through 1816 highlights the limited reach of Catholic influence within the Lowcountry outside of the refugee community.

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[77] Susan Branson and Leslie Patrick, "Etrangers dans un Pays Etrange: Saint Domingan Refugees of Color in Philadelphia," in *The Impact of the Haitian Revolution in the Atlantic World*, Ed. David Geggus, 195, 203-4; John Davies, "Saint-Dominguan Refugees of African Descent and the Forging of Ethnic Identity in Early National Philadelphia," *The Pennsylvania Magazine of History and Biography*, Vol. 134, No. 2 (April 2010), 116.

[78] Only 151 deeds listed a location, of these, 146 specified at least one godparent. St. John the Baptist Parish Register, GDAH.

Connections forged at St. Domingue continued to define associations within the congregation rather than those that might develop locally with a broader group of friends and neighbors.

Although 35 percent of all enslaved infants had at least one free person of color as a godparent, for their own children, free people of color opted more often to select white rather than free colored godparents. Of the 140 free black baptisms, 86 (61 percent) of the ceremonies involved a white member. White sponsors more actively participated in free black baptisms than those of slaves, where they only appeared in 38 percent of the slave ceremonies.

***Table 4.2*: Racial Distribution of Baptismal Sponsors for Slaves and Free People of Color at St. John the Baptist[79]**

	Free Person of Color		Slave	
Race of Godparents	Deeds	Percentage of Total Deeds	Deeds	Percentage of Total Deeds
1< White	86	61.43%	69	37.70%
Both White	47	33.57%	44	24.04%
1< FPC	81	57.86%	64	34.97%
Both FPC	43	30.71%	28	15.30%
1< Slave	1	0.71%	96	52.46%
Both Slave	0	0.00%	63	34.43%
1< Indian	4	2.86%	1	0.55%
Both Indian	0	0.00%	0	0.00%
	Total Deeds: 140		Total Deeds: 183	

Free people of color appeared in 81 (58 percent) of free black baptisms, and of the 271 total godparents, only one slave served as a godmother to a single free black infant. Free women of color constituted 58 percent of godmothers for free black infants, but the free black members of St. John's more often elected for whites to serve as godfathers than

[79] Ibid.

godmothers.[80]

***Table 4.3*: Race of Sponsors of Baptisms of Free People of Color at St. John the Baptist[81]**

Free Person of	Godfathers	Godmothers	Godfathers % of Total	Godmothers % of Total
Color	50	74	37.0%	54.4%
White	80	50	59.3%	36.8%
Indian	1	3	0.7%	2.2%
Unknown Race	4	8	3.0%	5.9%
Slave	0	1	0.0%	0.7%
Total	135	136	100.0%	100.0%

A number of factors account for prevalence of white godparents that speak to the wider racial dynamics of the French community and the demographic dependence of free black émigrés. Firstly, free black Catholics appearing in the registers through 1816 were nearly exclusively St. Dominguan or the children of refugees, but they only represented a small subgroup of the city's population. Of the ninety-nine free people of color above fifteen years of age documented by the city in 1798, only 20 free people of color were identified as French. However, this figure is likely an underestimate as it does not account for the entry of free people of color into Savannah contrary to residency bans for West Indian people of color or extralegal manumissions favored by St. Dominguan slaveholders that expanded the population further. Among the free people of color at Savannah, women outnumbered men, both in terms of the numbers that appear to have been freed before departing St. Domingue and those who received manumission—both official or non-official—after arriving at Savannah, leaving fewer black males to serve as godfathers, particularly as slaves never served as godparents for free individuals with the

[80] Of 140 deeds, 135 godfathers and 136 godmothers were listed. The race of godfathers could be established in 131 cases, and the race of godmothers could be established in 128 cases. Ibid.
[81] St. John the Baptist Parish Register, GDAH.

single exception reflected above. In 1798, women represented 57 percent of people of color living within the city limits.[82]

Secondly, the disproportionate selection of whites as godfathers reflects the efforts of parents of free black infants to have their children sponsored by men considered to be powerful both within the community—whether as businessmen or slaveholders—and within their own lives, as free people of color selected former masters or family members. White men were more likely than white women to be related to a free black child receiving baptism, or other members of the free black community. Furthermore, scholars have demonstrated that in St. Domingue, the assumption of responsibility as godfather did sometimes indicate illegitimate fatherhood. The parish registers for Savannah, like those from Saint Domingue, remain mostly silent concerning the relationship of white fathers to illegitimate offspring. However, a handful of exceptions where both parents were acknowledged at the baptism or where the relationship between the white fathers and illegitimate offspring can be proven through other sources indicate that the white and black parents of illegitimate children chose to involve specific white community members in the sponsorship of their mulatto children, even if they themselves remained uninvolved.[83] When baptizing a mulatto infant, Elizabeth, in 1803, father Carles recognized her mother, Rose, as "a free negro woman" and Francis Jalineau, a white merchant and planter, as her father, but it was a fellow white planter, Bartholomew

[82] This conclusion is based on general analysis of deeds from the Chatham County Courts granting manumission and trust arrangements as well as the statistics of free people of color compiled from court deeds, parish registers, and the free people of color registers. "Census of people of color above the age of fifteen in the City of Savannah," May 28, 1798. RG 4-2-46, File II Subjects--Negroes, GDAH. In the deed books, approximately two-thirds of the deeds pertaining to freedom of black St. Dominguans pertain to women. Deed Books, Books 1L through 2Z, CCCH.
[83] King, *Blue Coat or Powdered Whig,* 12.

Coquillon, and his wife who served as godparents.[84]

Other potential cases of interracial unions provide less clear links to white fatherhood than the Jalineau case, but the circumstances surrounding the particular selections of white godparents could also indicate illegitimacy. Catharine, a free mulatto employed by Mathias Monet Verdery, selected John Asselin, the brother of her employer's attorney and agent, Charles Asselin, to be the godfather to her son John Peter in 1798. Father Le Mercier indicated that the mother was "Living at the [home of] Citizen Verdery," and, although never owned by his mother's employer, the boy later took Verdery's last name, as did his mother.[85] Choosing two white godparents may not directly indicate anything further about Catharine or her child's relationship with her employer, but her choice does seem exceptional considering her own experience as a godparent of black infants. Catharine served as a godmother in six baptisms for black infants, and in each ceremony, a free person of color also served beside her as the godfather.[86]

Connections between former or current masters or employers pose the most obvious points of association within the registers. Claritte, a free mulatto domestic who emigrated with the white Dutreuilh family to Savannah, selected Lewis Grand Dutreuilh, the family's patriarch, to serve as her son's godfather along with Elizabeth Dechenaux, the wife of the Sapelo Company agent and city merchant, Thomas Dechenaux.[87] Similarly, Pierre Thomasson's house servant Therese had Thomasson stand as godfather

[84] Baptism of Elizabeth, December 18, 1803, St. John the Baptist Parish Register, GDAH.
[85] Deed of Mathias Monet. July 7, 1808. Deed Books, 2B, CCCH; Baptism of John Peter, December 30, 1798. St. John the Baptist Parish Register, GDAH.
[86] Baptism of Marie Jeanne, February 8, 1801; Baptism of Catharina, February 13, 1803; Baptism of Francis, February 13, 1803; Baptism of Francis, February 26, 1803; Baptism of Mary Catharine, July 17, 1803; Baptism of Francois, April 11, 1814. Ibid.
[87] Baptism of Leonard, December 6, 1807, Ibid.

for her son Pierre Edouard. Thomasson's wife also served as godmother to Therese's daughter Cecelia's when she was baptized two years later.[88]

Although freedom altered the place of a former slave within the household of the master, former associations under slavery did play out in the shared religious setting of the Catholic Church. After planter Gabriel Louis Colmesnil manumitted his slave Mary Felicienne upon arriving at Savannah from St. Domingue, they maintained their relationship until Colmesnil's death. Apart from business transactions—which included Colmesnil giving his former slave her own slave and selling her a second— Colmesnil served as the godfather to Felicienne's son Louis Adolphe when he was baptized at St. John's in 1801.[89] Peter Favard bought twenty-seven year old Bougeote from Claud Borel in 1806, but within twelve years, Bougeute and Favard appear to have come to an arrangement for her freedom. Once free, Bougeute lived separately from Favard, working as a seamstress, but Bougeute continued her association with Favard as he served as her legal guardian. Favard's influence is apparent in Bougeute's selection of sponsors at the baptism of her son. Nina Drouillard, a woman of white and free Indian parentage and whose family was closely associated with Favard, took the responsibility of godmother while a free mulatto served as the child's godfather. At his death, Peter Favard considered Drouillard's father, Andrew, to be one of "two beloved friends," worthy of receiving half of his entire estate.[90] While Bougeute's former master did not appear as her son's godfather, his continued association with his former slave and her

[88] Baptism of Pierre Edouard, July 9, 1814; Baptism of Cecelia, January 23, 1817. Ibid.
[89] Deeds of De Colmesmil, May 28, 1805. Deed Books, 2A, CCCH; Baptism of Louis Adolphe, April 22, 1801. St. John the Baptist Parish Register, GDAH.
[90] Bougete's freedom likely occurred outside of the law, as private manumissions were prohibited during this period. Deed of Claud Borel, January 8, 1806. Deed Books, 2F; April Term 1811, Chatham County Superior Court Minutes, Book 8, 1808-1812; Baptism of Simon Peter, December 6, 1812. St. John the Baptist Parish Register; Chatham County Free Persons of Color Registers, Volume 1, CSMARL; Will of Peter Favard, October 21, 1820. Chatham County Wills, Book H: 1817-1827, CCCH.

family in freedom also extended their contact with other white acquaintances encountered through Favard.

Of course, former slaves did not uniformly elect to honor masters or the associates of their masters with sponsorship roles. Ariane, who had been freed by Mary Magdalene Rossignol de Grandmont, selected members of her former mistress's family to be the godparents of her son Theodore, but his brother Jean's godparents were a white man and free black woman not associated with the Rossignol family. Ariane likely elected to involve her former master in her son's life, but her choice to bestow the honor of sponsorship on a familiar, powerful white family only for a single child was not uncommon.[91] Viewed side-by-side with Ariana's choice of godparents for Jean, the selection of Grandmont family members for her son indicate a gesture motivated by respect rather than obligation.

Individual households where multiple infants received baptismal rights illustrate the diverse associations that white slaveholders within the Catholic Church held with members of the free black community. The sponsorship of free and slave infants whose parents were associated with the white Mirault family either through current or former employment or slavery exemplify the non-uniform participation of white masters inside and outside of their own households. At least ten black infants associated with the household of Pierre Mirault and his wife Renee Michelle received baptism in churches where the white Miraults worshipped at Savannah and Jamaica, but a white member of the Mirault family stood as a godparent in only four of these baptisms. In three other instances, Pierre Mirault served as godfather for three infants born of free women of

[91] Jean's baptism reflects that Ariane was formerly the property of Madame Rossignol de Grandmont. Baptism of Theodore Alexander, April 28, 1816; Baptism of Jean, December 25, 1810. St. John the Baptist Parish Register.

color with no perceivable relationship with his household or servants.[92] Pierre Mirault's participation as a sponsor of black infants seems to echo his own tendency to socialize with people of color outside of his role as an employer. Mirault appeared before City Council in 1804 for "entertaining negroes" on a Sunday, a charge which, though unspecified in Mirault's case, could range from allowing slaves to drink in one's home to permitting them to play cards.[93]

Although most evidence of Mirault's sponsorship of free or enslaved infants of color comes from Savannah, one deed from Kingston, Jamaica reflects that Renee Michelle and Pierre assumed responsibility as godparents for their own black servants before becoming congregants at St. John's. In 1795, both Renee and Pierre Mirault sponsored Olive-Josephine, the daughter of a free black woman, known as Paly or Mary Jeanne Charette, who had accompanied the Mirault's to Jamaica. Charette, Olive-Josephine, and Charette's son, Paul Guillaume, would follow the Mirault's to Savannah. Josephine and Paul Guillaume each became practitioners at St. Johns, and when they eventually married their spouses, the Mirault's did not stand on their behalf. However, several close, white acquaintances of the Mirault's served as witnesses in each ceremony, including Joseph B. Lacaze—who later served as Mirault's executor—and Peter Reigne.[94]

At Savannah, sponsorship by white Mirault's occurred in instances of the baptism of a slave's first child or where the couple granted freedom at the same time the children

[92] Baptism of Joseph Michael, Janury 1, 1799; Baptism of Peter Joseph, March 6, 1806; Baptism of Michael Joseph, March 6, 1803. Ibid.
[93] Savannah City Council Minutes 1804-8, July 30, 1804. OCC, CSMRLA.
[94] Deed of Arthemall Mirault, March 29, 1795. Deed Books, 2H; Marriage of John Peter Target and Josephine Olive Charitte, June 23, 1808; Marriage of Paul Guillaume Mirault (Mulatto) and Renette Michelle (Indian), June 4, 1807. St. John the Baptist Parish Register. The relationship between Paul Guillaume and Josephine-Olive is established in: Deed of Thomas Dechenaux, February 18, 1807. Deed Books, 2H.

received baptism.[95] When Pierre Mirault manumitted René Josephine, the daughter of his slaves Daphine and Clemence, Renee Michelle assumed the role of godmother alongside a white from outside the Mirault family. One year later, Mirault used his power as master to give Peter, the son of his slave Maria Louisa, his liberty and simultaneously donned the role of godfather.[96] Church ceremonies where the baptism of a child was joined with a simultaneous grant of manumission facilitated the continued involvement of masters in the lives of their former slaves. But manumission was not always accompanied by sponsorship in these ceremonies, indicating that enslaved parents were able to exert some power over the choice of sponsors. The Miraults selectively stood as godparents in ceremonies that coupled manumission and baptism. When Mirault freed Peter Lewis, the son of his slave Marie Noel during his baptism in 1801, two free mulattoes who worked for the Miraults, Lewis and Theresa St. Hubert, appeared as the boy's godparents.[97] Lewis, known generally as Lewis Mirault, worked as a free man in the Mirault household until later working independently as a tailor.[98] Other white and black members of the household served as godparents to other children free and enslaved people of color associated with the Mirault family, demonstrating that white masters did not automatically continue their associations with their slaves or former slaves within the church.

[95] Mirault appeared in four of the cases nine slaves receiving joint manumission and baptism appearing in the register for 1796 to 1816. Baptism of René Josephine, July 31, 1797; Baptism of Peter, May 21, 1798; Baptism of Charles Laurent, November 14, 1798; Baptism of Peter Lewis, May 24, 1801. St. John the Baptist Parish Register, GDAH.
[96] Baptism of Peter, October 19, 1798; Baptism of Josephine, July 31, 1797; Manumission of Josephine. July 31, 1797. Ibid.
[97] Baptism of Peter Lewis (Free), May 24, 1801. Ibid.
[98] The marriage of Lewis and Theresa is indicated both by their common appearance as joint godparents in the register and their registration indicating their living together in 1817. See: Chatham County Free Persons of Color Registers, Vol. 1, CSMARL; Deed of Arthemall Mirault, March 29, 1795. Deed Books, 2H.

No canonical or congregational guidelines existed that might force people of color into exclusively white sponsorship arrangements or prevent people of color from attaching their children to white church members just as no evidence indicates that church leaders desired to institute notions of racial hierarchy in church rituals. As the Mirault household reveals, sponsorship of infants provided enslaved and free people of color a rare opportunity to express their respect for one another and their autonomy in an institutional setting. The relative freedom of religious practices in the Catholic Church placed them beyond the understood principles of racial ordering, even as they prayed among white slaveholders. Claudia Gueralt served as a domestic in Pierre Mirault's household first as a slave, but after he freed her in 1796, Gueralt opted to remain in Mirault's service for over nine years. In Mirault's will, he rewarded Gueralt with 100 gourds and household furniture, suggesting that respect between the two was mutual. Gueralt selected Pierre's daughter Heloisa and a white Frenchman as the godparents of her son, Michael. When Gueralt's daughter, Mary Louisa, was born four years later, Lewis Mirault and Marie Louise Duclas, both free people of color, served together as godparents for the child. Claudia Gueralt also shared in the responsibility for the children of other domestics in the Mirault household, acting as the godmother for Peter, the son of Mirault's slave Mary Louisa, alongside the boy's former master.[99] Similarly, when the second daughter of slaves Daphine and Clemence, Catharina, was baptized, two free mulatto servants in the Mirault home, Hermine and Lewis, served as her godparents,

[99] Will of Pierre Mirault, September 14, 1805. Chatham County Wills, Book E; Deed of C. Mirault, January 1, 1796. Deed Books, 1V; Baptism of Michael Albert, October 19, 1798; Baptism of Peter (Free), October 19, 1798; Baptism of Mary Louisa, March 6, 1803. St. John the Baptist Parish Register.

rather than her mistress or master.[100] When Louis Mirault's own sons Louis and Simon were baptized in 1813 and 1816, he selected no white members of the Mirault family as godparents, reserving the honors for a free Indian tailor of St. Dominguan origin, Simon Jackson, and two free mulattoes, Paul Guillaume Mirault and Theresa Saint-Hubert, who served as godmother for both.[101] Although the household operated as a central point of association, the assorted selection of former masters and fellow domestics by free black parents indicates that neither they nor their former masters felt compelled to preserve the paternalistic power dynamics situated within the household.

Just as the relationships selected by people of color who worked or lived with the white Mirault family illustrate the strength of household associations that transcend color boundaries within the church, the sponsorship selections of Andrew Drouillard, a white man, and Elizabeth Villers, an Indian, provide a similar example in the context of a mixed race family. Church registers did not declare the Drouillard children as legitimate, nor did they specify Elizabeth Villers as Drouillard's wife, but registers assigned each of their children Drouillard's last name and recognized him as their father. Church officials do not appear to have been concerned with establishing any kind of status for the children, particularly as baptismal records also inconsistently identified the race of the four children, identifying Elizabeth as part Indian, Peter Joseph as mulatto, and failing to distinguish Maria Louisa Nina and Jean Baptiste as people of color.[102] The lack of accuracy concerning the race and status of these children—combined with other general

[100] Confirmation of Hermine's ownership by the Miraults is provided in a deed listing her among their slave property brought from St. Domingue. See: Deed of Nicholas de Segur, November 11, 1808. Deed Books, 2B; Baptism of Josephine (Free mulatto), July 31, 1797; Baptism of Catharina, November 1, 1801. St. John the Baptist Parish Register.
[101] Baptism of Simon Rene, February 26, 1816. Ibid.
[102] Baptism of Elizabeth Drouillard, September 8, 1799; Baptism Peter Joseph, March 6, 1803; Baptism of Jean Baptiste, March 29, 1805. Ibid.

lapses in distinguishing the race of parishioners in the record books—paralleled the open and indistinct patterns of cross-racial association between sponsors and families. Although their illegitimacy and non-white status presented them with a position of social disadvantage in Savannah, the participation of both parents in church ceremonies, the selection of particular church members from different races as sponsors, and the acceptance of responsibility by those members each illustrate how membership at St. John's provided subordinated people access to an institution where the lack of a clear racial hierarchy allowed for transparency in cross-racial associations.

Andrew Drouillard, like Pierre Mirault, appeared in the church registers frequently as a godfather to enslaved people of color whom he did not own, and, for the members of his own family, a variety of prominent French whites and free mulattoes served as godparents or as witnesses in the family's ceremonies. When Maria Louisa Nina married Francois René Teynac, a white man, three white St. Dominguans served as witnesses to the marriage, including prominent merchants Francis DeVillers and Paul Dupon. Teynac assumed his own obligations within the church that crossed the color line, serving as godfather to two children identified in parish records as free mulattoes. One of these children was the mulatto son of Maria's sister, Elizabeth, but the child's actual identity as mulatto is somewhat questionable as Elizabeth's husband, Louis Maupas, was identified in Chatham County court records as a free Indian.[103] Yet, records of marriage ceremonies for free Indians more generally reflect that they married whites

[103] The son of Elizabeth Drouillard and Louis Maupas, Francois, is noted as mulatto in the baptismal record. However, Louis Maupas was identified as a free Indian in deeds filed in the Chatham County Court to prove his status. Maupas' father was white and his mother free Indian. Maupas was among the free Indians who arrived from Cuba on board the *Nancy White.* Deeds of Vallois, Stephen Gruand, and Francis Tessier, March 20, 1817. Deed Books, 2G, CCCH. Evidence of the Maupas marriage comes from Tabeth (Elizabeth) Drouillard's will naming Maupas as her son in law, who is also "directed to take the advise of Mr. Paul P. Thomassson, for the administering of my Estate[.]" Will of Tabeth Drouillard, November 25, 1843. Chatham County Wills, Book I: 1827-1840, CCCH.

and free people of color in even numbers, and, as a result, preferred a more racially diverse collection of witnesses to attend their ceremonies. Charlotte Audinet, or Odinet, married Louis Charles, a free mulatto. Jean Dubergier, a white, and Thomas Nazareth, a free mulatto, witnessed the ceremony. When mulatto Paul Mirault married Renette Michelle, an Indian, witnesses were equally divided between whites and free mulattoes.[104] By contrast, the members of the Drouillard family selected sponsors in their own religious ceremonies with clear racial preferences. Andrew Drouillard and Elizabeth Villers had favored white sponsorship for the three children for whom baptismal records exist. While whites were exclusively selected as godfathers, godmothers came from across races and included one white, one free black, and one free Indian, Nina, the eldest Drouillard child.[105]

Although their other choices indicate a clear preference for white sponsorship, Andrew Drouillard and Elizabeth Villers' selection of a free woman of color, Maria Duclas, to serve alongside Pierre Mirault as the godmother of their eldest son, Peter Joseph, reveals much about the equalizing powers of Catholic rituals within the congregation and the rationalities behind the selection of white sponsors for colored infants. While people of color exhibited a preference for white sponsorship, the tendency for free women of color to serve as godmothers indicates that sponsorship was also viewed by black congregants as an important signal of one's position within the community, representing one of few honors available to people of color within the

[104] Marriage of Louis Charles and Charlotte Emilie Audinet, December 9, 1812; Marriage of Francois Piere Teynac and Marie Louise Drouillard, June 19, 1813; Baptism Francois (free mulatto), April 27, 1805. St. John the Baptist Parish Register.
[105] Baptism of Elizabeth Drouillard, September 8, 1799; Baptism Peter Joseph, March 6, 1803; Baptism of Jean Baptiste, March 29, 1805. Ibid.

church.[106] Drouillard and Villars likely picked Pierre Mirault and Maria Duclas to serve side by side because of their outstanding reputations as members of their respective classes. A former planter and owner of several slaves, Mirault frequently served as a witness to the property transactions many St. Dominguans made in local courts. Duclas, or Ducla, held at least eight slaves, and lived both in both St. Mary's and Savannah, indicating that she was relatively wealthy. Duclas stood as a godmother for infants belonging to four separate free black families. Duclas and Mirault almost certainly knew one another, but their known connection outside of their St. Dominguan origins seems to rest solely on their socio-economic position within the white and black communities, their shared responsibility towards these black infants, and other associations fostered by church customs. Two years before the Drouillard baptism, Mirault and Ducla both served in the execution of the will a free woman of color, Zabeau Ostry. Mirault stood as her executor and Maria Ducla served as a witness when Mirault sold her slave Heloyse to Pierre Thomason. Ducla was also godmother of Heloyse's free daughter, Mary.[107] Within the church, slaves, free people of color, and whites stood next to one another in acts dedicated to the salvation of African-American members. Whether meaningful or not to the spirituality of supporting congregants, baptismal sponsorship formed associations between French Catholics of all classes that were replicated elsewhere in religious life and within secular contexts as the following section/ chapter will demonstrate.

Although choices of sponsorship did not always imply a personal connection outside of the church, gestures like standing as a godparent or witness within the church

[106] Baptism of Peter Joseph, March 6, 1806. Ibid.
[107] Deed of C. Mirault, January 15, 1804; Deed of Pierre Thomasson, February 29, 1804. Deed Books, 2D; Baptism of Mary and Joanna Elizabeth, August 16, 1801. St. John the Baptist Parish Register.

were often reciprocated across color lines, indicating that participation in religious rituals for congregants of all races and classes allowed for the healthy functioning of the religious life of the whole community. Responsibilities to specific families or congregants continued beyond each individual's ceremony, and Maria Duclas' own interactions with members of the church outside of her own race illustrate the continuation of these associations. Her relationship with the Drouillard family within the church appears to have extended to black servants in her own household as Maria Drouillard and her husband served as godparents for the son of Duclas' slave Courtenette.[108] When Duclas received burial rights in 1804, Mirault, along with Thomas Dechenaux, stood as witnesses, signing the church register to record Duclas' death. Father Carles noted that a "great many other people who have not signed one word" were present at the ceremony, indicating that Duclas' death brought forward many members of the free black community. In this instance, when illiteracy represented a simple barrier, the two white men present provided a pivotal service in completing performance of church rites as black family, friends, and neighbors could not fulfill the requirements of the burial ritual.[109] The ability of white congregants to intervene on behalf of free people of color moderated an otherwise visible disruption to formal practices that were so central to life in the Catholic Church. By contrast, when Catherine Verdery, a free black, received her burial rights, Carles noted the disruption to the formalities of burial, explaining in the register that her relatives and friends "who were required to sign said

[108] Baptism of John Maria (slave), February 25, 1804. Ibid.
[109] Slave ownership and residency in Savannah and St. Mary's established via: St. John the Baptist Catholic Church Parish Registers 1796-1816, GDAH; Chatham County Deed Books, CCCH; City Council Minutes, OCC, CSRLMA. In the City Council Minutes, Duclas purchased two badges for Venders of small wares, which were only available to city residents for purchase. CCM, 1800-1804, January 26, 1801; Deed of C. Mirault, January 15, 1804; Deed of Pierre Thomasson, February 29, 1804. Deed Books, 2D.

they did not know how."[110] In both cases, Carles considered the act of witnessing sufficiently important to contribute his own written proof to the church record attesting to the fact that church members had been physically present at the burials of the women.

Within the congregation worshiping at St. John the Baptist Church, the tendency for whites to become sponsors or stand in ceremonies on behalf for free people of color seems to have continued based on both demographic needs and personal connections rather than any concern over asserting power from within the church over black congregants. Scholars have resisted drawing conclusions concerning what white sponsorship of free and enslaved colored baptisms reveal about the construction of a racial hierarchy within the church or the meaning of the relationships in terms of what substantive obligations or expectations they might indicate on the part of sponsors. Ashley White hesitates to draw a conclusion as to whether the phenomenon of white sponsorship "could be read as testimony to the continued power of white over black and colored Saint-Dominguans" or whether "it was a tactic whereby black and colored refugees made these white people responsible to them."[111] However, my analysis of the Savannah records indicates that the power of selection most likely remained with black congregants, and certainly, at the least, with those who were free.

Although the selection of godparents likely remained a largely symbolic gesture for many congregants, rare evidence reveals that godparents did act on behalf of their godchildren beyond the boundaries of the church. In September of 1814, Marie Rose, a free griffone, selected two whites, Jacques Henry Bureau and Marie Boisfeillet, to serve

[110] Burial of Marie Louise Duclass, November 16, 1804; Burial of Catherine Verdery, February 7, 1804. St. John the Baptist Parish Register.
[111] White, *Encountering Revolution,* 29. For an informative overview of the historical development of sponsorship in the Catholic church through its early development in the New World, see: Mintz and Wolf, "An Analysis of Ritual Co-Parenthood," 343-352.

as godparents to her nine-year old daughter, Marie. Three months earlier, Bureau demonstrated his familiarity with the family when he and Marie Rose's employer, Anne Marie Dega Sicaud, testified to the Chatham County Court that they were each "well acquainted with Marie Anne Zeline a free mulatto girl residing with the said mistress Sicaud as a servant" and that Marie's child "was born in the City of Saint Yago, in the Spanish Island of Cuba[.]" Bureau provided the same testimony to the court one year later to confirm the free status of Marie's son, Joseph Bienaimé. Although Joseph's godparents were both free people of color, Bureau again proved his value to Marie Rose and her family.[112] Marie Rose's decision not to elect her employer as godmother but to instead select two other white congregants as godparents for her daughter demonstrates that free black parents viewed the selection of godparents as important beyond ceremony.

European traditions based in canon law reflected the obligation of a godparent as a very serious commitment, particularly in cases of parental death, but the translation of those obligations appears to have been selective, even for St. Dominguans. Thomas Paul Thigpen observes, "the existence of canon law or even a strong cultural tradition did not guarantee that Savannah's Catholics took baptismal sponsorship so seriously."[113] On the other hand, little evidence exists to support the view that members did dismiss duty so easily and certainly not in any greater degree than in other US parishes. When white St. Dominguans Genvieve Sommier and her husband fled the revolution, they brought their godson, a mulatto boy named Luke, with them to the US after Luke's father, Sommiers' business partner, was murdered. The couple raised him in their household, and when the

[112] Deeds of Jacques Henry Bureau and Anne Marie Dega, June 10, 1814, January 11, 1815; Extract of the Register of the Roman Catholic Church of Savannah, Baptism of Marie Rose (griffone libre), January 19, 1815; Baptism of Joseph Bienaimé, January 19, 1815. Deed Books, 2F.
[113] Thigpen, "Aristocracy of the heart," 249.

heirs of the Sommiers attempted to seize Luke as a slave, several white refugees testified to the disposition of the Sommiers towards their godson. Mr. Sommiers "always acknowledged the boy free" and had declared to many "that all the money in the world could not purchase him[.]" Genvieve too had maintained that "the said Luck was her son in law, and that she obtained him of his mother in the West Indies with tears and much intreaty—the said mother being very unwilling to part with her said child Luck."[114] Although service as a godparent no doubt had different meanings for various participants, the behavior of both Sommiers indicates that although their godson was of mixed race, they did take seriously the fulfillment of their responsibility towards their godchild.

The personal nature of religious faith renders it impossible to assess how a larger group or congregation might have valued responsibilities within the church like becoming a godparent, but some of those who served as godparents, along with other white St. Dominguans, also sponsored free people of color in their legal and economic endeavors outside of the church, occasionally through their own formal legal declarations of guardianship. However, the value that the identification of white sponsors might hold for assessing the interactions of godparents with the free black community outside of the church is also difficult to determine. Guardianships remained mostly informal prior to the state's 1810 rule requiring them for free blacks, and any evidence from legal or government sources that confirms the existence of guardianships remains scattered. Whether godparents also served as guardians would be the clearest indicator of whether sponsorship transcended the religious sphere, but outside of a few freedom suits where people of color were required to present guardians to the court, formal contracts for

[114] Deeds of P. Gizorne and Francis Tessier, January 27, 1818; Deed of Isadore Stouf, January 28, 1818. Deed Books, 2H.

guardianship for free people of color in the Chatham County Superior Court only appeared after 1810, and the city's earliest register for guardianship was not recorded until 1817.[115]

Of forty-four white men identified as serving as ceremonial sponsors to free people of color through 1816, nine (20 percent) also served as court appointed guardians to free people of color. However, those who can be identified as guardians tended to be more strongly involved with the free black community within the Catholic Church. Godfathers who also served as guardians sponsored 37.5 percent of all free black infants whose parents selected a white godfather and 22 percent of all free black baptisms at St. John's. Three of the four white sponsors who served as godfathers to five or more free people of color also served as guardians. Jean Baptiste Dubergier sponsored ten free people of color, Pierre Mirault sponsored seven, and Pierre Thomasson sponsored five.[116]

The low correlation between white men serving as godfathers to free blacks and as free black guardians may be attributable, in part, to the disuse of the formal title of "guardian" before 1810.[117] As the following two chapters illustrate, a variety of relationships between whites and free blacks that can be defined as guardianships or

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[115] See, for example: April Term 1811, Chatham County Superior Court Minutes, Book 8: 1808-1812, CCCH; Chatham County Register Free People of Color, Vol. 1, CSRLMA.

[116] Together, these three men sponsored 28 percent of free black children whose parents selected whites to serve as the godfathers of their children.

[117] For example, the only white individual serving above five free people of color within St. John's who was not identified as a formal guardian was Joseph Behic Lacaze, who sponsored 17 black infants, including 13 who were free. However, evidence of early deeds in Chatham County indicates that Lacaze served a guardian-like roll for several people of color in Savannah without formally assuming the title. For instance, in 1799, La Caze purchases a slave on behalf of a free woman of color, Fanny. When the slave is sold two years later, a different white man completes the sale on her behalf but is then identified as her "guardian." Le Caze was likely acting in this capacity. If La Caze is included in the group of guardians sponsoring above five free black ceremonies, church records reflect that the four were responsible for the sponsorship of thirty-five separate ceremonies for free people of color, which accounted for 35 percent of all ceremonies of baptism, marriage, or burial for free people of color involving white sponsors. Deed of C. Mirault, August 26, 1799. Deed Books, 1W. Sponsorship totals from: St. John the Baptist Parish Register.

sponsorships within the courts that did not use the identifying title of "guardian" were present in Savannah courts by the close of the eighteenth century.[118] These legal sponsorships included the participation of whites in contracts establishing property and freedom trusts on behalf of people of color. Furthermore, an accurate determination of the participation of specific individuals as guardians is further impossible as free people of color tended to exchange their guardians, and court and municipal government records reflect these changes inconsistently. Pierre Thomasson served as the godfather of Marie Jeane, the daughter of Maria Violeau, a washerwoman, but not until eight years later did he appear also as legal guardian to both Violeau women.[119] Regardless of the separation of time between these records of the relationship between Thomasson and the free black Violeau family, the personal relationship between Thomasson and the Violeaus clearly extended beyond the Catholic Church, indicating that he likely felt that his responsibility as godfather to Marie Jeane had non-symbolic implications.

Although whites represented a majority of sponsors to African-American practitioners, cross-racial sponsorships haphazardly reinforced the hierarchical model under which blacks and whites continued to co-practice their faith within the Catholic Church at Savannah as African-Americans retained the ability to select their own sponsors. Black and white French refugees shared bonds uniquely developed in

[118] Consequently, more guardianships are identifiable during the middle decades of the antebellum period, which can be seen by the higher number of guardians identified as Catholic practitioners during the later period. From church registers covering the 1816 to 1838 period, Thigpen estimates twenty-six members of leading Catholic families also acted as guardians for free people of color. This rise in the number of guardians from the figures determined from the 1796-1816 register reflects the following changes: the increase in church membership and overall population during this period, the extended time period covered by the later register, the increase in the formal declaration of guardianships by free blacks in the courts after the passage of the law requiring them to do so in 1810, and the subsequent usefulness of the Savannah registers for free people of color and Chatham County Superior Court records in identifying guardians after 1817. Chatham County Free People of Color Register, Vol. 1; Thigpen, "Aristocracy of the heart," 247.
[119] Thomasson served as Violeau's guardian beginning in 1823. Chatham County Free People of Color Register, Vol. 1; Baptism of Marie Jeane, July 27, 1815. St. John the Baptist Parish Register.

accordance with social practices on St. Domingue, and these relationships grew stronger through the events surrounding escape and resettlement. The founding of St. John the Baptist by the French in 1796 and their continued dominance within the Catholic faith at Savannah allowed for the transference of creole traditions and influence that shaped the role the church played in facilitating those relationships. Within the Catholic Church, the sponsorship of infants created ritual ties between godparents and godchildren, but evidence from the parish registers of St. John's illustrates that these bonds also extended ties that more broadly reflected the relations between individual sponsors and the family of the child.

The shared status of French men and women as religious minorities within the Lowcountry and the communal nature of Catholic worship within the church worked to bring together blacks and whites together within a social sphere defined by French insularity, but their associations under existing local institutions also exhibit a similar impetus towards a brand of paternalism defined by their experiences as St. Dominguans. White sponsorship for members of the free black community at Savannah extended far beyond the church as free blacks and their white allies deployed legal-based sponsorships—including guardianship and trusts—for the purpose of navigating the hostile legal and economic environment that faced free blacks in Georgia at the turn of the nineteenth century. Like cross-racial godparent selections made by black parents within the Catholic Church, the black and white participants in the legal sponsorships created to protect the property or freedom of free blacks in the courts echoed the economic, cultural, and familial connections between white refugees and free people of color within the French community. The shared cultural and social outlook of black and

white St. Dominguans—reinforced by the strong participation of both groups in the church—offers one explanation as to why they continued to form relationships nearly exclusively with each other in contexts where white support was required outside of the church.

These cultural differences challenged the existing tripartite social structure in Savannah as white masters, friends, or family members attempted to secure freedom or privileges for people of color through deeds, affidavits, and other legal documents. In so doing, they provide a rich testimony of experiences moving from within the French Caribbean to the American South for the purpose of protecting the place of French people of color within the refugee community. Although not as insular in these relationships as the French, non-French free people of color and white Anglo-Savannahians who shared similar personal connections—connections that often extended outside of slavery—defined their own participation in legal relationships as they freely entered into guardianships and creating their own manumission trusts with white Savannahians.

Chapter Five

"As far as the Laws will permit[:]" Interpretations of Freedom Across Two Societies[1]

In January of 1804, Pierre Mirault—acting as executor of the estate of Zabeau Ostry, or Elizabeth Austarie, a Frenchwoman of color—sold Pierre Thomasson an African slave named Heloyse for 350 gourdes. Three St. Dominguans witnessed the sale to Thomasson, including Mary Louisa Sansa Duclas Dubergier, a free mulattress. In a deed crafted one month later, Thomasson sold Heloyse to Jean Baptiste Dubergier, a fellow white refugee, under "the same conditions," with the understanding that Thomasson's "obligation, payable in one year, will be withdrawn[.]" Yet, six years later, Paul Thomasson appeared again as an associate of Heloyse—now identified as free woman Heloyse Lebeau. Now standing as her legal guardian, Thomasson purchased a mulatto St. Dominguan slave named Mary at a cost of 350 dollars on behalf of Heloyse.[2]

The path leading Heloyse from slavery to freedom and finally to becoming a slave owner herself seems unclear, but the personal connections of Heloyse to those serving as purchasers, guardians, and witnesses in Heloyse's sales indicate that these sales were intended to protect Heloyse from the consequences of the dispersal of Ostry's estate. Three years before Zabeau Ostry died, Heloyse's two daughters were baptized in the Church of St. John the Baptist, where Thomasson, Mirault, Ostry, the Dubergiers, and Heloyse all worshipped. John Baptist Dubergier, Heloyse's final documented owner, served as godfather to both of her daughters. Free woman of color Mary Louisa Duclas

[1] Quoted from: Deed of Andrew Sorcy, May 28, 1818. Chatham County Deed Books, Book 2H. Sorcy's slave Fine would "henceforth work and labor for herself, receive and take to her own use all the money and property she can lawfully get, go where she pleases, and when she pleases, enjoy all the rights of a free woman so far as the Laws will permit."

[2] Chatham County Deed Books, Book 2D, January 15, 1804, Deed of C. Mirault. Book 2D, February 29, 1804, Deed of Pierre Thomasson; Book 2D, December 12, 1810, Deed of Louis Rossignol.

Dubergier, who witnessed Heloyse's first sale to Thomasson, served as the godmother to her daughter Mary, while Heloyse's owner, Zabeau Ostry, served as godmother to her other daughter, Joanna Elizabeth. Ostry also manumitted her goddaughter at the same time as the baptism.[3] As illustrated by the previous chapter, the connections or reasons behind why whites appeared as sponsors of black Catholics varied greatly, but in Heloyse's case, the coordinated actions of whites and blacks in religious and legal settings demonstrate a continuity in their relationships that extended across Francophone and local legal institutions.

Chatham County court records do not indicate that any of Heloyse's masters formally freed her, but the records of these sales and the familiarity of those involved in the purchases with Heloyse indicate that Ostry's executor, Thomasson, and her purchaser, Dubergier, devised her sale as a property trust for the purpose of allowing Heloyse to become free. As lawmakers in Georgia rejected the right of individual slaveholders to free their slaves during the early years of the nineteenth century, slaveholders were able to secure some measure of freedom for enslaved people of color by using the legal sale or exchange of slaves via gift in order to extend protections associated with the new owner's property rights over the slave. The sale of Heloyse on behalf of Zabeau Ostry and her later transactions as a free woman reflects that a coordinated effort from individuals outside of the master-slave relationship could result in the achievement of extra-legal freedom for people of color, even as Georgia law increasingly denied the legitimacy of black claims to that freedom.

[3] Baptism of Mary and Joanna Elizabeth, August 16, 1801. St. John the Baptist Catholic Church Savannah Parish Register 1796-1816, GDAH.

To the French people of color and their white allies, limitations over the personal rights provided to free people of color at Savannah appeared extraordinary in comparison to French law. At Norfolk, Moreau de St. Mery observed that "[f]ree Men of Color are no better treated than the slaves, except for the fact that no one is allowed to beat them. They too are in an abject condition, and there is no intercourse between them and the whites—barring the favors extended to white men by colored women."[4] Compared to their counterparts in the French West Indies, free people of color at Savannah held a marginalized social and economic position that had been defined, at least in part, by police regulations. By the late 1790s, city ordinances prevented free people of color from working independently in occupations relating to handicrafts and in stores and restricted them to the same badge laws as slave sellers.[5]

In pre-revolutionary St. Domingue, unique social attributes led to the larger share of power and wealth found among free people of color compared to their North American counterparts, and by the early years of the nineteenth century, shifts in legal policy confirmed and enlarged those points of divergence. Georgia's legislators increasingly limited opportunities for those already free and those wishing to join their ranks. During the 1790s, the perception that slavery was vulnerable to influences and events originating from outside Georgia and the wider South left slaveholders increasingly doubtful that black freedom had a place in a slave society. The natural increase of the free population

[4] Moreu de St. Mery, *American Journey,* 60.
[5] See Chapter 1 for specific regulations pertaining to free blacks passed before 1800. On a comparative perspective of the place of free people of color in St. Dominguan and the relative liberalness of St. Dominguan laws towards free people of color, see: Dominique Rogers, "On the Road to Citizenship: the Complex Route to Integration of the Free People of Color in the Two Capitals of Saint-Domingue," in The World of the Haitian Revolution. Ed. Geggus, David Patrick, and Norman Fiering. (Bloomington: Indiana University Press, 2009), 65-78; King, *Blue Coat or Powdered Whig;* "A Struggle for Respect: the Free Coloreds of Pre-revolutionary Saint Domingue, 1760-69." (Ph.D. Dissertation, Johns Hopkins University, 1988).

and the entry of thousands of French slaves and masters of uncertain character led to a spirit of hostility among Georgia's lawmakers that culminated in the banning of all private manumissions—inclusive of willed emancipations—in 1801.[6]

Perhaps more than any repressive law aimed at people of color in Georgia, the passage of several laws that attempted to bring manumission to a halt provided the most direct ideological affront for St. Dominguans. In light of the experience shared in their escape from the violence of revolution and the close personal connections fostered by the comparative openness of racial hierarchy under French rule, white St. Dominguans accepted that free people of color comprised a natural component within a slaveholding society in contrast to the views of many of their American counterparts. However, members of the French community were not the only Savannahians who rejected the state's new position towards black freedom and the rights of slaveholders to manumit. As this chapter illustrates, slaveholders, slaves, and their allies sought to preserve their own paternalistic relationships with dependents, sidestepping statutory prohibitions to private manumission by establishing alternate paths to freedom.

Anglo and French Savannahians cleverly used the legal devices at their disposal to provide freedom for slaves while dancing around statutory prohibitions, and they often did so in direct violation of those laws. In a sense, the flexibility of the local legal system

[6] The 1801 statute was a departure from the standards of regulation set by other Lower South states, including North and South Carolina. The law sidestepped the policies unfolding in other states that focused on establishing a balance between freedom and the security of the slave population. South Carolina's law, which first addressed private manumission in 1800, acted to regulate manumission rather than restrict it. Under this law, the favorable testimony of community members regarding the character of a slave could be provided to a magistrate. This would result in the issuing of a certificate of freedom. Like Georgia, North Carolina denied owners the right to privately manumit their slaves beginning during the colonial period, but freedom was more easily obtainable for one's slaves as petitions were received favorably by the county courts. See: "Act prescribing the mode of manumitting Slaves in this state," passed December 5, 1801. Prince, *Digest of the Laws of the State of Georgia*. (Milledgeville, GA: Grantland & Orme, 1822), 456-7; McCord, *The Statutes at Large of the State of South Carolina* VII, 441-3.

provided French refugees with the ability to actively deploy instruments of protection on behalf of free people of color within the courts. The common use of "manumission trusts" developed from their own experiences in navigating constraints over black freedom made by the French colonial regime at St. Domingue. Deeds filed at Savannah courts that outline informal manumission reflect similar arrangements found in the local courts of St. Domingue. Whites outside of the French community eventually deployed similar arrangements, but a striking number of trust arrangements between black and white refugees appearing in these deeds before 1820 reflect the strong desire of French slaveholders to continue manumitting their slaves in the face of American laws that forbade them to do so.

Although many masters would seek to free their slaves through legal routes still available, the use of property trusts and third party sales or indentures allowed slaves to enjoy immediate freedom.[7] Trusts insulated slaves who were allowed to act as free, or "quasi-free," from outside property claims by placing the title to the slave in the possession of a third party. Some slave owners intended such freedom to be temporary while they waited for the legislature to approve a grant of freedom for an individual slave, but trust-based freedom also was used as a permanent solution for owners who did not solicit legislative approval or when their petitions failed. Within the deed and will books of the Chatham County Superior Court, I have identified seventy legal instruments

[7] In attempting to detect and display legal instruments, which are not codified under law, I have occasionally assigned terminology to describe these arrangements that is not found in the original court records. In the instance of trusts that manumitted slaves or conveyed property to them, the illegal nature of the deeds has left little evidence from which one might conclude their purpose, let alone establish a term for such arrangements. Consequently, I have elected to assign terminology used by Southern jurists in the 1840s and 1850s that labeled the instruments that allowed freedom or privileges to slaves such under the pretense of their sale as trusts and those who nominally owned such slaves as "trustees."

created after the manumission ban for the purpose of freeing slaves.[8] These instruments universally relied upon third party purchasers, but individual slaveholders assigned purchasers different responsibilities concerning what steps ought to be taken to effect freedom and how slaves were to be treated. In all cases, the trusts established that the slave would be allowed to act as free within the boundaries of Georgia for some period of time, regardless of his or her legal status as a slave.[9] These agreements illustrate that slaveholders in Georgia were not only willing to violate private manumission bans, but were also willing to contribute to one of the most reviled social evils—the presence of the quasi-free slave—to do so.

Throughout the antebellum period, state officials continued to view the actions of slave owners who accepted quasi-freedom for their slaves as detrimental to the integrity of the institution of slavery in Georgia. By 1818, the use of manumission trusts had become so widespread that lawmakers passed a new law reiterating the existing ban on private manumission and specifically emphasizing the illegality of trust-based manumission instruments.[10] Yet, manumission trusts continued to be used through the end of slavery. The Georgia Superior Court's review of a large number of appellate cases concerning these trusts during the 1850s, forced jurists to confront whether the instrumental exercise of state power behind private manumission bans and the subsequent

[8] Totaled from: Chatham County Wills, Books G-L; Chatham County Deed Books, Books 1L through 2L, CCCH.

[9] The freedom trusts identified within this chapter do not represent a complete record of these legal instruments. As trusts created after 1801 were often created under an illegal purpose, some sellers and purchasers of manumitted slaves left the titles purposely devoid of any indication that the document represented a contract created for the purpose of achieving freedom. Thus, establishing proof of intent is nearly impossible. However, within the historical record, some of these trusts can be identified based on corroboration across sources, as illustrated in the case of Heloyse's trust outlined above. For over forty years after the passage of that law, judges from both the inferior and superior courts of Georgia would struggle to define what evidence might qualify as proof of an intention to create such a trust.

[10] "An Act supplementary to, and more effectually to enforce an act, entitled—Approved December 19, 1818." Oliver H. Prince, A *Digest of the Laws of the State of Georgia.* (Athens, GA: Oliver H. Prince, 1837), 796.

limitations over slave mastery too strongly infringed on the sanctity of private property rights of slaveholders.

By obstructing the termination of enslavement, manumission laws favored both the safety of state and the preservation of the potential labor productivity of the black population. In forcing courts to weigh two distinct property rights claims—that of the master and that of any other individual who might claim property in the slave—civil cases involving manumission trusts emphasized the place of property rights arguments in the debate over black freedom. Eventually, laws preventing private manumission would deny that property rights over a slave could ever be discontinued in Georgia. In the years before the Civil War, the opinions of several Georgia jurists in cases concerning manumission trusts—particularly that of the outspoken Justice Joseph Henry Lumpkin—reflected the strong influence of pro-slavery doctrine and the presence of political support for ending manumission in its entirety. By 1856, the Superior Court consistently overrode the property rights of slaveholders in favor of arguments that manumission trusts posed a concrete threat to the security of the state and enslaved population.

The willingness of masters, trustees, and executors to create arrangements to secure the freedom of people of color in direct contradiction to the pronounced concerns of state lawmakers and to do so within the courts complicates how one might imagine slaveholders and trustees conceptualized their relationships with both the formal law and local legal institutions.[11] The various forms of manumission trusts within court records

[11] In the case transcripts addressing wills that violated the 1818 reiteration of the manumission ban, which more directly outlawed manumission trusts, there is no evidence indicating that such steep penalties were enforced. The 1818 law predicted the torrent of lawsuits received by states in response to action taken by owners to circumvent manumission bans. The banning of testamentary manumission in South Carolina in 1840, prompted many owners to create trusts like those banned by the Georgia law twenty-two years earlier in response to the nonspecific language of the law. In several instances, these cases were upheld in the South Carolina courts by judges who saw such trusts as supportive of the slave owner's property rights.

provide an entry point for exploring how slave owners contemplated the legal boundaries between personhood and property. By the close of the eighteenth century, property trusts had become an increasingly popular method to protect property from debt seizure. Deed and will-based trusts provided children, wives, and other family members with the ability to have their slave or real property protected from the debts of those gifting property. As Thomas D. Morris concludes, trusts, along with entails, remainders, and other executory bequests, "all represented efforts to limit the power of someone to alienate property."[12] In manumission trusts arrangements, slave owners and outside purchasing parties acknowledged that the legal conveyance of property constituted an agreement for the slave's freedom while accepting that manumission would no longer legally be recognized by local officers or within a court. Yet, even if the ultimate purpose of the agreement would be viewed as legally unenforceable, slave-owners, purchasers, and trustees went through the formal process of entering such documents into the official court record because the property claim that the trust extended over the slave still provided a basis for his or her legal protection.

While legal historians have most strongly emphasized the judicial response of the Georgia Superior Court towards violations of the legislative manumission, this chapter places the actors who created and participated in these trusts more centrally within the narrative concerning the debate over black freedom in Georgia during the antebellum

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For instance, see: *McLeish v. Burch,* 3 Strobhart Eq. 225, May 1849. Between 1840, when South Carolina banned all forms of private manumission, and 1860, the state's high courts reviewed eight cases dealing with instances of trusts created in wills. Prior to 1840, only two cases concerning trusts had ever been reviewed. Cases totaled from: Helen T. Catterall *Judicial Cases Concerning American Slavery and the Negro.*(Washington, D. C.: Carnegie Institution of Washington, 1926-1937), vol. 3; "An Act supplementary to, and more effectually to enforce an act, entitled—Approved December 19, 1818." Prince, A *Digest of the Laws of the State of Georgia,* (1837), 796.

[12] Thomas D. Morris, *Southern Slavery and the Law,* 88-9.

period.[13] Manumission trusts created a class of men and women who, as slaveholders or agents of slaveholders, functioned to extend protection over quasi-free slaves in their capacity as property trustees. Some of these arrangements also represented the efforts of free blacks to avoid manumission laws as they arranged for family members to be purchased and held in trust. These legal instruments speak to the powerful connection between freedom and property rights during an era when the reconceptualization of manumission essentially redefined the place of black freedom in Georgia's slave society.[14]

Just as masters and purchasers in manumission trusts acknowledged the dual nature of slaves as both persons and property in their attempts to extend property protections to slaves who were to be freed, they too assumed a dual character in their capacities as slaveholders *and* trustees. If they viewed their "property" simultaneously as a free person, regardless of the truth of that person's legal status, any supervisory capacity of the slave owner/ trustee within arrangement of the manumission trust might be viewed more appropriately as a guardianship.[15] Trustees often functioned to accomplish the paternalistic ends of the master, which rendered him as more of a proxy than an actual legal guardian, who exclusively represented the interest of the ward under guardianship. However, like guardianships, manumission trusts still relied upon the full

[13] Thomas D. Morris, *Southern Slavery and the Law,* 371-423; David J. Grindle, "Manumission: The Weak Link in Georgia's Law of Slavery," 41 Mercer Law Review 701 (1989-1990), 701-722; A.E. Keir Nash, "Reason of Slavery: Understanding the Judicial Role in the Peculiar Institution," 32 *Vanderbilt Law Review* 7 (1979), 104-123.
[14] Genovese, *Roll Jordan, Roll,* 406-8.
[15] The term "slaveholder" is used in this argument as these individuals sought to use this title to their full legal advantage in protecting the slaves under their ownership, but in reality, these men and women did not accept the responsibilities of that title that most Southerners felt ought to accompany property ownership in slaves. This raises the question as to whether it is appropriate to describe the individuals participating in these trusts as "slaveholders" or whether a term that is emptied of contemporary social norms might serve as a better description, ie. "titleholder." However, as the argument extended by these manumission trusts is predicated upon the rights claimed by one as a slaveholder, it seems best to continue the use of this terminology.

legal capacity of white men to provide protection under the law to the legally subordinate, even if the law was not intended for that purpose.

Section I: Setting a Precedent: The End of Private Manumission in Georgia

The free black population of the American South expanded rapidly in the years following the American Revolution. Fueled by immigration from the West Indies, natural increase, and a marked increase in manumission, the proportion of free people of color within the total black population of the United States grew from almost 8 percent to over 13 percent between 1790 and 1810.[16] Over the course of the first half of the nineteenth century, lawmakers across the South responded to the expansion of free black populations by placing unprecedented limitations over the ability of masters to free their slaves.

The spirit of liberty and equality inspired by ideology of the Revolution and the loyalty of slaves during the conflict left many slaveholders willing to bestow freedom upon their slaves. While the application of such principles was far more limited in the South than in states of the north and mid-Atlantic, where egalitarian principles and strengthening abolitionist and evangelistic movements inspired gradual emancipation strategies and more pronounced social reconstruction, there is little doubt that the period during which lawmakers sought to repress the freedom of slaves was preceded by one in which masters more willingly granted manumission.[17] However, as Ira Berlin contends,

[16] Winthrop Jordan, *White over Black,* 406.
[17] During the 1780s, Pennsylvania, New Hampshire, Connecticut, and Rhode Island each passed gradual emancipation measures, followed by New York in 1799. On the antislavery debate and formation of abolitionist societies in the South following the American Revolution, see: David Brion Davis, *The Problem of Slavery in the Age of Revolution, 1770-1823.* (Ithaca, N.Y.: Cornell University Press, 1975), 196-212; Berlin, *Many Thousands Gone,* 219-227.

"even among the most principled opponents of slavery, those inclined towards emancipation represented a minority."[18] As was generally the case for any period during which Americans owned slaves, the willingness of Southern slaveholders to grant freedom on an individual basis did not indicate a lack of support for the system of slavery itself.

By the end of the American Revolution, Africans had legally lived in bondage in Georgia for a mere three decades, and lawmakers were unconcerned with a free black population that remained negligible. Unlike their counterparts in other states, such as Virginia, North Carolina, and South Carolina, throughout the colonial period, Georgia lawmakers had allowed slaveholders to freely manumit their slaves and even allowed them to live within state boundaries once free.[19] But by the turn of the nineteenth century, the attitudes of lawmakers towards free blacks had changed significantly as their numbers grew visibly, particularly in Savannah where many of Georgia's leadership resided and many among of the state's free black population remained concentrated.[20] Fueled by the arrival of free blacks from the French West Indies and the natural increase of the population, the free black population Georgia more than quadrupled between 1790 and 1800, growing from 398 to 1,919. Although the continued growth of Georgia's slave population during this period meant that free people of color would consistently represent a small portion of the total black population, the growth of the black population outpaced

[18] Berlin, *Many Thousands Gone,* 222.
[19] Virginia narrowed the context for manumission, allowing freedom only for slaves who had performed meritorious service in 1723. North Carolina followed suit in 1741. South Carolina required freed slaves to depart the state between 1722 and 1740. Maryland attempted to forbid manumission in 1715, but the lower house blocked those legal efforts. Jenny Bourne Wahl, "Legal Constraints on Slave Masters: The Problem of Social Cost." *The American Journal of Legal History* 41 (January 1997): 14-5; Winthrop Jordan, *White over Black,* 123-4.
[20] According to the 1790 Federal Census, 122 free people of color were counted among city residents, representing just under one-third of the state's free black population. Whittington B. Johnson, *Black Savannah, 1788-1864.* (Fayetteville: University of Arkansas Press), 108.

that of the slave population as free blacks moved from representing just over one percent of the black population in Georgia to three percent in 1800.[21]

The growth in Georgia's free black population occurred at a time when whites increasingly believed that this segment of the population represented a danger to the strength of the institution of slavery. Scholars attribute these fears to both the connections drawn between free people of color and the rebelliousness of slaves but also to a more general commitment of Southerners towards slavery as an economic system. As chapters 2 and 3 illustrated, fears of free blacks and West Indian slaves as messengers of Revolution prompted authorities to tighten importation and residency rules for slaves and free blacks during the mid to late 1790s as French people of color began to land at Savannah. Gabriel Prosser's rebellion in Virginia in 1800 similarly prompted further reflection upon the place of free blacks in the slave state. Finally, the successful expansion of cotton culture in Georgia and across the western territories of the South forced a renewed economic and moral commitment to slavery, which coincided with the fading liberal spirit of the Revolution that had prompted some slaveholders to free their slaves.[22] Over the course of the first decades of the nineteenth century, these forces motivated Georgia's General Assembly to pass laws hostile to the rights and very presence of free people of color that, as Watson W. Jennison concludes, were part of "efforts to root out potential enemies of the state."[23]

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[21] Census statistics from: Historical Census Browser. Retrieved [October 2014], from the University of Virginia, Geospatial and Statistical Data Center: http://mapserver.lib.virginia.edu/.

[22] Of course, as Genovese points out, the actual participation of free blacks in slave revolts was uncertain, but slaveholders did view free people of color as sources of corruption for their slaves, particularly in urban environments. Ira Berlin, *Slaves without Masters,* 48-9, 89, 141-3; Genovese, *Roll Jordan, Roll,* 411-13. On the reorganization and expansion of slave labor in the lower South see: Berlin, *Many Thousands Gone,* 306-312.

[23] Watson W. Jennison, *Cultivating Race,* 299-301.

In 1801, the Georgia legislature created the first restrictions to private manumission passed since slavery's legalization. In forbidding the freeing of slaves without explicit approval from the legislature, the Georgia statute set a new, more restrictive precedent over manumission than the laws of other Southern states. The new measures also penalized masters and slaves alike for violations. For every slave freed, the owner was to pay two hundred dollars but the slave would be considered "as much in a state of slavery as before they were manumitted and set free[.]"[24] When legislators clarified those measures and disallowed the residency of free blacks from outside Georgia with the passage of an additional law in 1818, the statutory language made the purpose and expediency of the manumission ban quite clear. The preamble asserted that "the principles of sound policy" and "the exercise of humanity towards the slave population […] imperiously require that the number of free persons of colour within this [s]tate should not be increased by manumission, or by the admissions of such persons from other [s]tates to reside therein[.]"[25] Although the manumission ban permitted out of state emancipations, the residency ban made it impossible for slaves freed out of state to return home.

Among state laws enacted immediately following the post-Revolutionary era of liberal manumission, Georgia's early manumission laws were among the most repressive. However, nearly all states in the South sought to reduce free black populations after 1830 by placing their own limitations over manumission and the ability of free people of color to reside within state boundaries. Mississippi followed Georgia's initiative in 1805,

[24] "Act prescribing the mode of manumitting Slaves in this state," passed December 5, 1801. Prince, *Digest of the Laws, 1822,* 456-7.
[25] "An Act supplementary to, and more effectually to enforce an act, entitled Act prescribing the mode of Manumitting Slaves in this State," passed December 19, 1818. Prince, *Digest of the Laws, 1822,* 456-7, 465-9.

banning all manumissions except those granted by the legislature, but it was the only other state to do so before the 1820s. After Florida became a US territory, leaders aggressively sought to outlaw manumission and generally reduce free black residency. Florida's 1829 law required emancipators to pay a $200 penalty per slave freed and all freedmen were required to leave the state upon threat of being re-enslaved.[26]

The extended time during which manumission law allowed masters to more easily free slaves in North Carolina and South Carolina provides some context for Georgia's position towards free blacks and manumission within the lower south. Beginning in 1741, North Carolina law required masters to confirm through county courts that any grant of freedom to a slave extended from the slave's performance of "meritorious services." But as John Hope Franklin argues, "[t]he procedure seemed only perfunctory, and the records give one the impression that slaves were manumitted with ease."[27] In fact, by 1830, the number of manumissions had become so elevated that the North Carolina legislature passed a law that permitted masters to free slaves only if they were sent out of state afterwards. Reuel E. Schiller argues that the policy shifts concerning manumission in North Carolina during the nineteenth century "attempted to work a compromise" between the master's property rights and the state's concerns over the

[26] On the general closing of private manumission in the South, see: Berlin Slaves Without Masters, 101-2, 138-141; Genovese, *Roll, Jordan, Roll,* 51, 399-401. Sumner Eliot Matison, "Manumission by Purchase," *The Journal of Negro History,* Vol. 33, No. 2 (April, 1948,) 149-150; Daniel L. Schafer, "A Class of People Neither Freemen nor Slaves": From Spanish to American Race Relations in Florida, 1821-1861," *Journal of Social History*, Vol. 26, No. 3 (Spring, 1993), 591. Mississippi's legislature also was notoriously harsh in granting manumission petitions, passing fewer than it rejected. See: Charles S. Snydor, "The Free Negro in Mississippi," *American Historical Review* 32 (July 1927), 774.

[27] Hence, as Franklin demonstrates, the Quakers in North Carolina ably manumitted slaves that they purchased for that purpose, manumitting more than 2,000 slaves between 1824 and 1826 alone. John Hope Franklin, *The Free Negro in North Carolina, 1790-1860.* (University of North Carolina press, 1943), 21-2, 26.

dangers of the free black population.[28] By comparison, Georgia's own harsh position towards the rights of the master under its own manumission statutes remained consistent until the final collapse of slavery. After 1801, Georgia slaveholders could hope for little flexibility in terms of the freedom they might obtain for their slaves within state borders.

Although Georgia had typically followed South Carolina's lead with respect to the regulation of free and enslaved blacks during the 18th century, Georgia legislated more harshly towards those classes after 1800.[29] In South Carolina, attitudes towards manumission continued to be favorable prior to the passage of an 1841 law that effectively ended all in-state manumission and prevented masters from even carrying slaves out of state for that purpose. Under the 1800 law, South Carolina followed the North Carolina system, creating a uniform process by which a magistrate would review any grant of freedom and issue a deed of emancipation accordingly, but the law left private manumission essentially in tact. Only after 1820 did South Carolina law require masters to obtain the legislature's direct approval to free slaves. The South Carolina legislature's refusal to review petitions produced, as Lacy Ford has argued, "nearly the same effect as an absolute ban."[30] Emancipation petitions that came before the Georgia Legislature met with similar favor.

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[28] Reuel E. Schiller "Conflicting Obligations: Slave Law and the Late Antebellum North Carolina Supreme Court," *Virginia Law Review*, Vol. 78, No. 5 (Aug., 1992), 1229.

[29] As the following chapter will discuss, Georgia lawmakers pioneered the implementation of guardianship requirements for free people of color in 1808 and 1810, a full twelve years before South Carolina adopted similar regulations.

[30] McCord, *The Statutes at Large of the State of South Carolina* VII, 441-3, 459. On manumission policy after the Revolution in South Carolina, see: Marina Wikramanayake, *A World in Shadow: The Free Black in Antebellum South Carolina*. (Columbia: University of South Carolina Press, 1973), 9-12. Ford notes that although more than forty petitions were received by legislative committee in the first year after the law was enacted, the committee granted no manumissions. However, the legislature did approve some later requests that provided for the removal of slaves from the state. Lacy K. Ford, *Deliver Us from Evil: The Slavery Question in the Old South*, quotation on 196.

As the opportunities for slaves to become legally freed in Georgia narrowed after 1801, slaves or their family members who were able to purchase their freedom and masters who were willing to give up their right to property in enslaved individuals found that the law still left two options open to them: legislative petitioning and out of state emancipation. Any slaveholder could submit a special bill to the state legislature requesting permission to free a slave, but evidence indicates that petitions were not guaranteed to succeed or even to be reviewed. A vote in favor of freedom by the legislature was far from guaranteed. For instance, John Pray's request to the Senate to manumit Clarissa in 1808 barely passed by a 24 to 16 vote. Two requests submitted by slave owners wishing to manumit their slaves in 1815 and 1816 were rejected by the senate in votes of 25 to 12 and 19 to 12.[31] By taking the power to manumit outside of the master's household, legislative review inevitably left room for lawmakers to insert their own moral assessments of the prudence of black freedom more generally. In November 1810, senators postponed a petition made by Robert Muter of Savannah for six months. When they finally gave the petition consideration one year later, the lawmakers ruled that

[31] November 15, 1811. *Journal of the Senate of the State of Georgia, at the annual session of the General Assembly November 1810.* (Louisville, Ga.: Day and Wheeler, 1809), 32; A.E. Keir Nash, Reason of Slavery: Understanding the Judicial Role in the Peculiar Institution," 107-8. In fact, in the records of resolutions passed by the Georgia legislature, only two successful petitions appear: "An Act to manumit a negro man slave, named Boston, the property of E.B. Way, Catharine P. Wheeler, Thomas B. Wheeler, H.R. Wheeler and Eugene Bacon of the State of Georgia, and county of Liberty, and John Savage of the county of Chatham, and State aforesaid." March 6, 1856. *Acts of the General Assembly of the State of Georgia, Passed in Milledgeville, at a Bi-ennial Session, in November, December, January, February and March, 1855-56.*(Milledgeville: Broughton, Nisbet & Barnes, 1856); "An Act to be entitled an act to manumit and set free from slavery Sophia, a person of colour, the property of Eli Fenn, and to giver her a name," December 19, 1831. *Acts of the General Assembly of the State of Georgia, Passed in Milledgeville at an Annual Session in November and December, 1831*. (Milledgeville: Prince & Ragland, Printers, 1832), 142.

"to grant the prayer of the petitioner would greatly tend to violate and corrupt the good morals of other slaves" and denied his request.[32]

The different experiences of wealthy planter cousins John and William Gibbons exemplify how the new limits on manumission provided insurmountable challenges for those who maintained relationships with their slaves beyond emancipation. In 1796, William Gibbons gave his mulatto woman Sally and her children their freedom. At the time of Gibbons' death in 1803, he entrusted his cousin John to supervise several hundred acres of real estate and nine slaves gifted "in trust for the use [e]ducation and maintenance" of Sally's three children, Charles, Maria, and Emma.[33] John Gibbons' will indicates that at the time of his own death thirteen years later, Gibbons still looked after the children's mother, Sally. His will specified that she would be allowed "the liberty or right of residing" in the same house on his property after his death. Like his cousin, John Gibbons too felt compelled to manumit his own slaves. But under the new law, Gibbons was forced to have his executors, Alexander Telfair and John P. Williamson, apply to the legislature to free the slaves remaining in his possession, "about fifty two or three in number[.]"[34] When the petition came before the legislature in November 1816, the senate committee balked at the request of the executors, labeling it "unjust and unreasonable,

[32] Such delay tactics were not uncommon. Senators again delayed two additional petitions for six months, including a manumission petition just one week after rejecting Muter's request. See: November 19, 1811. *Journal of the Senate of the State of Georgia, at the annual session of the General Assembly of the State of Georgia, begun and held at the State-House in Milledgeville, on the first Monday, being the 4th ay of November, 1811.* (Milledgeville: S. & F. Grantland:1812), 46; November 14, 1811, Ibid, 34; November 21, 1810. *Journal of the Senate of the State of Georgia, at the annual session of the General Assembly 1810,* 49.

[33] Deed of William Gibbons, February 10, 1796. Deed Books, 1W, CCCH. Gibbons' will gave each of the children over one hundred acres and a city lot. Nine slaves were divided among the three. Will of William Gibbons, September 21, 1803. Chatham County Wills, Book E, 1791-1801, CCCH.

[34] Will of John Gibbons, February 8, 1816. Chatham County Wills, Book G, 1807-1817.

and contrary to the true policy and interest of this state," and rejecting it outright.[35] Although Gibbons, Williamson, and Telfair all were respected plantation owners and businessmen in the community, the large number of slaves who stood to be freed outraged the senate committee.

As the legislature granted few petitions for manumission, sending slaves out of state for the purpose of emancipation posed the most direct route to freedom for slaves since it guaranteed a legal remedy for the condition of slavery. However, many Chatham County slave owners had relationships with people of color that transcended the boundaries of their enslavement and prevented them from sending such individuals away from home to secure their freedom. When William Gaston freed his slaves via will in 1838, he recognized that legal freedom would be impossible to achieve in state, but he refused to remove them from the state on the basis of his belief that "the best home for a negro bond, or free, is in a slave holding state." Gaston instead left them in Georgia, "under the guardianship" of his executors, "never to be held to labor or to be sold to anyone whomsoever[.]"[36]

The complexity of coordinating the removal of slaves for the purpose of out-of-state manumission also deterred many from taking advantage of the continued legality of manumission in neighboring states. When Georgia lawmakers updated the manumission law in 1818, they added a clause that prevented the entry of free blacks into Georgia in order to prevent the return of former slaves as free men and women.[37] Some owners did

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[35] Telfair ran a large mercantile business and his father was the former governor of Georgia while Williamson was a prominent attorney and planter. November 28, 1816. *Journal of the Senate of the State of Georgia, at the annual session of the Legislature, begun and held at Milledgeville, Monday the first day of November, 1813.* (Milledgeville: S & F Grantland, 1813), 36.

[36] Will of William Gaston, February 20, 1838. Chatham County Wills, Book I, 1827-1840

[37] Other states across the South also blocked the entry of free people of color during the nineteenth century. Virginia banned residency of any slave freed and the entry of any free person of color after 1806, though in

willingly send slaves out of Georgia after the passage of the 1818 statute made their return illegal, accepting that people of color who were not already free no longer had a future in Georgia. When free woman of color Lucretia Spencer died in 1845, she commanded her executor to allow her slaves "to go to any part of the world where they can be legally sent and be free" if the legislature would not consent to allow their freedom.[38] However, owners like Spencer were exceptional. Of forty-three deeds and wills entered in the Chatham County courts that expressed a desire to legally manumit slaves, only two wills—including Spencer's—called for slaves to be taken out of state to obtain legal freedom and only in the event that a manumission petition submitted to the legislature failed in its objective.[39]

The increasing popularity of the colonization movement in Georgia, particularly during the later antebellum period, inspired many owners across the state to accept foreign emancipation as a humane alternative to the unjust reward of northwardly exile for former slaves.[40] Of the thirty civil suits concerning the legality of manumission acts that came under review in the Georgia Superior Court between 1830 and 1858, one-third (10) of the owners in such cases permitted slaves to be sent to Africa for emancipation. However, as pro-slavery ideology increasingly tightened its grip in Georgia during the 1850s, out-of-state emancipation and African colonization eventually lost their political credibility in Georgia. Pro-slavery ideologues called for the eradication of free blacks as

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practice, the ban was often violated. By 1807, the states of Ohio, Kentucky, Maryland and Delaware also denied free blacks from entering their borders. Winthrop Jordan, *White over Black,* 348, 575.

[38] Will of Lucretia Spencer, October 3, 1845. Chatham County Wills, Book K, 1840-1852. For another example, see: Will of Hannah D'Lyon, April 13, 1843. Ibid.

[39] Totaled from: Chatham County Wills, Books G-L; Chatham County Deed Books, Book 1L through 2L. CCCH.

[40] Eight of these cases were heard between 1854 and 1858 alone as a result of the increasing unpopularity of out of state emancipations and colonization. Totaled from: Helen Tunnicliff Catterall, ed, *Judicial Cases Concerning American Slavery and the Negro: Cases from the Courts of Georgia, Florida, Alabama, Mississippi, and Louisiana.* Vol. 3. (Washington, Dc.: Carnegie Institution of Washington, 1932).

a social class within the state and denied on moral and scientific grounds that the African-American population ought to be alienated from the condition of slavery. By 1859, support for these ideas among Georgia lawmakers led to the passage of the state's final and most restrictive statute concerning manumission, which made all postmortem manumissions illegal regardless of whether the act would take place inside or outside of Georgia's borders.[41]

After 1801, most owners and slaves accepted a far greater deal of uncertainty in the process of obtaining freedom for people of color as petitions for freedom to the legislature were likely to be either rejected or at least delayed and most Georgians dismissed out-of-state emancipation as a viable alternative. Recognizing just how severely the law now limited their ability to free their slaves in state, slaveholders effectively developed a solution that sidestepped the manumission process all together. If a slave remained as chattel property, the terms of his or her ownership could be defined under a legal instrument in a way that would provide a practical condition of freedom for the slave.

The bill of sale made between Joseph Richer and Dugar Rochefeuille in 1815 illustrates the intricacy of the manumission trust agreements that became popularized at Savannah. Richer agreed to sell his thirty-three year-old St. Dominguan slave, Maria Jeanne, to Rochefeuille on the condition that Maria Jeanne's new owner would manumit her. Anticipating that Maria Jeanne's freedom might not ever be legally obtained, Richer created conditions for Rochefeuille's ownership that allowed Maria Jeanne to live in a state of quasi-freedom during the interim. Rouchefeuille could collect no more than fifty

[41] "Chapter 5 Of Master and Slave," Richard H. Clark, Thomas Cobb, David Irwin,eds. *The Code of the State of Georgia.* (Atlanta: John H. Seals, 1861), 372.

cents per year in wages from her, and until the legislature granted a petition of freedom, the slave woman was "at liberty to depart from Savannah and the state of Georgia and to go in the northern states or elsewhere she pleases and then and there enjoy of her freedom according to the laws of the state or country she may choose to live in[.]"[42]

Joseph Richer's bill of sale for Marie Jeanne informed members of the community that she ought not be recognized as a slave prior to the legislature's determination of her petition for freedom since it provided her with the freedom of mobility. It is clear that the actual validation of Marie's free status via the legislature actually meant very little to either of her two masters and that both men were willing to accept her quasi-free status and essentially recognize her as free. Since Richer desired—or at least agreed—to free Marie Jeanne, his selling the slave to Rochefeuille rather than simply petitioning the legislature himself indicates that he believed that a third party could more effectively protect Marie Jeanne from any property claim dispute. For his part, Rochefeuille likely was willing to purchase a slave from whom he would receive no labor value for personal reasons attached to either his relationship with Marie Jeanne or her master, but his motivations remain unclear.

The terms for Marie Jeanne's sale illustrate the changing dynamic of post-1801 emancipations. The slave owner's renunciation of his or her claim in the property of a slave during the act of manumission was central to the slave's ability to acquire personhood within the slave society as the unilateral bond between master and slave served the foundation for the power of the master. But without the ability to enact legitimate freedom, slave owners might rely upon property rights exercised by others in order to protect the conditional freedom they hoped to provide for their slaves. In closing

[42] Deed of Joseph Richardson, May 5, 1815. Deed Books, 2F.

off private manumission, the state had firmly prioritized public safety concerns relating to manumission over arguments concerning personal rights. But as slaveholders, slaves, and their allies grappled with new requirements concerning black freedom, they cleverly used trusts and purchase agreements in order to reassert claims based on the property rights of third parties.

Section II: Purchase Arrangements and Property Rights: the Anatomy of a Manumission Trust

Existing customs concerning self-purchase at Savannah and those used by French residents from St. Domingue explain the quick adoption and prevalence of trusts that utilized bills of sale and third-party purchasers to provide freedom to slaves following the passage of 1801 law. In Georgia, St. Dominguan refugees faced incredible barriers to their abilities to free slaves after 1801, which prompted them to use their experiences in St. Domingue in order to develop alternative but legal methods that could provide freedom to slaves. While financial impediments to legal manumission in St. Domingue beginning during the 1770s had propelled many slaveholders towards alternatives that provided delayed or informal freedom for their slaves, the process of legislative petitioning served as a similar justification for avoiding formal channels for manumission. The indefinite timeline for the granting of petitions and the uncertain success inherent to that process served as natural incentives for the adoption of more immediate solutions for slaves.

French slaveholders divested their slave property in sales constituting manumission trusts at a disproportionately high rate in comparison to other Savannahians. Of the seventy manumission trusts outlined in deeds or wills within the

Chatham County courts, one-third (24) were filed by French slaveholders.[43] Many St. Dominguans held a comparatively liberal disposition towards the freeing of their slaves, and once at Savannah, the entrenched bonds between blacks and whites within the refugee population heightened this sensibility. Loyal service through the traumatic circumstances of migration and resettlement motivated French slaveholders to relinquish their rights over black servants.

Although slave owners at Savannah who freed their slaves often specified "faithful" or "good" service as the underlying cause of freedom, the court deeds outlined in chapter four illustrate that a slave's loyalty in escaping the revolution provided an additional motivation for the freeing of French slaves at Savannah.[44] Rare but treasured stories concerning slaves who faithfully followed their masters and mistresses or aided in their escape to the United States circulated amongst Savannah residents who excitedly recounted the lore of their new French acquaintances. Mary Thorton, who married into the native Bourquin family shortly after her arrival in Savannah, escaped the island only after being placed aboard a ship for either Charleston or Savannah with help from her enslaved nurse. In June of 1793 a band of 500 rebels burned the Thorton plantation at Flotterie, massacring all inhabitants there "except one of the daughters, who they say escaped with her nurse and a black nun after having hidden several days in the rocks of Cape Rose."[45] Nathan Fiske, who spent a year as a preacher at Savannah in 1824,

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43 Totaled from: Chatham County Wills, Books G-L, CCCH; Deed Books (Chatham County), Books 1L through 2L, CCCH.

44 See Ch. 4 p. 8-10. Two specific deeds cite loyalty during the St. Dominguan Revolution specifically and freed multiple slaves. Deed of Charteau, May 5, 1798. Deed Books, 1W; Deed of Marie Jeanne Prevost, December 22, 1797. Deed Books, 2G.

45 Mary Thorton's tale surfaced after relatives seeking to know the fate of the Thorton family wrote in 1794 to a neighboring absentee planter living in London. The planter relayed the eyewitness account of their overseer, Monsieur de Cendray. Benedict Bourquin's mother was a Thornton and was the child placed aboard a ship for either Charleston or Savannah with help from her nurse. Mary Thornton married David

excitedly described to a friend how a "Mrs. R," a St. Dominguan in residence at Savannah, escaped the island with her mother and infant daughter only with the help of her mother's servant and her husband. The group "remained conceled[sic] under a pile of hides in an outhouse," and only departed after "through the agency of the black woman's husband, they obtained a passport and permission to leave the island."[46]

More generally, the prevalence of blood or economic ties between the black and white populations of St. Domingue imbued refugees with a distinct set of concerns towards racial boundaries and legal norms that are reflected in their encounters concerning free and enslaved people of color in Lowcountry courts. The provisions of the *Code Noir* and the fact that the sexual requirements of the island's free population provided closer personal links to the enslaved population rendered the barrier between slave and free status in place under the French colonial system more permeable during the 18th century. Demographic shifts between the close of the seventeenth century and mid-eighteenth century were extreme, owing to both the increased importation of slaves and the growing number of people of color who ably crossed the status boundary into freedom. By 1754, slaves outnumbered free individuals in St. Domingue by 9 to 1, but that ratio would drop to 6.75 to 1 by 1789.[47] However, by 1789, people of color still comprised 92.3 percent of the island's population. By comparison, African Americans comprised just 41.2 percent of the population of the Lower South in 1780.[48]

Francis Bourquin at Savannah in July of 1794. De La Pailleterie to Unknown, April 4, 1794. Eugenia W. Howard Collection, MS1348, GHS.

[46] Nathan Fiske to [?], March 1, 1824. Folder 5, Nathan Welby Fiske Papers, MS285. Newberry Library, Chicago, IL.

[47] In Guadeloupe and Martinique, the ratio of slave to free rose similarly but less aggressively. In 1687, ratios of enslaved to free individuals settled at .2:1 and 2:1, respectively, and later rose to 4.5:1 and 5:1 in 1753. Peabody, "A Dangerous Zeal": Catholic Missions to Slaves in the French Antilles," 74-5.

[48] Note, this figure does not calculate for people of Indian or Mustizo blood. St. Domingue's black demographic more closely compares to that found in the British Caribbean, which was 91.1 percent black

Under French law, consideration for personality of the slave was sufficient to place greater limitations over property rights than masters might expect under American law, which in turn allowed for relatively liberal emancipation guidelines. Prior to their ejection from St. Domingue in 1763, the Jesuits supported lenient manumission policies, believing them to promote Catholic religiosity amongst slaves and masters.[49] The *Code Noir* drew a direct association between the children from interracial unions and freedom, and allowed the state to confiscate enslaved sexual partners and children resulting from such unions. If the slave owner married an enslaved partner, they and the child would still be freed.[50] Militia service also provided an important route to manumission as the state sought to incentivize slave soldiering, particularly after the expedition to Savannah in 1779 in which black West Indian troops played an essential role in the campaign's success.[51]

Intense demographic biases promoted a relatively open class structure, and free people of color played important roles in the power structure of St. Domingue as the primary component of the militia and other forces used to police order.[52] Royal law recognized and, to a degree, accepted St. Domingue's unique social structure. As early as 1726, royal authorities attempted to lessen the growing power of free blacks in French

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in 1780. British Caribbean figure from: McCusker and Menard, *The Economy of British North America, 1607-1789,* 222, Table 10. David Geggus, "Saint-Domingue on the Eve of the Haitian Revolution," in *The World of the Haitian Revolution*, 7-10; Winston C. Babb, "French Refugees From Saint Domingue to the Southern United States," 370-2.

[49] Caryn Cossé Bell, "French Religious Culture in Afro-Creole New Orleans," 6-9.

[50] George Breathett, "Catholicism and the Code Noir in Haiti," 1-11; Sue Peabody, "A Dangerous Zeal": Catholic Missions to Slaves in the French Antilles, 1635-1800," 71; Caryn Cossé Bell, "French Religious Culture in Afro-Creole New Orleans, 1718-1877," 6-8.

[51] The new rules put in place by the colonial government allowed slaves to bi-pass the steep taxes imposed on manumission upon the completion of one year of military service. King, *Blue Coat or Powdered Wig,* 55-6.

[52] A phenomenon not uncommon elsewhere in the West Indies, free people of color also comprised a majority of Cuba's local regiments through the early nineteenth century and the British too raised regular regiments of free blacks. George Breathett, "Catholicism and the Code Noir in Haiti," 9.

colonies by prohibiting whites from giving gifts to free people of color, even through wills, but Saint Domingue was excepted from the rule.[53] Whereas variations of the *Code Noir* prohibited whites from marrying people of color, for instance in Louisiana, the practice was permitted to continue in St. Domingue. Relationships, whether of a familial or economic nature, tended to form across color lines, in part due to the isolation of whites on the island from their family members in France. In urban settings, family members, patrons, or business partners formed economic alliances across color lines with regularity.[54]

Metropolitan legal policies aimed at controlling the growing power and size of the class of gens du couleur enacted during the second half of the eighteenth century demonstrate that free St. Dominguans willingly rejected centralized legal constructs in favor of continuing existing patterns of social relations on the island. Colonial law limited the rights accorded to legitimate mulatto children and barred them from certain employments, but legal documents indicate that white allies and notaries generally provided an interpretation of these laws that allowed free people of color to retain some privileges of status within local communities. The parents of mulattoes often ignored laws which disallowed their mixed race children from using European family names or titles reserved for whites with little legal recourse. As Dominique Rogers has summarized, this phenomenon "testifies to the reality of integration and perhaps to the beginning of an assimilation."[55]

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[53] John D. Garrigus, "A Struggle for Respect: the Free Coloreds of Pre-revolutionary Saint Domingue, 1760-69." (Ph.D. Dissertation, Johns Hopkins University, 1988), 145.
[54] John D. Garrigus, "A Struggle for Respect," 235-256. King, *Blue Coat or Powdered Whig,* 147-153.
[55] Stewart R. King's work further supports such an assessment, arguing that many of such legal discriminations "were not fundamental laws and for this reason proved to be optional in application[.]" Consequently, they ought to be viewed as constructs of metropolitan fearfulness of the power of free people of color rather than as an accurate reflection of colonial society. See: Stewart R. King, *Blue Coat or*

St. Dominguans exercised similar latitude in negotiating formal restrictions over black freedom as the French state aggressively narrowed access to legal manumissions through the implementation of excessive taxation. By 1775, royal authorities taxed manumission at the steep rate of 2,000 livres per adult female and 1,000 livres per adult male. By comparison, slaves sold on average for just over 2,000 livres during this period.[56] Slave owners were also forced to engage in a complicated legal process in order to obtain an official grant of freedom for a slave, providing proof of the slave's title and payment of the manumission tax to a notary. As a result of the financial and bureaucratic difficulties, slaveholders increasingly utilized alternate routes to obtain freedom for their slaves that often delayed official grants of manumission entirely.

Self-purchase or third party sales agreements served as one popular alternative since these transactions permitted slave owners to sidestep financial barriers to manumission while remaining compliant with colonial law. Masters were permitted to grant "irrevocable permission" to any slave, free family member, or other agent for the purpose of pursuing a grant of freedom from colonial authorities at a future point in time. Slaveholders who were ill or preparing to depart for France but intended to manumit slaves posthumously also provided grants of "irrevocable permission" to friends or executors who could take ultimate responsibility for the completion of the manumission process and the payment of any taxes. Customary law also provided other protections for slaves who entered into arrangements for delayed manumission. Under the terms of a

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Powdered Whig, 9-12, 53-5; John D. Garrigus, "A Struggle for Respect: the Free Coloreds of Pre-revolutionary Saint Domingue, 1760-69," 142-153; Dominique Rogers, "On the Road to Citizenship: the Complex Route to Integration of the Free People of Color in the Two Capitals of Saint-Domingue," in *The World of the Haitian Revolution*, 65-72, quotation on pp. 72.

[56] According to Moreau de St. Mery's report, for the period 1785-9, the average manumission tax per slave was 2,011livres. King, *Blue Coat or Powdered Whig,* 108-9; David Geggus, "Saint-Domingue on the Eve of the Haitian Revolution," in *The World of the Haitian Revolution*, 7-10, and Table 1.1.

"ransom," free family members of slaves could also purchase their kin from an agreeable owner on the premise that the slave would be freed later. Such arrangements curtailed the danger of re-enslavement by transferring the slave's property title temporarily, preventing the possibility that the enslaved family member could become attached for the debt of an owner before the official grant of manumission would occur.[57]

Grants of irrevocable permission, self-purchases, and ransoms each provided financial flexibility that made it possible for more St. Dominguan slaves to eventually obtain their freedom or to at least enjoy a state of quasi-freedom. As a result, authorities continually attempted to suppress self-purchase and ransom but were either unable or unwilling to ban the practices entirely. From a sample of 606 notarial acts which pertain to manumission, Stewart King has identified that at least 10 percent (61) were either arrangements for self-purchase or ransoms. However, it is likely that St. Dominguans used these agreements more commonly since the intentions of such sales as delayed manumissions may not have been directly implied. Owners, slaves, and their allies accepted that the informal terms of freedom outlined in these instruments had distinct advantages over official notarial manumission and continued to avoid that process entirely. As King concludes, "[t]he expense and time-consuming nature of the formal manumission procedure guaranteed that penurious masters would grant their slaves informal freedom, postponing or entirely ignoring the legal niceties."[58]

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[57] The prevalence of self-purchase arrangements in St. Domingue is inconsistent, however. Whereas Stewart King found 60 self-purchase manumissions in a group of 606 cases in the North and West provinces, John Garrigus found only 2 of 256 in the South. King, *Blue Coat or Powdered Whig,* 111; John D. Garrigus, *Before Haiti: Race and Citizenship in French Saint-Domingue*. (New York: Palgrave Macmillan, 2006), 55. For more on sponsorship in manumission arrangements in St. Domingue, see: Dominique Rogers, "On the Road to Citizenship: the Complex Route to Integration of the Free People of Color in the Two Capitals of Saint-Domingue," in *The World of the Haitian Revolution*, 74-5.

[58] Stewart R. King, *Blue Coat or Powdered Whig*, 108-111. Quotation on pp. 111.

St. Dominguans used third-party sales in order to create legal instruments that could benefit enslaved refugees and their free family members who entered into Savannah at a tremendous disadvantage. As slaves who were promised freedom had ways to enforce such guarantees under Georgia law, contracts in which both parties had full legal standing could better protect slaves at the center of delayed manumission arrangements, even in instances where slaves provided their own purchase price. The civil law in St. Domingue provided slaves who entered into contracts that entailed delayed manumission with legal protections, but Southern jurists generally held that contracts into which slaves entered as parties were not legally enforceable.[59] By removing the slave as a party in his or her self-purchase, manumission trusts allowed masters, slaves, and their agents to sidestep questions concerning the personhood and any subsequent property rights that might be accorded to a slave.

Like many of the arrangements that skirted formal manumission in St. Domingue after the 1770s, these arrangements relied upon white community members for their execution. In at least five separate instances, Paul Pierre Thomasson purchased slaves from fellow refugees without the least intention of profiting from their ownership or sale.

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[59] Like French law, the *Siete Partidas* also granted slaves within the Spanish empire a legally enforceable right to gradual self-purchase under the concept of *coartacion*. Frank Tannenbaum, *Slave and Citizen*, 88-93. As Thomas Morris illustrates, evidence from freedom suits heard in Tennessee, Kentucky, and South Carolina indicates that courts did occasionally rule in favor of slaves who contracted for their freedom, but these were exceptional. A particularly notable case heard by the South Carolina Court of Common Pleas in 1792 did uphold a slave's right to freedom under a contract in which one of the parties was a slave. In the case, Chief Justice Rutledge contended that the use of slave's wages for the purchase of freedom were not to be understood to be the property her master. The master, who allowed the slave to collect the wages, was considered "fully satisfied," leaving the "the savings of her extra labor " to the slave. Such a determination of property ownership more strongly reflects the notion of *peculium* found in Roman slave law than notions of property in the American instance. *Guardian of Sally, A Negro, v. Beaty,* 1 Bay (260). Elihu Hall Bay, *Reports of Cases Argued and Determined in the Superior Courts of Law in the State of South Carolina, Since the Revolution* [1783-1804] (New York: I. Riley, 1809- 1811), 2 vols. On the enforceability of slave contracts for self-purchase in the American South, see: Thomas D. Morris, *Southern Slavery and the Law,* 380-5.

Thomasson's expectations were clear as the titles for each slave had been essentially emptied of ownership rights. His role in these arrangements reflected his capacity an agent and attorney for members of the French community, completing a trust that would fulfill their legal intentions. When planter John B. Magnon decided to free Mary and Peggy, alias Marie Louise, in 1817, he sold each to Thomasson and John L. Grandmaison for the purpose of holding the women in trust at a cost of $500 and $356 respectively. Freedom trusts universally required the payment of a slight annuity by the slave in exchange for their time. Here, the purchasers were only permitted to extract 50 cents per year from the slaves, and the slaves were allowed to leave Georgia for the purpose of obtaining freedom. John Grandmaison's sister, Marie Charlotte Chadirac, also used her brother as a trustee for her slave Valentine, who was sold to Grandmaison under identical arrangements.[60] Under these parameters, a deed of property ownership became transformed into a legal document that announced and secured an intention of freedom. The participation of family members and agents reflects that slave owners sought out trusted collaborators to enact these delicate arrangements.

For many slaves whose owners established trusts as part of the pursuit of legal manumission, either through the legislature or out-of-state, these instruments served to maintain their legal status as property during the time in which they attempted to obtain that freedom but did so while radically transforming the conditions of their bondage. Trusts almost universally set limits to the work or wages that an owner might expect from

[60] When Charrier sold William Alcindor to Thomasson, he also required a fifty-cent annual payment and allowed the slave to leave the country or state. Deed of John B. Magnon, May 1, 1817; Deed of John B. Magnon, June 2, 1817. Deed Books 2H; See also: Deed of Joseph Charrier, March 20, 1818; Deed of Marie Charlotte Chadirac, March 20, 1818, Ibid. Chadirac's relation to Grandmaison identified from: Death record of Francoise Anne Plard, April 20, 1821. France Department of Foreign Affairs Register, GHS. Francis Roma also served as a purchaser of slaves to be freed in at least two instances. See: Deed of John Delberghe, November 27, 1817; Deed of Francis Tessier, May 6, 1818. Deed Books, 2H.

a slave but occasionally provided stipulations that more fully described intended freedoms for slaves and intended objectives of the instrument. Shopkeeper Alexander Delannoy sold his slave Rose to Pierre Thomasson for 300 dollars but asserted that Rose's new owner could not demand more than 25 cents per year in wages from her. Delannoy declared that "this instrument is made and intended to protect the said negro woman Rose," until she could be freed by act of legislature.[61] Contracts did vary in providing categorical declarations concerning what freedoms slaves might enjoy under their quasi-free status. Merchant Robert Muter sold Jenny and her two children to attorney Richard M. Stites for just ten dollars but insisted that until their freedom could be obtained, that they "shall be allowed all the rights and privileges and immunities of free persons[,]" provided that Jenny pay Stites twenty-five cents annually.[62] Auguste Dufaure provided more specific instructions to John F. Pouyat when Pouyat purchased the barber Jasmin. The slave was to pay Pouyat fifty-cents per year until he could be freed but was also "permitted to depart from Savannah, and to go where he pleases in the northern states or else where in a foreign country."[63]

Although the annual wages paid to trustee slave purchasers constituted a negligible profit for their efforts, these payments allowed slaveholders to extend a legal claim over the slaves who existed in this state of quasi-freedom. The law of 1801 declared that to "manumit or set free any negro slave […] in any other manner or form, than by an application to the legislature" constituted an illegal act, but by exacting wages,

[61] Deed of Alexander Delannoy, October 4, 1810. Deed Books, Book 2D.
[62] Deed of Robert Muter, February 26, 1811. Book 2D.
[63] Deed of Auguste Dufaure, July 16, 1816. Deed Books, 2G.

slave owners challenged how such an illegal act of manumission might be defined.[64] Forty deeds or wills established to effect manumission required an annual or monthly payment of wages to new owners that ranged from ten cents to twelve dollars per year; thirty-six of the deeds required one-dollar or less per year.

The sellers of slaves in only two manumission trusts acknowledged any consequences for slaves who failed to pay their required wages, and in both cases, former masters did so in order to protect slaves. In 1815, Archibald S. Bulloch sold his slave Silvia to Robert Habersham in trust for a free black couple, Peter and Betty Groves. At the expiration of six years, Habersham was to "at all times permit the said Silvia and her future issue to labour for themselves" as long as she paid ten cents annually to her master. However, in the event that Silvia failed to pay her wages, Bulloch insisted that her new owner would not be permitted "to take any step to enforce such payment until he shall have published his intention in the Gazettes of the City of Savannah for the space of twelve months[.]"[65] To include such a statement within the contract of sale, particularly given the unlikeliness of Silvia failing to meet such a trifling financial obligation, further emphasizes that wage requirements were likely valuable solely as an indicator of the legal legitimacy of the ownership entailed in such an agreement. Slave owners likely considered nominal annual wages necessary for the purpose of distancing the trust from an instrument effectuating a direct manumission.

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[64] "Act prescribing the mode of manumitting Slaves in this state," passed December 5, 1801. Prince, *Digest of the Laws, 1822,* 456-7.

[65] Henry Bourquin similarly required that as the purchaser of his five slaves Thomas E. Lloyd would be required to advertise in the gazette for a full year before enforcing the payment of five dollars in wages expected annually from the slaves. Deed of Archibald S. Bulloch, July 13, 1815. Deed Books, 2F; Deed of Henry Bourquin, September 20, 1816. Deed Books, 2G.

Within four years of the passage of the 1801 law, trusts to effect legal—and extra-legal—manumission became widely adopted within Chatham County courts by non-French Savannahians. However, deeds outlining freedom instituted by the French still typically relied upon other members of the French community in their execution. Of twenty-four manumission trusts established by French residents, only three designated non-French Savannahians as title-holders of slaves. In two of these cases, the purchasers, attorneys Charles Harris and William W. Gordon, already served as the legal guardians of free black West Indies who were now attempting to purchase their enslaved family members. Planter Claud Borel agreed to sell Toussaint La Croix, a free black cook and fellow St. Dominguan, his twenty-eight year old son, Rodney, but La Croix elected to have the boy's title instead held by his guardian, Charles Harris. Harris would hold Rodney's "title in [t]rust to obtain his freedom and emancipation," but Harris agreed that in the interim Rodney would be permitted leave "to work, labour, act, go away, travel and do all things which are lawful as he pleases, without being accountable or chargeable for any hire, wages or other sum of money save such services as I may personally require of him, not exceeding one days labour in the year[.]"[66] In this instance, a free black and white member of the refugee community had agreed upon the object of effecting Rodney's freedom, and Harris served to facilitate the desires of his ward, La Croix. The insertion of the legal formality that Harris would collect one day of labor from Rodney indicates that Harris recognized the questionable legality of the arrangements surrounding his ownership of the slave.

[66] Harris appears in 1817 as La Croix' guardian. Chatham County Free Persons of Color Register, Volume 1, CSRLMA. Charles Harris would again appear on behalf of Toussaint Lacroix as his guardian, purchasing a mulatto boy named St. Louis on his behalf from Joseph Behic Lacaze. Deed of Joseph Behic Lacaze, March 8, 1812; Deed of John Marie Grasset, March 11, 1811. Deed Books, 2D; Deed of Claud Borel, May 18, 1809. Deeds, Books, 2C; Deed of Christiana Levett, June 25, 1826. Deed Books, 2H.

In addition to the relative effectiveness of manumission trusts, the similarity between several characteristics of these instruments and those used for self-purchase by slaves and their family members prior to the 1801 law may partly account for the quick adoption of manumission trusts by Anglo-Savannahians. In Georgia, as in most Southern states, freedom mostly came to most slaves in the form of a direct gift from a master or mistress, but in some instances, slaves were permitted to purchase themselves, even if the purchase price could not be obtained immediately.[67] Bills of sale for self-purchase in the Chatham County Court records illustrate that third parties were sometimes used in these contracts.

Similarly to manumission trusts, slaves or their family members who wished to purchase their freedom engaged an outside, often temporary purchaser in order to strengthen the enforceability of the agreements they arranged with slave owners. In 1799, William B. Bulloch purchased an old slave named Crelia from Mary, William, and Jonathan Deveaux for one-hundred dollars, but included in the sale deed that his payment had been "collected, and paid by Priscilla, belonging to William Stephens Esquire and the other children of Crelia." Although the purchase made Bulloch Crelia's new owner, Deveaux declared that both he and her new owner would "defend, the right of freedom to the said Crelia." Successfully arranging Crelia's purchase and financing the transaction

[67] For instance, when Richard Wayne manumitted Cyrus in 1801, he did so in exchange for $103 paid directly by the slave. The French also participated in self-purchase arrangements. Bertrand Gayett sold his slave woman Margueret "for the sum of three hundred dollars which she has paid me for her own freedom and good services." Book ???? Deed of Bertrand Gayett, October 31, 1799. Deed Books, 1T-1U 9microfilm), CCCH; Deed of Richard Wayne, April 26, 1801. Deed Books, 1W, CCCH. On third-party self-purchase, see: Sumner Eliot Matison, "Manumission by Purchase," 165. Maryland provides an exception to the principle that Southern masters were most directly responsible for the freeing of slaves via gifts. The predominance of alternative arrangements for the freedom of slaves who contracted for self-purchase on a variety of terms reflected the unique labor environment of the state and the city of Baltimore. See: Stephen T. Whitman, *The Price of Freedom: Slavery and Freedom in Baltimore and Early National Maryland;* Christopher Phillips, *Freedom's Port: The African American Community of Baltimore, 1790-1860.*

was no small feat for Crelia's children, but as slaves, they could not purchase their mother outright. Bulloch's ownership of Crelia's title allowed them to avoid the question of the legal enforceability of their ownership of their mother.[68]

Self-purchase agreements that delayed manumission as slaves worked towards their purchase price could also entail a flexible understanding of slave ownership. When Edward White purchased a mulatto boy named Daniel Williams from the executors of John Ingersol's estate, he did so "in order to enable the said Daniel to make himself free, (he having faithfully served his deceased master) without injury to the said Estate[.]" In 1800, White manumitted Williams after he had "faithfully refunded and paid the money by me so advanced[,]" making him "entitled to all the Priviledges of a free man of Colour."[69]

Like the parties in manumission trusts, new and former owners of slaves involved in self-purchase contracts were generally willing titleholders, although the motivations behind self-purchase arrangements may have originated from slaves, family members, or those who were willing to become their titleholders. Correspondence between Governor David Mitchell and fellow slaveholder William B. Bulloch illustrates that concerned patriarchs also approached the family members of slaves with proposals to purchase the freedom of slaves when sales were inevitable. Unfortunately, such opportunities often failed for lack of available funds. When Mitchell decided to sell his slave Justice in 1813, he requested that Bulloch contact Justice's mother, a free woman named Hannah, to see if she would purchase her son. While Hannah desired that her son "could get a master in the low country," she informed Bulloch that she was "unable to purchase him

[68] Deed of William B. Bulloch, February 7, 1799. Deed Books, 1T.
[69] Deed of Edward White, September 12, 1800. Deed Books, 1W.

herself, or make an effort for that purpose, [as she] exhausted all her funds on her sick husband, who died lately[.]"[70] Without Hannah's financial support, neither Mitchell nor Bulloch was willing to intervene on Justice's behalf, but the involvement of Bulloch, Mitchell, and Hannah in the attempt and their failure may provide some insight as to why so many manumission arrangements did involve parties beyond just masters and slaves.

Bulloch may have been less willing to directly aid in the manumission of slaves after the 1801 ban, but those owners who committed to manumission trusts and delayed manumission were generally motivated actors. At Savannah, slaves and their families continued to be financially capable of self-purchase, even if they were now legally prevented from doing so. Few of the underlying motivations for masters to free their slaves had suddenly evaporated in 1801. The manumission trust provided masters and slaves with a vehicle for clarifying their desires for the delayed emancipation of slaves as legal manumission remained distant. But in accepting the difficulty of achieving legal manumission, some slave owners created trusts that did not even attempt legal manumission and instead were purposed towards providing a permanent state of quasi-freedom to their slaves outside of the view of the state.

Quasi-Freedom

Although the majority of slaves and owners participating in trusts also applied to the legislature for a formal grant of manumission, it is unclear whether slaves and owners generally expected the conditions of quasi-freedom to continue regardless of whether their quest for legal freedom ultimately failed. Generally, the sales that formed the basis for manumission trusts carried no implication that the arrangements were temporary or

[70] William B. Bulloch to Governor David Mitchell, March 19, 1813. Bulloch Family Papers, 1784-1865, SHC.

predicated upon the successful achievement of formal manumission. The absence of any timeframe or terms for the status of slaves beyond the exhaustion of legal efforts at manumission is all the more surprising in light of the clarity with which slave owners described their expectations for the privileges that would be allowed to quasi-free slave by future masters.

Consequently, the lack of expiration dates in contracts establishing manumission trusts seems to indicate an indefinite state of relations and a general endorsement of "quasi-freedom" among slave owners who enacted and participated in manumission trusts. In fact, in only a single bill of sale did a slave owner declare that if manumission could not be obtained through the legislature or by transporting the slave out-of-state, that the trustee would then be free to treat the slave as his or her actual property. When Hanna D'Lyon instructed her executor to free the slave Maria and her granddaughter in 1843, she asked him to "treat them as a humane and kind master and not to consider them as his property, until time and effort shall have proved that neither […] their legal manumission here or elsewhere, can be carried out."[71]

Positive evidence confirms that many slave owners were quite satisfied to leave their slaves without *de jure* freedom. Forty percent (28) of the manumission trusts identified in Chatham County alone made no mention of taking any steps towards obtaining legal freedom for the individual being freed.[72] In instances where a slave paid his or her own purchase price, slaveholders simply may have felt no obligation to go

[71] Will of Hannah D'Lyon, April 13, 1843. Chatham County Wills, Book K, 1840-1852, CCCH.
[72] This figure is likely much larger as quasi-free trusts that do not outline steps towards legal manumission are difficult to detect as slave owners and trustees attempted to mask their purpose behind seemingly legitimate slave sales. Furthermore, given the chances of success in legislative petitioning, the measure of requesting a legislative petition for freedom may have represented an empty gesture aimed towards deflecting the increasing scrutiny towards quasi-freedom via manumission trusts. Totaled from: Chatham County Wills, Books G-L; Deed Books (Chatham County), Books 1L through 2L, CCH.

through the trouble of taking steps towards legal manumission. In 1818, Andrew Sorcy's slave, Fine, had "by her industry acquired the sum of [o]ne hundred dollars," which Sorcy stated he was "willing to receive and take" so that Pierre Thomasson could become her new owner. Fine's price would have not have provided Sorcy with a reasonable value for the twenty-two year old slave, but the spirit and design of the deed reflect that Sorcy's motives were not purely economic. Sorcy explicitly defined the conditions his former slave was to enjoy, declaring that the former St. Dominguan slave would "henceforth work and labor for herself, receive and take to her own use all the money and property she can lawfully get, go where she pleases, and when she pleases, enjoy all the rights of a free woman so far as the Laws will permit."[73] However, Sorcy failed to charge Thomasson or Fine with establishing any legal claim to freedom. Similarly, when William Wightman gifted Thomas F. Purse and Edward North two enslaved families, one headed by Henry and his wife Dorinda and the other by Jack and his wife Laura, Wightman instructed the beneficiaries "not to exact from them [the slaves] any service beyond what may be necessary […] for their support and maintenance" but made no declaration that the slaves were to be formally manumitted.[74]

The language of some property trusts and protections outlined for slaves in wills or deeds almost certainly accepted quasi-freedom as a permanent condition for slaves as they specified that the terms of the trust were inalienable. Merchant William Gaston's will specified that his slaves were to be given to his nephew or, if he departed the state, held "under the guardianship" of Gaston's executors and were "never to be held to labor

[73] In 1808, Fine was listed as twelve-years-old on an inventory of slaves for the marriage of Nicholas de Segur and Heloise Mirault, which would make her twenty-two at the time of the sale. Deed of Nicholas de Segur and Renee Heloise Mirault, November 11, 1808. Deed Books, 2B; Deed of Andrew Sorcy, June 23, 1818. Deed Books, 2H.
[74] Will of William Wightman, June 4, 1835. Chatham County Wills, Book I, 1827-1840.

or to be sold to anyone whomsoever[.]" Gaston clearly intended for the slaves to live in perpetual freedom as his will also commanded that a lot and house "suitable for a residence for persons of color" be purchased and titled to the executors as trustees "for the benefit of said slaves[.]" Gaston's willingness to create a questionably legal trust that would provide his slaves with quasi-freedom after his death perhaps was not surprising given his willingness to commit deeds of questionable legality pertaining to free blacks in the past. In 1822, Gaston served as the executor for fellow merchant Francis Jalineau. Although free people of color were not permitted to own property under a Georgia law passed in 1818, Jalineau's lot in Carpenter's Row was titled in Gaston's name for the purpose of allowing a free woman of color named Grace to live rent-free on the property.[75]

Deeds and wills that did not demand that steps towards legal manumission be taken by legatees or purchasers of slaves signify that at least some slave owners who engaged in manumission trusts rejected the expansion of state authority over manumission and the necessity of formal requirements under the 1801 law. Legal changes to private manumission in Georgia failed to fully address the central place that manumission had come to occupy in the universe of master-slave relations in the American South. Furthermore, weaknesses in the construction of the formal law allowed slave owners to defy the intent of the law. Although the law of 1801 fined any clerk of court one hundred dollars for entering any legal document "which shall have for object the manumitting and setting free any slave," many of the sales and trusts outlined above

[75] Will of William Gaston, February 20, 1838. Ibid; Will of Francis Jalineau, March 22, 1822. Chatham County Wills, Book H, 1817-1827; "An Act supplementary to, and more effectually to enforce an act, entitled Act prescribing the mode of Manumitting Slaves in this State," Prince, *Digest of the Laws, 1822,* 465-9.

clearly violated this rule. The fact that so many of these manumission trusts were registered into the legal record indicates that state-designed manumission laws ultimately failed to address the how local courts functioned and the role they played as registers of official records or how local officials might identify that an otherwise legal instrument was being used to fulfill an "object" of illegal purpose.[76]

The law essentially relied upon clerks to determine if a deed or will constituted an illegal private manumission. But clerks faced an insurmountable challenge in proving that a slave sale or gift of a slave was conducted for the purpose of manumission, particularly as the trust arrangements used by Georgia residents were not even contemplated under the 1801 statute. In some cases, sellers or testators did not acknowledge that the transaction was intended as a manumission while others often declared their intentions to also pursue legal freedom. In instances of the later, clerks could not deny the registration of such trusts even though there was no guarantee that slave owners would imply allow their slaves to continue living in an illegal, quasi-free state. The fact that local court clerks stood as the sole gatekeepers for private manumission may explain the prevalence of these trusts. Deeds or wills bequeathing or gifting slaves to executors, friends, or relations that did not articulate a desire to legally manumit a slave seemingly stood in line with legal codes since the would-be protector of the slaves received the legal protections that accompanied property ownership.

Although manumission trusts clearly violated the intent of the 1801 law in providing freedom to slaves outside of formal channels, slave owners still elected to adhere to legal forms, registering manumission trusts in local courts in order to provide

[76] "Act prescribing the mode of manumitting Slaves in this state," passed December 5, 1801. Prince, *Digest of the Laws, 1822,* 456-7.

both clarity and legitimacy to their property transactions. A 1785 statute intended to prevent the fraudulent conveyance of property established a uniform process by which all deeds concerning slaves, land, or tenements were to be filed in Georgia. The law specified that only transactions witnessed by two or more individuals and involving the exchange of "a valuable consideration" would be considered valid. While property transactions and the creation of a document of record was generally conducted outside of a courthouse, the law required that deeds be "proved and acknowledged" before a justice of the peace or justice of the court within twelve months of the transaction. The deed would then be filed in the office of the local county clerk where the agreement took place.[77] Manumission trusts typically met each of these terms.

The filing of deeds in county courts established a public record of property ownership and conveyed a property's legal status. Those who filed deeds could more easily enforce such property contracts through the courts, while agents of the state and private individuals, particularly creditors, were provided with an accurate understanding of the status of a real or chattel property that facilitated the resolution of property disputes. The act of entering a contract through local courts also provided parties with benefits that would be conveyed outside of the courts. Even though manumission trusts violated the manumission laws within the space of county courts, by entering property

[77] Although the 1785 law pertained directly to land deeds, I believe it was also generally adopted for deeds conveying slaves as both real and slave property deeds filed at the Chatham County Court House met the criteria of the law. A 1768 law did require any deeds pertaining to the conveyance of slaves to be filed with colonial authorities, but no additional law outlined a proper format for the filing of deeds of sale for slaves. The 1785 law establishing a form for deeds concerning land or tenements provides the only such instruction for property deeds of any kind. "An Act to prevent fraudulent mortgages and conveyances, and for making valid all deeds and conveyances heretofore made, with respect to any defect in the form and manner of making thereof, with certain restrictions," passed December 24, 1768. *A Digest of the Laws of the State of Georgia.* Ed. Robert Watkins, George Watkins, Robert Aitken., 155-6; "An Act to render easy the mode of conveying lands, and for making valid all deeds and conveyances before that may be deficient in the point of form." *Ibid*, 318-320.

agreements into public record, slave owners and trustees signified to the broader community that each participant viewed their contractual obligations as legitimate, even if they were unenforceable under state or local laws.

Public fears relating to freed slaves provided legislators with the political capital necessary to enact laws that narrowed private manumission, but in doing so, Georgia lawmakers asserted unprecedented public control over a process extending from the personal property rights of slaveholders. The legislature's power to intervene between master and slave reflected a conceptualization of manumission that set the issue squarely under the realm of public policy through the acknowledgement that even individual grants of black freedom carried a wider social impact. Although what constituted proof of manumission had remained largely unregulated in Georgia and the South, the public nature of disputes over the freedom of slaves emphasized the necessity of clearly defining their legal and political status. Although the right to grant manumission extended from the original property claim of a slave owner and might be viewed simply as the act of renouncing that claim, the implication of such a renunciation was, as Sir Thomas Littleton argued, "a release not merely from the owner's control, but from all possibility of being owned."[78]

By failing to complete a similar release from ownership, as entailed in the formal act of manumission, manumission trusts that encouraged quasi-freedom remained shielded from public scrutiny during the lifetime of any nominal owner. In Southern law, claims of ownership over slaves were inextricably tied to claims to their labor, but by attaching conditional stipulations to ownership that allowed the slave the opportunity to

[78] Keila Grinberg, "Freedom Suits and Civil Law in Brazil and the United States" *Slavery and Abolition 22,* No. 3 (December 2001), 71; Littleton Quoted on: Thomas D. Morris, *Southern Slavery and the Law,* 372.

profit from his or her labor, quasi-free slaves pushed the conceptual boundaries of the slave as defined as chattel-property. The legitimacy of the property claims asserted by trustee owners would increasingly come under scrutiny during the early nineteenth century as trustee ownership led to the rise of a noticeable class of quasi-free people of color. As a result, Georgia authorities attempted to interject broader powers over the master-slave relationship with the passage of new manumission regulations in 1818.

Section III: The Shifting Definition of Freedom and the Difficulty of Identifying Trusts

"Slavery is the dominion of the master over the slave--the entire subjection of one person to the will of another. Manumission is the withdrawal or renunciation of that dominion. Whatever, therefore, indicates such withdrawal or renunciation, whether expressly or impliedly, effectuates manumission."[79]

–Joseph Henry Lumpkin, *Cleland v. Waters,* 1854

In 1818, members of the general assembly categorically defined trusts as illegal under the terms of the private manumission ban. Lawmakers appear to have been aware of the number of slaves benefiting from quasi-freedom produced by such trusts. Between the initial ban on private manumission in 1801 and the passage of the 1818 law outlawing manumission trusts, slave owners registered forty-eight bills of sale and five wills in the Chatham County courts that allowed slaves to enjoy quasi-freedom at least temporarily.[80] The statutory language of the new manumission law passed in 1818 addressed the growing presence of quasi-free blacks:

"[D]ivers persons of colour, who are slaves by the laws of this state, having never been manumitted in conformity to the same, are nevertheless in the full exercise and enjoyment of all the rights and privileges of free persons of colour, without being subject to the duties and obligations incident to such persons, thereby constituting a class of people, equally dangerous to the safety of the free citizens of this state, and destructive of

[79] *Cleland v. Waters,* 16 Ga. 496, 505 (1854).
[80] Totaled from: Chatham County Wills, Books G-L; Deed Books (Chatham County), Books 1L through 2L, CCCH.

the comfort and happiness of the slave population thereof[.]"[81]

Thirty years after the passage of the act, Justice Eugenius A. Nisbet confirmed that Georgia lawmakers had indeed intended for the 1818 act to rectify the shortcomings of the previous manumission law in addressing quasi-freedom as a decidedly illegal condition for slaves, one which was, in Nisbet's words, still "[a] condition familiar to us all." Whereas "[a] deed under the Act of 1801, which created for the slave this state of quasi freedom, was not void[,] the policy of the country […] imperiously required that this evil be corrected, and hence the additional enactments of 1818." But above all, Nisbet argued, the 1818 statute served as proof that "the legislature intended to cut up manumission by the roots."[82]

In order to eradicate the use of trusts, the new law more broadly defined the kinds of actions that might be considered an attempt "to effect the manumission" of a slave, including under that definition any instrument that "indirectly or virtually" freed a slave. Instruments that allowed slaves "the right or privilege of working for his, her or themselves, free from the control of the master […] or of enjoying the profits of his, her or their labour or skill," would be considered void. Quasi-free slaves were to be arrested and sold back into slavery at auction. Moreover, the law outlined a fine of up to one thousand dollars for both slaveholders who initiated conditional trusts in the sale or gift of a slave and the recipients, who were viewed as "accepting the trust" by agreeing to purchase or receive such a slave.[83]

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[81] "An Act supplementary to, and more effectually to enforce an act, entitled Act prescribing the mode of Manumitting Slaves in this State." Prince, *Digest of the Laws, 1822,* 465-9.
[82] *Spalding v. Grigg,* 4 Ga. 75, 90-1 (1848).
[83] "An Act supplementary to, and more effectually to enforce an act, entitled Act prescribing the mode of Manumitting Slaves in this State." Prince, *Digest of the Laws, 1822,* 465-9.

The 1818 law marked a more aggressive stance towards all classes of people of color who acted as free, especially those who could not provide a legal claim to their freedom. In addition to eliminating manumission trusts, the law also attempted to identify those who had not been legally freed by demanded that all legally free people of color register with local authorities. Under the law, those who failed to register and were found "working at large, enjoying the profits of his or her labour, and not in the employment of a master or owner, or of some white person, […] shall be deemed, held, and taken to be slaves" and would be sold at public auction. The law also expressly prohibited any outside free persons of color from entering into the state, allowing offenders to be sold into slavery until that punishment was repealed six years later.[84] In addition to generally preventing growth of the free back population, the immigration ban prevented slaves who were legally manumitted out of state by their owners from returning, leaving legislative manumission as the only legal avenue for manumission for slaves desiring to remain in the state.

Like the enactment of previous directives calling for the enumeration of people of color in Savannah in 1798 and the enactment of a citywide registration requirement for free blacks in 1790, the registration requirement reflected the deployment of a state-wide comprehensive strategy that would more effectively identify individual people of color who operated as free regardless of whether that freedom was legal or not.[85] The failure

[84] Seamen with articles or apprentices were provided exceptions to the 1818 ban. "An Act supplementary to, and more effectually to enforce an act, entitled Act prescribing the mode of Manumitting Slaves in this State, " Prince, *Digest of the Laws, 1822,* 465-9; "An Act to repeal all laws and parts of laws which authorize the selling into slavery of free persons of color." Prince, *Digest of the Laws, 1837,* 800.
[85] Virginia and Maryland each adopted similar systems to register free people of color with town clerks who identified the names, age, sex, color, and physical description of these individuals and listed how they were freed. Ira Berlin, *Slaves without Masters,* 93-4; "An Ordinance for regulating the Hire of Drays, Carts, and Waggons; and also the Hire of Negro and other Slaves; and for the bettering ordering Free Negroes,

of people of color to establish proof of their legitimate status through registration could be used by any party to lay claim to a quasi-free slave. In the case of *State, ex rel. Tucker, v. Lavinia (a person of color)*, John M. Tucker claimed that the fact that Lavinia enjoyed "the profit of her labor." However, she had never registered as a free person of color with the Inferior court, indicating that she was a quasi-free slave. Lavinia's owner, Thomlinson Hart, insisted that Lavinia belonged to him, even as she had not worked for him for "ten or fifteen years" and lived "away from his premises and […] alone as a housekeeper [.]" The Superior Court eventually supported the lower court decision concluding that Lavinia was indeed "the slave of Thomlinson Hart[.]"[86] Tucker found that establishing a property claim to a slave in a manumission trust remained difficult, but his use of evidence of Lavinia's registration indicates that registration remained an important indicator of status for free people of color in Georgia.

With the renewal of registration requirements for free people of color in 1826 and 1835, the legislature used registration to wield new powers over free and quasi-free people of color. By 1835, any person of color who had not registered in the previous five years would be removed from the state and those who left temporarily would not only be prevented from returning, but would "for ever forfeit and lose his or her rights to registry[.]" Finally, the registration law settled tremendous power with county clerks. Clerks collected proof from individuals registering that he or she "is bona fide and truly a free person of color, according to [..] the laws of this State" but were also allowed "power and discretion to refuse and deny to any free person of color of bad character the right to

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Mulattoes, or Mestizoes; within the City of Savannah," passed September 28, 1790. City Ordinances. Vol U.13.01, OCC, CSRLMA.

[86] *State, ex rel. Tucker, v. Lavinia (a person of color); Same v. Wilkes (a slave)* 25 Ga. 311-2, (May 1858).

register his or her name[,]" which would leave such individuals in violation of residency laws.[87]

The new manumission law also signaled that the state was willing to interfere more deeply within the sphere of mastery in defining how slaveholders ought to exert control over their slaves. Existing City ordinances and state laws that regulated hire, independent housing, and the mobility of slaves already reflected that local and state authorities had little problem placing demands upon masters for the purpose of limiting liberties of slaves considered to endanger the safety of all residents. However, the 1818 law defined exactly what behaviors might qualify a slave as being quasi-free and proposed to repossess the slaves of owners who agreed to quasi-freedom for their slaves.[88] The phrasing of the statute imposed significant limitations on the ability of masters to allow slaves autonomy in hire and the productive use of his or her labor. Consequently, as slaveholding patriarchs insisted on their right over the dependents of their households, even in freedom, the battle over the terms of manumission trusts also led to a debate over the validity of state intervention within the boundaries of domestic space controlled by nominal slave owners.[89] By describing the qualities of mastery that might equate to informal freedom, the 1818 manumission ban attempted to delegitimize

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[87] *"An Act to amend an act, entitled An Act supplementary to, and more effectually to enforce an act, entitled Act prescribing the mode of Manumitting Slaves in this State; and also to prevent the inveigling and illegal carrying out of the State persons of color," passed* December 26, 1826. Oliver H. Prince, ed., Digest of the Laws of the State of Georgia (Milledgeville, 1837), 800-801.

[88] See Ch. 1 for a detailed overview of controls over slaveholding enacted by the Georgia legislature and at Savannah. See generally: Betty Wood, *Women's Work, Men's Work,* 80-121; Timothy Lockley, *Lines in the Sand,* Chapters 2 and 3.

[89] In cases of manumission trusts, there exists a distinct tension between the court's desire to assert the state's authority over the manumission process and their tendency to support the patriarchal power of slaveholders within their own households. Although Edwards' focus primarily addresses how domestic dependents approached the judicial system—a group relatively absent in the judicial review of manumission trusts—Edwards's study of domestic relations presents an excellent exploration of the central tension between the law's continual assertion of the power of white heads of household and their failure to maintain orderly households. Laura Edwards, "Law, Domestic Violence, and Patriarchal Authority in the Antebellum South. *The Journal of Southern History,* Vol. 65, No. 4 (Nov., 1999), 733-770.

the property claims of slaveholders. Subsequent lawsuits would mark a rare departure from precedent by a Southern court, which, for the most part, limited public interference within the relationship between master and slave.

Suits heard in both South Carolina and North Carolina courts reflect that Southern jurists more widely viewed the phenomenon of manumission trusts and the subsequent condition of quasi-freedom as sufficiently perilous to society as to merit their intervention in the private sphere of mastery under existing manumission laws. In *Thompson v. Newlin* 1844, *Huckaby v. Jones* (1822), *Sorry v. Bright* (1835), and *Lemmond v. Peoples* (1848), North Carolina courts rejected wills which made bequests for slaves to be held by executors or others in a state of nominal slavery—or as Judge Edmund Ruffin labeled it, "qualified slavery"—and denied the property claims of new owners. In *Thompson v. Newlin,* Judge Ruffin concluded that "deeds and wills, having for their object their [slaves'] emancipation, or a qualified state of slavery, are against public policy."[90]

By the mid-1850s, South Carolina courts also moved to void trusts aimed at achieving quasi-emancipation. However, previous rulings that supported quasi-freedom within trusts illustrate that South Carolina jurists had generally favored the property rights arguments of slaveholders before state laws categorically outlawed manumission trusts. In *Carmille v. Carmille's Adm'r* (1842), the slaveholder's will contained the provisions of a typical trust that allowed the testator's mulatto slave children to work for themselves in exchange for paying one dollar per year to their nominal owners. The white half-sister of the slaves argued that the provision ought to be overturned as a violation of manumission law. Judge John Belton O'Neall denied her claim, arguing that

[90] Thomas D. Morris, *Southern Slavery and the Law,* quotation on pp. 401. For Quaker trusts, see: A.E. Keir Nash, "Reason of Slavery: Understanding the Judicial Role in the Peculiar Institution," 111-114; John Hope Franklin, *The Free Negro in North Carolina, 1790-1860,* 23-5.

the payment of annual wages "however inconsiderable, is a constant recognition of servitude." O'Neall believed that the ability to define the control over the slave ought to be left to the master.[91] The fact that manumission law in South Carolina failed to amply address or define quasi-manumission made the court's support of the manumission trust possible in *Carmille.*

By contrast, Georgia's 1818 law so explicitly contemplated the operation of illegal manumission trusts and the superficial features of nominal servitude they entailed—such as symbolic wage payment—that jurists continually overturned the property rights claims of trust holders. Between 1822 and 1864, the Georgia Superior Court reviewed trusts in thirty-three civil cases and freedom suits to determine whether the property and privileges provided to slaves in these arrangements constituted a violation of the manumission ban.[92] In a majority of these cases (28) wills were disputed by the familial relations of testators, those with financial claims upon the estate, or other potential beneficiaries who stood to inherit slave property if provisions in the will for emancipation could voided under the law. Although these cases appeared before the courts to resolve supposedly "private" property disputes, the opinions of the Georgia Superior Court in these civil cases placed heavy emphasis upon the public ramifications of the actions of individual slave owners in freeing their slaves. Through the insertion of the state in disputes over private property transactions, civil actions resulting from illegal

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[91] Quoted in Thomas D. Morris, *Southern Slavery and the Law,* 403-4; Wikramanayake, *A World in Shadow*, 43. For a discussion concerning the efforts of masters to create manumission trusts in South Carolina, see: Michael P. Johnson and James L. Roark, *Black Masters,* (New York: Norton, 1984)*,* 45-7.
[92] Totaled from: Helen Tunnicliff Catterall, ed, *Judicial Cases Concerning American Slavery and the Negro,* Vol. 3; G.M. Dudley, *Reports of decisions made by the judges of the Superior courts of law and chancery of the state of Georgia [1830-1833].* (New York: Collins, Keese & Co., 1837); R.M. Charlton, *Reports of Decisions made in the Superior Courts of the Eastern District of Georgia*. (Savannah: T. Purse & Co., 1838). *Reports of Cases in Law and Equity, Argued and Determined in the Supreme Court of the State of Georgia*. Vols. 4,6-7,9-10,14,16-27, 29-33, supplement to Vol. 33. (New York : Printed by Edward O. Jenkins, 1847-1890).

emancipations provide a unique glimpse into the expansion of public interests into a strictly private arena of Southern jurisprudence.

Even with the aid of an explicit definition of illegal forms of slave ownership under the 1818 law, Georgia's Superior Court jurists still struggled to define the line of separation between conditions for slaves that constituted quasi-freedom and those which reflected benevolent mastery.[93] Several suits initially favored trusts that allowed slaves to reside instate as the property of executors or beneficiaries even as certain conditions were attached to that ownership.[94] In *Spalding v. Grigg* (1848), the court refused to overturn a will simply because it required the woman who would inherit the slaves to pay each of them two dollars annually. The plaintiff argued that the gift violated the conditions of slave ownership under the 1818 law as their earnings would be "'*virtually'* given to the slaves[.]" However, Justice Nisbet argued that it was the "custom of the country to permit slaves to enjoy such little sums as are given to them, or as they may earn with the consent of their owners. […] Against these the law provides no inhibitions[.]"[95] In this instance, Nisbet and other justices upheld that customary practices that allowed slaves to own some property did not implicitly weaken slaveholding but served to strengthen the institution by offering a reward for loyal service.

Shortly after *Spalding,* the case of *Vance v. Crawford* (1848) presented the court with a manumission trust that more explicitly addressed what conditions for slave

[93] For a treatment of cases concerning the manumission laws in Georgia heard in the Superior Court, see: David J. Grindle, "Manumission: The Weak Link in Georgia's Law of Slavery," *Mercer Law Review.* Vol. 41 (1989-1990), 701-722.
[94] See: *Spalding v. Grigg,* 4 Ga. 75 (1848); *Vance v. Crawford*, 4 Ga. 445 (1848); *Potts v. House,* 6 Ga. 324 (1849).
[95] *Spalding v. Grigg,* 4 Ga. 75, 92-4, (1848).

ownership could still legally be placed over a legacy under Georgia law. Marshall Keith's 1839 will permitted his slave Ishmael to continue living in Georgia under the supervision of Keith's executors if he could not be freed out-of-state. Ishmael would be given to the executors, "in trust, for his own use, to go wherever he may please, and if it suits him to take with him" property which Keith set aside for him, which included land, livestock, and 150 shares in Mechanics' Bank of Augusta. Ishmael's mother, Nancy, was also given to the executors "in trust […] for her own use[.]"[96] Justice Joseph Henry Lumpkin found "it extremely difficult to reconcile" the clauses which allowed for the nominal ownership of Nancy and Ishmael with "the settled and uniform policy of our Legislature, which forbids and rebukes, in the sternest terms, all attempts at domestic manumission, whether open or covert, directly or in trust[.]" Yet, the court upheld Keith's will. It is important to recognize that even as the court returned decisions favorable to quasi-freedom arrangements, the justification for upholding the wills reflected the strong support of judicial process in the dissemination of estate property and the court's directive to uphold testamentary intent under the legal doctrine of *cy pres*.[97] Members of the bench, like Lumpkin, would continue to publically emphasize the dangers of trusts.

By 1849, the court reversed course from protecting a legatee's claim to inheritance rights in cases where testators provided conditions for inheritance that clearly established a domestic manumission trust. In *Robinson and Wood v. King* (1849), Elisha King gave three slaves to his friends Samuel Robinson and Henry Wood on the premise that the slaves would "treated with humanity and justice, subject to the laws made and

[96] *Vance v. Crawford,* 4 Ga. 452-4 (1848).
[97] *Ibid* at 445, 459 (1848).

provided in such cases[.]"[98] Although King's will emphasized his intention that the slaves' ownership would comply with the law, witness testimony implied that King had covertly planned to make Robinson and Wood "agents or trustees," so that the slaves "might enjoy the privileges of manumission." Justice Nisbet confirmed that although the will did "give" the two men slaves, "[t]he word give in the clause is so qualified […] as to convey no title." For Nisbet, the question before the court was simple; "either the property in these negroes is in them or it is not. That is not clear. If not," Nisbet asked "what would be their condition in their hands at the death of the testator? That of quasi servitude and of practical freedom." Yet, the illegality of King's trust was ultimately determined not simply by how ownership of the slaves was defined within his will but by the evidence outside of the will that demonstrated his clear intention to violate the law. "Where there is a devise or conveyance to trustees, upon a secret understanding that the property is to be applied to purposes which the law forbids[,]" Nisbet concluded, "that is a fraud upon the Legislature, as well as upon the parties who would become entitled upon the failure of the illegal gift, and parol evidence is admissible to prove the transaction."[99] Without the parol evidence put forth in *Robinson,* it is unlikely that the plaintiffs could have sufficiently proven that the ownership of the slaves constituted a trust aimed towards illegal manumission.

Still, the members of the Georgia bench remained cautious of supporting claims by plaintiffs that gifts, trusts, and sales were intended to effect quasi-freedom rather than to provide legal, customary privileges for slaves. In *Harden v. Magham* (1855), Christina

[98] *Robinson and Wood v. King,* 6 Ga. 539-540 (1849).
[99] Parole evidence can most simply be defined as oral testimony which serves to clarify a written agreement. The full opinion of *King* speaks to how carefully the court considered admissibility of parol evidence, particularly in will cases. Ibid at 548-550.

Hall gifted the slaves Charity and Starling to Wiley Mangaham "with the very urgent request" that Mangham "treat said negroes, kindly and affectionately, and watch over and protect them--finding them a comfortable home, and allowing them as many privileges and liberties as the laws of the State will permit negro slaves to possess or enjoy." Hall, like King, included a formal declaration that any privileges to the slaves would fall within the limits of law, and recognized, as Justice Ebenezer Starnes noted, "their status in [Mangham's] possession, as that of slaves." [100] These two declarations remained sufficient to uphold Hall's gift and Mangaham's claim to ownership.

However, in the years following *Harden*, the Georgia Superior Court resumed its harsh stance towards wills that specified privileges for slaves as a qualification for their ownership and overturned five of the seven wills contested by plaintiffs for creating conditions of quasi-freedom. The court's renewed fervor for the eradication of quasi-freedom was most clearly reflected in their review of cases involving the legality of foreign and out-of-state emancipations. Whereas the court had previously debated arguments concerning conditional ownership clauses only in wills concerning in-state quasi-emancipations, jurists appeared more willing to consider whether out-of-state manumissions might be justifiably overturned through similar reasoning. Before reviewing the first of these cases in 1856, a testator's intent to carry a slave out of state sufficed to prove that he or she had no intention of creating a domestic manumission trust. However, rulings in five subsequent cases overturned wills that stipulated out-of-state or foreign emancipation on the grounds that testators had intended for their slaves to

[100] *Harden v. Mangham*, 18 Ga. 563 (1855).

enjoy quasi-free status in state prior to being exported from Georgia.[101] The shifting position of the bench in these cases reflected a broader political and ideological shift occurring in Georgia during the 1850s as support for foreign and extra-territorial emancipation movements disappeared and was replaced by proslavery arguments that upheld slavery as the proper condition of African Americans. Justices increasingly warmed towards arguments that could block out-of-state or foreign emancipations under the law of 1818, even as they continued to acknowledge in their opinions that the law itself did not apply directly to foreign emancipation.[102]

Prior to the mid-1850s when the Georgia Superior Court supported foreign emancipation, disputes over wills providing for out-of-state manumission generally remained isolated from the arguments surrounding trusts that effected domestic manumission cases. In the cases of *Jordan v. Bradley* (1830), *Roser v. Marlow* (1837), *Vance v. Crawford* (1848) and *Cleland v. Waters* (1855), judges supported wills that instructed that slaves be sent out of state or to Africa to enjoy their freedom, though perhaps not without some resistance. In *Cleland,* Justice Lumpkin noted that the Georgia legislature had always viewed the Colonization society "as one of a dangerous character" respecting its support of abolition. However, he admitted that "[w]hile public opinion has

[101] *Thorton v. Chisholm*. 20 Ga. 338 (1856); *Drane v. Beall*, 21 Ga. 21 (1857); *Smithwick v. Evans*, 24 Ga. 461 (1858); *Sanders v. Ward*, 25 Ga. 109 (1858); *Bivens v. Crawford*, 26 Ga. 225 (1858); *Pinckard v. McCoy,* 22 Ga. 28 (1857). In *Hunter v. Bass* (1855) the judges also overturned a will which outlined steps for the emancipation of slaves in Illinois or Indiana. The court overruled on the will on the grounds that the two states had passed statutes that prohibited the entry of blacks. This case marked a departure from the previous willingness of the court to apply the doctrine of *cy pres* in instances where wills outlined manumission. By contrast, in the case of *Jordan v. Bradley,* the court offered suggestions as to how the executors of the will might go about funding the removal of slaves to Africa. *Hunter v. Bass; American Colonization Society v. Bass,* 18 Ga. 127 (1855); *Jordan v. Bradley,* Dudl. Ga. 170 (1830).

[102] Justice Joseph Henry Lumpkin in particular issued opinions in *Sanders v. Ward* and *Vance v. Crawford,* which directly contradicted one another in declaring foreign emancipation as being legal and later illegal. John Phillip Reid, "Lessons of Lumpkin: a Review of Recent Literature on Law, Comity, and the Impending Crisis," *William and Mary Law Review.* Vol. 23: 571 (1981-2), 593-602; *Sanders v. Ward*, 25 Ga. 109 (1858); *Vance v. Crawford,* 4 Ga. 445 (1848).

never wavered in this State, for the past fifty years, so far as domestic manumission was concerned, the same steadfastness of purpose has not been manifested, as to extra-territorial and foreign colonization."[103] Although public opinion remained vague concerning foreign emancipation, Justice Lumpkin's was not. But as a jurist, Lumpkin remained limited by the constraints of statutory guidance.

In *Sanders v. Ward* (1858), Lumpkin argued that the potential dangers of out-of-state emancipation had evolved with the changing political situation of the United States, growing in light of the North and South's "hostile antagonism to each other, touching on African slavery." Slaves, particularly those freed in the northwestern territories would "facilitate the escape of our fugitive slaves[,]" Lumpkin claimed. "In case of civil war, they would become an element of strength to the enemy, as well as of annoyance to ourselves." It was Lumpkin's conclusion that "the policy of preventing domestic emancipation is best and most effectually subserved[*sic*] by prohibiting all emancipation whatsoever[.]" However, even he admitted that under the 1818 law, "foreign emancipation is neither within the letter or spirit of the law."[104] Lumpkin believed that "[w]hatever change is made, if any, should be by the law-making, rather than by the law-administering department of the government."[105] By 1859, the Georgia legislature granted Lumpkin's wish, banning all post mortem manumission of slaves, including those taking place outside of state boundaries.

However, for the three years prior to the codification of these new limitations, the judges of the Georgia Superior Court utilized the cases that sought to overturn trusts aimed at foreign emancipation to lodge their complaints about the limitations of existing

[103] *Cleland v. Waters*, 16 Ga. 496, 513, 520 (1854).
[104] *Sanders v. Ward,* 25 Ga. 109, 118-120 (1858).
[105] *Cleland v. Waters*, 16 Ga. 496, 520 (1854).

manumission laws and the impending crisis free blacks would cause for slavery.[106] As A.E. Keir Nash points out, by the second half of the 1850s, a bench dominated by proslavery judges "rejected every type of claim to freedom, except one, brought before them. In doing so," Nash concludes, "they staked out positions that can hardly be characterized as anything other than determinedly pro-slavery." Whereas justices Hiram Warner and Eugenius A. Nisbet provided some counterbalance to the more politically charged opinions of Joseph Lumpkin concerning free people of color, the court's opinions following the addition of two fire-eaters to the bench of the Georgia Superior Court, Henry L. Benning and Charles J. McDonald, in 1854 and 1856 included lengthy warnings about the social dangers of free blacks and made repeated calls for political action.[107]

Several cases provided the pro-slavery advocates of the Superior Court bench with the opportunity to invalidate will-based foreign emancipations, but the jurists remained torn over whether such legal acts could be construed as falling under the purview of the 1818 domestic manumission law. In three separate appellate cases, justices debated whether the time preceding the exportation of slaves for the purpose of manumission would invalidate such arrangements under the 1818 law. In each case, what the jurists qualified as evidentiary proof of an intent to manumit a slave in-state had become narrowed even further. In *Smithwick v. Evans* (1858), the court warned that slave owners might use out-of-state trusts to mask true intentions for the permanent in-state quasi-freedom for their slaves. The will in question tasked the American

[106] "Chapter 5 Of Master and Slave," *The Code of the State of Georgia.* Clark, Cobb, and David Irwin eds., 372.
[107] A.E. Keir Nash, "Reason of Slavery: Understanding the Judicial Role in the Peculiar Institution,", 104-7, quotation on 110.

Colonization Society with exporting four slaves to Liberia, but the owner of the slaves specified that prior to their departure, his "executors are to have the . . negroes in trust for the purposes" of carrying out the arrangements. The court concluded that, based on the trusteeship, "[i]t is not certain . . that the testator did not intend the negroes . . to remain in Georgia, free, an indefinite . . time[.]"[108] In overturning the will on the basis of the suspicion of a "not certain" intention to allow the slaves to remain free within Georgia borders, the court marked a distinct departure from the earlier caution exhibited by the bench towards the intentions of testators.[109]

In *Bivens v. Crawford*, the testator, Thomas Bivens, similarly requested that his executor free his slaves in either Liberia or a free territory following the death of his wife. Bivens' will allowed for the slaves to be hired out to support their exportation, but no further instructions were provided to the executors concerning the conditions they were to be held in until their exportation. Yet, speaking for the court, Lumpkin asserted that "[t]he instant afterwards [the death of the wife] they were, by the . . will, freemen in this State." As in *Smithwick,* the Georgia bench seemed to read into Bivens' intent even though corroborating evidence of any trust for in-state manumission remained absent. Lumpkin conclusion portrayed his underlying motivations for rejecting the clause exporting the slaves with surprising clarity: "we are inclined to think, that policy forbids that such a construction should be put upon our anti-emancipation laws, as to allow negroes to remain in our midst, who are ultimately, […] entitled to their freedom."[110]

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[108] *Smithwick v. Evans,* 24 Ga. 461 (1858); see also, *Thorton v. Chisholm.* 20 Ga. 338 (1856).
[109] For instance, see: *Spalding v. Grigg,* 4 Ga. 75 (1848); *Vance v. Crawford*, 4 Ga. 445 (1848); *Potts v. House,* 6 Ga. 324 (1849); *Harden v. Mangham*, 18 Ga. 563 (1855).
[110] *Bivens v. Crawford*, 26 Ga. 227 (1858).

Yet, in *Sanders v. Ward*, which was argued between *Bivens* and *Smithwick,* Lumpkin seemed to depart from this poignant condemnation of foreign emancipation as he challenged Justice Henry Benning's support of the plaintiff's clever attempt to disqualify a testator's bequest. In *Sanders,* the debate over defining the identifiable characteristics of an act of domestic manumission, which had generally been confined to qualifying the actions and intent of the slave owner, shifted to a line of inquiry that questioned whether legally slaves could consent to be sent out of the state for emancipation. Benning insisted that executors could not force the removal of slaves as they became free upon the execution of a will, making their exile unenforceable and leaving them as free blacks on Georgian soil:

"It is true, the will requires the executor to remove them to a free State. But does this give him the right to remove them against their wish? [...] how is he to enforce the right? There is no writ by which, one freeman can take another freeman and put him out of the State. The executor, then cannot enforce the right by law."

Under these circumstances, upholding the will would surely "add temporarily to the number of free persons of color in the State; but it is further true," Benning continued, "that to do so, is a sure way [...] for additions to be permanently added to their number."[111] Surprisingly, Lumpkin challenged Benning's logic. "[T]he very act of directing slaves to be carried out of the State," Lumpkin argued, "presupposes that the dominion of the owner continues. As freemen, they could not be removed. They can only be forced out of the State as slaves."[112] Setting aside the validity of Lumpkin's legal

[111] *Sanders v. Ward,* 25 Ga. 129 (1858).
[112] *Ibid* at 120, (1858).

reasoning, it was generally unlikely that such slaves would have any opportunity to dispute their removal regardless of how the court might qualify their legal status.

The complex debate over property rights and the reach of state manumission laws found in these Superior Court cases illustrates the difficulty of determining whether those seeking manumission for their slaves—particularly those who made such requests as they prepared for death—considered that their actions might violate either the language or intent of manumission laws. Some slaveholders who attempted to secure freedom for their slaves by methods of questionable legality cleverly paid lip service to the law in their wills or deeds by asserting that privileges for slaves would be limited only to those falling "within the law" or that slaves would be permitted "to live as free as the law will allow." At other times, slaveholders appeared entirely uncertain as to whether their requests for arrangements for manumission or quasi-freedom fell within the bounds of the law or, perhaps more importantly, the standards of acceptable behavior held within the community. For instance, in *Robinson and Wood v. King,* three witnesses confirmed to the court that Elisha King had "by his will, intended to free his negroes," but also informed them that he was uncertain of the legal and social ramifications of doing so. Joseph Bangs testified that King asked his advice on "what to do," stating that King "was afraid the community would think hard of him[.]" Another witness testified that at King's own request, he had "read over to him the law on the subject of emancipating slaves, before the will was signed." After the law was read, the following morning, the executor, Wood, reported that King still "wanted to write his will and free his negroes."[113]

[113] *Robinson and Wood v. King,* 6 Ga. 539, 541-2 (1849).

The Case for Guardianship in quasi-emancipations

The specific and varied arrangements within deeds and wills provide some clues for understanding the goals of slaveholders. However, the silence within these legal documents of those receiving a gift of property in trusts conveyed by will raise some question as to whether executors, trustees, and beneficiaries accepted responsibility for fulfilling such trust since they remained illegal. As the following section illustrates, many trustees and slaves did commit to their new relationships in a fashion that spanned both slavery and freedom. However, it is unlikely that trustees who did not have an existing close relationship with either the slave or his or her former owner viewed the nature of their ongoing relationship similarly. Finally, the lack of clarity within manumission trusts themselves, particularly among trusts that did not outline the responsibilities of the trustees or present a timeframe for the expiration of a trust, complicate how these relationships might have been understood by the parties involved and how we might assess those relationships.

In some cases of self-purchase, slave owners who did not have a lengthy relationship with the slave seeking his or her freedom might leave them with both the responsibility of making their own way in the world and obtaining legal freedom. After purchasing Fanny from a Camden County planter in November 1814, John Agerret discharged Fanny and her mulatto child from his service three months later, but left it up to Fanny "to obtain her entire freedom according to Law."[114] In 1798, John Currie requested in his will that his executors purchase the slave Rhina from Mrs. Houston for the purpose of emancipating her and give her an additional fifty pounds, but twenty-five

[114] Deed of Jean Robertson, November 3, 1814; Deed of John Agerret, January 20, 1815. Deed Books, 2F.

years later, Currie's executors still had not freed Rhina. Fortunately for Rhina, her new owners, who eventually inherited the slave from Houston, were sympathetic to the bequest and petitioned the legislature for the fulfillment of the request and to have William Guerineau appointed as her guardian. After successfully receiving the legacy, her guardian applied to the legislature for her freedom and also used a portion of the bequest to purchase Rhina's sixteen-year-old son John from her former mistress. It is unclear whether Currie's executors simply failed to seek her freedom or if Rhina had been permitted some measure of quasi-freedom with the expectation that she would eventually seek her own manumission arrangements. In either case, the intention of the trust had clearly failed at the hands of the trustees. Yet, Guerineau's fruitful efforts towards Rhina's freedom inspired the continuation of their relationship as she allowed Guerineau to purchase and hold her son in yet another trust instrument, and she continued to use him as her guardian through the next ten years. Even in freedom, laws that limited the rights of free blacks—such as those requiring guardianship and the 1818 ban on property for free blacks—forced Rhina's continued reliance upon a white man for her legal protection.[115]

In other instances, if trustees did not agree with the principle of a trust or simply failed to execute it, slaves who were to be freed remained in bondage. Tasked with fulfilling the last requests of men dying or already dead, executors involved in manumission trusts could become saddled with that legal responsibility before actually agreeing with the slaveholder's request. Within the Chatham County Inferior Court

[115] Deeds of William K. Guerineau, May 23, 1825 and November 25, 1824. Deed Books, Book 2P; Chatham County Free Persons of Color Register, Volume 2, CSRLMA; "An Act supplementary to, and more effectually to enforce an act, entitled Act prescribing the mode of Manumitting Slaves in this State, " Prince, *Digest of the Laws, 1822,* 465-9. For the guardianship requirement, see: "Act of 15 December, 1810." Oliver H. Prince, *Digest of the Laws, 1837*, 788-9.

records, little evidence exists concerning how trustees felt about the execution of their duties, but in one instance, executors did refuse to enforce a trust. In the will of Hugh McCall, the elected jailor of Savannah, McCall's executors were instructed to gift six mulatto slaves and their children to the Union Society for the purpose of holding them in trust. However, the executors petitioned the Chatham County Inferior Court to prevent the execution of the trust, believing that it violated the manumission laws. Although the executors were "desirous of [...] discharging the trust confided to them[,]" they were "unwilling to act on so much of the will as may be considered in violation of the said Law."[116] Notably, the court denied their petition.

During the late 1840s, the Georgia Superior Court confronted the question of whether beneficiaries and trustees of slaves gifted in manumission trusts would be obligated to follow the demands outlined in such bequests. The 1818 statute held both parties liable in the instance of the trust's execution, but when a bequest left an individual or executor in possession of a slave, what exactly constituted proof of that person's "accepting the trust?"[117] In the 1848 case of *Spalding v. Grigg*, Justice Eugenius A. Nisbet denied that the beneficiaries of slaves ought to be viewed as complicit actors where the conditions for the conveyance of property constituted an illegal trust. Ann Cunningham gifted three slaves to Ann Grigg in her will, and required Grigg to pay each slave an allowance of two dollars per year, while allowing them to work for themselves. Upon Cunningham's death, her executor, Charles Spalding, claimed the slaves as his own property, arguing that the terms of Grigg's ownership constituted an attempt to manumit the slaves by securing "to them the right or privilege of working for themselves, free

[116] Will of Hugh McCall, May 28, 1820. Chatham County Wills, Book H, 1817-1827, CCCH.
[117] "Act prescribing the mode of manumitting Slaves in this state," passed December 5, 1801. Prince, *Digest of the Laws, 1822,* 456-7.

from the control of Miss Grigg."[118] For Justice Nesbit, the question of whether Cunningham's arrangements could be interpreted as a quasi-emancipation mattered little in the face of Grigg's own agency as a slave owner. The idea that Grigg "would be bound legally or morally to permit them to go at large, to make contracts, to receive the proceeds of their labor" was "wholly incompatible with her property in and dominion over them[.]"[119] Legally, slaveholders might enjoy "the unquestioned right to impose upon the recipient of his bounty whatever conditions he may please to impose, not forbidden by law." However, slaveholders could not "compel the acceptance of a gift, burdened with conditions which would make it undesirable. To accept or not is with the donee[,]" Nesbit concluded, upholding Cunningham's bequest.[120]

Eleven years later, the court again confirmed that those inheriting slave property could not be subject to the demands of testators or other donors. In the case of *Carrie v. Cumming* (1859), John Carrie's family argued that his donation of his entire estate to his friends, Louis Alexander Dugas and Henry H. Cumming, constituted an illegal property trust meant to benefit a free woman of color named Mary Bouyer. Under the 1818 law, such gifts of property to free blacks were illegal. Carrie's will did not specify that Dugas and Cumming were to convey the property to Bouyer, but in court it was asserted, "by general reputation," that Carrie and Bouyer "lived together in a state of concubinage[.]" Justice Charles J. McDonald argued that even if Dugas and Cumming confirmed that Carrie had verbally articulated his gift to them constituted a trust for the benefit of Bouyer, they would still be "under no obligation of any sort to execute it, of their own volition" and, therefore, no trust would have been created. As McDonald concluded, "an

[118] *Spalding v. Grigg,* 4 Ga. 90-1 (1848).
[119] *Ibid* at 93 (1848).
[120] *Ibid* at 4 (1848).

absolute bequest of property carries to the legatee the power and right of the legatee to dispose of it as he pleases, uncontrolled by the verbal expression of hope or expectation of the testator."[121]

In both *Spalding* and *Carrie* each testator successfully instituted an illegal trust that conveyed freedom or property to a person of color that the courts ultimately upheld. Each ruling favored the property rights of beneficiaries on the grounds that their knowledge of the testator's intent in creating the trusts could be corroborated. Nor could their compliance with the terms of the trust be compelled. The affirmation by the court of those property claims illustrates that even when testators provided conditions for slaves within manumission trusts, trustees could still legally avoid meeting those conditions and wield unrestricted power over slaves. Ultimately, whether trusts would be fully realized relied upon the persuasions of the trustees themselves.

In most instances, manumission trusts reflected existing paternalistic relationships between slaves and former masters or white acquaintances as masters often utilized family members or friends to establish protections for slaves who could not legally be freed after the legislative ban. Many trustees affirmed their commitment to upholding the freedom of slaves, regardless of whether any plan to obtain legal freedom had been put into motion. In 1806, the three administrators of the estate of the father of Joseph Clay Jr. presented him with the title to his father's slave, Prince. When Clay entered a deed reflecting his ownership of the slave into the official record, he felt compelled to confirm that his ownership was nominal; "as he is entitled to his freedom, I shall only use [the bill of sale] for his protection until his freedom can be secured in accordance with the law."[122]

[121] *Carrie v. Cumming*, 26 Ga. 690, 698-9 (1859).
[122] Deed of Joseph Clay, May 9, 1806. Deed Books, 2D.

Billy, the alleged son of a white man named Moses Simons, benefited from the willingness of his father's friends to raise and pay $600 to Billy's owner "to the end that Billy may as far as the laws permit in this country be liberated from slavery[.]" Simons' friends agreed "under every possible aid and countenance, to uphold the said Billy in his freedom, so far as his colour and political situation will admit in the State of Georgia."[123] Interestingly, neither the trustees of Billy or Prince's articulated any intent to seek legal manumission from the legislature.

Unlike will-based manumission trusts, those conducted through bills of sale mostly involved individuals who fully accepted the intentions behind property sales as such sales required the consent of both parties and occurred during the lifetime of the slave's original owner. In 1821, Thaddeus G. Holt sold his slave, Joe, to Thomas Butler "for the purpose of procuring the emancipation of Joe, by enabling Butler to take him to New Jersey, and then have him manumitted" and carried back to Georgia. In *Escheator v. Candler* (1860), nearly forty years later, the Georgia Superior Court voided Joe's free status on the grounds that "the sale of him by Holt to Butler, and Butler's quick succeeding manumission of him in New Jersey, with Joe's immediate return thereafter to Georgia, were but the different steps in a plan for carrying Joe out of Georgia as a slave and bringing him back as a free man."[124] There was little doubt that Butler played a role that had been designed by Holt.

Purchasers were not often declared as guardians in deeds conveying freedom in trust, but the capacity of white purchasers in these arrangements did reflect a similar paternalism in the assumption of their responsibilities. When Claud Borel sold seventy-year-old Pelagie to Pierre Thomasson in 1811, he declared that the slave be "permitted to

[123] Deed of Judy Minis, January 26, 1810. Ibid.
[124] *Hammond vs. Candler,* 30 Ga. 275-7 1860.

do, and act for herself," operating "as free, […] under the protection" of Thomasson.[125] Borel clearly intended for Thomasson to operate as a guardian to Pelagie, even if Georgia law prevented the formal assignment of guardians to slaves. The language establishing the freedom trust conducted between William Wigg and Francis Jalineau provides a rare degree of clarity as to the intentions and role of both master and purchaser. When Wigg sold Jalineau three slave children in trust, he instructed Jalineau to retain them as his property until they turned twenty-one. Wigg added that the "instrument is intended only to secure the protection of the said Girls […] from any involuntary servitude[,]" adding that he would "pay any reasonable and necessary expenses" incurred by the arrangement.[126] Even if Jalineau never received the title of guardian through the court, Wigg carefully constructed his arrangement with Jalineau, assigning limitations to the purchaser but also accepting that Jalineau's relationship with the girls—who were neither wards nor slaves—would extend beyond simply allowing them to do as they pleased under his mastery. In both examples, Jalineau and Thomasson undertook responsibilities for extended periods of time as neither sought to legally manumit the slaves. It is likely that many slave owners or other parties interested in establishing freedom trusts bypassed the formality of turning trustees into guardians in courts because they wished to avoid drawing further attention to the questionable legal status of quasi-free slaves.

In some cases, the purchasers of slaves did assert their rights as guardians in the act of purchase, motivated either by the interests of the slave or those designing the purchase. Iris, a slave owned by St. Dominguan merchant Isadore Stouf, paid Elias Roberts five hundred dollars to purchase herself and her daughter, Poussy, from Stouf for

[125] Deed of Claude Borel, June 9, 1811. Deed Books, 2D.
[126] Deed of William Hutson Wigg, March 27, 1817. Deed Books, Book 2G.

the purpose of obtaining their freedom. Roberts provided the additional three hundred dollars demanded by Stouff for Poussy's purchase, reserving the right to use the slaves "for such a number of years as may be judged reasonable to refund" his costs. Even as Roberts declared his rights of ownership over Poussey and Iris, he also declared his right to protect them in the bill of sale. Roberts claimed "the power and liberty only of acting as agent attorney or guardian to act for them in all lawful matters or things to prevent any person or persons from usurping any illegal authority over them and to defend them in all lawful matter or thing in any courts of Judicature in this state." This declaration provides a contradictory legal identity for the two slaves as Roberts' property and as individuals with rights that could be legally protected against any individual except Roberts. The wording of Roberts' deed did not follow the typical legal wording of a manumission trust or a guardianship contract, but it illustrates that guardianship's usage extended across lines of class and race in instances where these individuals might not legally be entitled to its benefits.[127]

More commonly, the former owners of quasi-free slaves assigned their trustee owners the additional role of guardian. Henry William Jordan's 1826 will did not name a new owner for Lucy but asserted that the slave was to "have her time during her life[.]" Without providing Lucy with any legal claim to freedom beyond her own productive hours, Jordan proceeded to "appoint Willis R. Franklin her guardian[,]" presumably to protect her vaguely free status.[128] When James Neyle named Richard M. Stites and William Davies as "executors […] and guardians" to his slave Affy and her two children in 1807. In addition to ensuring that the slaves would have "a free pass [...] so that no

[127] Deed of Isadore Stouf, August 13, 1799; Deed of Elias Roberts, June 11, 1801. Deed Books, 1W.
[128] Will of Henry William Jordan, January 4, 1826. Chatham County Wills, Book H, 1817-1827.

work or labour be demanded from them" beyond twenty-five cents per year, Stites and Davies were to seek legal freedom for the family through the legislature. Although the whether Affy legally received her freedom remains a mystery, twenty-two years after the establishment of her trust, Affy Neyle registered as a free woman of color, working as a waiting woman under the guardianship of attorney William Gordon.[129]

Slaveholders created trusts that prolonged the involvement of specific guardians in the lives of their former slaves, particularly when they intended to provide property for the slave. When Reuben Patterson appointed George Blakey of Kentucky as the "guardian and trustee" of his slave Sophy in 1851, he provided precise instructions for Sophy's care and her freedom, but also recognized that Blakey's acceptance of the responsibilities of his guardianship would be necessary for the proper execution of Sophy's trust. If Blakey refused the responsibility of guardian, Patterson requested that his friend "appoint some known, discreet and proper person, who will carry out my wishes and desires." Patterson provided Blakey with $2,000 to cover Sophy's expenses and expected him to free and "superintend the education" of Sophy. The slave would "remain under his care and control until . . sixteen . . unless (with his consent) she marries[.]"[130] Patterson's assertion that Sophy's guardian's consent would be required to allow for her marriage illustrates the degree of control a master could continue to assert in the life of a freed slave, even posthumously, through the assignment of guardians or trustees. On the other hand, the extended relationships that guardians and trustees could be expected to have with their wards might motivate an owner to more explicitly allow a slave the opportunity to exchange trustees. For instance, Thomas Beall gifted his house

[129] Will of James Neyle, September 29, 1807. Chatham County Wills, Book G, 1807-1817; Chatham County Free Persons of Color Register, Volumes 1 and 2, CSRLMA.
[130] *Cooper v. Blakey*, 10 Ga. 264-5 (1851).

servant Mariah to his executor in trust, but Beall's will allowed Mariah "the right to choose any other person . . as her trustee" if "she may become dissatisfied[.]"[131]

Slaves who received their freedom from manumission trusts also appear to have selectively continued their relationships with those who served as guardians even when slaveholders did not specifically articulate their desire that slaves do so. In 1813, Henry McIntosh appointed Nicholas J. Bayard and Ray Sands executors of his estate and named both men as "[g]uardians and protectors" of several slaves he wished to be freed by the legislature, including Mary and her children Ishamel and Patty, Anthony, Louisa, Judy, Rose, and Nancy. Sands' familiarity with the slave family is evidenced by the fact that three years prior, McIntosh gave Ray Sands and attorney Richard Stites property and slaves to hold as guardians to the child, Nancy.[132] Perhaps Nancy was McIntosh's own daughter, but in either case, provisions for property and guardians for her protection indicate that McIntosh had a special relationship with the slave child. Although proof of their legal emancipation could not be located, six of the eight slaves freed by McIntosh appear registered as free people, with guardians, living in Savannah. Judy McIntosh, who worked as a cook and washer, was the only McIntosh slave who elected to remain under the guardianship of her trustee owner, Nicholas Bayard.[133] Planter Henry Bourquin sold five mulatto children in trust to Savannah attorney Thomas E. Lloyd, who agreed to allow the slaves "to labour for themselves" while Lloyd attempted to secure their freedom. Lloyd successfully freed the five, who later took Bourquin's last name, and as the former slaves enjoyed their freedom, Lloyd remained guardian to the five Bourquins.

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[131] *Drane v. Beall*, 21 Ga. 21 (1857).
[132] Will of Henry McIntosh, April 18, 1813. Chatham County Wills, Book G, 1807-1817; Deed of Henry McIntosh, March 25, 1810. Deed Books, 2D.
[133] Chatham County Free Persons of Color Register, Volumes 1-4.

The two youngest even remained in Lloyd's own household while the two eldest boys were apprenticed to white men.[134] Although Lloyd's relationship with the Bourquin children appears somewhat closer than Bayard's relationship with the McIntosh children, in both instances, bonds of trust appear to have developed between freed slaves and the agents their former masters made responsible for their freedom.

Free people of color who would otherwise directly purchase slaves either as assets or for the purpose of protecting their family members also elected to utilize their own guardians as purchasers. Joseph Meric sold a St. Dominguan slave, Francillette, to Paul Dupon, who declared himself to be "acting in behalf and as guardian" to Charles Reigne, a free black man. Dupon's rights of ownership were restricted to the collection of 50 cents per year until Francillette could be freed by legislature. Reigne clearly purchased Francillette in order to free her, but Dupon's ownership of her title provided protections beyond his own. Among the members of the free black community, Dupon gained a reputation as a respectable guardian since he served as guardian to at least thirteen free people of color across three separate families.[135] As guardian to the true purchaser, Reigne, Dupon's protection as purchasing agent extended over Francillette as Reigne's interest in her quasi-freedom overlapped her own. When Old Tom Bryan, a free man of color, sought to purchase his grandson Tom in 1808, he bought the boy directly from Palmer Goulding. However, it was his guardian, Archibald Smith, who later sold Tom to merchant Philip Woolhopter for the purpose of holding Tom in trust until he could be

[134] Deed of Henry Bourquin, September 20, 1816; Deed of Thomas E. Lloyd, November 18, 1816. Deed Books, 2G; Chatham County Free Person of Colour Registers, Volume 1.
[135] Deed of Joseph Meric, May 25, 1814; Deed of Paul Dupon, April 8, 1816. Deed Books, 2F; Chatham County Free Persons of Color Register, Volumes 1-4.

manumitted by the legislature.[136] Although Bryan could legally possess Tom until he could be freed, the use of the two white men to establish a contract with the intent of freeing his grandson provided an added benefit in placing Tom under the ownership of a white individual whose petition for freedom would carry more weight with Georgia's legislature. Furthermore, the two men who could be relied upon to continue the trust should Bryan die. By appointing guardians for slaves involved in trusts conveying delayed manumission, quasi-freedom, or property, slave owners and black family members hoped to extend the protection of free, trustworthy white men to a class of people of color for whom the right to freedom remained questionable.

Conclusion

In the 1854 case of *Cleland v. Waters,* Justice Joseph Henry Lumpkin provided a brief history of the policies passed by the state legislature that had attempted to control the size of Georgia's black population. Lumpkin noted that although "the people of the South [...] may have considered not only the retention, but the increase of their slave population, to be all-important to the interest and welfare of their States," Georgians had voluntarily abandoned foreign importation ten years prior to the Federal mandate and acted in support of "the true interest and prosperity of the State[.]"[137] The acts of 1801 and 1818 limiting the manumission and the entry of free people of color supported a similar pragmatism in Lumpkin's view. However, in addition to measures repressive to the free black population, Lumpkin also noted that laws protecting free people of color

[136] Deed of Palmer Goulding, August 23, 1808; Deed of Archibald Smith, August 16, 1808. Deed Books, 2B.
[137] The phrase "the true interest and prosperity of the State" quoted by Lumpkin came from the preamble of the 1798 Georgia Constitution outlining the stopping of the foreign slave trade. *Cleland v. Waters*, 16 Ga. 509 (1854).

from kidnapping and providing them the right to pursue freedom suits also "vindicate, the temper and tone of our legislation in reference to slavery" and proved the "wisdom and moderation of our Legislature, respecting slaves and free persons of color."[138]

For a man like Lumpkin, who led from the bench with a passionate commitment to the continued strength of the institution of slavery, the word "moderation" demonstrates the degree to which he remained disconnected from the truly moderate beliefs of many of his fellow slaveholders towards black freedom that motivated them to violate those laws. Regardless of the justifications concerning public safety that state jurists and lawmakers used to explain the shift in manumission policy towards supporting a mostly closed system of slavery, the creation of manumission trusts as evidenced in the court records of Chatham County reflects that many slaves, slaveholders, and their allies in Savannah were unwilling to dismiss their own feelings towards freedom and the allowance of liberties for African Americans who were loyal members of their households or families. Whereas manumission had been understood during the 18th century to represent an extension of the unilateral power of masters over slave property, the sudden and drastic assertion of public authority over the freeing of slaves motivated the popular adoption of slaveholding trusts that worked to achieve some measure of freedom for certain African Americans.

Precedents for the use of third party trusts for manumission can be seen in instances of self-purchase within Chatham County Court records before 1801 and in forms of delayed manumission used in St. Domingue that refugees later deployed at Savannah. However, when Savannahians adopted trusts in response to laws preventing them from freeing their slaves directly, both the objectives and parameters of these

[138] *Ibid* at 512.

instruments became redefined. As access to legal freedom narrowed, trustees could play a significant role in the lives of quasi-free and freed slaves over an indefinite amount of time—even entire lifetimes—since such trusts could provide no conclusiveness to the legal status of such slaves. Some trustees continued serving as guardians to individuals they previously owned in trust. In instances where legal freedom could not be achieved, guardians and trustees provided those living as quasi-free with allies who could stand in local courts on their behalf, even if they had no true letters of guardianship.

Largely in response to the common informal use of guardians among the free and quasi-free black population, Georgia's legislature passed a law in 1810 formalizing the process by which free people of color could obtain guardians and outlined the legal powers that they could exercise over their wards. By the 1830s, state authorities had expanded the legal powers of guardians over the free black population for the purpose of limiting their access to a variety of economic and social rights. Yet, before and after the codification of free black guardianship under Georgia's slave codes, blacks and whites independently viewed guardianship as a valid tool of protection for free people of color in a variety of contexts, including the extension of protection of quasi-free slaves in manumission trusts. Just as Old Tom Bryan used his guardian to purchase his grandson in order to execute a manumission trust, free blacks also entered into many of these arrangements voluntarily for the purpose of protecting their real or slave property. Masters manumitting slaves or whites conveying property to free blacks also used these arrangements to extend the reach of their protection over former slaves. As the following chapter illustrates, by the time that state law had forced hundreds of free people of color

to enroll in guardianship relationships, white and black Savannahians had already adapted and deployed these relationships independently in a variety of circumstances.

Chapter Six

The Rise of Wardship

In September of 1807, Guillermo Potau sat in the Chatham County jail, accused of the crime of acting as a free man. Two Savannah residents, Isadore Stouff and Emanuel Rengill, volunteered information to the court, indicating that Potau, commonly known about the town as Spanish Jim, had in fact received his freedom eighteen years earlier in East Florida for serving as a soldier for the Spanish before making his way to Savannah by way of Havana.[1] Such testimony was not particularly unusual. In the chaos of escape and resettlement after the revolution in St. Domingue, free people of color often relied upon fellow refugees who flooded into Savannah to confirm their status as free men and women.[2] However, Isadore Stouff's role in Jim's narrow escape from enslavement went beyond that of a simple witness. Stouff himself called for the court to review Jim's case. "[A]s a guardian of the said negro Jim[,]" Stouff had been the bearer of Jim's freedom papers, but when the papers appeared so "worn out by age, as to be no longer legible," Stouff applied to the Spanish Consul, Emanuel Rengill, to inform the court that he was "well acquainted" with the circumstances of Jim's freedom.[3]

Stouff's role as Jim's guardian betrays the operation of a unique legal culture within Savannah that has thus far eluded historians of the American South. Like Jim, Stouff arrived at Savannah from the West Indies. It is unlikely that Jim and Stouff were familiar before their arrival.[4] Souff's voluntary position as Jim's guardian and the actions

[1] Deed of Emanuel Rengill, September 5, 1807; Deed of Isidore Stouff, June 11, 1808. Chatham County Deed Books, 2B, CCCH.
[2] In fact, Isadore Stouff provided similar testimony in order to demonstrate the freedom of French person of color being held wrongly as a slave in 1818. Deed of Isidore Stouf, January 28, 1818. Deed Books, 2H. Chapters 2 and 4 contain additional examples of affidavits made by whites attesting to the free status of people of color. For instance, see: Deed of Mathurin Bion, October 26, 1811. Deed Books, 2D; Will of Paul Pierre Thomasson, June 25, 1832. Chatham County Wills, Book I, 1827-1840.
[3] Deed of Isidore Stouff, June 11, 1808. Deed Books, 2B.
[4] Stouff worked in St. Domingue as a royal engineer before journeying to Savannah in 1796, where he found success as a merchant and leader within Catholic community established by the French refugee community shortly after his arrival. Death Certificate of Isadore Stouf, June 23, 1822. France Department

he took to protect Jim's freedom discloses several characteristics inherent in the interactions between free blacks and whites in local Georgia courts. First, the ability to prove the legitimacy of a black person's freedom often required the cooperation of white members of the community. The willingness of Stouff and Rengill to certify Jim's freedom affirms the presence of a strong cross-racial network among French-speaking migrants in Savannah. Their shared associations as non-Americans helped people of color like Jim find his place in the social hierarchy at Savannah. Second, Jim's attachment to a white guardian provided him with a tremendous advantage when his freedom came into question. Beyond his own testimony made on Jim's behalf, Stouff sought out other witnesses and petitioned courts and consuls. But Stouff's responsibilities considerably exceeded the testimony provided at the hearing for Jim's freedom. Stouff had long been responsible for Jim's most precious item: his freedom papers. The cumulative responsibilities voluntarily undertaken by Stouff and at least acquiesced to by Jim attests to the intricacies of a relationship that created unique legal bonds among some members of Savannah's white and free black populations.

Guardianship for free people of color first appeared in formal law in 1755 when Georgia lawmakers imported most of South Carolina's slave codes to create the colony's first comprehensive body of slave law. Lawmakers established a procedural format for trying whether an enslaved person was free that required white men to appear as guardians of putatively free people of color at trial. This convenient legal arrangement denied slaves the legal standing of free citizens while maintaining protections for the

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of Foreign Affairs Register, Register of Births, Marriages and Deaths, MS 6011, GHS; Thomas Paul Thigpen, "Aristocracy of the heart: Catholic lay leadership in Savannah, 1820-1870," 31-43.

freedom of non-citizens.[5] Yet, men like Isadore Stouff who undertook guardianships and aided free people of color like Jim in local courts demonstrate that guardians and their wards also used these relationships to their advantage outside of direct legal challenges to freedom. By the 1790s, a number of free people of color voluntarily arranged guardianship that allowed white men to engage in legal and financial transactions on their behalf in order to achieve superior protection for their persons and property under the law. Former masters and white allies also found that guardianship provided unique legal benefits for former slaves and free black family members, since white guardians assumed a variety of legal responsibilities on behalf of their black wards that extended beyond the certification and protection of their status as free individuals.

By 1810, the popularity of free black guardianships led the Georgia legislature to codify a process outlining how free black guardians were to be appointed and conferring upon them the same powers stipulated for the guardians of white wards. Although the law did not require free people of color to obtain guardians, the passage of the law marked a turning point. During the next thirty years, city and state lawmakers passed additional legislation that made free blacks beholden to white representatives who would increasingly police their access to rights and privileges, including their ability to purchase writing materials, hold social gatherings, and enter into financial contracts.[6] The cumulative body of statutes pertaining to free black guardianship passed between 1755 and the 1850s reveals that Georgia lawmakers utilized the legal instrument of

[5] Coleman and Ready eds., *The Colonial Records of the State of Georgia* XXVIII. (Atlanta: Chas. P. Byrd, 1910), 400. (Hereafter CRSG); *Statutes at Large of the State of South Carolina,* Vol. VII. Thomas Cooper, and David J. McCord, eds, (Columbia: A.S. Johnson, 1836), 397-8.

[6] The concept of guardianship as applied to slaves or free people of color was first adopted by the South Carolina colonial legislature in 1740. *Statutes at Large of the State of South Carolina*, Cooper, and McCord, eds, 397-8; CRSG, 28: 400.

guardianship to consistently separate free blacks' legal standing from that of whites for the purpose of maintaining a well-defined racial hierarchy. While the 1755 law restricted the representative powers granted to guardians to disputes over blacks' freedom, laws passed during the 1830s and 1840s allowed guardians complete discretion over the privileges allowed to their black wards.

The desires of lawmakers to subordinate blacks' legal standing as expressed within the formal law concerning guardianship has led the bulk of scholarly analysis to evaluate guardianship exclusively as a production of the state's repression of free blacks. Typically, historians mention guardianships anecdotally when constructing broader arguments concerning how state authorities restricted the rights of free people of color. For instance, Ira Berlin correctly describes Lower South legislatures' establishment of guardian requirements as an expression of a desire "to provide free Negroes with surrogate masters[.]" Watson Jennison's more recent interpretation of free black guardianship reflects a more balanced assessment of the disadvantages created by guardianship for free people of color when he concludes that the relationship could be "mutually beneficial" for whites and blacks.[7] Yet, in contextualizing guardianship as a

[7] In fact, the law cited by Jennison fails to outline a guardianship requirement at all. The 1793 statute cited instead instituted a requirement that all free people of color entering from out of state provide the court with two magistrates who would attest to their character. Janice Sumler-Edmonds recent assertion that guardianship "did not always have a detrimental impact on the free black population" echoes Jennison's conclusion, but she too viewed guardianship as a relationship originating within statutory law. Sumler-Edmonds incorrectly concludes that 1808 guardianship requirement for free black minors as one applicable to the whole population, stating that "[t]he law that most closely aligned free blacks' status with that of enslaved people was the Georgia Guardianship Statute of 1808, which mandated white control and oversight of free blacks." Janice Sumler-Edmond, *The Secret Trust of Aspasia Cruvellier Mirault: The Life and Trials of a Free Woman of Color in Antebellum Georgia.* (University of Arkansas Press, 2008), 5-6; Ibid, "Free Black Life in Savannah," in Leslie M. Harris and Daina Ramey Berry, *Slavery and Freedom in Savannah* (Athens: University of Georgia Press, 2014), 133-4; Watson W. Jennison, *Cultivating Race: The Expansion of Slavery in Georgia, 1750-1860.* (University Press of Kentucky, 2012), 77-80. For the law of 1793, see: *Acts of the General Assembly of the state of Georgia : passed at their session, begun and holden at Augusta, the fourth November, one thousand seven hundred and ninety three, and continued, by adjournments, to the nineteenth December following.* (Augusta, 1794), 24.

relationship driven entirely by state-instituted requirements, historians have entirely ignored the evolution of guardianship within local-level institutions, including the use of guardians by free blacks outside the roles outlined by the law.[8]

Unfortunately, scholars' emphasis on state designs concerning black guardianship and the subsequent concentration on how guardianship was used during nineteenth century has privileged the instrumental character of statutory laws concerning guardianship. While it is true that the nature of the guardianship relationship codified by Georgia law restricted the access to and standing of free people of color in the courts, the restriction was neither absolute nor inherently penalizing within legal actions nor in everyday life before 1826. Laws passed in 1826 and 1833 required guardianship for the issuance of freedom papers and the right to enter into contracts of any kind.[9] This chapter provides evidence of guardianship outside of statutory law in order to offer a competing narrative about how and why free people of color became wards of white men in Georgia. Most centrally, I argue against interpretations that incorrectly assess guardianship as a "requirement" in Georgia after 1810, and instead view laws passed during the early nineteenth century as intended to better define existing local practices.

Custodial relationships traditionally represented the concerns of individuals—often parents or family members—seeking to protect those with weak legal rights. Like

[8] John Hope Franklin interprets the guardian requirement as exclusively representing a "restrictive" legislative measure and argues that North Carolina's lack of guardian requirement was in fact a liberal measure. John Hope Franklin, *The Free Negro in North Carolina,* (University of North Carolina Press, 1943); Ira Berlin, *Slaves without Masters The Free Negro in the Antebellum South*. (New Press, 2007), 215, 357, quotation on pp. 318. For further discussions of guardianship in Georgia, see Whittington B. Johnson, *Black Savannah: 1788-1864.* (Fayetteville: University of Arkansas Press, 1996) and Timothy Lockley, *Lines in the Sand: Race and Class in Lowcountry Georgia: 1750-1860.* (Athens: UGA Press, 2001).

[9] "An Act concerning free persons of color, their guardians, and colored preachers." December 23, 1833; "An Act to amend an act, entitled *An Act supplementary to, and more effectually to enforce an act, entitled Act prescribing the mode of Manumitting Slaves in this State; and also to prevent the inveigling and illegal carrying out of the State persons of color."* December 26, 1826. Oliver H. Prince, *Digest of the Laws, 1837*, 800-1, 808.

the relationships arranged for children, guardianships between whites and free people of color in the Lower South protected the legal rights of the disadvantaged but did so within an evolving legal framework which was tied to the racial etiquette of Georgia's slave society. The relationships between free people of color and their white guardians outlined within this chapter illustrate that, prior to the state's attempts to muster free black guardians for their own objectives, the guardians of free people of color provided a kind of legal paternalism as allies of their wards while simultaneously serving an integral role in qualifying certain free people of color as worthy of belonging to and transacting within the larger community of free citizens. In examining the institution of free black guardianship as it evolved locally and separately from the state-driven function it was to serve during the nineteenth century, this chapter illustrates that the crystallization of strategies that deployed guardians for the purpose of controlling the free black population during the 1830s actually tapped into an existing credit-based customary legal culture that by the late 18th and early 19th centuries characterized legal and economic transactions involving free people of color.

Section I: The Legal Foundation and Evolving Definition of Free Black Guardianship in Georgia

In time local and state authorities would come to view the permanent attachment of free blacks to white guardians as an elegant solution for monitoring and asserting control over the increasing population of free people of color in Georgia. But the integration of free black guardianship into formal statutes initially developed during the colonial period from the necessity of creating a subordinated legal status for black Georgians who sought standing in the courts for matters that the law of slavery otherwise

prohibited courts from considering. State and local authorities recognized that the interposition of white guardians between free blacks and the courts could alleviate underlying tensions concerning the legal rights of free people of color in a range of contexts where the preservation of racial boundaries remained crucial. For decades following the institution of guardianship as a mandatory link between free people of color and the courts, Georgia's court records and other public forums reflected an unsettled dialogue about the legal status of free people of color and the role of white guardians in maintaining that status.

The construction of the racial hierarchy of Georgia's slave society demanded that the law categorically deny people of African descent access to particular freedoms and privileges, but the act of doing so created significant injustices for the protection of people of color who could make legitimate claims to free status. The laws of Georgia provided a direct challenge to the free status of non-white residents while simultaneously distancing the legal standing of free people of color from whites. The legal assumption of slave status for those of discernible African ancestry was a defining feature of most Southern slave codes during the eighteenth and nineteenth centuries, the singular exception being Delaware.[10] Georgia's 1755 slave code declared that "it shall be always

[10] The initial establishment of race as a categorical ordering principle of free and unfree status did not naturally coincide with the presence of Africans in the British colonies, a fact well established by Winthrop Jordan, Edmund Morgan, Orlando Patterson, and others. Orlando Patterson, *Slavery and Social Death*. *(*Cambridge, Mass., 1982); Edmund S. Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (New York, 1975); Winthrop D. Jordan, *White Over Black: American Attitudes toward the Negro, 1559-1812*. (Chapel Hill, NC., 1968). The 1840 Delaware court case *State v. Dillahunt* determined that the *prima facie* assumption of slavery could no longer be upheld in the face of the fact that of 20,000 black residents, 17,000 were free. For a discussion concerning the evolution of state statutes concerning the relationship between race and slave status during the nineteenth century. See: Thomas D. Morris, *Southern Slavery and the Law, 1619-1860*. (Chapel Hill: The University of North Carolina, 1996), 21-9. In 1802, North Carolina declared mulattoes to be free until proven slave, keenly aware of the rule of *Partus Sequiter Ventrum* by which the children of free white mothers would be born free. Cooper and McCord, Statutes at Large of the State of South Carolina, vol VII, 398; Ira Berlin, *Slaves without Masters*, 34.

presumed that every Negro, Indian, mulatto and mustizo, is a slave, unless the contrary can be made appear[.]" The 1755 law provided few protections that would secure the freedom enjoyed by the small number of free blacks then living in the colony.[11]

The introduction of laws allowing guardians to initiate legal proceedings on behalf of free people of color initially arose from the desire of law-makers to balance the public nature of disputes involving the legal status of those claimed as slaves with the private property rights of the master.[12] Georgia courts opted to follow South Carolina in striking a balance between denying slaves access to courts and fulfilling what the judiciary recognized as a right of free people of color. In 1755, Georgia's first slave code carried over most of South Carolina's 1740 slave code, including the provision that white guardians *could* assist free people of color in the legal process.[13] The South Carolina law represented the first attempt by any state to institute a positive right for putative slaves that permitted them to challenge the legal assumption of their slave status while also setting strict limits that prevented them from receiving a broader spectrum of legal rights. The law allowed slaves to petition the court to assign a guardian, who would then be empowered "to bring an action of trespass in the nature of ravishment of ward" against those who claimed the alleged free person as slave property.[14]

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[11] CRSG, 28: 400. Based upon an analysis of local deeds and wills, Betty Wood estimates that between 1751 and 1776, fewer than fifty slaves were freed in Georgia. Betty Wood, *Slavery in Colonial Georgia, 1730-1775,* 164, 240 fn 18.

[12] Keila Grinberg, "Freedom Suits and Civil Law in Brazil and the United States," 71.

[13] Georgia's first freedom suit was not heard until eight years later in 1763. Coleman and Ready eds., *The Colonial Records of the State of Georgia* XXVIII. (Atlanta: Chas. P. Byrd, 1910), 400. Georgia's appellate court reviewed a relatively low number of freedom suits; only 5 cases were heard by the high courts between 1790 and 1870, compared with nineteen in North Carolina, thirty-two in South Carolina, and seventy-one in Virginia. Several Southern border states, including Maryland and Kentucky, reviewed many more freedom suits, ninety and eighty-three respectively. Marion J. Russell, "American Slave Discontent in Records of the High Courts," *The Journal of Negro History* 31, No. 4 (Oct. 1946), 418.

[14] In most other states, slaves could directly petition courts to have their freedom suits heard. Of course, the procedural differences across statutes reflected the varied desires of legislators to modify such rights to different extents. In Missouri, an 1824 law held that they were to first petition the court for permission to

Legislators drew upon English common law concerning the custody of children to address the legal status of slaves. The writ of ravishment of ward had, since feudal times, provided a remedy in cases of the abduction of wives and children—individuals who held no power to consent—by allowing guardians the legal standing necessary to pursue their interests in protecting their dependents, or wards.[15] The appropriateness of this writ as a remedy for slaves came from its compatibility with the notion that slaves were incapable of consent outside of the command of the master. By requiring that a guardian bring the action of ravishment of ward, the impaired legal capacity of the slave as another's property remained intact while the slave was denied direct access to specific legal privileges.

During the first half of the nineteenth century, as Georgia jurists grappled with the extent to which constitutional rights ought to apply to free blacks, the applicability of guardianship seemingly solved some of the larger ideological issues caused by the extension to free blacks of permission to defend themselves in court. Justice George M. Dudley lauded the benefits of the 1755 statute's cautionary approach to the question of freedom when he reviewed the case of *State v. Fraser* in 1831. Dudley declared "the wisdom and propriety of this act, by provisions of which the liberty and security of Negroes claiming to be free, (if indeed free) are guarded on one hand, and the trial by

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bring a freedom suit. The judge would then provide a lawyer to the slave who could then bring suit free of cost. Maryland courts similarly allowed slaves to directly petition courts as early the 1650s and the right to petition was codified in 1699. Virginia's 1795 Freedom Suit Act also allowed for slaves to petition to the Superior Court or magistrate for the right to sue. If a case was allowed to proceed, a lawyer would again be assigned to prosecute the suit without costs. For a comparative analysis between courts that utilized guardianship in freedom suit cases and those that allowed slaves to directly petition the courts, see: Andrew Fede, *Roadblocks to Freedom*. (Quid Pro, LLC, 2012), 139-147; Marion J. Russell, "American Slave Discontent in Records of the High Courts," 418-26; *Statutes at Large of the State of South Carolina,* Vol. VII, 397-8.

[15] Sarah Abramowicz observes that the use of the writ extends back to the feudal ages, when it also served to address the damages incurred if a ward was married without his or her guardian's consent. Sarah Abramowicz, "English Child Custody Law, 1660- 1839: The Origins of Judicial Intervention in Paternal Custody," ***Columbia Law Review*** 99, No. 5 (Jun., 1999), 1373.

jury of the right of property is secured to the person claiming to be master on the other."[16] Dudley argued that the principles of the *Magna Charta, Habeas corpus,* and the right to a jury trial, "were all of too much value to be lost or even impaired, and the people finding among them a class of men held as absolute *property,* and an intermediate class, neither slaves nor free citizens, were driven to the necessity of enacting new laws in order to preserve these great principles, to adapt them to the actually existing state of society, and to extend them as far as possible."

An editorial in the Milledgeville *Reflector*, contributed by an anonymous "Jurist" in 1819, noted the successful use of the "old British statute." The ravishment of ward writ has been "uniformly adhered to [and] appears to accord with the genius and spirit of our government," Jurist wrote. "It does not destroy the inestimable privilege of trial by jury, but on the other hand comes in aid to it, and supports that law which makes it the duty of the jury to ascertain the fact in dispute."[17] A jury trial, as this writer suggests, necessarily gave determination of the status of people of color to representatives of the community at large, which as Justice Dudley later noted, was a legal requirement for the fulfillment of the rights of the property owner.

Statutes and case law show that from an early point jurists and lawmakers assumed a conservative approach towards the legal standing and constitutional protections afforded to the free black population, routinely grouping free blacks with slaves under a variety of local and state ordinances. Section twelve of Georgia's 1770 slave code applied the same criminal regulations concerning slaves to free people of color

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[16] *The State v. H. B. Fraser, Jailor of Richmond County.* Dudley 45, July 1831. G.M. Dudley, *Reports of decisions made by the judges of the Superior courts of law and chancery of the state of Georgia.* (New York: Collins, Keese & Co., 1837), 44-5.
[17] Editorial, February 2, 1819. *The Reflector*: Milledgeville). Vol. 2, Issue 5, p. 3.

for offenses including the murder or rape of a white person, the murder of a slave, committing insurrection, destroying or burning a house or goods, and enticing slaves to run away.[18] Within the city of Savannah, free people of color were commonly subject to a variety of policing statutes aimed towards the discipline of slaves. Free black laborers were required to obtain badges for specific employments in the cities, while a 1795 ordinance banned them from acting as hawkers or peddlers within city limits. If a free black could not pay the five-pound fine, he or she would be subject to one month's imprisonment or the same maximum penalty of fifty lashes reserved for slaves. Free people of color found themselves subject to a wide range of additional rules that resulted in corporal punishment or forced labor if they failed to pay specified penalties.[19] By 1806, slaves or free people of color participating in assemblies of more than seven individuals would be sent to jail, unless they gathered for a religious service or the mayor provided them with written permission for "the purpose of dancing or other merriment[.]"[20] One year later, the sharp influx of a "number of free negroes, mulattoes, and mustizoes of vicious and loose habits," prompted the passage of a city ordinance that categorically declared all free blacks "subject to the same police, regulations and restrictions, as slaves are and may be by the laws of this state[.]" The phrasing of this and other laws reveals that City Council members and state legislators sought to reshape the present state of relations between the free blacks and wider economic community. For example, in 1807, Georgia's legislature passed a law under which any white person

[18] See section XII: "An Act for ordering and governing slaves within this province, and for establishing a jurisdiction for the trial of offences committed by such slaves, and other persons therein mentioned; and to prevent the inveigling and carrying away slaves from their masters, owners, or employers." *A Digest of the Laws of the State of Georgia.* Ed. Robert Watkins, George Watkins, Robert Aitken. 167-8.
[19] "An Ordinance For the government of Negroes and other Persons of Color within the City of Savannah" passed January 27, 1795. City Ordinances. Vol. U.13.01. OCC, CSRLMA.
[20] "An Ordinance For the government of Negroes and other Persons of Color within the City of Savannah," passed December 8, 1806. Ibid.

hiring a house to a free black without proper notification to the City Council would "be subject to the same penalties as if such house or tenement had been let or hired to a slave, any law, usage, or custom to the contrary not withstanding."[21]

In the 1806 case of *Ex parte George, a Free Man of Colour*, Savannah attorney Robert M. Stites argued that criminal regulations of a 1770 law, which lumped free blacks with slaves, violated the declared intent of the act in specifically addressing enslaved members of the population and could not be applied to free blacks. The resulting court opinion reflects that jurists struggled to balance the protection of rights for free people of color with the existing common law practice of indiscriminately applying to free people of color the criminal and police statutes regulating slaves. Judge George Jones confirmed that it had "been the common usage and practice" to consider the act "as equally applicable to free negroes as to slaves." However, while it "obviously was the intention of the legislature to place the free negroes upon the same footing with the slaves," the court agreed that the title of the act, which addressed the "ordering and governing of slaves," limited its applicability to all persons of color. Yet, Jones noted that not grouping free blacks under the same penal codes as slaves could carry tremendous consequences:

"Policy demands it of us, that no privileges than those which flow from an imperfect state of freedom should be extended to persons of colour, or free negroes, than those enjoyed by slaves. […] For as soon as distinctions are attempted to be made in these respects, the free negro or man of colour, will begin to feel a dignity of character, and to affect rights highly incompatible with that distance at which he ought to be kept."[22]

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[21] "An Act for the better regulation of free negroes, in the cities of Savannah and Augusta, and the towns of Washington, Lexington, and Milledgeville," passed December 7, 1807. *A compilation of the laws of the state of Georgia, passed by the legislature since the political year 1800, to the year 1810, inclusive.* Ed. Augustin Smith Clayton. (Augusta: Adams & Duyckinck, 1812), 369.
[22] *Ex parte George.* T.U.P.C. 80, May 1806.

Jurists like Jones would continue to expound upon upholding a limited application of constitutional principles for free blacks as an integral boundary for Georgia's slave society. However, in *Ex parte George*, the court ultimately confirmed that "free negroes, persons of colour, and slaves, can derive no benefit from the constitution," nor could "they be included by any general principles within the pale of its provisions."[23] Jurists also displayed a distinct sensitivity towards the rights that "imperfect freedom" might provide free people of color. The court ultimately released Stites' client, George, on the grounds that the 1770 act was indeed "deficient" in its description of the punishment to be applied to free blacks. The appellate court also agreed with Stites that the lower court had failed to provide George with the benefit of appealing his sentence to the executive branch, a right George was entitled to receive "whether he be a free man or a slave[.]"[24]

The application of constitutional protections to free people of color remained an unsettled issue among Georgia jurists who were forced to evaluate the legal basis for such rights in the context of wider calls among white Southerners for the minimization of free blacks' political rights. In 1831, the court seemingly departed from the application of constitutional provisions towards free blacks in reviewing two applications by free blacks for *habeas corpus*.[25] In *State v. John N. Philpot,* a free black man named James argued for release from jail under the writ after being held awaiting a trial to prove his freedom. State prosecutors argued that *habeas corpus* was "designed alone for free white citizens." The judges of the bench disputed this claim, arguing that "with but a single exception

[23] Ibid at 91.
[24] Ibid at 93.
[25] *State v. Fraser, Jailor,* Dudl. Ga. 42, July 1831; *State v. John N. Philpot,* Dudl. Ga. 46, July 1831. In: G.M. Dudley, *Reports of decisions made by the judges of the Superior courts of law and chancery of the state of Georgia [1830-1833].* (New York: Collins, Keese & Co., 1837).

known to the court, the decisions and practice throughout the State […] have been uniform, to extend to this class of persons the benefit of the writ of *habeas corpus*."[26] The court acknowledged that the prosecutor "insisted that they [people of color] all stand upon the same footing in this regard by virtue of the general presumption against the liberty of the slave race." Yet, the judges stipulated that the legal principle which placed "slaves and free persons upon the same footing […] is confined to actions or suits between the guardians of negroes and their masters, to try the negroes' right to freedom," and apart from such circumstances, the court would recognize the access of free people of color to certain constitutional rights. Like slaves:

> "free persons of color are equally destitute of political rights, are somewhat abridged of personal rights, but enjoy in its fullest extent personal liberty. To protect this latter right wherever enjoyed, to restore it wherever unlawfully deprived, the habeas corpus[writ] was designed, and in a state of society just such as rights exist among us, was engrafted upon the Constitution. The slave, therefore, without personal liberty, is without the benefit of the writ: the free, person of color enjoying personal liberty has the benefit of the habeas corpus secured to him by a constitutional guaranty."[27]

The protections for the personal liberty of free blacks established in *Philpot* provided a precedent for the limitations of statutory powers as well, but the use of the precedent in the courts remained uncertain. Lawmakers usually paid little heed to free blacks' claims, partly because such suits were rare. Not until 1848 did the Georgia Supreme court review statutory limits on the rights of free blacks. Two free black petitioners, Samuel Cooper and Hamilton Worsham, petitioned for release from jail where they had been for over two months for failing to pay a $100 tax Savannah assessed against free people of color migrating into the city. The question before the court was

[26] *State v. John N. Philpot,* Dudl. Ga. 46, 49 July 1831.
[27] *Ibid* at 52.

whether Savannah as a corporation, had a right to pass such an ordinance. While an 1825 state law empowered the city to "pass *all* ordinances, rules, and regulations, necessary for the government of slaves and free persons of color, within the city of Savannah," attorneys for Cooper and Worsham argued that the law gave the mayor and aldermen "unlimited" powers over free blacks. At trial, Judge William Flemming denied Cooper and Worsham's request for release under *habeas corpus,* concluding that the petitioners were "not citizens, and God forbid they ever should be[.]"[28] The free blacks' attorneys appealed the case on the grounds that Flemming had "erred in determining that free persons of color are not so far citizens as to entitle them to a residence in the city of Savannah at their pleasure." Citing *Philpot,* they concluded, "in Georgia, free persons of color have constitutional rights."[29]

By 1848, when *Cooper* came under review, the politically charged national atmosphere had rendered the dismissal of claims for free black citizenship a practical necessity in order to better align formal law with proslavery ideology. Long before the Taney Court rejected the citizenship of African Americans in the 1857 *Dred Scott* decision, a substantial foundation for excluding blacks from citizenship had already been well established by thirty years of political discussions concerning the future of blacks in the United States and, perhaps most importantly, by the establishment of state sovereignty over the connection between race and citizenship.[30] After the Massachusetts legislature issued a resolution condemning Southern states for law that imprisoned free

[28] Entering free blacks were expected to pay the tax in addition to any standard taxes assessed on resident free blacks. *Cooper and Worsham, by their next friend, v. Mayor and Alderman,* 4 Ga. 68, 73 January 1848.
[29] Attorneys John W. Owens and McQueen McIntosh also cited three laws that also allowed free blacks to hold real estate, sue and be sued, and rendered them subject to taxation as proof of recognition of their constitutional rights. *Ibid* at 71.
[30] Robert Pierce Forbes, *The Missouri Compromise and its Aftermath,* 111-9.

black migrants and ignored rights due to them under the law, Georgia's legislature responded firmly to the notion that blacks could benefit from any political rights.[31] In 1842 the Georgia legislature affirmed that " '[n]egroes or persons of color, are not citizens, under the Constitution of the United States [and…] Georgia will never recognize such citizenship."

Although Justice Warner's opinion in *Cooper* stated that "[f]ree persons of color have never been recognized [in Georgia] as citizens" and could not enjoy political rights including voting, holding office, or bearing arms, Warner's ruling upheld free blacks' claim for "*personal* rights, one of which is personal liberty." Free people of color were entitled to certain rights, but Warner asserted that "[t]hey have always been considered as in a state of pupilage, and been regarded as our wards, and for that very reason we should be extremely careful to guard and protect all the rights secured to them by our municipal regulations."[32] The guardian/ward relationship became a metaphor for the obligations of local government to enforce rules that defended free blacks' rights while ensuring that they remained noncitizens. Free people of color did not simply constitute a group defined by the state in terms of rights they lacked, but as a category of residents whose rights deserved to be protected by the wider local community because of the disabilities associated with their racial identity.

As the 1755 law governing freedom suits demonstrated, guardianship provided Southern courts with a common law precedent that allowed for the protection of personal liberties of free blacks while denying them access to a wider universe of rights. Over the first three decades of the nineteenth century, the Georgia legislature codified specific

[31] Sweat, "The Free Negro in Antebellum Georgia," 96.
[32] *Cooper and Worsham by their next friend, v. Mayor and Aldermen,* 4 Ga. 72, (1848).

responsibilities for the white guardians of free people of color, but guardianship among the adult population never became an explicit requirement under state law. The limited nature of those efforts is striking when compared to the later evolution of guardianship within Georgia and the concurrent deployment of statutes in South Carolina. As South Carolina lawmakers struggled to confront the role of Charleston's free black community in the Denmark Vesey conspiracy in 1822, they opted to bring all free black men residing in the state under a guardian/ward hierarchy. By requiring these individuals to produce a guardian who could testify to their "good character and correct habits" to the clerk of court, South Carolinians seemingly endorsed the ability of white guardians to curb illicit behavior of the seemingly most dangerous segment of the free black population rather than attempt the alternative of ejecting the free black population from the state, which posed obvious logistical and legal difficulties.[33]

Yet, in Georgia, guardianship remained an entirely voluntary institution for the free black population with a single exception. In 1808, the legislature required all free black males between the ages of eight and twenty-one to obtain a guardian. The law empowered local magistrates to "bind out to service" any free black youth "provided such free [. .] persons of color have no guardian."[34] Here again, white guardians served as individuals who, by their knowledge of their wards, could moderate punitive law on behalf of free blacks. Within two years of the passage of this requirement, the legislature

[33] Authorities did deport forty-three blacks—in addition to the hanging of thirty-five other individuals—but evidence indicates that the residents of Charleston were confident in the remainder of the free black population. Other measures proposed included limiting the hiring of slaves in the city. For more on the reaction, see: Loren Schweninger, *Black Property Owners in the South, 1790-1915*. (University of Illinois Press, 1997), 89; Maurie Dee McInnis, *The Politics of Taste in Antebellum Charleston.* (Chapel Hill: University of North Carolina Press, 2005), 72-3; Marina Wikramanayake, *A World in Shadow: The Free Black in Antebellum South Carolina,* 161.
Statutes at Large of the State of South Carolina, Vol. VII. Cooper and McCord, eds, 462.
[34] "Act of 17th December, 1808." Prince, *Digest of the Laws* (1837), 788-9.

codified a process by which free people of color could establish relationships with guardians. However, the 1810 law provided no penalty for a free person of color who failed to register with a guardian, nor did it mandate the functions that a guardian would serve. The law simply declared that judges in either superior or inferior courts "shall, upon the written application of any free negro" appoint a white person his or her guardian. That statutory directive attempted to bring the guardianship of free blacks in line with existing practices for any guardians, executors, or administrators defined under a 1799 law that required the registration of guardianship appointments and the posting of security with the county court.[35]

The proliferation of informal guardianships among free black Georgians before 1810 compelled state authorities to institute a process that would establish guardianships through the courts and clarify the terms that both parties might expect from their relationship. The stipulations that a free black had to desire a guardian and guardians had to file reports concerning the estates of their wards and register a bond with the court affirmed that the court, not the guardian, possessed ultimate power over the free black and that guardians were answerable to the court.[36] Still, guardians would be "vested with all the powers and authority of guardians for the management of the persons and estates of infants … [p]*rovided nevertheless,* that the property of such guardian shall in no case be liable for the acts or debts of his ward."[37] Although the "powers and authority" remained unspecified in the language of the 1810 law, existing guidelines provided by the

[35] "An Act for the better protection and security of Orphans, and their Estates," passed February 18, 1799. *Prince's Digest* (1822), 160-1.
[36] Section III: The judges of the inferior or superior county courts "shall at their discretion require security from such guardians as may be appointed, for the proper management of the affairs of his ward." Oliver H. Prince, *Digest of the Laws* (1837), 789.
[37] "An Act for regulating and governing free persons of color coming into this State or residing therein," passed December 15, 1810. *A compilation of the laws of the state of Georgia* (1800). Augustin Smith Clayton, ed., 655-6.

Georgia codes could easily be applied to the relationship. The law recognized that guardians ought not be held personally responsible for the transactions of their free colored wards, but, as in freedom suits, guardians still stood as guarantors of their wards' status and character. This law marked an important moment. In describing the powers of white guardians of free people of color as akin to those of other categories of guardians, state authorities established a more permanent form of guardianship that expanded the customary dynamics of guardian relationships found within the free black community before 1810.

The fact that all guardians received financial compensation by law complicates the question of how different members of the white community might have viewed their role as free black guardians. Free blacks' guardians became entitled to the same compensation as the guardians of infants.[38] The 1764 law regulating the guardians of minors specified that a guardian would be compensated at a rate of 2.5 percent of the value of each transaction made on a ward's behalf.[39] Georgia law outlined additional compensation for guardians arising from court decisions and settlements, particularly in freedom suits, and guardians who also served simultaneously as free blacks' attorneys also collected court-mandated commissions. When Nicholas Ware became the guardian of Sarah in order to defend the freedom of her and her three children in 1796, Ware received substantial attorney's fees of 11.75 pounds for "costs on behalf" of his ward.[40]

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[38] Whittington Johnson has incorrectly asserted that "[g]uardians were not paid," under the 1810 law. Whittington B. Johnson, *Black Savannah,* 148.

[39] Reinstated in 1789 with the caveat that the guardian was entitled to bring suit for an additional 2.5 percent commission, this commission remained in force in Georgia throughout the antebellum period. Oliver H. Prince, *Digest of the Laws* (1822), 152, 459; Prince, *Digest of the* Laws (1837)*,* 224-5.

[40] Petition of Nicholas Ware to the Richmond County Court, 1800, Accession #20680002*. Race, Slavery, and Free Blacks: Petitions to Southern County Courts, 1775-1867.* Part A, Georgia (1796-1867), Reel 1. The law dictated that guardians were entitled to additional compensation in the amount of 2.5 percent of settlements adjudicated within the courts. "An Act to direct Executors and Administrators, in the manner

Attorney Richard Stites profited from registering dozens of deeds for free people of color whom he served as guardian at rates approximate to the 2.5% outlined by law. For the trouble incurred in purchasing slaves and recording the bill of sale in court, Stites charged his wards between five and eight dollars per transaction. For drafting deeds for real property, he charged between eight and ten dollars per filing.[41] For instance, Stites charged Jim Dolly $8 for "drawing [a] special deed" conveying property "in trust from London Dolly" to Jim.[42]

Such assessments of fees do not appear in all cases, but financial interest did provide a source of motivation for guardians to appear in court on behalf of their wards, allowing free blacks fluid and frequent access to the courts**.** Guardians might easily be understood as brokers who stood to gain from the success of their ward's legal actions, since the possibility of compensation fused the interest of guardian and ward. However, this arrangement increased the cost of doing business for free African Americans since they could also be required to pay commission fees when using guardians to pursue civil matters or transact property.

Understanding the significance of the 1810 law codifying free black guardianship and its expected impact concerning existing practices of guardianship is central to the development of a more accurate portrait of the evolution of the relationship between guardians and wards in Georgia. Scholars have often misrepresented the 1810 law codifying the specific procedure for the establishment of free black guardianship as a

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and method of returning Inventories and Accounts of their Testators and Intestates Estates, and for allowing them and all other persons who shall or may be entrusted with the care and management of Minors, and other estates, to charge commissions thereon," passed February 29, 1764. Prince, *Digest of the* Laws (1822), 153.

[41] See entries for: Simon Jackson, Billy Goldsmith, Jim Dolly, and Andrew Bryan. "Book Ledger, 1804-1812." Box 6, J. Randolph Anderson collection. Wayne, Stites, and Anderson family, MS 846, GHS.

[42] June 23, 1810. "Account book, 'Ledger C,' 1804-1812," Ibid.

requirement for free black guardianship and thereby conclude that guardianship operated exclusively as an institution designed by the state legislature to maintain better order among free people of color by the rules of the prevailing racial hierarchy.[43] For instance, Whittington B. Johnson asserts that "the state tried hard to discourage Free African Americans from settling in Georgia. A major effort in this regard was an 1810 statute which required free African Americans to have guardians."[44] Recognizing this misreading of the statute within the secondary literature is crucial for reframing guardianship as a state institution that was fundamentally defined under a set of antecedent customary practices. Free blacks continued to enter into guardianships on a voluntary basis after 1810, even as legislators moderated their access to certain sets of

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[43] Ira Berlin provides a rare exception to this assessment in stating that Georgia lawmakers "took the unprecedented step of inviting free Negroes to take white guardians to supervise their affairs." Ira Berlin, *Slaves without Masters,* 95.

[44] Quoted in: Whittington B. Johnson, *Black Savannah,* 38, 44. The prevalent misinterpretation that statutory language directly asserted guardianship as a requirement can be traced back to Ulrich Bonnell Phillips. Philips contends that "[e]very free person of color in Georgia was required to have a guardian who was responsible for his good behavior, and whose permission must be obtained before the negro could have liberty to do certain things." He cites the 1833 law, which permitted the extension of credit to free people of color only through their guardians, but that law still cannot be construed as a requirement as described by Phillips. Eugene Genovese cites this exact assessment when he argues that free blacks in Georgia "had to have white guardians[.]" A more recent mis-interpretation presented by Janice Sumler-Edmonds, who concludes that "the Georgia legislature imposed a system giving whites the authority to control the legal affairs of blacks" but simultaneously bases this assessment on an erroneous reading of the 1808 law requiring guardianship for free black minors, asserting that the requirement was assessed on the entire population of free people of color. Phillips, *Georgia and States Rights: a Study of the Political History of Georgia from the Revolution to the Civil War, with particular regard to Federal Relations.* (Georgia, 1902), 156. Eugene Genovese, *Roll Jordan, Roll,* 401, 746 FN 15. For further interpretations assessing guardianship as mandatory, see: Carter G. Woodson, *Free Negro Heads of Families in the United States in 1830 together with a Brief Treatment of the Free Negro.* (Association for the Study of Negro Life and History, 1925), xxv. *The Southern Debate Over Slavery: Petitions to Southern County Courts, 1775-1867.* Ed. Loren Schweninger. 20; Janice *Sumler*-Edmond, *The Secret Trust of Aspasia Cruvellier Mirault,* 3-6. Watson W. Jennison argues that a 1793 law instituted by Governor Telfair requiring all free people of color entering Georgia from out of state to produce a certificate from two or more magistrates to testify to his or her "honesty and industry" constituted the first "guardianship law." However, at no point does the rule either assess such witnesses as "guardians" or indicate that they would participate in any further interaction with the courts on behalf of the free black petitioners they sponsored. Furthermore, there is little evidence that free blacks complied with the rule or that courts attempted to enforce it. Watson W. Jennison, *Cultivating Race: The Expansion of Slavery in Georgia, 1750-1860,* 77. For the law of 1793, see: *Acts of the General Assembly of the state of Georgia : passed at their session, begun and holden at Augusta, the fourth November, one thousand seven hundred and ninety three, and continued, by adjournments, to the nineteenth December following.* (Augusta, 1794), 24.

rights and allowed white guardians exclusive supervision over their rights and privileges. The fact that free black guardianships preceded laws that addressed their existence may partly account for why guardianship was so widely adopted by free people of color in the absence of legislation that more directly instituted guardianship as a requirement. The clarification of the purpose of the 1810 statute also has significant implications for furthering our understanding of the legal construction of free black guardianship by lawmakers who clearly viewed the existing practice of free black guardianship as sufficiently widespread and flexible to demand better regulation.

The connection between the guardianship of children and the guardianship of free people of color became more complicated as state codes increasingly defined the role of guardians under police codes that intended to stabilize the racial hierarchy. Municipal authorities formally recognized white guardians as agents of the free black population when they swiftly integrated them into regulations concerning locomotion and other personal rights for free people of color. A Savannah ordinance passed in 1804 represents the first recognition of free black guardians as a distinct group that might be attached to the free black population. The law prevented shops from selling "any Powder, Lead, Shot, or Ball" to a slave without a ticket specifying the quantity from a master, or, if free, without a ticket from his or her guardian or guardians[.]"[45] In this instance, the law restricted access to certain legal privileges that free people of color could only enjoy if they were willing to allow whites to act on their behalf as guardians. An 1807 law declared that if a free person of color violated rules concerning fire safety, the guardian of the individual would "be summoned to attend Council." In calling for the appearance of the guardian before Council, the passage of this rule indicates that city authorities both

[45] City Council Minutes 1800-804, April 30, 1804. OCC, CSRLMA.

viewed guardians as individuals who could provide them with information concerning free blacks who violated the law. But the rule also acknowledged that whites had already entered into such standing relationships with members of the free black population within the city.

Although the following chapter more extensively addresses the deployment of guardianship under the laws of slavery, these early codes illustrate the beginning of a duality in within the law concerning the character of the free black guardian.[46] Savannah ordinances defined roles for guardians that uniquely positioned them to serve state interests concerning free blacks. Guardians provided valuable information concerning free blacks' activities and functioned as both legitimate and symbolic barriers to their legal standing. At the same time, the state sought to better define the responsibilities of free blacks' guardians under the existing laws of guardianship that guided guardianship for minors. In doing so, guardians of free blacks became akin to all other legal guardians defined under the common law, leaving the interests of their free black wards as their primary concern rather than those of the state. For over forty years after Georgia laws first specifically addressed the guardianship of free blacks outside of freedom suits, the justices of the Georgia Superior Court struggled to define whether the limitations placed over the rights and privileges of free people of color under guardianship were absolute and to what extend the principles of common law guardianship might aid in defining such limitations.

The 1849 case of *Scranton v. Rose Demere* firmly established white guardians as facilitators in the delivery of a limited set of rights for free people of color, rights that

[46] For a more complete breakdown of all city ordinances and state laws pertaining to free black guardianship, see: **Appendix A.**

were not tied to their status as dictated by the laws of slavery but by their status as wards within the common law concerning the general powers of guardians over minors. In 1828, Raymond Demere dictated in his will that his slave Rose would be freed and provided an annual legacy for having "saved and protected a great part of my property during the time the British occupied St. Simons[.]" Twenty years later, Demere's executors had failed to pay the legacies to Rose and her son, John, and she filed suit by *next friend,* Alexander Mitchell, winning a judgment for over $4,000. Rose died shortly before the appeal brought by Demere's executors could be heard in the Superior Court. The executors argued that Rose's descendants could not collect upon the claims of their mother because people of color were not entitled to the benefits under the laws conferring administration of their estates and the rights of inheritance. Judge Warner disagreed:

> "Viewing this class of our population as wards, and entitled to our protection, […] We place them on the same footing with infants, with regard to administration. If an infant be the next of kindred to the deceased intestate, and thus entitled to the administration, it will be granted to his guardian, *durante minore atate* [during the infant's minority]. [...] So upon the death of a free person of color owning property, his guardian would be entitled to administration on his estate, and not the next of kindred, as the argument supposes, for the reason that a free person of color has not the *legal capacity* to be an administrator in this State."[47]

Under this ruling, free people of color were entitled to rights as heirs because the law provided similar individuals without "legal capacity"—in this case, children—those rights under the laws of guardianship and administration.

By contrast, Joseph Henry Lumpkin argued ten years later in the case of *Bryan v. Walton* that the analogy of the guardianship of minors could not generally apply to the

[47] *Scranton v. Demere* was reviewed by the Georgia Superior Court one year following the court's review of *Cooper and Worsham v. Mayor*. In *Scranton,* the court established that free people of color did have claims upon personal rights "secured by municipal regulations." *Alexander Scranton, et al. v. Rose Demere and John Demere, by procein ami,* 6 Ga. 92, 100 (1849); *Cooper and Worsham, by their next friend, v. Mayor and Alderman, 4* Ga. 72 (1848).

institution of free black guardianship in other instances as he viewed the attachment each group made with the guardian fundamentally differed. Under an 1833 state law, all contracts made by free blacks without the approval of a white guardian were considered void. Defendants in the Walton case argued that a free person of color did in fact have "a right, if he is over the age of twenty-one years, to convey his property" without the approval of a white guardian.[48] Although *Philpot* and *Cooper*, among other cases, decreed that free people of color were entitled to certain personal rights, for Lumpkin, those rights could be proscribed by statutes that limited them on the basis of race. Most importantly, the condition of race, which necessitated guardianship, unlike age, was permanent and inalienable. "The acts of a free person of color are *void,* because he never ceases to be a ward, though he attain to the age of Methuselah. His legal existence is forever merged in that of his guardian."[49]

Walton reveals the complex conceptual space occupied by the instrument of free black guardianship within the law of Georgia during the late antebellum period. On the one hand, free black guardianship was fundamentally tied to the common law notion of the guardianship of minors. But the status of free blacks defined by statutes under which, as Lumpkin concluded, they were "associated still with the slave in this State" on the basis of their race necessarily forced courts and lawmakers to recognize distinctions in categories of guardianship. Lumpkin poetically framed the relationship between law and race, insisting "that the social and civil degradation, resulting from the taint of blood, adheres to the descendants of Ham in this country, like the poisoned tunic of Nessus; that

[48] *Bryan v. Walton,* 14 Ga. 185, 188-9 (August 1853). Thomas R.R. Cobb, *Reports of Cases in Law and Equity, argued and determined in the Supreme Court of the State of Georgia [1854]*. (Athens: Reynolds & Brother, 1854.),
[49] *Ibid* at 205.

nothing but an Act of the Assembly can purify, by the salt of its grace, the bitter fountain—the '*darkling sea.*"[50] So too guardianship would "adhere" to free people of color in Georgia, not because the law directly dictated that outcome, but because the necessary "civil degradation" played out in a variety of restrictive police statutes that rendered its appearance as a natural ordering principle of Georgia's slave society.

Section II: Defining Guardianship among the People

In addition to the early city ordinances, the laws governing the transaction of property among free people of color in Savannah indicate that free black guardianship had become a regular part of legal culture within the city long before the state began to regulate those relationships in 1810. Before the state demanded that free blacks must have their guardianship relationships sanctioned by the courts, few free people of color, their former masters, or proposed guardians formally petitioned the courts for recognition of their guardianships, other than in petitions that sought court standing to file freedom suits. However, legal deeds filed in the Chatham County Inferior Court reveal that white men stood as guardians for as many as thirty-eight separate free black individuals in property transactions and an additional six in civil suits prior to the state's codification of a formal process for guardianship.[51] Outside of the legal process surrounding freedom suits, white guardians assumed responsibility for free blacks in the courts essentially in

[50] Ibid at 198, 203.

[51] The frequency of white guardians representing free blacks was likely much higher since most arrangements did not utilize the term "guardian" even if a white individual performed a similar function on behalf of a free black person. In total thirty-eight deeds and wills mention a white guardianship before the 1810 provision. Deeds totaled from: Chatham County Wills, Books G-L, CCCH; Deed Books (Chatham County), Books 1L through 2L, CCCH. Civil suits totaled from: Savannah City Courts, Civil Minute Books 5600CC-050, Volume 01A 1801-1808; Record Book (Indexed) 5600CC-060, Volume 25A 1799, 1798, 1808, CSRLMA.

three distinct situations, each of which involved property: when a person of color received his or her freedom; when another white individual desired to gift property to a free person of color; or when a free person of color desired to buy, sell, or gift real or chattel property.

Many guardianships were initiated from the desires of former masters to extend their influence over their former slaves as they transitioned to freedom. Like masters who manumitted slaves through delayed trusts or illegal means, as outlined in the previous chapter, those legally manumitting slaves found that a guardian could provide protections for those attempting to make their way in freedom.[52] One-quarter (9) of pre-1810 guardianships occurred with grants of manumission. But guardianships concerning the conveyance of property or credit also illustrate how guardianships continued the connections between masters and former slaves.

Former masters expressed a range of expectations for the protective services that might be provided by guardians. As evidenced in chapter five, the appointment of guardianships marked the desire of slave owners to ensure a fluid transition to freedom during the process of manumission. But, unlike trusteeships for manumission, guardianships encapsulated a longer relationship between masters and their former slaves. Such a relationship had precedent in Roman law, which, as Thomas Cobb summarized, provided that "the freedman became the client of the master, who, as patron, continued to exercise considerable power over him."[53] The unremitting challenge to the

[52] By contrast, other masters might insist on the complete independence of a former slave. When David Leion manumitted his slave Hannah, he expected the slave to take his last name, but insisted that "she may be entitled to trade, traffick in her said own name, live travel and dwell How, when & where she may Judge Proper[.]"Deed of David Leion, August 12, 1791. Deed Books, 1K, CCCH.
[53] Thomas Read Cobb, *An Inquiry into the Law of Negro Slavery in the United States of America.* (T & J.W. Johnson & Company, 1858), 312.

legitimacy of blacks' freedom and the underlying assumption of slave status for African Americans within Georgia presented clear motivations for establishing a sustained relationship with a prominent or familiar white person. "[F]or the purpose of the better carrying into effect the intention" of his will freeing his slave Clarissa, George McIntosh appointed "Mr. John Porterfield to be the Guardian of the said negro woman and her future issue and increase[.]" McIntosh clearly intended Porterfield's relationship to extend throughout Clarissa's lifetime. Like many other free blacks, Clarissa ultimately took control over her own stewardship and elected to change her guardian. In 1817, sixteen years after the appointment of Porterfield, she became the ward of Charles Harris.[54] In 1815, Joseph Stiles called upon fellow guardian and attorney George W. Owens to serve "as trustee" in the purchase of his slave Rosella. Rosella remained at Savannah, where she worked as a seamstress. She elected to maintain her connections to her one time trustee and former master, Stiles, as well as to Owens; they took turns appearing as her guardians more than nine years after the execution of the trust.[55]

The intentions of masters in assigning guardians in other declarations are less clear. In 1799, John Brickell freed his old slave woman, Ruth. Brickell requested that his heirs, executors, and administrators "attempt nothing that may lead directly or indirectly to impair the freedom which I give her" but also demanded that they "be friend and protect her" in her new condition.[56] Often, such desires explicitly demanded guardianship, even if the request did not outline the formal registration of the relationship

[54] Deed of George McIntosh, January 3, 1801. Deed Books, 1V; Chatham County Free Person of Color Registers, Volume 1. CSRLMA. (hereafter CCFPCR)
[55] Deed of Joseph Stiles, May 12, 1815. Deed Books, 2F. In 1816, Owens purchased a house from Mary Sheftall, a free woman of color, on behalf of Rosella Bryan as her guardian. Deed of Levi S. D'Lyon, June 1, 1816. Deed Books, 2G; CCFPCR, Vol. 1.
[56] Deed of John Brickell, January 16, 1799. Deed Books, 1T.

within the courts. Prominent merchant Robert Mackay freed his slave Charlotte, and appointed his "[f]riend Robert Mein of the City of Savannah Merchant to be guardian of the said woman Charlotte[.]"[57] By contrast, when Marie Sansa Ducla, a wealthy French mulatto planter from Camden County, manumitted Jean Joseph, a ten-year-old boy, she declared the boy "to be under my care as a free youth under guardianship" and created more explicit commitments for her guardianship. Ducla obligated herself to provide Jean Joseph with a "common education and a trade" before sending him into the world.[58] Ducla's assumption of the role of guardian was remarkable, and the only such instance of either a woman or a free mulatto serving in that capacity. Her powerful position in the community likely influenced her decision to undertake Jean Joseph's guardianship herself.

The assignment of a guardian often had little to do with the master's confidence in the slave's abilities. The appointment represented the belief that white men could provide contractual protections for free people of color although the law fully supported free blacks' ability to make such transactions independent of the supervision of a white person. Property ownership among free people of color in Savannah remained low even prior to the state legislature's enactment of the 1818 law, which disallowed the ownership of real or slave property by free blacks.[59] Savannah city tax records reflect that in 1816, only 54 of 136 free blacks who paid taxes owned property. By 1820, property holders constituted just 43 of the 249 free black taxpayers. Figures from the Chatham County

[57] Ibid; Deed of Robert Mackay, March 28, 1798. Deed Books, 1R. When Thomas mills freed Fanny and children Bella and William, he appointed carpenter James Doors as their guardian simultaneously. Deed of Thomas Mills, April 30, 1800. Deed Books, 1V.
[58] Deed of Marie Louise Sansa Ducla, March 22, 1798. Deed Books, 2G.
[59] "An Act supplementary to, and more effectually to enforce an act, entitled Act prescribing the mode of Manumitting Slaves in this State," Prince, *Digest of the Laws,* (1822), 465-9.

free black registers for 1817 reflect fifty-eight total real property owners, and twenty-three free people of color—seventeen from the group of real property owners—also owned 71 slaves.[60] However, the passage of the 1818 property ban indicates that state authorities were well aware that the practice of using guardians and trustees for the conveyance of property might be used to circumvent the ban. In addition to banning direct ownership of property by free blacks, the law stated that any property assigned "by a conveyance to any white person" who would hold a "legal title, reserving to such free person of colour the beneficial interest therein, by any trust" or will would be forfeited and the white person "protecting such property" would be liable to pay a penalty of $1,000.[61]

The proscription of trusts did not indicate a theoretical fear held by legislators. The law responded to an existing commonplace practice among whites and free people of color of issuing property titles in the names of white persons. Prior to the property ban, whites elected to convey significant holdings to free people of color through testamentary guardians or trustees. When wealthy planter Charles Odingsells died in 1809, he gave his illegitimate mulatto son Anthony the island of little Wassaw and nine slaves, to be held in trust by Charles Scriven and Joseph Spencer. These two white men were also to hold three slaves in trust for a free mulatto girl, Mary Ann.[62] Using such declarations, those gifting property often used guardianships and trusteeships interchangeably. Baker William Cruvellier provided five slaves and two furnished tenements on Bryan Street for

[60] *Chatham County Tax Digests, 1816, 1819, 1820.* City of Savannah (Ga.) Records, 1817-1912, MS5600 GHS. Totaled from: *Chatham County Free Persons of Color Register,* Volume 1.
[61] Although an Act of 1819 repealed the property ban, it left the provision intact in Savannah, Augusta, and Darien. "*An Act supplementary to, and more effectually to enforce an act, entitled Act prescribing the mode of Manumitting Slaves in this State, "* Prince, *Digest of the Laws* (1822), 465-9. "*Act to amend the Act of 1818,*" passed December 22, 1819. Prince, *Digest of the Laws* (1822), *469.*
[62] Will of Charles Odingsells, June 4, 1809. Wills (Chatham County), Book G, 1807-1817,

his executors, Desire Lambertoz and Paul Dupon, "to hold in trust" for Marie Louise, a free woman of color, and her children. Cruvillier added a request that the executors act as "guardians to the said Marie Louise and her children" but did not specify any duties in addition to the property-holding.[63] The trusteeship established by William Gibbons specified more involved duties for trustees. When Gibbons died seven years after emancipating his slave Sally, he provided generously for her children, Maria, Emma, and Charles in his will. Gibbons gave three city lots, several hundred acres of land, and nine slaves to his "kinsman John Gibbons in trust for the use Education and maintenance" of the three freed children, who would benefit from the profits of renting the slaves and land. All property and monies would "be delivered and paid" to the children when they turned twenty-one.[64] George Read gave two slaves to his brother, Dr. James B. Read, who would "hold the same in trust […] for the sole use benefit and behoof of Christina," a free woman of color.[65] The implications of Read's stewardship over Christina's property would inevitably lead to his further involvement in Christina's affairs as he supervised the labor or hire of her slave property.

Some free people of color selectively engaged guardians for the purpose of providing further security over their property even though they possessed the legal capacity to do so on their own. Securing property titles was among the foremost reasons free people of color might employed a guardian, particularly when the freedom of a slave was at stake.[66] However, the use of guardians in such purchases often contrasted with

[63] Will of William Cruvellier, June 2, 1807. Chatham County Wills, Book E, 1791-1801.
[64] Will of William Gibbons, September 21, 1803. Ibid.
[65] Will of George Paddon Read, May 19, 1805. Ibid.
[66] For examples of additional manumission trusts where free people of color utilized their guardians in purchases where guardians either purchased slaves from third parties or direct transfers between guardians and themselves, see pp x-y, Chapter 5.

established patterns of court transactions by free black individuals who otherwise chose not to use guardians as agents in commercial contracts. In 1797, Bess, a free woman of color, purchased the slave Charlotte directly from Stephen Britton. But three years later, when Bess agreed to sell Charlotte her freedom, it was Charles Harris, acting as "Trustee Great Friend for the within named Bess a free negro woman," who "acknowledges to have received from the within named mulatto woman Charlotte the full sum of three hundred and fifty dollars" for her manumission.[67] Reverend Henry Cunningham, a free person of color, purchased the slave London from Elias Roberts in 1811 without use of a guardian, but when Cunningham sought to apply to the legislature for London's freedom six years later, James Morrison, who served as Cunningham's guardian, sold the slave to Levi S. D'Lyon for the purpose of having D'Lyon file the legislative petition.[68]

Free blacks often made use of trustees as titleholders when conferring property to black family members, particularly minors, whose subordinated legal standing might present added difficulty in the management of new property acquisitions. White Frenchman Thomas Dechenaux informed the court that although the title to 26 Green Ward appeared in his name, the lot was "the property of William Mirault and Josephine Olive Charette, all free children of Marie Jeanne Soret, free mulatto[,]" held by Dechenaux only "for the enjoyment of each [child] [...] following the intention of the said Marie Jeanne." When Soret's children sold the lot to free woman of color Jeanette Laroze ten years later, they testified that the transaction had been conducted "with the consent and in the presence" of "Paul P. Thomasson […] their Guardian of the first part

[67] Deed of Stephen Britton, June 27, 1797; Deed of Charles Harris, August 12, 1800. Deed Books, 1V;
[68] Deed of Elias Roberts, May 29, 1811. Deed Books, 2D; Deed of James Morrison, June 18, 1817. Deed Books, 2H.

and Joseph Meric […] acting in behalf as Guardian of Jeanette Laroze" on the other.[69] Although Peter Groves, a free black cooper, registered his guardianship with factor Robert Habersham in 1817, when Habersham died three years later, he elected to use Stephen Bulloch as his executor but did not recognize him as his guardian. Yet, Groves did recognize the value of Bulloch's capacity to act as guardian since his will assigned Bulloch's guardianship to his granddaughter, Henrietta, for whom Bulloch would hold a small house and lot.[70] Jack Harris, a free man of color, also abstained from empowering a guardian in the protection of his estate, but similarly assigned his white executors with the duty of acting as guardians for his children who would help to manage "horse, cattle and the remainder" of Harris' property, including three slaves.[71] In each instance, guardianships were used to secure property bequests to children of any race living in Savannah since the law called for the protection of the property of all minors by trustees or guardians.

Free blacks elected to use guardians as titleholders for real or slave property they intended to use for themselves, but each decision to engage a guardian still developed from a unique calculation of circumstances pertaining to both one's standing within the community and the nature of the transaction. Although as an enslaved woman forty-five years old, Kate Hogg had been sufficiently successful in her independent economic transactions to purchase her own freedom in 1799, she elected to use Benjamin Wall as her white guardian to purchase all "right title and interest" to a lot in the city from James

[69] Deed of Thomas Dechenaux, February 18, 1807; Deed of Mary Jeanne Charette and Guillaume Mirault, March 14, 1818. Ibid.
[70] CCFPC, Volume 1, CSRLMA; Will of Peter Groves, August 26, 1820. Chatham County Wills, Book H, 1817-1827.
[71] Will of Jack Harris. February 19, 1815. Chatham County Wills, Book G, 1807-1817

Young ten months later.[72] While self-reliance may not have been daunting to Kate in her freedom, becoming a property holder in Savannah carried a variety of new legal and social responsibilities—such as the payment of taxes and maintenance of property within legal and neighborly standards— whereby the owner would be required to interact with city authorities and the wider white community. Additional rules which policed black behavior further subjected free black property owners to a variety of regulations that concerned the governance of their own property, including rules that outlawed large black social gatherings and enslaved tenants.[73]

Those new to freedom were not the only members of the free black community to have property held by guardians. Free black Andrew Morel had enjoyed a great deal of economic success from his tailoring business—signaled by his ownership of a city lot in Trustees Gardens and two slaves by 1817—but he selectively used his white guardian, William Davies, in property acquisitions. When Morel purchased the runaway slave Billy for $400 from William Wylly—who stated that the slave was being "sold as he runs[,] dead or alive"—Billy was titled in Morel's name. But seven months later, Morel purchased his lot in Trustees Gardens for the same amount and had William Davies perform the transaction, acquire the title, and file deed as guardian.[74] In this instance, the protection of the title to Morel's real property seemingly outweighed his uncertain investment in a runaway slave.

Attorney Richard Stites served as a public face for his wards in both court and

[72] Deed of Eunice Hogg, September 3, 1799. Deed Books, 1W; Deed of William Smith, July 12, 1800. Deed Books, 1Z.
[73] For example, the 1806 law forbade more than seven free blacks or slaves from assembling in either streets or buildings and fined owners $50. The same ordinance forbade all slaves from renting houses. "An Ordinance For the government of Negroes and other Persons of Color within the City of Savannah," passed December 8, 1806. City Ordinances. Vol. U.13.01, OCC, CSRLMA.
[74] CCFPCR, Vol. 1; Deed of William Wylly, May 20, 1815; Deed of Archibald Smith, January 4, 1816. Deed Books, 2H.

marketplace interactions when he arranged property sales and assumed trusteeships. Billy Goldsmith, a free black butcher, used Stites to draw up papers "to secure three children their freedom" and to arrange a mortgage and bond for their purchase from a white slaveholder. One year later, Stites again represented Goldsmith's interests at a marshal's sale and purchasing slaves Fatima and Harry on his behalf, thereby enabling Goldsmith to complete a purchase that otherwise may have been inaccessible to him as a free man of color. As guardian, Stites also sold slaves for free colored tailor Simon Jackson—including his cook, St. Foix—and purchased others for his ward, Quash Dolly.[75]

Utilizing guardians as property title holders was popular among free people of color, but the comparative behavior within local courts of two of the most prominent free black leaders of the independent black church illustrates that individuals from similar backgrounds and social standing sometimes made different decisions concerning guardianship. After Andrew Bryan received his freedom in 1789, he led the city's first independent black church, the First African Baptist Church, during its infancy. His nephew, Andrew Marshall, followed a path similar to his uncle, eventually assuming leadership of his uncle's church after gaining his own freedom sometime during the first decade of the nineteenth century. But in matters surrounding ownership of both church and personal properties, the men differed greatly. Bryan conducted all transactions in his own name while Marshall universally employed his guardian, Richard Richardson. When Bryan received a lot from Thomas Gibbons for the purpose of worship in 1790, the two parties created the deed without the use of an intermediary. Twenty-two years after Bryan's purchase of the Gibbons lot, Marshall, then the pastor of the First African

[75] See entries for: Simon Jackson, Billy Goldsmith, Book Ledger 1804-12, Box 6. Randolph Anderson collection on the Wayne, Stites, and Anderson family, MS 846, GHS.

Church, used Richardson to pay the purchase price for the same property.[76] When Andrew Bryan's wife, Fanny, sold her Oglethorpe lot to Andrew Marshall in 1812, she sold the lot directly to his guardian, Richardson, while choosing to use no agent for her own interests.[77] Even when Andrew Bryan granted his nephew unrestrained legal powers in naming Marshall his "sole executor" in 1812, Marshall still carried out Bryan's wishes under the authority of Richardson. Marshall sold a city lot to pay for the purchase of Bryan's enslaved grandson, but Richardson still provided his formal consent to the sale in court, stating that in his "authority as Guardian and owner of the within named Andrew Marshall" he would "confirm his within act."[78] In part, Marshall's personal relationship with Richardson—which extended from his essential role in Marshall's freedom—may explain Richardson's degree of involvement in Marshall's affairs. Richardson purchased Marshall from his business partner and advanced Marshall $200 for that purpose.[79]

Even in instances where free people of color served as both parties to a contract, the use of guardians was common. Free black Henry Cunningham bought a house from free woman of color Nancy Houston where the guardians of both parties were the legal actors, James Morison for Henry Cunningham and James M. Wayne for Nancy Houston and her family.[80] In 1816, free woman of color Mary Sheftall sold free black Rosella Bryan a house and improvements in St. Gaul for $150, but, again, the transacting parties within the court were two attorneys, Levi S. D'Lyon and George W. Owens, who

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[76] James M. Simms, *The First Colored Baptist Church in North America. Constituted at Savannah, Georgia, January 20, A.D. 1788. With Biographical Sketches of the Pastors*. (Philadelphia: J.B. Lippincott Co, 1888), 24; Whittington B. Johnson, *Black Savannah,* 76.
[77] Byran also directly purchased two slaves from William Mein in 1804 and held the title to both. Deed of William Mein, April 17, 1804. Deed Books, 1Y; Deed of Fanny Bryan, October 5, 1812. Deed Books, 2L.
[78] Deed of Andrew Marshall, November 26, 1812. Deed Books, 2E.
[79] J.P. Tustin, D.D. "Andrew Marshall, 1786-1856," in William Buell Sprague, ed., *Annals of the American Pulpit: Baptist.* (R. Carter, 1860), 255-6.
[80] Whittington B. Johnson, *Black Savannah,* 76.

identified themselves as the respective guardians of the women.[81]

Transactions where close personal relationships between both parties can be identified illustrate that the deployment of white men as guardians within the transactions may have occurred for reasons extending from the personal confidence in the security of one's property on one hand and to the security derived from legal formalism within the courts on the other. Free women of color Thereze and Claudine both worked in the household of Pierre Mirault in 1805, but when Thereza agreed to sell Claudine the slave Guittome in 1805, both used white men within the transaction. Notably, all of the black and white participants in the transaction were members of the French refugee community. Acknowledging that Guittome would "be the property of said Claudine[,]" Thereza sold the slave directly to Thomas Dechenaux and confirmed that she did so "with the consent of Mr. Peter Mirault my Guardian[.]"[82] Here Claudine opted to have Dechenaux hold the title to her property even though Thereze held the title herself. Yet, within the transaction, Thereze was compelled to signal Mirault's acquiescence as guardian. The fact that Dechenaux did not assume the title of "guardian" when he received the title to Claudine's property further complicates how free blacks and white allies conceptualized the ambiguous borders—to the degree that they did exist—between trusteeship and guardianship.

In the language of local exchange conducted through the courts, the use of the term "guardian" to describe the role of white participation in economic transactions appears to have been considered non-essential even though white persons assumed similar responsibilities or deployed the title to describe their relationship with free blacks

[81] Deed of Levi S. D'Lyon, June 1, 1816. Deed Books, 2G.
[82] Deed of Thereza, September 1, 1805. Ibid; Will of Pierre Mirault, September 14, 1805. Chatham County Wills, Book E, 1791-1801.

at other junctures. Pierre Mirault's actions on behalf of another free black member of his household exhibited a contrasting connection between title and responsibilities. Although a free man of color, Robinson Mirault used no intermediate party when he purchased his slave Marie from Frenchman G.B. Priquet in 1798. When the slave was sold the following year, it was Pierre Mirault who issued the deed on behalf of the free black Robinson and informed the court that he "transferred all the right and pretensions of said Robinson in the negro Wench Marie" to Joseph Behie Le Caze, another white refugee. Although the deed named Lacaze as the purchaser, he too participated in the sale on behalf of a free black woman, "commonly known as French Fanny," who was to be the slave's true owner. Neither of the white refugees used the term guardianship to describe his function in the transaction. When free black Fanny sold Maria two years later to Ebenezer Stark, a white man, she again used a white man, D.B. Mitchell, to conduct the sale. However, in that transaction, Mitchell's deed formally acknowledged that he acted as the "guardian" of free black Fanny.[83]

Similarly, Anthony Tardy sold the slave Nancy to John Formel in 1810, conducting the transaction "for the proper use benefit and behoof of Melanie Dubou, free woman of color" but never acknowledged his title as guardian. However, five years later, Dubou petitioned for the assignment of Tardy and Pierre Thomasson as her guardians.[84] It seems likely that by the time that Dubou and Tardy submitted their request for the court's recognition of Dubou's guardianship, such an act constituted a formality since their relationship already embodied several of the characteristics of free black

[83] Deed of G.B. Priquet, November 23, 1798; Deed of C. Mirault, August 26, 1799; Deed of Fanny, Free Woman of Color, March 13, 1801. Deed Books, 1W.
[84] Melanie Dubou was also identified as Duclon at different points. Deed of Anthony Tardy, July 7, 1810. Deed Books, 2C; Petition of Margueritte Melanie Duclon, January term, 1815. Chatham County Superior Court Minutes, Book 9, 1812-1818, CCCH.

guardianship, including Tardy's capacity to create contracts on behalf of his ward.

Guardianship remained popular among free blacks, although very few adults independently entered into agreements that imparted total authority over both their persons and property to white guardians prior to the passage of the 1810 law that required guardianship petitions to be registered in the courts—which further indicates the informal nature of the arrangement. However, white guardianships established by several members of the free black Dolly provide some contrast to the more widespread usage of guardians in singular transactions of property within the free black community. After the death of her husband, Quamina, free woman of color Phillis Dolly, entered into an indenture with two white men, Richard M. Stites and Thomas Bourke, for the purpose of placing the control of her property with the two men. Bourke would receive a city lot, six slaves, and her household furniture, which he would hold "in trust" for the use of Dolly during her lifetime but the control over which would remain "vested in her Guardians."[85] Dolly's sister-in-law, free woman of color Jane Habersham, similarly conveyed the entirety of her real and slave property to Richard Stites, who also acted as her guardian. Selling her lot in Washington Ward and two slaves to Stites for ten dollars, Dolly's deed stated that the property would remain "in trust […] for my use and benefit" but would divest to her husband, London Dolly, and the children of her two godchildren upon her death with the dispersal of her estate.[86] London Dolly's own trust preceded that of the two women. In 1794, he declared before the Inferior Court that John Carron was the guardian "of all my estate & property of what nature or kind soever, which I am at present or shall or may at any time hereafter be possessed of" and possessed "all such

[85] Deed of Phillis Dolly, February 1, 1810. Deed Books, 2C.
[86] Deed of Jane Habersham, April 1806. Folder 189, Box II, Legal cases of R.M. Stites, J.M. Wayne, and other Savannah attorneys. Wayne, Stites, Anderson Papers, MS846 GHS.

power & authority for the property possessed by Guardians of Free Negroes" under the law. Carron agreed "to accept & take upon my self the Burthen of the Guardianship"[87]

Free man of color James Montford's 1799 petition to the court confirming white Savannah merchant Levi Abrahams as his "true only and lawful guardian" represents perhaps the best example of the extraordinary authority some free people of color voluntarily accepted in white guardianship. Montford declared that Abrahams would be empowered in all affairs of "my person as of my Estate both real and personal and to do all lawful acts for me and in my name[.]" The concluding language of Montford's petition reveals that he viewed his guardian's legal capacity to go beyond that of a simple advisor since he agreed "to be ruled in all things [..] touching my welfare."[88] Montford's relationship with Abrahams would also prove more permanent than most early guardianships. The 1806 Chatham County Tax Digest suggests that Abrahams still performed financial transactions on behalf of his free black ward seven years after their agreement as Abrahams paid Montford's taxes to the city on his behalf.[89] Guardianships of a nature like Montford's or the Dollys' remained rare, but the degree of control acknowledged within these agreements more realistically reflected the powers attached to guardianship under common law than the temporary character of the guardianships used by Savannah's free blacks in most property transactions conducted through 1810.

Section III: Signaling Connections

Free people of color enjoyed a great deal of autonomy in how they deployed

[87] March 21, 1794, Deed of London Dolly. Deed Books, 1M.
[88] Deed of James Mountford, May 14, 1799. Deed Books, 1T.
[89] Digest of returns of taxable property made by the Inhabitants of Chatham County for 1806, *Georgia, Property Tax Digests, 1793-1892* [database on-line]. (Provo, UT, USA: Ancestry.com Operations, Inc., 2011).

guardians within the courts. The informal customary usage of guardians among free people of color clashed with how codes structured the power dynamics of the relationship defined for minors, orphans, and others under Georgia law. In passing the 1810 law that provided white guardians of free people of color with the same powers provided to the guardians of minors and that demanded that free blacks declare their guardianships before the courts, authorities signaled their desire for better regulation of free black guardianships and for the creation of longer term associations between individual members of the white and black communities. Laws regulating guardians in Georgia from as far back as 1764 allotted significant legal power to guardians, regardless of the class or legal standing of the individual they were to protect, but they also required that those relationships undergo review by the courts for the purpose of protecting those with subordinated legal standing.[90] Law that established a more permanent bond between the white guardians and their free colored wards does not indicate the desire to further restrain particular liberties enjoyed by free blacks but instead reflects the need to bring existing practices concerning free black guardianship into line with the common law.

By allowing the guardians of free people of color the same powers over their wards as those allowed any other guardianship arrangement, the state bestowed enough power on the guardian that it was possible to cause harm to a ward. However, it is worth noting that only one case of such abuse appears among the various Georgia county court records. In 1830, a white guardian was brought before the Inferior Court of Richmond County on a charge that he had been mistreating his free colored ward. In the subsequent

[90] The 1799 law established the requirement for the registration of guardianships with county court clerks. "An Act for the better protection and security of Orphans, and their Estates," passed February 18, 1799. *Prince's Digest* (1822), 160-1.

hearing, the court found the guardian guilty and revoked the guardianship.[91] That abusive guardianships were rarely brought to the attention of courts reveals that free people of color carefully chose these relationships and also chose to dissolve them at will.

After 1810, local courts retained ultimate control over the approval of guardianships for free blacks and their ability to obtain the right to transact business in the name of a white person. Under the laws pertaining to "general" guardians, any ward above fourteen years of age "shall have the privilege of selecting a guardian," provided that the Ordinary court found his selection to "be judicious[.]" The passage of the 1810 guidelines for guardians of free people of color may reflect that authorities were concerned about quasi-free slaves, like those discussed in the previous chapter, who might receive protection from such arrangements. In reality, the actual statutory requirements for vetting free blacks and their guardians remained vague. The "written application" of a free person of color "praying that a white person resident of the county" be "appointed his or her guardian" required that both parties be residents of the county where the guardianship would be registered and that the court receive "consent in writing of such guardian[.]" It remained at the discretion of the judge reviewing the petition whether to "require security from such guardian[,]" but no further evidence concerning their relationship was required.[92]

Petitions for guardianship by the Chatham County Inferior Court rarely articulated how whites and free people of color decided to participate in a guardianship. But petitions almost uniformly reflect that wards established agreements with whites prior to requesting recognition of a guardianship in court, both before and after the state

[91] Sweat, "The Free Negro in Antebellum Georgia," 136.
[92] "Chapter III: of Guardian and Ward." Act of 1810. *The Code of Georgia.* Clark, Cobb, and Irwin, eds., 420. "Act of 15th December, 1810." Oliver H. Prince, *Digest of the Laws* (1837), 788-9.

requirement.[93] Every free person of color who petitioned the Chatham County for guardianship appointment court before 1820 specified the name of a desired guardian. Broadening this examination to the state level illustrates a similar trend; Loren Schweninger identified 132 petitions submitted for the assignment of free black guardianship to all Georgia county courts between 1796 and 1867—non-inclusive of those for Chatham County—but only two did not request a specific white guardian.[94] The petitions of John Dangee invited the court to assign a guardian of its choosing but only after Dangee's guardian departed the county.[95]

The character of guardianships that evolved from freedom suits illustrate that these connections were not simply legal mandates but often entailed a personal understanding and commitment between white guardian and free colored ward. In several instances when people of color were held in bondage, leaving them incapable of personally petitioning the court for the appointment of a guardian, proposed guardians petitioned the court directly and demonstrated familiarity with the circumstances of the falsely enslaved. In 1804, Thomas Duplex petitioned the Chatham County Inferior Court to become the white guardian of Ellen Smith, a free woman of color held in jail by her owner, in order to try her right to freedom. Duplex appeared familiar with Smith as he

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[93] For instance, see: "Petition of Edward Lloyd in behalf of Negro Woman Mag," April Term, 1799, Chatham County Superior Court Civil Minutes, Book 5, 1799-1804. For more Chatham County examples of petitions, see: Ibid and Chatham County Superior Court Civil Minutes, Book 7: 1804-8, CCCH.

[94] Notably petitions concerning white guardianship of free blacks are remarkably absent from those collected by Loren Schweninger in the *Race and Slavery Petitions Project.* Only one petition of the 132 petitions to Georgia county courts that concerned white guardianship of free blacks in Schweninger's collection originated from Chatham County. *Race, Slavery, and Free Blacks. Series II, Petitions to Southern County Courts,* Reels 1-4.

[95] The court entertained applications for appointment as Dangee's guardian from which the free black made a final selection. Evans requested that the court "appoint a new guardian in consequence of my former guardian removed." Petition of John Dangee, "a Free person of Color," Richmond County Court, 1828, Petition # 20682804; "Petition of Dennis Evans," Meriwether County Inferior Court, 1837. Petition # 20683701. *Race, Slavery, and Free Blacks. Series II, Petitions to Southern County Courts.*

claimed that "her freedom is known to many persons of respectability in the City of New York."[96]

An earlier freedom suit demonstrates the court's commitment to the guardian requirement and also illuminates how difficult it could be to establish a guardianship relationship within the pre-trial stage. In 1785, Alexander Johnson Spiers had his slave, Will, arrested and jailed for running away. Although Will presented the court with a set of freedom papers, identifying himself as William Bonny and confirming his liberation in Jamaica, the court remanded him to the custody of his master when he could produce no guardian to "undertake to [p]rosecute a suit" for his freedom. The judge noted that the jailor " had given full opportunity to Will to solicit a Guardian, and that his wife in particular had made many endeavours for that purpose."[97] The desperation of Bonny and his wife and their failure to obtain a guardian shows that whites did not willingly act as guardians for all free blacks, even in temporary instances. Standing as a guardian reflected the individual's willingness to testify to the character and free status of the ward. Several affidavits submitted to the court reflected that members of the white community already knew about the supposed slave, his wife, and the "real" William Bonny. Residents claimed that the man on trial had "for many years past served as a slave," and that his wife had been married to the real William Bonny, a free man who died in East Florida. Such testimony discredited both Will's case for freedom and his wife's reputation, leaving her unable to find a guardian willing to stand on his behalf.[98]

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[96] For additional petitions that exhibit familiarity and are made by guardians, see: Petition of Gardner Tufts, August 27, 1810. Chatham County Superior Court Minutes, Book 8; Petition of Edward Lloyd, August 18, 1799. Chatham County Superior Court Minutes, Book 5, 1799-1804; Petition of Thomas Duplex, November 21, 1804. Chatham County Superior Court Minutes, Book 7.

[97] No case title assigned, May 12, 1785. Chatham County Superior Court. *Minute Books*. (Microfilm.) Vols. 1-2: 1782-1793. (Atlanta, Ga.: Georgia Dept. of Archives and History, 1966), GDAH.

[98] Ibid.

Yet, it is worth noting that Bonny and his wife believed that they might be able to find an unwitting, sympathetic white to fight for Bonny's freedom as his guardian.

As the following chapter will explore in more detail, guardianship connections of dozens of free people of color to white Savannahians from all segments of society illustrate that obtaining and keeping a guardian was not simply a legal formality. They also reflected relationships cultivated outside of the courts. White persons selected as guardians in Savannah generally occupied prestigious political, professional, or social positions, which may explain why the clerk did not demand further evidence to support a free person of color's good standing in the greater community or the guardian's opinion of his ward. In most instances, the court simply acknowledged the names of free black applicants and their proposed guardians and confirmed that guardians had "assented" to their roles "in writing" and had provided bonds to the court. Bonds provided sufficient reassurance that a guardian would in fact act in his ward's interests and they were nearly always collected. The Chatham County Superior Court demanded white guardians present financial security in seventy-five of the eighty-four petitions reviewed before 1820. However, free blacks without property were granted exceptions. When five free black women separately petitioned for the appointment of guardians in 1818, the clerk of court demanded that only Winefred Hawkins' guardian submit a bond of $2,000, the other "applicants having no property."[99]

Occasionally, the court minutes indicate that the clerk might interrogate potential guardians or free people of color, although such inquiries still remained limited. Minutes pertaining to the granting of six petitions in January of 1817, indicate that the clerk of

[99] Petitions of Marie Soline Levaut, Boujotte Bernard, Hannah Cuthbert, and Winefred Hawkins, January 14, 1818. Chatham County Superior Court Minutes, Book 8, 1808-1812, GDAH.

court, Job T. Bolles, made inquiries concerning each of the free black petitioners and "reported that they were severally free, and that he had made himself acquainted with their circumstances, which was fairly represented by their said petitions[.]" In addition to being able to "certify, that they are all free persons," Bolles at other times confirmed that free black petitioners had provided an accurate tally of their property so that judges might accurately assess a bond to be provided by the guardians.[100]

In the years following the 1810 law, free people of color in Savannah actively used guardians within the courts but did not flock to comply with the law that required them to register their guardianships. Between 1810 and 1817, the Chatham County Superior Court clerk reviewed petitions made by 102 free people of color for the purpose of having their guardians formally appointed by the courts.[101] The total number of petitioners accounted for a small number of the total free black residents. The exact total of free black inhabitants for the city is not available for 1817, but during the decade between 1810 and 1820, the free black population grew from 530 to 582.[102] Supposing that the population did not exceed 600 in 1817—which seems likely given the hostility to manumission and the stability of the free black population during this period—only 17

[100] For example, see: Petition of Félicité, "a French woman," January term, 1817. Chatham County Superior Court Minutes, Book 9, 1812-1818. As the court minutes did not attach the property schedules for guardianship bonds, it is impossible to dermine the average amount of security required of white guardians. The largest bond posted by a free black guardian before 1820 was $4,400, but the bond requests by the courts that did specify property amounts typically ranged between $100 and $1,000. Petition of Mary Barnard, April 30, 1814. Ibid. For other guardianship petitions enumerating bonds, see: Chatham County Superior Court Minutes, Book 9.

[101] Petitions totaled from: Chatham County Superior Court Minutes, Book 8, 1808-1812 and Book 9, 1812-1818.

[102] *Aggregate of Persons within the United States in 1810*. (Washington, D.C., 1811), 80-81; Richard Wade, *Slavery in the Cities,* Appendix, pp. 327.

percent of the free black population petitioned for the formal appointment of a guardian.[103]

However, a larger portion of the free black population publically acknowledged their attachment to a particular guardian. Free people of color were far more likely to acknowledge that they were attached to a guardian when they provided their annual registration information to the Chatham County clerk as required by law. In 1817, 408 free people of color provided their annual information to the clerk. Guardians were identified for 253 individuals (62 percent of all registrants), which, based on the estimation of 600 free black inhabitants, indicates that 42 percent of the city's entire free black population chose to identify themselves as under the guardianship of a specific white man. Although not all members of the city's free black population are accounted for in the county's registers, most did choose to comply with registration requirements. Sixty-eight percent of the free black population provided their information to the clerk in 1817. More free people of color felt compelled to register with the clerk than paid taxes in the city although they were by law required to do so. In 1816, only 136 people of

[103] The nature of the rate of formal guardianship petitions does merit some reflection. As most free people of color who did petition the court for the appointment of a guardian can be identified as adults, they may have believed that submitting separate petitions to establish the guardianship of immediate family members, especially children, was an unnecessary formality. Consequently, it might be argued that using the figure for Savannah's adult free black population rather than that of the total population might more accurately depict the rate at which free blacks registered their guardianships through the courts, which would certainly be higher. However, not all free black petitioners to the courts can be identified exclusively as adults, and I have chosen not to use population totals that only enumerate the adult free blacks at Savannah. It is true that free black parents likely assumed that their own guardianship was sufficient protection for their children. Children were less likely to own property than adults, and therefore their parents may have been less concerned over obtaining guardians for their children for that purpose. However, free black children at Savannah did inherit property from former masters or white parents that would justify such protection. Furthermore, under Georgia's 1808 guardianship law, any free black male under the age of twenty-one were required to obtain a guardian or risk being bound out into the service of a stranger by the state. "Act of 17th December, 1808." Prince, *Digest of the Laws* (1837), 788-9.

color paid taxes in the city of Savannah. Three years later that figure had risen to 247 taxpayers but still fell short of the rate of registration.[104]

It is worth noting that Savannah residents were not the only free people of color who voluntarily registered their guardianships for their own motivations without any prompting from the state. After, 1822, South Carolina required all male free people of color to obtain guardians, but several earlier petitions indicate that adult free blacks voluntarily adopted guardianships. In 1813, free man of color George Moss petitioned the court in Pinckney to appoint John Elmore as his guardian to "protect and defend his Rights & interest and to prevent others from imposing on him."[105] Furthermore, in their examination of Sumter County—a site of the only extant guardianship registers for South Carolina—Michael Johnson and James Roark have determined that during the period after 1822 "many free persons of color went beyond the requirements of the law." Between 1823 and 1842, one hundred free people of color registered their guardianships, but more than 28 were women who were under no legal obligation to either use or register a guardian.[106] This parallel suggests that a similar informal guardianship culture may have existed concurrently in South Carolina.

The free black registers provide perhaps the most accurate information concerning free people of color for the city of Savannah, particularly information relating to guardianship. The fact that over twice as many free people of color were willing to identify their guardians to the clerk when performing their annual registration than were

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[104] *Chatham County Tax Digests, 1816, 1819, 1820.* City of Savannah (Ga.) Records, 1817-1912, MS5600, GHS.
[105] Petition of George Moss, June 28, 1813. Pinckney District Court, South Carolina. Petition # 21381303. *Race, Slavery, and Free Blacks. Series II, Petitions to Southern County Courts.* For an addition example, see: Petition of Edwin Chipman, December 10, 1819. Colleton District Court, South Carolina. Petition # 11381903. *Ibid.*
[106] Johnson and Roark, *Black Masters,* 43-5.

willing to petition the court for legal recognition of their white guardians leads to two important conclusions concerning how free blacks viewed guardianship requirements. First, compliance with registration laws represented an act of absolute necessity for free people of color who wished to remain free in Savannah. As guardianship remained voluntary, the act of petitioning for formal recognition of the relationship carried no consequences for the security or status of free blacks. By contrast, free blacks viewed the failure to register as a choice that could yield legitimate consequences for their status. Consequently, the comparatively higher rates of guardianship declarations among those registering annually with the city clerk can be attributed to the pressure of complying with annual registration requirements for free blacks. Second, the willingness to express guardianship relationships when annually registering one's free status—even as the ordinance regulating registration made no demand to do so until 1826—reflected that guardianships among the free black population continued to possess an informal and transitory character that rendered the permanent attachment between guardian and ward either unnecessary or undesirable.

While a majority of the connections between free colored wards and their white guardians lasted for years, many persisting two or more decades, data from the Chatham County free black registers indicate that free people of color could and often did change guardians. After 1830, the Georgia legislature granted guardians of free blacks sole power to dissolve their obligations, but even after the passage of this act, only two petitioners formally requested to be relieved from their guardianship obligations within the Georgia county courts.[107] Free people of color, for the most part, negotiated these

[107] Oliver H. Prince, *Digest of the Laws,* (1837), 802. See: *Petition of John Johnson to Floyd County Court, 1856,* Accession # 20685601*; Petition of G. G. Norman to the Wilkes County Court, 1860,* Accession #

relationships outside of the courts. Between 1818 and 1826, Manette Tardieu listed several different guardians—each a white member of the French community—when registering annually with the city, including Joseph Merick in 1817, 1823 and 1824, and later Francis Dure and John B. Gaudry. Although Tardieu allowed both Gaudry and Merick to transact in her name for the purchase of a lot and sale of a slave at separate points in time, she never formally petitioned the court to recognize her guardian.[108]

The lower rates of the formalization of free black guardian relationships during the early years of the requirement can also be attributed to the fact that neither guardians nor their free black wards found a trip to the court to be necessary unless they intended to file a particular piece of transactional business or suit in the court. In such instances, dozens of deeds recorded in the Chatham County courts indicate that the guardians of free blacks seem to have ably filed deeds without any kind of recognition of their standing. Until an 1833 law dictated that free blacks participate in credit transactions only with their guardian's supervision, only a handful of city and state regulations recognized that the guardians of free people of color might perform services for their wards. As most of those laws were procedural protections in the courts, free blacks enjoyed the right to petition for the benefit of a white guardian if they found themselves before the court in

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20686027. *Race, Slavery, and Free Blacks. Series II, Petitions to Southern County Courts, 1777-1867*, reel 4.

[108] While Joseph Merick had represented Tardieu's interest when she purchased a half lot on Washington Square in 1818, he did not assume the title of guardian, even as Tardieu declared her guardianship under Merick to the Chatham County clerk. Merick sold the lot to Frank Petite DeVillers, who was to act as a "trustee" for Manette Tardue a free woman of Color. One year later, DeVillers conducted the sale of the lot on her behalf. On the other hand, John B. Gaudry declared his title as "guardian" when he sold a slave on her behalf as her guardian in 1831. \ Deed of Joseph Meric, March 21, 1818. Deed Books, 2H; Deed of F.D. Petit DeVillers, April 7, 1819. Deed Books, 2I; Deed of John B. Gaudry, January 6, 1831. Deed Books, 2R.

those circumstances without one.[109] Unlike the registration of freedom, the instrumental value behind the law demanding that a ward petition the courts for recognition of his or her guardianship did not contribute to the strengthening of racial boundaries indispensable to slave society but remained entirely procedural in nature. Therefore enforcement remained up to the courts, which appear to have overlooked procedural non-compliance.[110]

For free people of color and quasi-free slaves alike, failure to register with the local clerk endangered any claim to freedom they might make in the face of public scrutiny of their status. In Savannah, city ordinances required free people of color to register with the city clerk as early as 1790. In 1799 and 1809, the city renewed the requirement that free people of color provide the clerk with the number of their family members, occupation, and residence, but also demanded that the registrant give "notice of his her or their intended removal" if leaving the state. Although the law still allowed free blacks to return to the state during this period, the desire to track their movements may have reflected concern that such legitimate registration might be abused by slaves who stood as imposters. [111]

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[109] For instance, the 1755 law governing freedom suits or the 1816 law allowing guardians to appeal criminal convictions. CRSG, 28: 400. "An Act for the trial and punishment of Slaves, and free people of color." Prince*, Digest of the Laws of the State of Georgia* (1837), 791-2.

[110] "An Act to amend an act, entitled *An Act supplementary to, and more effectually to enforce an act, entitled Act prescribing the mode of Manumitting Slaves in this State; and also to prevent the inveigling and illegal carrying out of the State persons of color."* Ibid, 800-801.

[111] In 1809, the law outlined the penalty for noncompliance or for registering "a wrong name with the intent to deceive" at double the individual's regular tax rate. "An Ordinance to alter and amend an Ordinance entitled an Ordinance to amend and consolidate the different Ordinances for raising a fund for the support of a Watch in the City of Savannah," passed January 9, 1809. City Ordinances, vol. U.13.02; "An Ordinance For regulating the hire of drays carts and wagons as also the hire of negroes, and better ordering Free negroes, mulattoes or mustizoes within the city of savannah and for other purposes herein mentioned," passed December 31, 1799. Ibid; "An Ordinance for regulating the hire of drays, carts and waggons as also the hire of negro and other slaves, and for the better ordering free negroes, mulattoes or mestizoes within the City of Savannah," passed September 28, 1790. City Ordinances, Vol. U.13.01, OCC, CSRLMA.

When the state finally mandated registration for all free people of color in 1818, the registration requirement more directly addressed the presence of quasi-free slaves who had been in the habit of registering. But the state still did not recognize the declaration of guardianship as valuable information.[112] The 1818 registration law specified that free blacks would list their "names, ages, place of nativity and residence, time of coming into this State, and occupation." By registering those who could prove legitimate claims to freedom and refusing certificates to others, the state could assume that those who were not registered operated in quasi-freedom. Furthermore, by compiling a list of registered free persons of color, they could be compelled "to do public work" by local authorities. A list of those declaring their freedom was to be publically advertised within the corresponding county or city gazette, which allowed for any "person desirous of objecting" to the freedom of such an individual to file an objection with the clerk.[113]

The fact that most registrants chose to identify a guardian at the time of their registration—sixty-two percent in 1817—without prompting by either state or city laws illustrates the value of such public declarations of their connections to white individuals in the face of a rule which provided a public forum in which their freedom could be scrutinized and ultimately revoked. Only in 1826 did the state pass a registration law that

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[112] An early law concerning the registration of free blacks had been passed by the state legislature in 1810 but was aimed towards "regulating and governing free persons of color" who entered the state and excluded residents. Within ten days of arrival, free blacks were to pay twenty dollars to the clerk of the superior court and register personal information but were also required to provide "the name of the person or persons in whose employment or service he or she may be engaged" at the time of arrival. The thoroughness of the information requested from the free black population indicates that lawmakers were looking towards members of the white community as a source of information from which to determine the fitness of free black residents. Failure to comply carried a steep penalty of thirty dollars. "For regulating and governing free persons of color coming into this State or residing therein." *A compilation of the laws of the state of Georgia* (1800). Augustin Smith Clayton, ed., 655-6.

[113] "An Act supplementary to, and more effectually to enforce an act, entitled Act prescribing the mode of Manumitting Slaves in this State," Prince*, Digest of the Laws of the State of Georgia* (1837)*,* 796-7.

stipulated that all certificates of registry would include the applicant's name, age, and guardian in the public gazette advertisement announcing registered free blacks. The law also outlined that clerks would "receive from the guardian of such person of color the sum of five dollars" for registering.[114]

Local registration and the procurement of a guardian offered visible indicators of the legitimacy of one's status that might protect free blacks—particularly those who attempted to illegitimately live as free—from the scrutiny of community members. For instance, slaves who were carried out of state for their freedom and returned to Georgia after 1818 would have been ineligible to enjoy legal freedom, but their ability to produce legitimate freedom papers likely met with little contest from the court clerks who recorded annual free black registrations. In *Escheator v. Candler* (1860), a former Georgia slave named Joe had been freed out of state and, upon his return, registered with the Inferior Court of Baldwin County for thirty-three years, but the court ruled that Joe should not have been considered to be a free man when he died. Joe had been freed in New Jersey and returned to Georgia, where he was considered "presumptively free" and lived "without the control or presence of any white man for 35 or 40 years, and having a guardian during that time." Ruling that Joe had been a slave at the time of his death, Justice Stephens remarked that the law would "not allow conveyances, nor contrivances, nor time, to convert a slave into a free man in Georgia," yet, Joe did successfully inhabit Georgia for nearly four decades. [115]

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[114] The 1826 registration law was renewed in 1835. "An Act to amend an act, entitled *An Act supplementary to, and more effectually to enforce an act, entitled Act prescribing the mode of Manumitting Slaves in this State; and also to prevent the inveigling and illegal carrying out of the State persons of color."* Ibid, 800-801.

[115] *Hammond vs. Candler,* 30 Ga. 275, 277, (1860).

Joe's success living in freedom illustrates that such freedom for people of color was constituted through local rituals of identity formation governed by both regulations and cultural practices, not the categorical recognition of one's status as free by a central governing body. The acts of registering annually with the clerk, forming connections to guardians, and participating independently in the commercial economy constituted practices central to that process of identity formation within the community. The fact that the majority of free people of color did acknowledge a standing relationship with a guardian without being driven to comply with any formal process of attachment through the courts illustrates the degree to which free black guardians and their wards viewed their particular relationship as a bond determined by circumstances entirely separate from the conceptualization of guardianship as applied to minors and other groups under the common law. In addition to working to ensure that those with reduced legal rights would receive the ability to transact and benefit from their property in the courts, guardians of free people of color served in an assortment of other valuable capacities that were not outlined by formal law as the representatives of free people of color. In this sense, the guardianship of free people of color functioned as a conduit for the continuation of a brand of paternalism uniquely necessary for the social conditions of antebellum Georgia and particularly in Savannah. Many citizens objectively viewed free people of color to be impoverished of any rights, or, if they acknowledged their free status, presumed their presence to be sufficiently dangerous to merit their expulsions. As a small minority living under these conditions, free people of color faced daily challenges that took place far from any courthouse.

The early and informal foundations of guardianship ultimately had a significant impact on state efforts to utilize white guardians as gatekeepers for free black rights and privileges. Statutory laws reveal that lawmakers viewed guardianship as an instrument through which the state could define how free people of color would interact in state and local courts. Although the law necessitated that guardians appear in courts to stand for free people of color, in practice, the close relationships fostered between members of the white and black communities under guardianship arrangements deepened personal and economic ties which led guardians to assume responsibilities for wards that also fell outside of state-guided institutions. The new responsibilities for free black guardians that came with the passage of new repressive laws often fell upon whites who had particular sympathies for people of color and were likely to continue their guardianship because those relationships echoed existing connections between the white and free black communities. By the time that guardians became legally required for the purpose of negotiating contracts in Georgia, hundreds of free people of color had already benefited from decades of experience with white individuals transacting business on their behalf.

Chapter Seven

An "Instrument or Engine of Mischief to Them": The Many Responsibilities of Free Black Guardianship

"'Free persons of color, despite the fact that they were free, had to be represented in a legal way by white guardians. They had the privilege of selecting their guardians, of whom they always spoke as 'gardeens.' If they accepted the responsibility, the 'gardeens' were considered by their wards as something above common 'poor white trash.' My father was the guardian of a good old negro woman named Hannah Pray. Whenever he had to call on her for the settlement of some business matter, he always took some of his children with him. We were glad to go because the old woman had something good to eat put away for us. She owned the house she lived in. In the yard she had fig trees and some peach trees, and when their fruit was in season, we were permitted to eat some."[1]

—William Harden, *Recollections of a Long and Satisfactory Life*

Simon Jackson arrived at Savannah from St. Jeremie in 1791, just months before the violence of revolution erupted in St. Domingue. The two subsequent decades spent in the Lowcountry were productive ones for Jackson. By age thirty-one, he owned three pieces of property in the city and could boast a robust tailoring business patronized by prominent Savannahians.[2] Yet, in 1812, Jackson petitioned the Georgia legislature, claiming that he faced a distinct disadvantage in his affairs. His free Indian parentage excluded him from the limitations Georgia law placed on the rights of free men and women of African decent, but over the years, Jackson claimed to have been "deprived of privileges which his birth and parentage entitled him to in consequence of his complexion."[3] Jackson sought the legislature's help in producing written proof of his racial identity in order to combat distinct disadvantages that had been caused by commonly held assumptions concerning his racial identity; the "only claim" he pleaded for was "the right of purchasing property, and of disposing of and holding the same

[1] William Harden, *Recollections of a Long and Satisfactory Life.* (Savannah, Ga., 1934), 49-50.
[2] Patrons included prominent merchant George Anderson. Daybook 1811-1813, Box 5. Randolph Anderson collection on the Wayne, Stites, and Anderson family, MS 846, GHS.
[3] "For the relief of Simon Jackson." *Acts of the General Assembly of the State of Georgia Passed at Milledgeville, At an Annual Session, in November and December, 1812.* Vol. 1. Georgia Legislative Documents, GALILEO Digital Initiative Database. [Online at: http://neptune3.galib.uga.edu/ssp/cgi-bin/legis-idx.pl?sessionid=7f000001&type=law&byte=2466630]

without the interposition of a guardian[.]" While the law did not obligate him to have a guardian, Jackson's petition makes clear that the imposition of guardianship and the perception of his race within the local community were inextricably linked.

Jackson's identification as a "free man of color" and the subsequent denial of his rights occurred even as several St. Dominguans who lived in the Lowcountry were aware of Jackson's true parentage and status. In 1812, Jackson collected testimony from three white St. Dominguans, including merchant Francis Jalineau, who confirmed Jackson's arrival from St. Jeremie and testified that Jackson and "all the family were born free," and that his lineage would entitle "him to transact and carry on business as a free man of the Indian nation[.]"[4] Yet, the wider white community at Savannah made other assumptions concerning Jackson's status as a free person of color of African descent. Those assumptions revealed that Jackson's reputation was formed by many individuals who did not have personal knowledge of his pedigree rather than the few who did. Although Georgia law constructed unambiguous categories of race and corresponding class divisions, the process of applying and enforcing those definitions ultimately occurred through this murky process of constructing racial identity through visible indicators, claims of association, and personal interactions.

Likely a decision of necessity, Jackson's utilization of a guardian to facilitate his interactions with the community served to outwardly project a subordinated status while simultaneously invalidating his legitimate status. In fact, Jackson's own guardian, Richard M. Stites, identified his ward in his own daybook as a "Taylor of Colour." Jackson's business and personal associations among people of color also reinforced his

[4] Deed of Louis Mallet and Dupont, November 12, 1811. Deed Books, 2D; Deed of Francis Jalineau, March 7, 1812; Deed of Simon Jackson, December 16, 1815. Deed Books, 2F.

social position. In addition to buying and selling property with several free people of color, Jackson married a mulatto pastry chef, Susan.[5] Many of Jackson's closest non-West Indian friends and allies seem to have assumed that Jackson's status prevented him from representing his own affairs. For instance, when Swiss confectioner Daniel Hugenin died in 1811, he bequeathed the entirety of his property to attorney John Lawson to hold in trust for Jackson, explaining that his generosity extended from "having received many acts of kindness attention and friendship from Simon Jackson of Savannah, a free man of colour[.]"[6]

While Jackson could have simply refused to use a guardian, his efforts to have the legislature return his ability to independently transact business suggests that the dependence of people of color upon the guardianship of whites was enforced broadly within the community at Savannah. Jackson had no choice but to use a guardian based on how white individuals viewed his identity, and only law was sufficiently powerful to allow his disassociation from his subordinated social standing. Jackson's simple request sought only the right to purchase, sell, or bequeath property without "the aid or interposition of a guardian[.]" However, the conferral of that right also served to categorically alter Jackson's standing in Savannah. After the legislature restored his rights, Savannah authorities notified city officers of Jackson's exemption from the $10 tax placed on him "as a free person of Colour," as "Simon [was] not … a subject of such

[5] Daybook 1811-1813, Box 5. J. Randolph Anderson collection on the Wayne, Stites, and Anderson family, MS 846, GHS; Chatham County Free Persons of Color Register, 1828-1847, Vol. 3, GDAH. (Hereafter abbreviated CCFPCR.) Whittington Johnson has argued free people of color generally tended to marry within corresponding phenotypes. While the evidence is generally anecdotal, the tendency for mulattoes to marry other individuals of lighter skin may have provoked the assumption among Savannahians that Jackson was simply another mulatto. Whittington B. Johnson, *Black Savannah,* 112-3.

[6] "For the relief of Simon Jackson." *Acts of the General Assembly of the State of Georgia.* Georgia Legislative Documents, GALILEO; Will of Daniel Hugenin, September 28, 1811. Chatham County Wills, Book G, 1807-1817.

taxation[.]" Jackson also did not register with the city as a free person of color even as his wife continued to do so.[7] Most importantly, after 1812, he exchanged property, conducted business, and entered into lawsuits with black and white Savannahians independent of any supervision.[8]

The character of the authority undertaken by Richard M. Stites in the affairs of Simon Jackson prevents any assessment of the guardian relationship established between the two men as a mere effort at compliance with the unspoken rules governing transactions involving free people of color or as an inherently penalizing arrangement. Stites' suitability as a guardian extended from his extensive experience as a guardian in conducting the affairs of at least ten other members of the free black community in Savannah, and his involvement appears to have been equally dynamic.[9] However, in his specific selection of a prominent attorney and planter to serve as his guardian, Jackson allied himself with a powerful white man whose knowledge of the law ultimately helped him navigate the courts as he acquired property and ran his tailoring business.

Stites helped Jackson run accounts for the acquisition of goods for business and personal use—including rice, silk cloth, and cord—from local firms and cloth merchants

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[7] "For the relief of Simon Jackson." *Acts of the General Assembly of the State of Georgia.* Georgia Legislative Documents, GALILEO. City Council Minutes 1812-1817, December 2, 1816; CCFPCR, Volumes 1,2,3,4.

[8] For instance, Jackson sold Francis Jalineau a house, received a legacy he was entitled to, and prosecuted three civil suits and appeared as a defendant in five additional suits all without the interposition of a guardian in the courts. Deed of Simon Jackson, December 16, 1815; Deed of Martin Gilbert, December 10, 1814. Deed Books, 2F. Suits appear in: Civil Dockets, Judgment Dockets (1821-1822) 5600 CC-010.4 Volume 2: Judgment Docket Mayor's Court; 5600CC-010.2 Mayor's Court Civil Dockets- Appearance Cases, Volume 1 (1816-1820); 5600CC-050 Civil Minute Books 1815-1819 Vol. 01B, CSMRLA; Chatham County Superior Court Minutes, Book 10, 1818-1822, CCCH.

[9] Richard Stites likely had more wards, but the records of the guardianships are most established only in Chatham County Deeds as his death in 1813 precedes the earliest Registration books for free people of color, and most free blacks did not formally petition the courts for recognition of their guardianships during this period. Totaled from: Petitions of Guardianship, April Term 1811, January Term 1812, Chatham County Superior Court Minutes, Book 8, 1808-1812, CCCH; Chatham County Deed Books, Books 1W through 2H; Chatham County Will Books, Book G, 1807-1817, CCCH.

as far away as New York.[10] His supervision of the tailor's business accounts included the act of providing cash to pay Jackson's workmen and collecting the "due bills" from clients and firms where Jackson left cloth to be sold.[11] The arrangements for purchases made on behalf of Jackson and fees collected by Stites for recording property deeds in the Chatham County were also typical of matters for any client. For instance, when Jackson purchased a lot in Green Ward in 1811, Stites collected $4 from Jackson for obtaining the deed transferring title from the owners and recording the same in the Chatham County Court.[12]

However, Stites' responsibilities towards Jackson also exceeded those an attorney or agent would carry for a white client. In arranging Jackson's purchase of a second lot in 1811, Stites ensured that Jackson's race would not prevent him from obtaining the property. Five years before, Stites had been "in treaty for the purchase" of a lot in Reynolds Ward owned by the estate of Thomas Young, but when he did not complete the purchase, Simon Jackson leased the lot. Stites again put his knowledge of the property to work when Jackson decided to purchase the property, providing his ward with a copy of Young's will "and some other papers" that helped in Jackson's efforts to acquire the lot. Yet, Stites' most significant contribution was providing an impeccable character reference for Jackson to the seller's agent, attorney William Drayton. Stites assured Drayton that his ward would make "immediate compensation" for the property, but he also requested that Drayton "make out the titles in my name as I am to advance for him the first payment." Finally, Stites pled for Jackson's credit-worthiness on the basis of his

[10] Payment of $100 on July 31, 1811. Daybook 1811-1813, Box 5. J. Randolph Anderson collection on the Wayne, Stites, and Anderson family, MS 846, GHS; *Receipt of William Bowen,* September 3, 1810. Box 11, Folder 231. Ibid.
[11] Entry for Jonathan Sharp, Entry for Howe and Dimon, January 3, 1812. Ibid.
[12] February 14, 1811. Daybook 1811-1813. Box 5, Ibid.

character. Jackson was "by trade a taylor, and very generally respected for his industry and correct deportment in life, and has acquired a hansome competence."[13]

The strings of debts and credits collected, expended, and fronted by Stites himself as guardian for Jackson's enterprises portray a complicated relationship to a man who seemed to be both dependent and client. Stites played the role of creditor to Simon Jackson on more than one occasion as he gave both Jackson and his wife advances of up to $100. These transactions included $100 to pay for the title on a property and $50 "cash handed" to Susan "to go to Charleston" and an additional $10 for her passage. Moreover, Stites engaged in a variety of transactions where he purchased services from his ward. Simon Jackson rented his slaves to Stites, including his carpenter Sam, whom Stites eventually purchased from him on behalf of a white purchaser for $550. Stites also hired Jackson's wife, Susan, to nurse and attend his own wife in 1809.[14] The intertwined affairs of Jackson and Stites ultimately engaged members of both men's families for more than twenty years after the dissolution of their guardianship. Stites' family members still held part of Simon Jackson's property through Stites' estate and facilitated its sale to the guardian of his widow, Susan.[15]

The relationship between Simon Jackson and Richard Stites illustrates two central themes explored within this chapter. Jackson's fight to assert claims to his proper legal standing illustrates that although by law he had not been required to use a guardian to transact, by the nineteenth century one's complexion restricted one's ability to do so,

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[13] Richard M. Stites to William Drayton, Esq. October 7, 1811; Richard M. Stites to William Drayton, Esq., December 3, 1811. Box 11, Folder 231 J. Randolph Anderson collection on the Wayne, Stites, and Anderson family, MS 846, GHS.

[14] Stites also paid Quash Dolly for carpentry work performed. "Account book, 'Ledger C,' 1804-1812," Box 6, Ibid.

[15] Deed of George W. Anderson, May 21, 1833. Deed Books, 2R. Deed of W. W. Gordon and George W. Anderson, September 28, 1832. Series 1. Subseries 1.1, 1810-1856. Gordon Family Papers 1810-1968 #02235, SHC, Chapel Hill.

rendering guardians a class of men who might be interpreted as the gatekeepers of the transactional economy for free people of color. Jackson's was compelled to obtain a guardian not by any court but by the white Savannahians that demanded he do so. The fact that Jackson was not a free black forcefully illustrates the degree to which the wider community had come to accept guardianship as implicitly attached to free people of color who participated in commercial exchange of any kind. Jackson's guardianship may have implicitly symbolized his limited standing within the community and debilitating legal status, but his careful selection of a white guardian and the personal relationship the two men formed also exceeded those assumptions as his guardian acted as agent, client, and employer. Their personal relationship further enabled Jackson to conduct a wide range of economic transactions both during and following the term of their legal relationship. The regular appearance of guardians in private transactions and the increasing body of law requiring them to participate in the social and economic lives of black Georgians suggest that guardians, who were typically white male residents, had become a permanent bridge between free people of color by the time that Georgia laws required the presence of guardians as permanent fixtures in the affairs of their wards.

By providing a detailed study of specific black and white people who knew and —to a certain extent trusted — each other, this chapter discloses the complex operational and experiential history of guardianships. The first section uses the Chatham County Free Persons of Color Registers in order to examine the kind of individuals who served as guardians and the character of the relationship—including the length of their term of service and the number of wards they were willing to represent. Guardians and free black wards each retained significant autonomy in arranging guardianships even as the state

and municipal authorities began to deploy white guardians as gatekeepers in formal legal terms. This section illustrates the dispersal of guardianship power amongst a variety of white people with particular political and economic interests tied to the city in the decades after guardianship became a state-mandated relationship.[16] The second section evaluates the applied practices of guardianship at Savannah side by side with broader developments concerning the legal codification of free black guardianship. By the mid-1820s, state and local authorities definitively repositioned free black guardians as useful enforcers of the racial order outside of their previous capacity in freedom suits. But no single piece of legislation framed guardianship as a requirement for the free black population that might have enabled state authorities to exert more comprehensive control over the free black population. Rather, laws passed over the course of several decades incrementally positioned guardians of free blacks to administer and oversee rules that discriminated against free blacks. However, evidence from the courts explored in the final section of this chapter depicts the versatility of guardians in capacities not defined by the state, demonstrating that Stites' responsibilities as guardian to Jackson were neither unique to their relationship nor to the early period during which their

[16] In 1818, free black residents were required to register with the clerk of court or face penalty of re-enslavement. The surviving information from these registers provides the names of Savannah's white guardians of free blacks, with the most complete information falling between 1828 and 1847. Free black registration records for Savannah exist for the period between 1817 and 1864, but peculiarities and incompleteness of several of the volumes prevent this study from engaging particular trends and characteristics of guardianship in the city over a broader timeframe. The Chatham County Registers feature five separate volumes. Volumes 1 (1817, 1823-1829, and 1835), 4 (1837-1849), and 5 (1861 and 1863-1864) feature information from non-continuous years or feature a limited number of entries per year. Annual registrations do not reflect a substantial percentage of the free black population confirmed as registered elsewhere. Often the names of guardians and years of initial registration are omitted from entries for registrants. Due to these constraints, this study primarily utilizes the more complete and systematic data from volumes 2 (1828-1835) and 3 (1828-1847). CCFPCRVol. 3, GDAH; 5600CL-130 City of Savannah, Georgia Records, Clerk of Council– Registers of Free Persons of Color, Volumes 1,2 and 4. City of Savannah Research Library & Municipal Archives, Savannah, Georgia. Hereafter abbreviated CSRFPC; "An Act supplementary to, and more effectually to enforce an act, entitled Act prescribing the mode of Manumitting Slaves in this State," Prince, *Digest of the Laws* (1822), 465-6.

guardianship took place. Civil suits conducted in courts in Chatham County and the Savannah Mayor's court illustrate that guardians were central to economic transactions within the free black community before and after the state mandated their intervention.

A reading of the formal law of guardianship in Georgia and elsewhere in the South depicts an institution aimed towards the control and debilitation of the small resident population of free African Americans, but this study of guardianship in Georgia illustrates the operation of a local legal culture defined by the credit-based transactional economy that could not be totally defined under any centralized production of law. As Mary Ricketson Bullard concludes, regardless of whether the guardian might be viewed "as a potential protector rather than as a potential warden," one can still assess that "in both cases dependence was to be complete."[17] Bullard's assessment accurately describes both the role assigned to guardians under the law and the landscape of the wider credit-based economy in which the interactions of free people of color necessarily relied upon their individual relationships with guardians. However, the quality of the "dependence" implicit in each guardianship relationship varied greatly depending on the highly selective practices of guardians and the free people of color who selected and ultimately deployed them.

Part I: The Visible Guardian

"Mr. Lawton […] said that he knew a large number of old residents in Savannah, slaveholders, who were well acquainted with every change that had taken place in the circumstances of the blacks, and those men apprehended no danger. The free negroes were orderly, hardworking, industrious, law-respecting people."[18] *–The Liberator*

The failure of state or municipal officials to assert further control over the process of arranging guardianships allowed wards and guardians a significant degree of

[17] Mary Ricketson Bullard, *Robert Stafford of Cumberland Island: Growth of a Planter.* (University of Georgia Press, 1986), 91.
[18] "Free Negroes in Georgia," *The Liberator,* February 15, 1856, p. 26-7.

sovereignty over these selections. State authorities allowed people of color to select their guardians individually, and a significant number of whites seem to have been willing to act as guardians. Differing circumstances might motivate guardians in their consent to represent one individual person of color or as many as fifty within the city's institutions. At the same time, it is obvious that free people of color actively concerned themselves with choosing guardians, making selections according to both public and personal knowledge of the guardian's character. The fluidity with which whites and blacks entered and left guardianships indicates that free people of color were sufficiently familiar and comfortable with members of the white community to continually locate those willing to serve as guardians.

The diverse geographical origins of Savannah's free black population meant many free people of color retained little connection to the people or circumstances surrounding their freedom. Many were immigrants from other counties, states, or countries. Only slightly over half of the free blacks registered with the Savannah clerk of court between 1828 and 1847 were born in the city or the immediate vicinity of Chatham County.[19] Within Savannah, the popularity of slave hiring allowed many slaves to save the profits from working odd jobs, ultimately bargaining their freedom from their masters. Slaves who became free often were the best connected and the most-liked skilled craftsmen, as well as those who could claim a personal connection to a master. Free colored sons, daughters, and mistresses of slaveholders were not unheard of in Savannah. But in Georgia, most slaves gained their release from bondage following the death of their

[19] 743 of 1437 registrants were born outside of Savannah or Chatham County. CCFPCR, Vol. 3, GDAH; CSRFPC, Volumes 2-4, CSRLMA.

owners, denying them the opportunity to have their former master serve as guardian.[20] The Savannah free black population's small numbers and selectivity facilitated the establishment of relationships with whites in the city, and the familial and professional connections within the black community created access to this network.

By examining the guardian population for a single year, it is possible to establish some conclusions concerning the kinds of people who assumed responsibility for the free black community. In 1837, for example, registration documents show that ninety-eight white Savannahians served as guardians for 489 of the 584 black Savannahians who registered.[21] Occupations for 86 percent (84) of these guardians could be determined. Most of those who assumed this public responsibility were prominent professionals, businessmen, office-holders, and other publicly visible individuals, over half of whom held high political offices in the city. However, some non-elite Savannahians also assumed the mantle of guardianship.[22] Guardians practiced a variety of occupations that

[20] Sweat claims that most manumissions in Georgia were testamentary. Based on the state legislature's focus on testamentary manumission in laws concerning restricting manumission, this seems likely. Occasionally, owners would provide for guardianships following their death. In 1816, William Ross freed Mary Catrine, appointing himself her guardian but declared that "after my death I do appoint my friend William Lucas, to act as Guardian to said Mary Catrine and the children which she may have," also requiring the former slave and her children to "take or bear the name of Ross." Berlin argues that it was the rising price of slaves which resulted in the character of American manumissions remaining personal. Ira Berlin, "The Structure of the Free Negro Caste in the Antebellum United States," *Journal of Social History,* Vol. 9, No. 3. (Spring, 1976)," 311. Edward F. Sweat, "The Free Negro in Antebellum Georgia," (Ph.D. diss., Indiana University, 1957), 32. Chatham County, Georgia Deeds, Volume 2G, GDAH.

[21] Due to inconsistencies in the registration of guardians and the format of the evidence, analysis of a single sample year best illustrates some of the characteristics of guardianship during the mature years of the institution. See the above note. The year 1837 provides both substantial registration numbers and better consistency than the surrounding data. The remaining ninety-five registered free people of color did not list a guardian. The totals of identifiable guardians are limited because of the clerk's use of abbreviations. In consideration of a review of all available registers, certain surnames and initials can be attributed to individuals, even in the absence of a first name. These identifications could be made as the individuals had names unique within Chatham County or are confirmed elsewhere in the register. Of these, several possessed common names and many guardians owned property outside of Savannah, meaning that identifying information might have been provided within a neighboring county.

[22] The occupations of ninety-eight guardians could be identified, and this group represented 96 percent of guardianships identified in 1837. A handful of guardians shared their responsibilities with another guardian; as a result, 498 guardian relationships can be identified for the 489 free people of color

tended to rely upon maintaining a public reputation of strong, professional character.[23] Those in the legal and mercantile professions appeared most frequently among the professions represented in the pool of guardians, accounting for 79 percent of the total.[24]

Table 7.1: **Occupations of the Guardians of Free Blacks in Savannah and Corresponding Numbers of Slaves Owned and Free Black Wards for 1837**[25]

	Profession	# Guardians per Occupation	% Slaveholding Guardians	Avg # of Slaves	Avg # of Wards	Total # of Wards	% of Total Wards
Law	**Attorney**	23	91.3%	22.2	8.9	216	41.0%
	Judge	7	85.7%	12.8	7.9	55	11.0%
	Court Clerk	4	75.0%	18.0	4.8	19	3.8%
Mercantile/ Business	**Factor/ Merchant**	17	94.1%	10.3	2.5	42	8.4%
	Broker/ Agent	4	100.0%	11.3	9.3	37	7.4%
	Shopkeeper	4	100.0%	3.3	5.5	22	4.4%
	Businessman	2	100.0%	63.5	1.0	2	0.4%
Public Facing or Elected Offices	**Justice of the Peace**	1	0.0%	0.0	1.0	1	0.2%
	Port Appraiser	1	100.0%	17.0	1.0	1	0.2%
	Consul	1	100.0%	6.0	10.0	10	2.0%
	Soldier	1	100.0%	7.0	2.0	2	0.4%
Smaller Trades/ Other Professions	**Planter**	8	100.0%	52.6	2.9	23	4.6%
	Butcher	1	100.0%	7.0	5.0	5	1.0%
	Jeweler	1	100.0%	1.0	2.0	2	0.4%
	Publisher	1	100.0%	7.0	18.0	18	3.6%
	Book Keeper	1	100.0%	12.0	4.0	4	0.8%
	Physician	7	85.7%	35.0	3.3	23	4.6%

A majority of the white guardians who agreed to monitor the freedom of Savannah's free blacks also shared the interests of the city's slaveholding class. In 1840,

registered. This conclusion is based on statistical analysis of CCFPCR Vol 3 GDAH; CSRFPC Vols. 2 and 4, spanning the period 1828-1849.

[23] Professionals are here defined as Attorneys, Physicians, Merchants, Brokers, and Judges. The professions of the guardians listed on the CCFPCR were found using Joseph Bancroft, *Census of the City of Savannah. (*Savannah: E.C. Councell, 1848); *Directory of the City of Savannah for the Year 1858.* (Savannah: G.N. Nichols, 1858); *Directory of the City of Savannah for the year 1849*; *Directory of the City of Savannah for the Year 1858*; Adelaide Wilson; *Historic and Picturesque Savannah.* (Boston: Rockwell and Churchill,1889); Richard H. Shryock, ed., *Letters of R.D. Arnold, M.D. 1808- 1876.* (Durham: The Seeman Press, 1929); *The Georgia Telegraph; The Macon Georgia Telegraph.*

[24] This total includes those listed as attorneys, judges, court clerks, factors or merchants, brokers, and shopkeepers.

[25] *1830 United States Federal Census*; *1840 United States Federal Census*; 1850 Slave Schedule Chatham County, U.S. Federal Census. [Databases on-line at: ancestry.com]; CCFPCR, Vol. 3, GDAH.

forty-eight percent of Savannahian families owned slaves; of the 1837 pool of guardians, seventy-nine percent held slaves over the period between 1830 and 1850. As a group, guardians represented a small percentage of the city's slaveholders, but they were well represented amongst those holding significant property in slaves. Some of the largest slaveholders in the guardian group also were responsible for the largest numbers of free black wards. R.M. Charlton, Levi S. D'Lyon, Robert W. Pooler, David Leion, and W.H. Stiles each held upwards of 13 slaves while serving as guardian to twelve or more free people of color.[26] These individuals held an average of twenty-one slaves, substantially more slaves than most Savannahians; in 1840, only 3.5 percent of families owning slaves held twenty or more.[27] Many guardians, even if they self-identified first as lawyers or merchants, were also planters, accounting for their large number of slaves. But for men who participated in occupations outside of planting, the ownership of slaves, no matter the number, represents a general indicator of wealth. Of the fifty-one guardians who can be identified in the 1850 federal census, twenty-nine provided information on their real property holdings, which averaged over $23,000.[28]

In addition to their economic dominance, white men who acted as guardians held strong ties to the municipal administration of Savannah. Eleven of the guardians registered in 1837 served at various points as mayors of Savannah—including the current serving mayor, Matthew H. McAllister—and thirty-four other individuals also served as city aldermen. Accordingly, forty-six percent of all guardians represented in the 1837

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[26] *1830 United States Federal Census*; 1850 Slave Schedule Chatham County, U.S. Federal Census; CCFPCR, Vol. 3, GDAH.
[27] Richard Herbert Haunton, "Savannah in the 1850s," (Ph.D. diss., Emory University, 1968), 66.
[28] The median amount of property held was $9,000, and ranged between $700 and $100,000. The 1850 Census was selected exclusively for its advantage in totaling property values. 7th Census of the United States, 1850. [Database online].

pool served on City Council. Other politically active guardians served in a variety of elected or appointed positions as members of the Savannah Chamber of Commerce, sheriffs, managers of the city's fire companies, or city marshals. Two-thirds of all registered guardians held elected or appointed city offices. These individuals represented 85 percent of the free people of color who listed a guardian (415 wards).[29]

Table 7.2: **Number of Wards Represented by Guardians Registered in 1837 who held Elected or Appointed Offices[30]**

Highest Office Held by Individual Guardian	# of Guardians	Avg # Wards	Total # Wards
US Court: Judge or Clerk	3	3.0	9
US Legislator	4	13.8	55
Foreign Consul	1	10.0	10
Mayor	8	3.5	28
Alderman	26	7.8	204
Local/ State Court: Judge or Clerk	5	3.6	18
Director of State Chartered Company or Chamber of Commerce Member	4	5.0	20
Commissioner of Pilotage, Port, or Tax Collector	3	14.3	43
State Legislator	1	1.0	1
County/ State Office: Treasurer, Post Master	2	5.0	10
City Marshall	1	3.0	3
Fire Company Manager or Assistant Manager	7	2.0	14

[29] **Appendix B,** profiles the sixty-five guardians who held offices. Other appointed or elected public offices included: Director or committee member of banks or railroad companies, constable, tax collector, port warden, commissioner of pilotage, court clerk or justice for the city, court of common pleas, or Federal court, port surveyor, post master, state or US legislator, and fire master, manager or assistant to one of Savannah's fire companies. Several guardians held multiple offices. A note on sources and the integrity of the sample discussed herein: There may be a second bias in the easy identification of these more publicly visible and prominent individuals simply by their nature as more visible citizens. Totals are corroborated across a number of sources, including: Thomas Gamble, *A History of the City Government of Savannah, Ga., from 1790 to 1901*. (Savannah City Council: 1901), 3-22. Joseph Bancroft, *Census of the City of Savannah. (*Savannah: E.C. Councell, 1848); *Directory of the City of Savannah for the Year 1858.* (Savannah: G.N. Nichols, 1858); *Directory of the City of Savannah for the year 1849*; *Directory of the City of Savannah for the Year 1858*; Adelaide Wilson; *Historic and Picturesque Savannah; Letters of R.D. Arnold, M.D. 1808- 1876***;** John H. Goddard, "Collections of the Georgia Historical Society other Documents and Notes," *The Georgia Historical Quarterly*. Vol. 48, No. 1 (March, 1964), 85-103; *Memoirs of Georgia: Containing Historical Accounts of the State's Civil, Military, Industrial and Professional Interests, and Personal Sketches of Many of Its People,* Volume 2. (Southern Historical Association, 1895), 62; John Walker Guss, *Savannah's Laurel Grove Cemetery*. (Arcadia Publishing, 2004), 47; Savannah City Council Minutes 1791-6, May 11, 1790; Savannah City Courts, Record Book (Indexed) 5600CC-060, Vol. 25B; Vol. 1 Book K; Vol. 25 A, CSRLMA.

[30] For identification sources see FN 27. CCFPCR, Vol. 3, Georgia Archives.

As visible, electable men in the city, these individuals brought a certain degree of respectability and accountability to the office of guardian. These were men beholden to the white electorate and their elite peers in addition to their free colored wards. Lesser officers, like fire masters or clerks of court or council, still represented men whose actions were tempered by the expectations and restraints of the larger white community. Offices and appointments concerned not only the governance of the city of Savannah, but also matters of general politicking and private enterprise. John Lewis served as the head of the Odd Fellows fraternal order and represented the state's fifth district for the Democratic ticket the same year that fellow guardian, William H. Stiles served as the head of the state-level ticket. Several others received nominations to serve as delegates to the state's Democratic convention.[31]

Service as managers or assistant managers of the city's fire companies—also termed fire masters—brought many prominent white citizens into direct contact with the city's free black population. Free black men were required by law to aid the city in combatting fires by serving as hands to one of the city's engine companies, and twelve white officers were annually elected to lead the companies in each of the twelve corresponding wards within the city. Reflecting on the white company foreman he recalled from his childhood, William Harden noted "some of the best citizens of Savannah held these positions."[32] City Council minutes for the period between 1800 and 1819 note the election results for 231 fire company officers filled by 184 separate individuals. Fifty-four of these officers can be identified as also having served as

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[31] *The Georgia Telegraph*. 8 July, 1856, Vol. XXX, Iss. 50, 2. *Readex* Early American Newspapers 1-5. (accessed May 6, 2011); *The Macon Georgia Telegraph*. May 11, 1841, Volume: XV, Iss. 32, *Readex Early American Newspapers* (accessed May 6, 2011.)

[32] William Harden, *Recollections of a Long and Satisfactory Life.* (Savannah, Ga., 1934), 19.

guardians. Of the guardians serving in 1837, just seventeen percent (17) can be identified as also having served in fire companies.[33]

Many of the guardians who did not hold a public office related to city governance or the courts participated prominently in political activities and in the administration of some of Savannah's largest financial enterprises. Banking and railroad companies in particular brought some of the city's most prominent merchants and businessmen to interact with the broader electorate as they vied in publicly held board elections. Over the years, thirteen different guardians served as directors for state chartered projects, including the Planter's Bank, State Bank of Georgia, Savannah Steamship Company and the Central Rail Road and Banking Company. As successful property holders and businessmen, these men seemed suited for the duties of higher offices.

Those who held political power within Savannah were also often legal practitioners, which made such men additionally attractive as guardians. The correlation between legal professionals and guardianship reflects the nature of guardianship inherently linked to legal representation; such men were experienced in the creation of necessary forms and documents inherent in conducting property under guardianship. In choosing a prominent attorney like Robert Charlton, free woman of color Catherine Levette selected a guardian who was both legally competent and held social prominence as mayor; Charlton held a political position from which he could shape the very power he was vested with as her guardian. Those in the legal profession constituted the largest group of guardians and represented the most wards; the various individuals associated with the legal profession protected 57 percent of the total free blacks registered (279

[33] Totaled from: Savannah City Council Minutes, July 1800- December 1804, January 1805- February 1808, January 1808- August 1812, September 1812- September 1817, October 1817- March 1822. OCC, CSRLMA; CCFPCR, Vol. 3, GDAH; CSRFPC, Volumes 2-4, CSRLMA.

wards) in 1837. Many guardians actively participated in the legal community; at least twenty-three kept law practices in Savannah.[34] Some of the most important members of Savannah's legal community assumed responsibility for the protection of certain free people of color. Seven judges serving courts at the city, state, and national levels also served as guardians.[35] Robert M. Charlton, who sat on the bench of the Georgia Superior Court, served as guardian to 31 individuals in 1837. William B. Flemming, Judge of the Georgia Eastern Circuit Court, extended his services to black wards, but opted only to stand for the four-member Mills family.[36]

Attorneys who shared practices also shared duties as guardians to free people of color. Richard M. Stites' own activity as a guardian likely influenced the involvement of his partner and brother-in-law, James M. Wayne. Wayne, who commenced his legal career in Savannah under the guidance of Stites, would later be elected as Savannah's mayor, a U.S. Congressman and a Justice on the US Supreme Court in 1835. He would eventually serve as the guardian of over a dozen free people of color between 1810 and 1848, continuing to serve as a guardian even as he held one of the highest Federal offices in the land.[37] After leaving Stites' practice, Wayne's later legal partners, Samuel M. Bond and Richard R. Cuyler, also served as guardians to several free people of color.[38] In fact, when free people of color Sam and Tenah Richardson registered with the clerk of

[34] Bancroft, *Census of the City of Savannah*, 16.
[35] Judges identified from: John H. Goddard, "Collections of the Georgia Historical Society other Documents and Notes," 85-103; Bancroft, *Census of the City of Savannah. Directory of the City of Savannah for the year 1849; Letters of R.D. Arnold, M.D. 1808- 1876;* Wilson, *Historic and Picturesque Savannah.*; *Seventh Census of the United States, 1850.* CCFPCR, Vol. 3.
[36] CCFPCR, Vol. 3, Georgia Archives.
[37] The timeframe for Wayne's guardianship is limited by the data available in the registers. Totaled from volumes 1-4, and "Account book, 'Ledger C,' 1804-1812," Box 6, J. Randolph Anderson collection on the Wayne, Stites, and Anderson family, MS 846, GHS. As late as the mid-1840s, Wayne appeared as the registered guardian of free people of color, including Ann, Margaret, and Nancy Craig in 1846-7, James and Lindy Clark in 1848. CSRFPC, Vol. 4.
[38] Bond served as guardian to six individuals while Cuyler represented five. Totaled from: CSRFPC, Vols. 1-4.

court in 1823, they named James M. Wayne and Samuel Bond as jointly their guardians. Such transference of guardianships among legal partners was not unfamiliar to Wayne; after the death of Richard M. Stites in 1813, Stites' former ward, William Goldsmith, petitioned to have Wayne appointed as his new guardian. Goldsmith would continue to use Wayne and other guardians to buy and sell property and slaves.[39] Such evidence and the legal records shared between Wayne and Stites indicate that free people of color who engaged those in the legal profession may have viewed such guardianships as more akin to attorney/client relationship than a patron/client relationship.

***Table 7.3:*Identified Guardians Affiliated with the Legal Profession in 1837[40]**

Profession	Guardian	# Wards	# Slaves
Attorney	Levi S. D'Lyon	93	13
Attorney	Robert M. Pooler	38	20
Attorney	James Clark	21	1
Attorney, US District Atty	W.B. Bulloch	8	37
Attorney, US District Atty	M.H. McAllister	5	67
Attorney	C.S. Henry	5	1
Attorney, US District Atty	Alexander Drysdale	4	1
Attorney	Thomas Bourke	3	3
Attorney	John Hover	3	51
Attorney	William Law	3	36
Attorney	George Schley	3	3
Attorney	Levi Hart	3	3
Attorney	William Brown	2	
Attorney	Adam Cope	2	12
Attorney	L. Delamotta	2	
Attorney	G.W. Owens	2	109
Attorney	Job T. Bolles	1	9
Attorney	Thomas Lloyd	1	72
Attorney	Jeremiah Cuyler	1	8
Attorney	G.D. Matthews	1	
Attorney	Jonathan Morel	1	10
Attorney	J.S. Pelot	1	5

[39] Petition of William Goldsmith, January 1, 1814. Chatham County Superior Court Minutes, Book 9 1812-1818; Deed of William Goldsmith, August 24, 1830. Deed of Robert M. Charlton, February 17, 1830. Deed Books, 2Q.

[40] This figure does not include those practitioners who held court offices simultaneously. Bancroft, *Census of the City of Savannah. Directory of the City of Savannah for the year 1849; Letters of R.D. Arnold, M.D. 1808- 1876;* Wilson, *Historic and Picturesque Savannah.*; *Seventh Census of the United States, 1850.* CCFPCR, Vol. 3, GDAH.

Attorney	Francis Sorrell	1	5
Judge (US District Ct)	R.M. Charlton	31	13
Judge (GA Superior Ct)	W.H. Stiles	12	13
Judge (GA Superior Ct)	W.B. Flemming	4	10
Judge (US Supreme Ct)	J.M. Wayne	3	
Judge (GA Inferior Ct)	James Eppinger	3	5
Judge (City Ct)	Philip M. Russell	1	3
Judge (GA Superior Ct)	J. Millen	1	33
Justice of the Peace	R. Raiford	1	
Court Clerk	W.C. Barton	9	2
Court Clerk	George Glenn	4	49
Court Clerk	J.I.G. Davis	3	3
Court Clerk	W.H. Bulloch	3	

A former mayor, powerful slaveholder, or a judge might be the most obvious choice for a free black seeking a legal protector, but these powerful figures also operated along their own set of calculations in their choices to represent certain people of color as guardians. Publically visible individuals were well represented among those standing as guardians for large numbers of the free black community. Amongst the eight guardians representing ten or more wards were three attorneys and two judges; seven of the eight had also served in government offices of mayor, alderman, or port surveyor. All eight were also slaveholders and most owned more than ten slaves, indicating that they were men of some means. These men—only three percent of the total number of guardians—accounted for the protection of exactly half of all free people of color who specified their guardian in 1837.[41] In these arrangements, the free black person might be best understood as a client. The decision by those who already assumed an active role in the public sphere as political office holders to serve as a guardian to a large group of free blacks supports the conclusion that some guardians might be viewed as facilitators in the preservation of social order.

[41] Totaled from CCFPCR, Vol. 3.

Table 7.4: **Guardians Representing Ten or More Free Black Wards in 1837**[42]

Guardian	# Wards	# Slaves	Occupation	Political Office
Levi S. D'lyon	93	13	Attorney	City Alderman
Robert W. Pooler	38	20	Attorney	Port Surveyor
Robert M. Charlton	31	13	Judge	Mayor
David Leion	23	20	Merchant	
John M. Clark	21	1	Attorney	City Alderman
Emanuel DeLamotta	18	7		City Alderman
William H. Stiles	12	13	Judge	Solicitor General
Paul P. Thomasson	10	6	Merchant	Foreign Consul

Powerful patronage carried obvious advantages for wards, but such a choice might mean sharing that patron with dozens of others. Attorney Levi S. D'Lyon, for example, was guardian to 93 free people of color in 1837 and served as guardian to 172 wards over two decades.[43] Yet, his connection to the free black community was less than typical. D'Lyon fathered four illegitimate mulatto children with three different women. His children were also baptized in the Catholic Church, where many free people of color worshipped.[44] Paul Pierre Thomasson, who served as French Consul at Savannah, proved a popular guardian among refugee free people of color from the French West Indies. As a fellow St. Dominguan and practicing Catholic, Thomasson was a visible fixture in the city's French institutions, but also within Savannah as he also served as a City Alderman.

An examination of the guardianship choices among free blacks over a broader period of time reveals that the tendency for free blacks to select more popular, high

[42] *1830 United States Federal Census*; *1840 United States Federal Census*; 1850 *Slave Schedule Chatham County, U.S. Federal Census;* CCFPCR, Vol. 3.
[43] His responsibilities peaked in 1831 when he served as guardian for 98 free people of color. CCFPCR, Vol. 3.
[44] Records provided courtesy of the Archives of the Catholic Diocese, Savannah, Georgia. In 1834, Levi S. D'Lyon and Louisa Savage baptized Theodore Edward. In 1841, Margaret Dupon and D'lyon baptized their son Oliver. In 1854 and 1859 Cecilia Debrass and D'lyon baptized Andrew Alexander and Carlotta. All children given the last name D'lyon and either child or mother noted as "colored." St. John the Baptist Catholic Church of Savannah Parish Register, 1796-1816, GDAH; St. John the Baptist Catholic Church Savannah Parish Register 1816-1838, Roman Catholic Diocese of Savannah Archives.

profile guardians was not a phenomenon exclusive to their choices in 1837 or the guardians available to them in that particular year. Between 1828 and 1847, 173 whites served as guardians to 1,166 free blacks. Over that period of time, free people of color demonstrated a clear preference for guardians who served others in the community. The twenty-five whites who served ten or more free blacks as guardians accounted for the protection of two-thirds of all free blacks registered during that period but represented just 14 percent of all guardians.

***Table 7.5*: Distribution of Free Black Wards Among Individual Guardians 1828-1847**[45]

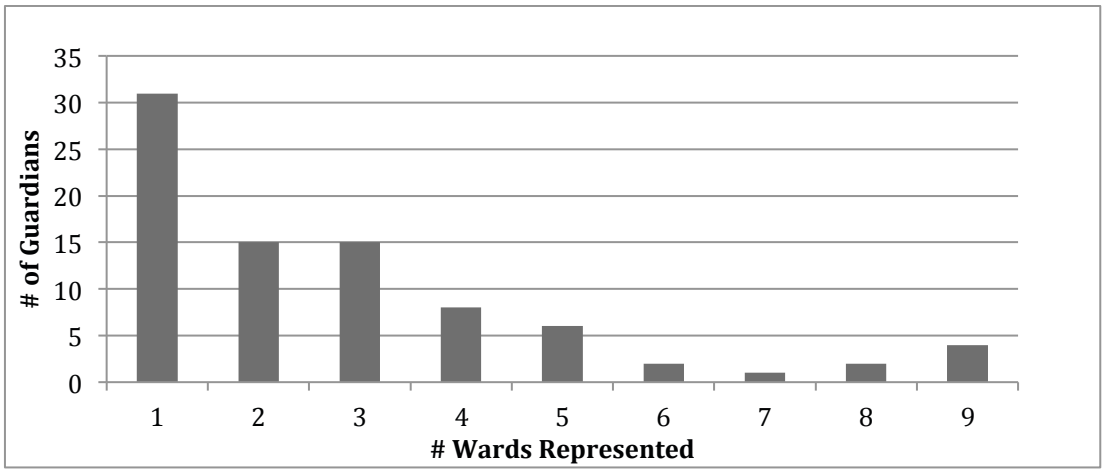
# Wards Represented per Guardian	# of Wards	% of Total Wards	# of Guardians	% of Total Guardians
1 to 5	262	22.5%	129	74.6%
6 to 10	188	16.1%	24	13.9%
11 to 15	68	5.8%	5	2.9%
16 to 20	0	0.0%	0	0.0%
21 to 25	111	9.5%	5	2.9%
26+	537	46.1%	10	5.8%
Total	**1166**	**100.0%**	**173**	**100.0%**

As illustrated in the profile above, free people of color selected the same guardians because they valued the stature and abilities of these men. However, in the absence of laws limiting guardianship as an office to be held by those practicing law or endowed with public responsibilities, less predictable choices were also common. Guardians did look after the interest of individuals or small groups of free blacks. Of the 98 guardians recognized by the ordinary in 1837, just over one-third of all guardians (35) protected only one individual. Guardians protecting multiple wards, whether two or

[45] Totaled from: CCFPCR, GDAH.

twenty, frequently served whole families, including men, women, and children.[46] That most guardians protected families suggests that these contracts arose not simply from convenience, but from personal experience and community knowledge.

Figure 7.1: **Number of Guardians Representing Between 1 and 9 Free People of Color in 1837**[47]



Employment for free people of color frequently relied upon clientage and personal connections, particularly in jobs that required business relationships with specific whites as well as the white community at large. A few individuals who were not professionals and did not hold an important public office served as guardians to substantial numbers of wards. Merchants and grocers had ample contact with the free blacks who bought and sold fruits, fish, and other goods; seventeen of these men served as guardians in 1837. The prevalence of white guardians in professions oriented towards commerce demonstrates that economic interactions could lead to the establishment of guardian relationships. While the basis of connections between specific guardians and free people of color still remain mostly obscured, the patronage of free people of color in

[46] It is difficult to determine the exact proportion of guardians who represented families because of the reoccurrence of several names. Familial relationships are not noted in the register.
[47] Totaled from CCFPCR, Vol. 3.

white businesses demonstrated market compatibility and lack of economic hostility between free people of color and these two influential strata of the city's population, allowing for economic connections to foster the establishment of guardianships.

The economic activity of free people of color in visible and non-exclusive businesses also built networks that helped them to establish and continue personal identification with potential guardians.[48] The success of free black pastry chefs and confectioners demonstrates that free women of color participated in profitable businesses without conflicting with white workers, while receiving white patronage. Of the sixteen occupations that engaged free women of color with guardians, a majority of those women were employed in one of three skilled employments: pastry chef, cake setter, and seamstress. Between 1828 and 1847, women in skilled positions on average accounted for 51 percent of all free women of color with occupations.[49] Men had a wider range of employment possibilities. Free black men with guardians listed twenty-nine occupations, twelve of them artisan or skilled jobs that employed a majority, 62 percent, of free black men.[50] While these occupations represented a diversity of industries, they concentrated in building and construction. These jobs relied upon free black men's reputations for good work.

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[48] For a breakdown of free black occupations between 1828 and 1847, see: **Appendix C, Tables 1-3.**

[49] Although cooking involves skill, it is not counted here as a skilled occupation because of the diverse implications of the employment. Cooks often additionally washed clothing or sewed, which implies that many cooks did such work very informally. Annually, approximately 125 registering females listed their occupation. Of those, the most popular employments included 50 seamstresses, 29 washerwomen, 14 pastry cooks, 11 hucksters, 7 who washed and cooked, 7 cooks, and 4 nurses. CCFPCR, Vol. 3.

[50] These included barbers, butchers, bricklayers, blacksmiths, coopers, carpenters, ship carpenters, printers, engineers, masons, shoemakers, and tailors. Amongst men, the most popular employments for the eighty-seven men listing occupations included 22 carpenters, 11 coopers, 7 tailors, 6 draymen, 6 butchers, 4 porters and 4 barbers. . CCFPCR, Vol. 3. For a complete listing of the employments of free men of color, see: **Appendix C, Table 2.**

Most free blacks with guardians did the same kind of work year after year, but some, like Molsey Jackson, demonstrated resourcefulness in finding work by marketing different skills. Arriving in Savannah from South Carolina in 1814, Molsey identified herself most commonly to the ordinary as a vendor of small wares. However, she separately identified herself as a cook and later a washerwoman.[51] Similarly, Lizzy Lavette registered as a vender but also rotated between employment as a cook and a washer. Although both women switched occupations, each continued to live in the homes they owned. Private enterprise could be difficult in the city, but a diverse market for employment made survival possible. Hiring out their services through short-term contracts allowed for more prolonged engagement with individual members of the white community than was common in the dizzying Savannah marketplace. For instance, Richard Stites paid several of his wards to complete various carpentry tasks performed directly or by their slaves. As guardian to Quash Dolly, a free black carpenter, Stites paid his ward $423 in wages for work done on various plantations belonging to an estate for which Stites was executor.[52]

Instances of the direct employment of free people of color by their guardians provide the best evidence of concrete economic ties. Joseph Myrick lived with his guardian, J.P. Gizoune, in a "small house on Mr. Bollon's Lot near the Fort," but Myrick also sold goods, including liquor, in Gizourne's shop.[53] Richard M. Stites hired Susan Jackson, the wife of his ward, Simon, to nurse and attend his own wife in 1809.[54]

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[51] CCFPCR, Vol. 3; CSRFPC, Vol. 1.
[52] Book Ledger, 1804-1812, Box 6. J. Randolph Anderson collection on the Wayne, Stites, and Anderson family, MS 846, GHS.
[53] City Council Minutes 1817-1822, October 6, 1817; CSRFPC, Vol 1.
[54] "Account book, 'Ledger C,' 1804-1812," Box 6, J. Randolph Anderson collection on the Wayne, Stites, and Anderson family, MS 846, GHS.

Households posed important points of origin for guardianship, even if occupants were not members of the same family. At William Craig's residence in Darby Ward, his five children, upon coming of age, each took J.M. Wayne as their guardian. The four other free black women and men living under Craig's roof, although not directly related, also selected Wayne as their guardian.[55] Thereze recognized her employer, Pierre Mirault, as her guardian as she sold a slave to a fellow domestic in Mirault's household; at his death, Mirault declared Thereze to have been his "trustworthy domestic."[56]

Other free people of color lived with their guardians but do not appear to have worked for them. The court clerk noted that Minda Baker "does nothing," but she lived with her guardian, W.B. Bulloch. Saul Bandy acted as guardian only to the 22 year old farmer Joseph Kelton. According to the 1840 census, Bandy's four-person household contained one free person of color, perhaps Kelton.[57] But for the most part, guardians and their wards did not live together.

Even when wards did reside with employers as laborers or domestics, shared economic connections did not always give way to guardianship, excepting instances of apprenticeship.[58] Polly and Charity Maxwell served as domestic servants in the home of

[55]However, the registration information provided by these individuals during the 1830s indicates that each free person of color held different guardians prior to the consolidation. CCFPCR, Vol. 3; CSRFPC Vols 1 and 2.

[56] Thereze is named "domestique de confiance." Will of Pierre Mirault, September 14, 1805. Chatham County Wills, Book E, 1795-1801; Deed of Thereza, free person of color, September 14, 1805. Deed Books, 2G.

[57] CSRFPC, Vols 1 and 2; *1840 United States Federal Census*. [Online at: Ancestry.com].

[58] However, master craftsmen did not always serve as guardians to the free people of color who apprenticed under them. The registers indicate that apprentices were not required to prove a connection to a guardian, but this is likely because the city was less stringent in requiring children to register with guardians. Children who entered apprenticeships already received the supervision the state hoped to promote through guardianship, as described under the 1808 law, making the requirement unnecessary in such cases. Frank Williams, Jack Chivers, and Peter Daly each apprenticed and lived with Prince Kennedy, but none of Kennedy's apprentices registered with a guardian. However, the four Bourquin children demonstrate that these supervisors were not always substitutes for guardians. Harry and Ned each apprenticed and lived with a separate craftsman, but were each guarded by Thomas Lloyd, along with their younger siblings, each of

Richard Wayne, living on his property, but they opted for the protection of John Elliot even as their employer served as guardian for several other free people of color. The same was true of Jane Maxwell, a seamstress who also lived on Wayne's property but chose Elliot. Wayne did serve as guardian to Georgiana Guard; Guard, who served as the nurse of Savannah mayor Richard Arnold's daughter, declined to use her own employer as guardian. Patsey and Louisa McIntosh lived with Mrs. Goodwin as waiting women, but Francis Stone served as guardian for both. The Maxwells and the McIntoshes demonstrate the predominance of family connections in establishing guardianships.[59]

Although free blacks often chose guardians on the basis of their public standing, guardianships often developed in connection with the circumstances of one's freedom or identity developed within a specific community, whether in Savannah or the wider Atlantic world. As Georgia's most substantial urban center, Savannah became home to the largest concentration of free people of color in the state. Cities provided free colored populations with a number of tangible advantages and psychological comforts unavailable in the countryside and smaller towns. They offered a welcome anonymity and departure from the proprietary attitudes of rural whites under whom some had served as slaves.[60] As free people of color flocked to Savannah from Georgia's rural coastal

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who lived with their guardian. David Leion was also a ward of Lloyd along with two other members of his family. Lloyd's connection may not have pertained directly to the nature of these apprenticeships, complicating the connection between apprenticing and guardianship, but his protection of these apprentices where others opted out of guardianship also informs the character of his role in protecting the Bourquins and the Leions. CSRFPC, Volume 1; "Act of 17th December, 1808." Prince, *Digest of the Laws* (1837), 788-9.

[59] Jacqueline Jones, *Saving Savannah: The City and the Civil War.* (New York: Kopf, 2008), 29; CSRFPC, Vols 1 and 2.

[60] Berlin, "The Structure of the Free Negro Caste," 300.

counties, often in family groups, they commonly followed the guardianship choices of family members already established in Savannah.[61]

The sharing of guardians among free blacks migrating to Savannah suggests that guardianship also proliferated from connections found within the free black community.[62] Of the 50 individuals migrating from neighboring McIntosh and Liberty Counties between 1828 and 1847, 24 were linked to one of four large families, the largest of which was the nine-member Golding family. After arriving in Savannah in 1808, Nancy Golding took Levi S. D'Lyon as her guardian. Six subsequent Golding migrants would follow her choice.[63] Judy Bacon also opted to have D'Lyon as her guardian and extended his protection to the five children living with her. All six of the Lair family, also from Liberty County, sought Herbert Castellaw's protection.[64]

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[61] The frequent extension of a guardian's protection to the families of their wards was not a trait exclusive to Savannah's guardian slave relationships. Johnson and Roark note that in Sumter, South Carolina, where, during the 1840s, a medium sized community of around 100 free blacks lived, several guardians protected families rather than individuals. Johnson, and Roark, *Black Masters,* 44-5.

[62] Petitions originating from Georgia's less rural counties also attest to the common acceptance of the responsibility of entire families by guardians. Five petitions include the word "family" in specifying the individuals covered by the petition. Petition of the Cousins family- Sally, Arnold, Nancy, Emily, Thomas, Bessey, James, Missouri, and Martha- to the Jones County Court, 1848. Accession # 20684807; Petition of the Brasil family- Milley, Anthony, Elizabeth, Levi, Eli, Samuel, Jane, and William- to the Jones County Court, 1848. Accession # 20684807; Petition of the Anderson family to the Troup County Court, 1850. Accession # 20685002; Petition of Sarah Cousins, Emily Cousins, Nancy Cousins, Thomas Cousins, Betsey Cousins, Jim Cousins, Missouri Cousins, and Martha Ann Cousins to the Jones County Court, 1852. Accession #20685209; Petition of Mary Grant to the Richmond County Court, 1852. Accession # 20685213. *Race, Slavery, and Free Blacks. Series II, Petitions to Southern County Courts,* Reel 4. Unfortunately, totaling numbers from outside counties cannot properly assess how many actually migrated to Savannah as free people. Many individuals born in Africa or the West Indies were likely slaves in Savannah or on neighboring county plantations for substantial periods before gaining their freedom. Notably, almost three quarters (73%) of all free people of color registered during the nearly twenty year span covered by volume three of the registers listed Savannah or Chatham County as their place of nativity. CCFPCR, Vol. 3.

[63] Several of the Goldings commenced registration during different years. Ibid.

[64] CSRFPC, Vol 2; CCFPCR, Vol. 3.

Native free black Savannahians also tended to share guardians with other family members.[65] Of the 93 free blacks D'Lyon protected, 69 (74 percent) shared surnames with other wards he protected. Five members of the Walls family took J.M Clark as guardian. Priscilla, Robert, and Samuel Boyd shared guardianship by Jasper Bulloch and then transferred jointly to become the wards of C.S. Henry.[66] Guardianships continued through multiple generations and into adulthood, likely because of existing property trusts. As illustrated in Chapter 6, free black property holders often elected to gift property in trust to children through guardians, but when they came of age, those children often continued to use the same individuals to institute their own trusts through the same men. London Dolly's mother, Phillis, gave his inheritance to Richard Stites to hold in trust in 1810. When London conveyed his property to Jim Dolly, Stites also became the trustee, holding the property in Jim's name.[67]

Family input might guide the selection of a guardian, but individuals often dissolved guardianships and made their own selections. Andrew Morrell and his wife

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[65] The absence of individual year registration lists and the inconsistency of both the existing annual lists and the compiled volumes mean that an accurate overview of the patterns and frequency of changes in guardianship cannot be pieced together. Consequently, statistical analysis of the patterns of guardianship within families has proven impossible. Although compiled volumes of the Free Persons of Color Registers for Savannah and Chatham County, like volume 2 and volume 3, offer the most comprehensive registration information for individuals, guardianships were not always recorded and if they did change, changes were not indicated. Based on the frequent notation of the clerk, such omissions may have arisen because the names recorded for a given year were added several years later when a free person of color paid "back registry" fees. Even if free people of color ignored legal requirements in declaring guardianship arrangements, this practice suggests that guardianships continued to be informally recognized.

[66] Most of the wards who shared surnames can be positively identified as families or related groups because of their unique surnames and are further validated by matching nativity, choice of guardian, occupation, or registration years. For example, Lucinda and James Butler each began registering as residents of Savannah in 1834, both listing their place of birth as Liberty County and Levi S. D'Lyon as their guardian. Five free people of color listing their last name as Campbell also registered their guardian as D'Lyon, each claiming 1836 as the year of their first registration with the city. The Byng family listed separate nativities of South Carolina and Savannah, but all three listed D'Lyon and the clerk noted each as coming from New Haven. CCFPCR, Vol. 3.

[67] June 23, 1810. "Account book, 'Ledger C,' 1804-1812," Box 6, J. Randolph Anderson collection on the Wayne, Stites, and Anderson family, MS 846, GHS; Deed of Phillis Dolly, February 1, 1810. Deed Books, 2C.

Ann lived together on Andrew's property, but each chose their guardians separately.[68] Members of the Cruvallier family, who arrived at Savannah from St. Domingue, opted to change guardians several times, as both a family unit and as individuals. This clan of five pastry cooks opted for the protection of H.D. Weed in 1834, but nine years later, L.S. D'Lyon assumed the role, also serving as protector to three new Cruvallier infants. Justine and Ellen Cruvallier opted together to select Philip Rusell as their guardian the following year but returned to D'Lyon in 1846 and finally back to Russell.[69]

The guardianship history for various members of the Odingsells family demonstrates that independent changes in guardianship among individuals also mirrored changes in circumstances for trusted guardians. Upon his death in 1809, wealthy planter Charles Odingsells provided his illegitimate mulatto children, Anthony and Mary Ann, "the Island known by little Wassaw" and twelve slaves, but placed the property under a trust to Charles Odingsells Screven. Members of the Screven family would continue to serve as guardians to the Odingsells over the next forty years.[70] Although James P. Screven predominantly served as their guardian, during the late 1820s, his declining health prevented him from continuing to run their affairs. When Anthony wrote Screven for his aid—which likely involved the running of his plantation on Wassaw—Screven assured him that "I [...] certainly would consent to your request, if it were in my power to attend to temporal business so far from home. I have not visited my plantation across the river for more than a year past--nor have I visited Savannah for four or five years past." Based on his inability to physically assist his ward, he advised Odinsells "by all means to make choice of another Guardian, and I do hereby resign that trust." Less than three years

[68] CCFPCR, Vol 1, CSRFPC.
[69] CCFPCR, Vols 1, 2, 4 CSRFPC.
[70] Will of Charles Odingsells, June 4, 1809. Chatham County Wills, Book G, 1807-1817; CSRFPC, Vol 4.

later, Anthony registered Petite Devillers as guardian to his family, but Mary Ann—who lived in the city and worked as a washer and seamstress—continued to register herself and her family members under the guardianship of James P. Screven. Although the reasons for the different choices in guardians after 1831 are not apparent, it seems plausible that the accessibility of a guardian simply mattered more for Anthony as he built commercial relationships in his planting enterprise than for his sister, who by 1825 appears to have owned no real property.[71]

The dissolution of guardianship ties proves that change was a common feature of guardianship and that free blacks had sufficient familiarity with whites to achieve protection from multiple individuals. Between 1828 and 1849, the clerk noted that 139 (fifteen percent) of the 951 registered free people of color either changed guardians or were protected simultaneously by two or more guardians.[72] Property deeds from the Chatham County courts also indicate that guardians understood their roles to be transferable.

As a successful cooper, Prince Clay's guardian Jonathan Meigs transacted on Clay's behalf for a variety of real and human property, including 500 acres of land in

[71] Quoted in: Joseph Parsons, "Anthony Odinsells: A Romance Of Little Wassaw." *The Georgia Historical Quarterly*, Vol. 55, No. 2 (Summer, 1971): 208-221; CCFPCR, Vol. 3; CSRFPC, Vols 1. 2, and 4.

[72] The total number of guardians for the four volumes spanning most of the lifetime of the register establishes a substantial group of individuals willing to participate in the practice over the twenty-one year period documented. The generation of this list poses several methodological issues arising from both the handwriting of the clerk and the abbreviating of names. I have attempted where possible to confirm the identities of guardians across registers. Because having a guardian was mandatory as of 1810, the number of entries not specifying a guardian likely reflects an inaccuracy in the Chatham Ordinary's record, possibly caused by noncompliance. CCFPCR, 1827-1848, GDAH. CSRFPC, Volumes 2-4, CSRLMA. Cases of individuals who changed guardianships were assessed on the method of listing, including where the clerk noted "transfer" and indicated a second guardian's name or specified the name of a guardian in coordination with a date. Because the column of the register indicating guardianship falls next to that used to notate the dates each free person first registered, guardianships were totaled as transfers only if the clerk's marking indicated a connection between the recording of a date and the name of a guardian. Alternatively, the absence of punctuation, specifically backwards slashes or parentheses, that would separate multiple names also indicates that the names were purposely coupled. Twenty-five of these relationships were assessed as jointly held.

Screven County and three lots in Oglethorpe ward. When Meigs purchased a four year old boy, Charles, for Clay—who already held six slaves—he acknowledged that while the slave would be "held" in his name, the title would transfer "to my successors in the Guardianship[.]"[73] In this instance, Meig's declaration acknowledged his role as a temporary agent in a standing legal arrangement, the lifetime of which could extend beyond the expiration of his own participation. Guardians who served as trustees of the property of their wards entered deeds selling the property to newly elected guardians. For instance, when Charlotte Levette transferred her guardianship from William Stephens to D.B. Mitchell, Stephens sold Mitchell as "acting trustee of Charlotte Levett, all household furniture, glasses, plate, horses, Carriage," and four slaves for the token sum of five dollars.[74] Levi S. D'lyon served as guardian to pastry cook Susan Jackson for ten years until William W. Gordon became her guardian in 1833. D'Lyon sold Gordon Jackson's land and corresponding buildings for one cent.[75]

Guardianship records reveal that free colored migrants from St. Domingo negotiated their settlement in Savannah in a similar fashion. Fleeing the turmoil on the island in the 1790s, dozens of free people of color arrived in Savannah where they developed reputations as shopkeepers, hucksters, and exceptional pastry chefs. Shopkeepers Jeanette LaRose and Manette Tardieu were guarded by Joseph Meric, a shipbuilder and merchant who also fled St. Domingo. Manette later changed her guardian to Francis Duré, another French émigré. F.D. Petit DeVillers—a wealthy former St. Dominguan with mercantile connections to Philadelphia and France—served

[73] Deed of Jonathan Meigs, July 16, 1817. Deed Books, 2H; Deed of Ralph Clay. April 2, 1812, Deed Books, 2D; CSFPCR, Vol. 1.
[74] Deed of William Stephens, December 31, 1809. Deed Books, 2H.
[75] Deed of Levi S. D'Lyon, May 20, 1833. Deed Books, 2S; CSRFPC, Vol. 1.

as guardian for several free people of color from the West Indies, including Alexander Monet and Louise Marie.[76] These selections hint at the existence of a network of guardians who exclusively served West Indian émigrés.

Phillis Sairé, a washwoman and cook who had immigrated from St. Domingue in 1800, was the ward of P.P. Thomasson—a fellow St. Dominguan who served previously as the Vice Consul of France at Savannah—until John J. Waver became her guardian in 1836. Thomasson continued to represent other free people of color, in particular French West Indian migrants; in 1837, Thomasson was guardian to ten wards, eight of whom had French names.[77] The ending of Sairé's legal relationship with Thomasson shows one way that guardianship indicated the changing identity of free blacks, particularly migrant groups, as she became willing to bind herself to Waver, a non-French Savannahian, long after she arrived in Savannah. However, Thomasson's role confirms that many free people of color who formerly resided in French colonies relied upon the strength of creole connections to obtain the protection of guardians.

Perhaps more than any other segment of Savannah's population, French creoles complicate previous interpretations of guardians as distant observers of the free black community. DeVillers served as a director of the Planter's Bank and had great success as a factor, but his connection to the island of St. Domingo forged the basis for his guardianship over members of the community of free coloured French émigrés in Savannah. On the other hand, this connection cannot explain his role as guardian for the

[76] Ibid; CSRFPC Vols. 2 and 4.
[77] CCFPCR, Vol. 3.

prominent mulatto Anthony Odingsells—son and one time slave of prominent planter Charles Odingsells—and the other members of the Odingsells clan.[78]

Savannah's free people of color were the recipients of protection from some of the most prominent men in their professions. Even among men with similar social standing and those employed in similar careers, the number of free black wards varied widely. Guardianship presented an opportunity for the expansion of association between free blacks and professionally and politically active whites. To a certain extent, the restrictions created by Georgia and the city of Savannah created the expectation for increased transaction between the two groups. These men were forced to deal with guardianship law not simply as a declaration of class boundaries, but as an interactive process among individuals. The selection of guardians personalized the relationship, but, ultimately, statutory and case law did provide certain expectations for the participation of guardians in the affairs of their wards. Laws of guardianship changed, were haphazardly enforced, and fluctuated between rigidity and flexibility, but continued to provide free people of color basic privileges over slaves that were invaluable.

Section II: Relationship Terms and Coexistence

"He lives among us without motive and without hope, [… h]is fancied freedom is all a delusion."[79]
–Justice Lumpkin, *Bryan v. Walton*, 1853

The transformation of free black guardianship as an instrumental conduit for the interactions between the state and free blacks during the antebellum period is well illustrated by the arc of the passage of formal law at the municipal and state levels. Although the 1810 Georgia law stated that free black guardians ought to be understood in

[78] CSRFPC, Vols 1, 2,and 4; CCFPCR, Vol. 3.
[79] *Bryan v. Walton,* 14 Ga. 175, (August 1853).

the same way as guardians of any other class of resident who enjoyed reduced legal standing, the responsibilities outlined by laws concerning the guardianship of free blacks simultaneously situated guardianship as an instrument of slave law.[80] As illustrated in Chapter 6, the early state and local regulations concerning free black guardianship did not intrinsically impose penalties upon those who did not formally establish their guardianships through the courts. However, the trajectory of regulations increasingly repositioned free blacks' access to rights through guardians.

The 1810 law did not represent a *requirement* to obtain a guardian, but early laws passed at the state level slowly integrated the guardians of free blacks as figures who could exclusively mediate access to a broader range of privileges limited by slave codes.[81] When the legislature passed new laws for the criminal trial and punishment of people of color in 1816, they provided the ability to appeal a capital case conviction only to a slave owner "or guardian of the free person of color convicted," and also provided guardians with the exclusive right to petition the governor for a pardon.[82] The positioning of guardians between free blacks and the courts and executive allowed authorities to provide legal remedies to those convicted while avoiding the necessity of providing them with personal rights.

The phrasing of the 1818 law that banned manumission, black immigration, and required registration for free blacks, indicates that state authorities recognized the

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[80] The 1810 law declared that judges in either superior or inferior courts "shall, upon the written application of any free negro" appoint a white person his or her guardian. Guardians would be "vested with all the powers and authority of guardians for the management of the persons and estates of infants … [p]*rovided nevertheless,* that the property of such guardian shall in no case be liable for the acts or debts of his ward." "For regulating and governing free persons of color coming into this State or residing therein." *A compilation of the laws of the state of Georgia, passed by the legislature since the political year 1800, to the year 1810, inclusive*. Augustin Smith Clayton, ed., 655-6.

[81] For a complete breakdown of guardianship laws passed by the City Council of Savannah, the Georgia legislature, and elsewhere in the South, see: **Appendix A.**

[82] "An Act for the trial and punishment of Slaves, and free people of color." *Prince* (1837)*,* 791-2.

prevalence of guardianships among the free black population as the law allowed guardians to play a key role in court proceedings brought against free people of color. If any objection was "made to the registry of any person of color claiming to be free," the court required "answers on oath" from any individual "in whose employment such person of color may be, or who may be guardian of such person of color[.]"[83] Here the law again attributed a distinct value to the guardian as an individual, who, just as an employer, would be familiar with the legal status of such an individual. The 1818 law reiterated the dual-purpose free black guardianship served in 1755, when slaves seeking to prove their freedom in the courts were required to obtain guardians. The requirement simultaneously prevented blacks from receiving full legal standing while providing courts with white representative who could provide an initial vetting of a black ward's claim to freedom. The 1818 law took that capacity one step further in allowing guardians to provide admissible evidence for determining the legal status of a free person of color while leaving the discriminatory trial rules that denied people of color from providing testimony intact. By 1826, state law prevented the granting of "any certificate of registry of freedom to any colored person, but upon affidavit first made by the guardian" of the individual seeking such papers.[84] In an instant, the most important right claimed by members of the free black community became inextricably linked to another person. Whereas previous laws had simply recognized the usefulness of the guardian's knowledge as valuable in determining whether a person of color might receive certain

[83] "An Act supplementary to, and more effectually to enforce an act, entitled—" passed December 19, 1818. *Prince* (1837), 794-798. See Section 99.
[84] CRSG, 28: 400; "An Act to amend an act, entitled *An Act supplementary to, and more effectually to enforce an act, entitled Act prescribing the mode of Manumitting Slaves in this State; and also to prevent the inveigling and illegal carrying out of the State persons of color,"* passed December 26, 1826. Oliver H. Prince, ed., *Digest of the Laws of the State of Georgia* (1837), 800-801.

rights and privileges from the court or the Corporation, new statutes inserted the guardian as an exclusive grantor rather than guarantor of privilege.

As Savannah authorities sought new ways to restrain black freedoms under the justification of public safety, they recognized that guardians could serve as de-facto monitors of the free black population since they were often very knowledgeable about their business dealings and mobility. The passage of a law in 1817 which allowed guardians to pay the fine of free black individuals arrested for participating in an assembly recognized that guardians, like the masters of slaves, could intervene on behalf of free black individuals who, if unable to pay the two dollar fine, would otherwise receive twenty lashes.[85] Like the previous free black ordinances passed in 1804 and 1807 that regulated the sale of explosives and violations of the fire codes, the measure recognized that whites who had standing relationships with members of the free black population could be trusted to allow them permission to participate in otherwise proscribed activities.

Lawmakers in Georgia struggled to clearly define and increasingly to limit activities and freedoms for free blacks and slaves, especially in urban spaces, as a wide range of informal economic interactions and social activities—including drinking and gambling—complicated the codified binary that connected racial phenotype to slave status.[86] Since 1793, ordinances instituting a night watch for the city allowed magistrates

[85] City Council Minutes, 1805-1808. November 30, 1807; "An Ordinance for the purpose of Establishing, organizing, and regulating a regular night watch, for the better protecting the City of Savannah, and for repealing all ordinances heretofore passed for that purpose," passed January 13, 1817. City Ordinances. U.13.02: 1789-1842, OCC, CSRLMA.

[86] The constantly shifting internal economy common in most Southern cities led to the widespread allowance of self-hire for slaves. These slaves were permitted to seek their own work arrangements in exchange for paying masters a set fee. While hired, a slave might live independently of any white person. Along with hire, the independent slave economy permitted on Lowcountry plantations also provided slaves with cash and cause to interact with whites for economic and social purposes. Eugene Genovese, *Roll,*

"to take up all negroes passing in the streets after ten O'Clock who cannot give a satisfactory account of themselves, or have no ticket or permit to pass, and to confine them in the Watch House or Goal until morning, or longer if necessary." After 1822, guardians and trustees were included, along with owners and employers, as individuals who could issue tickets that would allow people of color to travel in the city at night without harassment from the officers of the watch.[87] Although this arrangement provided the free blacks who could obtain tickets from guardians with an advantage over the previous laws, under this rule, city authorities had placed white guardians on equal footing with slave owners as they allowed guardians to restrict the movements of their free black wards. By 1839, city authorities also empowered guardians to regulate the appearance of free people of color at social gatherings.[88] Finally, whereas previous city ordinances—including measures passed in 1817 and 1827—had established a blanket ban over the teaching of reading and writing to free or enslaved blacks, an 1841 law expanded the ban to prevent free people of color from selling writing materials and literature but allowed such activities with the permission of a guardian.[89]

Jordan, Roll; Ibid, *The Political Economy of Slavery: Studies in the Economy and Society of the Slave South.* (2nd ed. Wesleyan, 1988); Richard C. Wade, *Slavery in the Cities: the South, 1820-1860*, 38-40, 48-54; Jonathan D. Martin, *Divided Mastery: Slave Hiring in the American South.* (Cambridge: Harvard University Press, 2004.) For an excellent study of the informal interactions of blacks and whites in Lowcountry Georgia, see: Timothy Lockley, *Lines in the Sand: Race and Class in Lowcountry Georgia 1750-1860.* (Athens: University of Georgia, 2004).

[87] "Ordinance for Establishing a night watch in the City of Savannah and Hamlets thereof." June 18, 1793. City Ordinances. U.13.05: 1795-1809; "An Ordinance to regulate the pay of the City Watch of the City of Savannah and for other purposes." December 30, 1822. City Ordinances, U.13.06: 1812-1839.

[88] Ralph Flanders, "The Free Negro in Antebellum Georgia." *The North Carolina Historical Review*. IX, (1932), 262; *Ordinances of the City of Savannah 1854,* 346.

[89] "An Ordinance to prevent the teaching of free persons of color and slaves the arts of reading and writing" passed August 27. 1817. City Ordinances. Book U.13.02, 1789-1742. Office of the Clerk of City Council; City Council Minutes 1817-1822, August 25, 1817; *A Digest of all the Ordinances of the City of Savannah Which Were of Force on the 1st July 1854*. [Microfilm]. (Savannah: Purses print**,** 1854), 345; Whittington B. Johnson, *Black Savannah*, 207.

During the late 1820s, a resurgence of threats that involved free people of color and originated from outside of the state prompted legislators to assign unprecedented responsibilities and points of intervention for free black guardians inside and outside of the courts. In December of 1829, the leader of the Second African Baptist Church, a free African American named Henry Cunningham, took delivery of a "parcel" from a white steward containing 60 pamphlets. When Cunningham read through a copy of David Walker's fiery *Appeal to the Colored Citizens of the World*, he "immediately returned it on ascertaining the character of its contents." Although the authorities "seized […] and destroyed" the parcel, the arrival of the pamphlets commanded a great deal of fear from Savannah's Mayor, William T. Williams, who believed that the Boston pamphlets carried "dangerous consequences to the peace and even to the lives of the people of the South."[90] When a New York publication entitled "The Anti Slavery Reporter" was anonymously mailed to Savannah residents in 1833, Williams demanded that the post master refuse to deliver the pamphlets. While the post master denied his own ability to do so, he did agree "to refuse delivering any that may be addressed to negroes, and will apprize all other persons to whom they are directed of the character of the work."[91]

In the same month as the arrival of the pamphlets, the Georgia legislature greatly expanded the power of white guardians over their free black wards, further distancing free blacks from the rights enjoyed by whites, while simultaneously repressing several other liberties. Several restrictions directly addressed concerns over the stability of the black population as such rules sought to curb rights related to the potential for slave

[90] Mayor W.T. Williams to Harrison G. Otis, Mayor of Boston, December 22, 1829; Mayor W.T. Williams to H.L. Pinckey, Intendant of Charleston. December 12, 1829. Savannah Mayoral Letter Books 5600MY-010, Volume 01 1817-1851.
[91] William Thorne Williams to Wilson Lumpkin, December 7, 1833. Ibid.

rebellion or conspiracy. No free person of color, whether slave or free, would be permitted to preach to more than seven individuals unless he received a certificate from three white ministers attesting to the piety, morality, and religious knowledge of the applicant and the written permission from inferior court justice and the mayor. Free blacks were also prohibited from using or owning firearms. However, the 1833 law also placed new, broader controls over the property rights of free people of color that did not directly pertain to dangerous activities. In mandating that it would be illegal "for any person to give credit to any free person of color, but on a written order of the guardian[,]" the new law expanded the role of guardians in black economic transactions beyond the courts while ensuring guardians' presence in the courts in most civil matters.[92]

Many of the laws concerning free black guardians did not entirely prohibit movement or particular social or economic activities so much as ensure that such freedoms were properly monitored. They demonstrate that the municipal government used guardians to provide additional limitations on free black activities; guardians could be trusted to apply prohibitions selectively through their knowledge of individual wards. Historian Ira Berlin notes that Southern policies concerning free blacks primarily worked to preserve the racial hierarchy, centering "upon the delicate task of building the freemen's middle position, allowing free people of color just enough latitude to assure their loyalty but not so much as to encourage them to challenge white dominance."[93] At Savannah, guardianship played a key role in the efforts of authorities to define the "middle position" of free blacks as they relied upon as individual members of the white community to provide sufficient "latitude" in awarding privileges to free blacks.

[92] Oliver H. Prince, *Digest of the Laws* (1837), 808.
[93] Berlin, "The Structure of the Free Negro Caste," 312.

The late adoption of free black guardianship in the codes of the Florida territory provides a contrasting example with some of the Savannah measures. Introduced by Florida lawmakers in 1842, guardianship statutes aimed to curtail the rights of free people of color in order to address growth of this segment of the territory's population and represented some of the harshest legislation introduced against free blacks in the South. Under the guardian requirements, free people of color were "placed on the same footing, governed by the same laws and restrictions as slaves, except the right of property" while the power of the guardian would mirror that allotted to the masters of slaves under Florida law. The law demanded that "all guardians […] shall have the same privilege over each and every of such free negroes or free mulattoes as masters, except the right of property in every other respect[.]"[94] Although the act was repealed in 1843, similar acts were passed in 1848 and 1856. The 1856 measures forbid free blacks from participating in any kind of financial transactions without the written consent of a guardian. Violations carried a fine of between 100-$500, but the law was arguably more liberal since it removed language that awarded guardians unspecified and nearly unrestrained control over free people of color.[95]

Alabama's General Assembly also instituted a guardianship requirement for all free black residents during the late antebellum period, but those laws more closely paralleled the legislative spirit of the early Georgia codes than those of Florida. Under the 1852 law, guardians were both "authorized to bring suits" on behalf of wards and

[94] Under the same act, the Florida territorial legislature required that only those free people of color who were in the territory prior to its cession in 1819 would be allowed to remain. The act went on to specify that any free blacks or mulattoes who had come into Florida since February 10, 1832 would be sent out in the company of the County Sheriff who was then to be reimbursed for carrying these individuals beyond the limits of the territory. Upon refusal, they were to be sold at auction. *Acts and resolutions of the Legislative Council of the Territory of Florida, 20th sess*. (Tallahassee, 1842), 34-36.
[95] Russell Garvin, "The Free Negro in Florida before the Civil War." *The Florida Historical Quarterly*, Vol. 46, No. 1 (Jul., 1967), 16-7.

would "take charge of and faithfully account for all such effects, goods and moneys" that would come into his or her possession. Two years later, lawmakers provided clarifications to the guardianship regulations that required increased accountability for free black guardians, who were charged with the duty of seeing that free "persons of color are protected and provided for," making them "liable as other guardians" for accounting for the money received for a ward. The law also allowed free people of color above the age of twenty-one to select his or her own guardian.[96]

Although Florida laws may have some genealogical connection to practices concerning free black guardianship in Georgia, when considered side by side with those of Savannah and Georgia, these laws provided guardians with extraordinary powers over their wards. Florida's guardianship laws instrumentally repurposed guardianship in order to enact a degree of control over members of the free black community that reflected the degree of hostility present towards free blacks during the 1840s. Certain aspects of this re-contextualization of the function of the guardian also took place in Georgia as the legislature did make use of guardians to exert greater control over the lives of blacks as pro-slavery positioning demanded greater suppression of their freedoms during the later decades of the antebellum period. The expansion of guardianship into the realm of contracts in Georgia, especially in the dispersal of property, demonstrates that guardians were useful tools for the litigation process and in other matters of personal business.

However, Georgia law never formulated a comprehensive legal description outlining either the responsibilities or purpose that the free black guardian would serve,

[96] "An Act to authorize the appointment of guardians at law for free persons of color." *Acts of the General Assembly of the State of Alabama.* (J. Boardman, 1852), 81; "An Act to define the rights, duties and privileges of free persons of color residing in this State." *Acts of the General Assembly of the State of Alabama.* (J. Boardman, 1854), 49.

so it continued to function as both an instrument of the state defined under black codes and one defined within common law. Guardians and free black wards also maintained a degree of autonomy in determining the boundaries of their relationship. If Floridians concluded in 1842 that the power of the guardian was to resemble that of the master, it was not a model of power imported from Georgia, where the law explicitly described these individuals as being "vested with all the powers and authority of guardians for the management of the persons and estates of infants."[97]

The overarching trajectory of Georgia laws passed during the antebellum period which attached white guardians to their free black wards illustrate that the legislature and the Savannah city council envisioned a small number of free people of color as viable components of society, if monitored and regulated sensibly, but the expectations for the control that would be exerted by guardians did not reflect similar levels later described under Florida law.[98] For many whites, this approach towards the free black population could be reconciled with a position of overt hostility towards free blacks generally**.** The opinions of Savannah jurist Robert M. Charlton, who served as a guardian to dozens of free colored people, demonstrate that some acting guardians could still believe free blacks generally to be social undesirables. When overturning a will that manumitted a slave contrary to the ban enacted in 1818, Charlton asserted that any act preventing

[97] Oliver H. Prince, *Digest of the Laws* (1822), 459.
[98] Georgia immediately halted all private manumissions in 1801. This law presented a great obstacle to masters wishing to free their slaves via will, but in 1815, the state lifted the ban. But relief was temporary since the law was reinstated three years later, exceeding the harshness of policy in other Lower South states. The state also forbade the creation of trusts for slaves under which they could operate as quasi-free while under the protection of a specified nominal owner. Assigning violators—slave owners or executors—a $1,000 fine, the law further mandated that slaves bequeathed freedom were to be sold away from the family of the master. The prohibition of these trusts significantly narrowed the path to freedom. In 1859, even legislative grants of freedom became outlawed.

manumission was necessary in order "to prevent a horde of free persons of color, from ravaging the morals and corrupting the feelings of our slaves."[99]

Charlton's comment requires a careful reading; the ways he imagined such a "horde" of free blacks "ravaging" the morals of slaves highlighted dangers posed by the infectious example of freedom among that class generally, not its specific members as he personally knew them.[100] It is unlikely that he viewed his wards as "corrupting" forces. If the laws of Georgia were applied correctly, prosecution of free blacks stemming from strict laws could be alleviated through the intervention of a guardian, who might help to circumvent the rougher and more unreasonable areas of the restrictions.

Section III: Selective Enforcement

As South Carolina jurist John Belton O'Neall summarized, the guardian ought to serve a limited function as " a mere protector of the negro, and a guarantor of his good conduct to the public."[101] Although O'Neall declined to define what might constitute a "protector" or the applications in which he might be a "guarantor," in Savannah, guardians acted as both for free black wards in a variety of capacities that were outlined under the statutory law of guardianship—for instance, in approving any credit extended to free blacks after 1833—and extended far beyond it. Through an examination of a variety of activities performed by guardians on behalf of their wards in their interactions with local officials and individual property or business owners, this section aims to

[99] *Roser, next friend of negro woman Antoinette, her two children and negro man Jack, v. Marlow,* R.M.C. 548 (May 1837). R.M. Charlton, *Reports of Decisions made in the Superior Courts of the Eastern District of Georgia*. (Savannah: T. Purse & Co., 1838), 312.

[100] I do not extend an apology here for Charlton's disposition but a clarification for the way in which the general ideas held by guardians concerning racial ordering must be acknowledged but considered tangentially with their duties as guardians.

[101] John Belton O'Neall, *The Negro Law of South Carolina,* (Columbia: John G. Bowman, 1848), 13.

clarify the social and legal responsibilities of free black guardians and to distinguish customary or voluntary practices from those guided by formal requirements instituted by state or local authorities.

Savannah ordinances indicate that city officials recognized guardians could and did offer free blacks protection from the proscription of specific economic activities and often required that guardians desist as such efforts ran counter to the perpetuation of racial boundaries. As early as 1795, the city instituted discriminatory labor policies against free people of color when laws prevented them from peddling wares and any meats, fruits, or vegetables within city limits. Later regulations included clauses that indicate that guardians were helping their wards to skirt limitations on their economic activity.[102] In 1826, the Savannah city council prohibited the rental of market stalls to free people in order to satisfy the complaints of their white competitors, but in the years following, city council members complained that guardians rendered the law useless as they assisted their wards by renting stalls for them to use.[103] Similarly, when the Georgia Assembly prohibited free people of color from making contracts for construction projects in 1845, the law specified that guardians—like any employer, master or manager—could be found guilty of a misdemeanor if they approved the transaction.[104] Such warnings do not reveal how many guardians might have taken these actions, but they do indicate that

[102] "An Ordinance To amend and repeal certain parts of an Ordinance Intitled An Ordinance for regulating the hire of Drays […] and also the hire of negroes and other slaves and for better Ordering of Free Negroes, Mulattoes and Mestizoes within the City of Savannah," passed January 25, 1795. City Ordinances. Vol. U.13.05: 1795-1909, CSRFPC. As Berlin and Gutman note, the surge of immigrant workers in the later decades of the antebellum period resulted in the articulation of slaveholder fears that free labor in the South would disrupt the established slave system. The bulk of this fear extended from the fact that this substantial class of workingmen was also enfranchised, unlike the free black class of artisan and urban laborers. Berlin and Gutman, "Natives and Immigrants, Free Men and Slaves: Urban Workingmen in the Antebellum American South." *The American Historical Review*, Vol. 88, No. 5. (Dec., 1983), 1198.
[103] Whittington Johnson, *Black Savannah,* 148.
[104] Sweat, "The Free Negro in Antebellum Georgia," 139; Charles H. Wesley, *Negro Labor in the United States, 1850-1925; a Study in American Economic History.* (New York: Russell & Russell, 1967), 81-2.

guardians carried out rules selectively and occasionally in contradiction to the letter of the law.

City Council minutes reveal that in several instances, guardians either aided their wards in violating laws forbidding free blacks from certain activities or intervened on their behalf. Free woman of color Priscilla Moody violated many ordinances concerning slaves and businesses, including selling goods to slaves, allowing her slaves to work without badges, and keeping her shop open on Sundays. However, when she was brought before City Council in 1817 for selling liquor, Council established that her guardian, Joseph Miller, had facilitated her liquor selling business when they determined that "a license for vending spirituous liquors had been granted to J. Miller, and that the said Pricilla Moody had vended the same contrary to the ordinance regulating licensed retailers of spiritous liquors."[105] Interestingly, Miller received no fine. By 1834, the commonness of the practice of having a license procured by "white persons for the benefit of free persons of color" prompted City Council to institute a $30 penalty for the offense.[106] In other instances, guardians were held responsible for violations that otherwise might have fallen upon their free black wards. William Stevens arranged to hire out the slave of his free black ward, "Miss Mills" to a free woman of color named Oronoke, under whose watch the slave was apprehended for vending small wares. Although Stephens argued that the violation "was done without his knowledge[,]" Council fined Stephens "as Guardian of Miss Mills" for the slave's crime.[107] In 1817,

[105] City Council Minutes 1800-1804, April 30, 1804; October 6, 1817. CCFPC Register, Volume 1, CSMRLA.
[106] "An Ordinance entitled an Ordinance to prohibit granting Licenses for retailing spirituous Liquors to Free Persons of Color, and to render null and void all licenses granted to white persons to retail spirituous liquors, which are obtained or used for the benefit of free persons of color…" Passed July 10, 1834. City Ordinances. U.13.04: 1791- 1839.
[107] City Council Minutes1791-6, April 25, 1796.

John P. Gizorne was indicted by city council not only for selling liquor without a license but for entrusting Joseph Myrick, “a coloured man,” who was also Gizorne’s ward, to vend the liquor himself, contrary to city law. Council did not acknowledge Myrick’s responsibility for the violation, but Gizorne received a hefty ten-dollar fine.[108]

In instances where guardians were not directly responsible for the ordinance violations of their wards, free people of color generally interacted directly with City Council even if they had a guardian. Free black rigger Isaac Low was "informed against by Thomas Parker and John Lassier two of the Watch for keeping a riotous house for the entertainment of Negroes." His guardian, Alexander Hunter, did not answer for Low’s violation. Nor did Jermiah Cuyler when his ward, Penny, was charged with vending small wares without a badge and keeping a shop.[109] Such direct summonses indicate that city authorities had a limited view of the supervisory capacity of guardians over free blacks in certain respects, a view aided by the apparent lack of involvement of many guardians in the economic affairs of their wards. Authorities also accepted that certain punishments for violations—even if such punishments might result in a lashing—could be directly bestowed on free people of color regardless of whether they had a guardian.

Guardians did interact with the city in order to help free black wards navigate requirements both uniquely applicable to their class and the general population. Guardians selectively chose to directly pay the city various taxes or fees required for the property owned by their wards. Attorney Richard Stites’ well-preserved account ledgers reveal that his law office served as a center for financial transactions undertaken by

[108] City Council Minutes, 1817-1822. October 6, 1817; CSRFPC, Vol 1.
[109] City Council Minutes, October 6, 1817. CCFPC Register, Volume 1. "An Ordinance for regulating the hire of drays, carts and waggons as also the hire of negro and other slaves, and for the better ordering free negroes, mulattoes or mestizoes within the City of Savannah." Passed September 28, 1790. City Ordinances. 1791-1811 U.13.01

members of the free black community with the city. As guardian to free black wagoner James Marshal, Stites obtained the badge for his wagon from the city treasurer at the same time that he obtained five hiring badges for his own slaves. Stites paid the jail fees of the slaves Sue and Zabet, who were owned by another ward, Simon Jackson. Although Savannah treasury records indicate that many free people of color paid their own ground rent or property taxes directly, Stites made such payments for several free people of color whom he served as guardian. Stites made annual city tax and quarterly ground rent payments to the city for three separate properties owned by Jackson.[110] He also paid Mary Charett's quarterly ground rent on her Greene ward lot.[111] By contrast, Mary Spears recognized Joseph Miller as her guardian, allowing Miller to hold the title to her Broughton street home, but Spears directly paid ground rent to the city.[112]

The use of white guardians by free blacks to pay taxes or badge fees illustrates that they used guardians as agents in similar capacities to whites who similarly used attorneys and merchants to conduct their business. In addition to interactions with the city, guardians of free blacks also conducted business with other members of the community at the request of their wards. Jenny Dolly relied upon her guardian, Richard Stites, to receive her correspondence in Savannah, including several letters from family

[110] "Daybook 1811-13." Box 5, J. Randolph Anderson collection on the Wayne, Stites, and Anderson family, MS 846, GHS.
[111] For examples of direct payments, see: Entry for Q. Dolly, April 21, 1809; Entry for London Dolly, June 27, 1814. Ibid; "Received of Guardian Mary Charette" November 11, 1815. Savannah City Treasurer, Cash Books, 5600CT, Vol. 2 1808-25, CSRLMA; "Petition of Mary Louise Charier," April term, 1811. Chatham County Superior Court Minutes, Book 8, 1808-1812, CCCH. Charette and Charrier are used interchangeably in the record.
[112] South Carolina planter, William Campbell had given Miller the property in trust for Spears in 1813 but did not note a guardianship between the two. Deed of William Campbell, December 13, 1813. Deed Books, 2G; CSRFPC, Volume 1; Entry of Polly Spears, November 5, 1822. Savannah City Treasurer, Cash Books, 5600CT-410, Vol. 3, 1817-1825. CSRLMA.

members positioned throughout the Lowcountry.[113] Over the course of 1850 and 1851, Maria Cohen had her guardian, Savannah mayor and physician, Richard D. Arnold pay her rent directly to her landlord, Mr. Kemp.[114]

Arnold played an assortment of roles for different wards, but his response to two separate incidents where his wards became imprisoned demonstrates that guardians selectively chose to exceed their legal obligations to free people of color. When Macon authorities arrested one of Arnold's wards for failing to register her visit in accordance with free black laws, he paid to have her released from jail. "Although the fee will come out of my own pocket," Arnold wrote, "I will cheerfully pay it in a case like this, which I repeat must be […] a contemptible persecution of a helpless coloured woman."[115] Here, Arnold played the role of patron as he contested how the law had been applied to his ward. In a second instance where Arnold could mediate on behalf of a free black ward, his intervention was more reserved. David R. Dillon, a Savannah merchant, lashed free man of color James McNeill more than 100 times and held him in his store for failing to pay a debt. When McNeill's wife, Francis, notified her husband's guardian of the incident, Arnold wrote to Dillon, demanding McNeill's release but offering no immediate relief for McNeill:

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[113] Letters from the members of the Dolly family remained in Stites' legal file, which included correspondence and legal papers. See: John Spaulding to Jenny Dolley, Charleston, December 7, 1800; Jane to Jenny Sargeant, Charleston, June 22, [no year]. Folder 189, Box II, Legal cases of R.M. Stites, J.M. Wayne, and other Savannah attorneys. Wayne, Stites, Anderson Papers, MS846 GHS.
[114] Receipts of "Mr. Kemp, January 26, 1850; December 15, 1851. Folder 4: Receipt Book, 1848-1859 Richard Dennis Arnold Papers, Duke University, Perkins Library, Special Collections, Durham, N.C.
[115] In 1818, Georgia required every free black resident in the state to register with the clerk of court or face penalty of re-enslavement. Oliver H. Prince, *Digest of the Laws of the State of Georgia* (1822), 465; Arnold to Thomas C. Nesbit, 1854, *Letters of R.D. Arnold, M.D. 1808- 1876*, 72.

"Whatever you do you must do according to law. For what he may owe you, set him up at auction, and sell his time, so as to cover all expenses. No colored ward of mine shall escape paying any just debt; I always tell them so. But they have certain rights in which they must [be] protected, and the law does not allow corporal punishment to be inflicted indiscriminately."

Arnold defended the rights of his ward in criticizing Dillon, but he also acknowledged his own sense of responsibility for ensuring that his wards maintain good reputations within the community.[116] In the end, Arnold left it to McNeill to pay his own debts.

The case of James McNeill also reveals an important notion regarding the effective use of the services of guardians. Although McNeill was willing to extend a helping hand to his free colored ward, it was often still necessary for a ward to have a network among other free blacks who could notify guardians of wrongs they would otherwise not know. Arnold noted that it was "[a]t the request of Francis" that he wrote the note demanding McNeill be fairly treated. In this instance, without the information conveyed to Arnold by McNeill's wife, McNeill may have remained held "in confinement" by Dillon.[117] Still, for all of Francis McNeill's efforts, Arnold seems to have provided little help for her husband.

There is not enough evidence to assert that most guardians frequently went beyond their role as "guarantor" of good conduct—as O'Neall would say—or to indicate that defenses of free people of color resulted in public outcry against guardians. But some guardians did more than legally required for their wards in economic transactions both before and after the passage of the 1833 law. Evidence from the account ledgers of Richard Stites also illustrates that guardians could play vital roles as creditors who could facilitate larger purchases of slaves or real property or smaller every day transactions.

[116] Arnold to Thomas C. Nesbit, Esq., 1854, *Letters of R.D. Arnold, M.D. 1808- 1876*, 72.
[117] Arnold to David R. Dillon,1844. Ibid, 25.

Stites provided cash advances to various free people of color. Thomas Stebbens, a free man of color, owed Stites $142.32 with interest on "advance." For Billy Goldsmith, Stites provided $300 in cash for the purchase of two slaves, which Goldsmith paid off in short order. Stites also provided payment of his personal expenses to shopkeepers as well—as he did for tailor Simon Jackson—recording that Goldsmith's "market and beef accounts to date" had been settled in full to the tune of $30.06. By settling accounts directly with local merchants, Stites insulated Goldsmith from potential disputes with shopkeepers, but Goldsmith also inevitably failed to achieve any independent reputation from his creditors.[118]

Georgia courts generally did not hold guardians financially liable for the acts of their wards, but petitions and deeds reflect that guardians actively attempted to minimize their liability for individual contracts. In 1812, minister Henry Cunningham's guardian, Charles Harris purchased 28 year-old Isham from his previous guardian, James Morrison, likely as part of the transfer of responsibilities between the two men. Morrison emphasized to that court that Harris' liability would be limited with his possession. "It is understood [...] that Charles Harris nor his representatives shall in no ways be personally responsible on the warranty, but Henry Cunningham only."[119] When James Williams sold his slave Daniel in 1806, Jeremiah Cuyler ratified the bill of sale but emphasized his own limited financial liability; "the said guardian himself [was] not to become responsible in any way."[120]

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[118] Book Ledger 1804-1812. Box 6, J. Randolph Anderson collection on the Wayne, Stites, and Anderson family, MS 846, GHS.
[119] Deed of James Morrison, October 1, 1812. Thiot Family Papers, MS297, Box 1, Manuscripts, Archives, and Rare Book Library, Emory University.
[120] Deed of Jeremiah Cuyler, December 24th, 1806. Deed Books, IZ.

Although guardians may not have been legally liable for the actions of a ward, the 1833 law that prevented blacks from receiving credit without guardian approval subtly implied that guardians were able to temporarily cover the amount of money owed by a ward for a fine or personal debt.[121] This allowance resembled police regulations concerning people of color previously passed by the city under which guardians could pay fines for minor ordinance violations.[122] While lawmakers did not consider covering such fines to be a responsibility of guardianship, the legal code implies the act of covering a ward's debt was not necessarily atypical within a guardianship arrangement. Such a supposition is further supported by both the strong financial standing of many guardians and the fact that some guardians already provided credit for free black wards in their economic dealings.

Section IV: "Better poised judgment:" Guardianship through Courts and Credit Networks

There is little evidence that the economic vitality of the free black population and their corresponding interests contradicted the politics or economic interests of guardians. Even so, the participation of free blacks in the economy was accepted by whites who provided necessary conditions for consistent interaction between whites and free black wards or potential wards. Outside of having guardians hold titles to their property or act in other roles as trustees, free people of color used guardians in variety of different

[121] Michael P. Johnson and James L. Roark, *Black Masters*, 43. According to the law, "[i]f neither the guardian nor the ward have property to pay any penalty […]" the ward was to be bound out in order to satisfy the penalty. Prince *Digest of the Laws* (1837), 808.
[122] For instance, the 1817 city law which allowed guardians to pay the fines of their free black wards for violations of the assembly restrictions. "An Ordinance for the purpose of Establishing, organizing, and regulating a regular night watch, for the better protecting the City of Savannah, and for repealing all ordinances heretofore passed for that purpose," passed January 13, 1817. City Ordinances. U.13.02: 1789-1842, OCC, CSMRLA.

capacities while transacting slave or real property with members of the white and free black community. The records of the Savannah Mayor's court and Chatham County Court emphasize that before the state forced guardians to mediate transactions involving free blacks, guardians already played a pivotal role in the integration of free people of color into networks of financial credit within the larger community at Savannah and the enforcement of the integrity of those transactions.

In an environment where strong distrust of free people of color emanated from vague presumptions concerning the character of their class or status, guardians could express knowledge of their separation from the shackles of bondage and their *legitimate* status. But the value of guardians' knowledge of freed individuals beyond their legal designation ultimately proved more important for their economic success in Savannah. For instance, Ebeneezer Jackson, a merchant and broker in Savannah, served as guardian to a former slave named Somerset, who had been owned by his wife's deceased husband. In January of 1800, he entered a deed to the Chatham County Court attesting to the fact that Somerset "is […] a very honest, good fellow," and that "any rights he may want under the Laws of the Corporation of Savannah may with safety be granted to him."[123] While Jackson's declaration as a guardian conveyed his underlying authority over Somerset's reputation and standing, he also reassured the court of Somerset's character.

Such a declaration in essence extended the reputation of the guardian over a free black ward in the hopes that he or she would be viewed by the larger white community as "honest" or worthy of credit and the protection of the law. When free man of color London Dolly entered into a contract to lease half of his lot to Joseph Brown in 1823, his

[123] Mrs. Charlotte Jackson, Ebeneezer's wife, was formerly Pierce, the surname Somerset adopted in freedom. Chatham County Tax Digest, 1799. Deed of Ebenezer Jackson, January 15th, 1800. Deed Books, IX-1Y, [Microfilm], GDAH.

declaration that the transaction had been undertaken "with and by the advice and consent of James S. Bulloch his Guardian" signaled that he had the confidence of a white man of some standing. But Bulloch's capacity as an advisor simultaneously represented to other whites that his involvement in the transaction was not limited.[124] The signals of approval provided by men like Bulloch did not require the active undertaking of additional responsibilities but instead illustrate the symbolic power of guardianship in projecting the trust implicit within the guardian relationship. Brown trusted that Bulloch would insure the fulfillment of Dolly's obligation because he himself was a trustworthy citizen. In the case of *Bryan v. Walton* (1859) the Georgia Superior Court emphasized that such statements or acts in which guardianship was publically presented did constitute a legally binding attachment to the transactions of the free person of color, even if guardians remained immune from financial liability. If a guardian "held himself out to the world as the guardian" of a free black when contracting for property, leaving him unable to deny "that he stood in this relationship" and further represented himself to "those who were thereby induced to contract with him as such […] he cannot afterwards repudiate the capacity in which he contracted, to the injury" of the purchaser.[125]

A variety of civil suits in which free people of color appear as both defendants and plaintiffs illustrate that the limited liability of guardians did not equate to a lack of personal involvement in affairs of their wards. Between 1799 and 1864, more than ninety-five separate civil suits involving free people of color appear in the records of the

[124] Deed of London Dolly, January 28, 1823. Deed Books, 2M, CCCH.
[125] *Bryan v. Walton,* 14 Ga. 185, (1853). *Reports of Cases in Law and Equity, argued and determined in the Supreme Court of the State of Georgia [1854]*. Thomas R.R. Cobb. (Athens: Reynolds & Brother, 1854.), 193.

Savannah Mayor's court and scattered in the minutes of the Chatham County Court.[126] The nature of the dispute between parties can only be determined for about one-third of the suits (31 suits).[127] Most cases lack the data necessary to determine the true extent and character of the litigiousness of free people of color and their economic activity in the larger community. But the Mayor's Court suits illustrate that free people of color litigated against blacks and whites alike for the protection of their property in local courts, and they did so nearly *universally* under the guidance of guardians both before and after the passage of the 1833 law requiring the participation of guardians in commercial transactions.

Under Georgia law, free people of color were not required to use guardians to take a property dispute to court. In fact, in 1829, the legislature recognized that as the adoption of guardianship remained inconsistent among the free black population, and provided free blacks the ability to have a white representative appear in court without having to formalize such relationships. The statute's language attributed the inconsistency of the adoption of guardianships to the white population. Acknowledging that "the citizens of this State decline a permanent guardianship of free persons of color, by which the ends of justice are prevented[,]" the act allowed free blacks the "right" to

[126] Suits totaled from: Savannah City Courts, Civil Minute Books 5600CC-050, Vol. 01A: 1801-1808, Vol. 01B; Savannah City Courts, Civil Record Books 5600CC-060, Vol. 25A Record Book (Indexed):1799, 1798, 1808, Vol. 2 Rec'd book K: 1834, Vol. 2A Record Book K: 1832-1835, Vol. 3: 1836, Vol. 4 Book N: 1838, Vol 18 Book 0: 1839; Savannah City Courts, Civil Case Papers 5600CC-100, Boxes 1-36; Savannah City Courts, Subpoena Docket 5600CC-090, Vol. 1 1834-47; Savannah City Courts, Mayor's Court Civil Dockets—Appearance Cases 5600CC-010.2, Vol. 1: 1816-1820; Savannah City Courts, Civil Dockets—Record of Executions and Judgments Satisfied 5600CC-010.3, Vol 1; Savannah City Courts, Civil Dockets, Judgment Docket Books 5600 CC-010.4, Vol 2: 1821-1822; Savannah City Courts, Judges' Docket Books 5600CC-10.5, 1821-1825, CSMRLA. Chatham County Superior Court Minutes, Books 2-10, CCCH. There are likely more suits evident in later records of the Chatham County Superior Court Minutes available after 1822.

[127] Dockets and court minutes—the sources for most suits—generally specify only parties and rulings.

sue by "*next friend*" as well as by a guardian.[128] The use of the *next friend* provided free people of color with expanded access to the courts on a case-by-case basis. A *next friend* did not need to file a petition with the court to establish an enduring legal relationship with a free person of color. For whites, serving as *next friend* was appealing because it was a temporary relationship and carried no enduring legal and financial responsibility. The arrangement still prevented free people of color from directly accessing the courts but also greatly benefited them by opening courts to those who lacked a guardian.

For many people of color not legally registered or recognized as free, this new informal arrangement meant that after 1830, they could access the courts without further proof of freedom by petitioning the court using a *next friend.* More importantly, they could do so with greater expediency, a factor that held great import in cases where a master concerned for his or her property might whisk the petitioner away. Between 1828 and 1847, for example, Savannah merchant Henry Roser was the guardian of four free people of color, but in 1837 he appeared in court as *next friend* to the slaves Jack, Antoinette, and Antoinette's two children to defend the freedom they were gifted in the will of John Dugger.[129] The selection of this role may indicate that Roser did not anticipate a more permanent relationship with the slaves once they were freed. When free men of color Worsham and Cooper were imprisoned for failing to pay taxes, they sued not by a guardian, but by their *next friend*.[130] By allowing them to bring suit via *next friend*, the Georgia legislature recognized that guardians might not always be available to fulfill their role as intermediaries between the courts and their wards.

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128 Prince, *Digest of the Laws* (1837)*,* 802.
129 *Henry Roser, next friend of Negro woman Antoinette, her two children, And Negro man Jack, v. Marlow*, R.M.C. 542, (May 1837); CCFPCR, Vol. 3, GDAH.
130 *Cooper and Worsham, by their next friend, v. Mayor and Aldermen*, 4 Ga. 68, (1848); Catterall, *Judicial Cases,* Vol. 3, 18.

Ultimately, free people of color who held legitimate claims to freedom and performed economic transactions that required credit preferred to use guardians within the courts. Free people of color brought thirty-four separate civil actions in city courts. Three-quarters of the suits took place prior to the 1833 law attaching guardians to contracts involving free blacks. Only in four instances did guardians not appear on behalf of the free person. In two of those instances, free black plaintiffs chose instead to sue through a "next friend," while Simon Jackson—who had petitioned the state legislature for recognition of his right as a free Indian to independently bring lawsuits—pursued the remaining two suits.[131] At the superior court, *next friends* did facilitate suits brought by free people of color in two separate cases concerning the exercise of personal rights and two freedom suits, but guardians remained the exclusive agents of free blacks in civil court matters, likely because the free people of color who were most disposed to become involved in such suits already had affiliations with guardians as they tended to be property holders or economically active individuals.[132]

Although free people of color in Savannah remained limited in their ability to acquire real and slave property, civil suits litigated in the Savannah Mayor's Court illustrate that free people of color pursued diverse economic interests tied to a larger transactional economy in which members of all races and classes participated. Of the

[131] Twenty-six suits—76 percent of all suits in Savannah's city court record books—took place prior to 1833, and twenty-three of those involved a guardian. For *next friend* suits, see: Rosena Nelson by her next friend James Nelson vs. Sarah Kingsley, August 1, 1802. Savannah City Courts, Civil Minute Books 5600CC-050, Vol. 01A: 1801-1808; *John W. Carter by Alexander Dysdale his prochain Amie or next friend vs. Ira D. Newton*, October 22, 1839. Savannah City Courts, Civil Minute Books 5600CC-050, Vol 18 Book 0: 1839, CSMRLA.

[132] *Cooper and Worsham, by their next friend, v. Mayor and Alderman, 4* Ga. 68, January 1848; *Scranton v. Rose Demere and John Demere, by prochein ami,* 6 Ga. 92, January 1849. Freedom suits include: *Roser, next friend of negro woman Antoinette, her two children and negro man Jack, v. Marlow,* R.M.C. 542 (May 1837); *Knight, as pro. ami of Margaret (a free woman of color) and others, v. Hardeman,* 17 Ga. 253, (1855).

thirty-four civil suits brought by free people of color for the recovery of wages, property, or other debts, twenty-seven involved white defendants. Perhaps more than any other kind of civil suit, cases in which free people of color extended credit to white individuals through notes illustrates that such lenders, even without full legal standing, were confident in their ability to enforce transactions undertaken with those who enjoyed the advantage of freely protecting their own interests in the courts. Johnson Cohen's guardian, John J. Waver successfully sued Rebecca Russel for an outstanding debt of $34.62 issued by Cohen in a promissory note, but the recovery of the debt required Waver to pursue additional actions in order to collect upon the favorable judgment. When Russell died following the ruling, a writ was issued "at the instance of John J. Waver," levying upon Russel's slave, Rose, for fulfillment of the payment. A jury sided for Cohen's claim, awarding him not only the right to force the sale of Rose to pay the debt, but an additional ten percent fee in interest.[133] Although it is unclear whether Waver was directly involved in the issuance of the note, Waver became central to its collection.

The transactions that free people of color chose to enforce in court often represented matters transacted independently from their guardians. Although most free blacks worked and collected wages apart from the guidance of a guardian, if forced to bring such matters into a courtroom, free blacks nearly universally sought to file suits in the name of a guardian. In 1799, Frank used his guardian, Oliver Bowen, to successfully

[133] *John J. Waver Guardian of Johnson Cohen, a free man of color vs. Rebecca Russell.* July 8, 1839; October 22, 1839. Savannah City Courts, Civil Minute Books 5600CC-050, Vol 18 Book 0: 1839, CSMRLA.

sue the agent of a boat owner who owed him $35.75 in back wages for various hires.[134] Similarly, Lovey Wright entered into an agreement with Nicholas Tuite to provide "nursing and attendance […] on two seamen placed […] at her house" but when Tuite failed to pay her $37.69 ¼ in wages and board for the two men, she had her guardian, Elias Roberts, sue him for $50 in damages.[135] Robert M. Charlton sued merchant William Williams in 1834 when Williams failed to pay his ward, Quash Williams, for carting "with his horses, carts, and carriages" goods including bacon, fowls, hay and barreled commodities, for Williams. The testimony of two white witnesses helped to secure a ruling in Quash's favor, and Charlton was likely instrumental in securing such testimony.[136]

Free people of color also used guardians or *next friends* to enforce contracts made with non-whites. When Sarah Kingsley failed to pay free woman of color Rosena Nelson rent for three months in 1800, Nelson sued Kingsley, using her next friend, James Nelson, to file a suit forcing Kingsley's appearance in court.[137] Suits involving non-white litigants also indicate a familiarity among parties inside and outside of the courtroom. In free black pastry cook Betty Read's suit against tailor Simon Jackson, plaintiff, defendant, and guardian could each boast various social and economic connections. Read used James M. Wayne—the law partner and brother-in-law of Jackson's former guardian—as her guardian in the suit. Her employer William Craig also had an existing relationship with Simon Jackson that developed from their shared

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[134] *Frank a freeman by his guardian Oliver Bowen vs. M. Latigue.* October, 23, 1799. Savannah City Courts, Civil Record Books 5600CC-060, Vol. 25A Record Book (Indexed):1799, 1798, 1808, CSRLMA.
[135] *Elias Roberts Guardian for Lovey Wright vs. Nicholas Tuite,* November 1, 1799. Ibid.
[136] *Robert M. Charlton Guardian of Quash Western Alias Williams vs. William Williams.* July 19, 1834. Civil Record Books 5600CC-060,Vol. 2 Record book K 1834, CSMRLA.
[137] *Rosena Nelson by her next friend James Nelson vs. Sarah Kingsley,* August 1, 1802. Civil Minute Books 5600CC-050, Vol. 01A: 1801-1808.

profession as tailors. In 1813, Craig apprenticed a ten-year-old mulatto boy to Jackson, who was to bring up "the said boy James in the trade of a taylor[.]" Just one month before being sued by a member of the Craig household, Jackson had returned Dunn to Craig's household.[138] Read's selection of Wayne is also notable as both Wayne and Craig served as her guardian at various points in time. Read registered Wayne as her guardian with the Chatham County Inferior Court clerk less than eight weeks before bringing her suit against Jackson, seemingly anticipating her need for an attorney to conduct an imminent tangle in court.[139]

Free blacks might not involve guardians in the execution of a seemingly simple sale or exchange of property—particularly when the title to the property may not have been very valuable—but when botched exchanges later required extensive litigation, guardians safeguarded the interests of their wards through the court system. Free black cooper Alexander Carlie and Shadrack Winkler agreed to trade their equally valued horses, but at the time of their agreement, Winkler's mare was already part of a suit for the recovery for a debt owed by Winkler. When the horse was repossessed from Carlie, who boarded and fed the animal for two months, he used his guardian William H. Stiles to sue Winkler for $89.35 even though Stiles had played no role in the earlier exchange of titles. A jury ultimately awarded Carlie damages and costs a mere $1.85 below his

[138] *Betty Read by guardian James M Wayne vs. Simon Jackson*, August 1817. Savannah City Court, Civil Dockets—Appearance Cases 5600CC-010.2, Vol. 1 (1816-1820); *Simon Jackson vs. Charles Sansey*, July 1816. Civil Minute Books 5600CC-050, Vol. 01B: 1815-1819; Deed of William Craig, April 1, 1813; Deed of Simon Jackson, July 17, 1817. Deed Books, 2F, CCCH.

[139] James M. Wayne and William Craig also took turns appearing in the register as the guardian for other members of the Read family, the family of free woman of color, Ann Craig, and a free black tailor named James Dunn who also resided on Craig's property. CSRFPC, Vol. 1; Petition of James M. Wayne, June 26, 1817. Chatham County Superior Court Minutes, Book 9, 1812-8. CCCH.

request.[140] Hiring out the services of one's slaves also carried risks as temporary owners might inflict permanent damage to a slave's body or fail to pay wages previously agreed upon. Paul P. Thomasson, presented "in Court his letters of Guardianship" for Felicite Godechen in order to sue Henry Shenayder for $200 in damages to Godeshen's slave, Valon. During the time of Shenayder's hire, Godechen claimed that he "beat, bruised, wounded and ill treated" Valon, at which point the slave "was sick, sore, lame, and disendered[.]"[141]

Free blacks sometimes used guardians to bring suits for the recovery of property damages even if the guardian played no previous part in the specific transaction. Upon arriving in Savannah, free man of color George Hanson paid the owner of a pilot boat, John Johns, for the delivery of a trunk of goods containing "wearing apparel, one Beaver hat, and one violin, with other articles" from his ship on the Savannah River into the possession of his guardian, Joseph George, or to the firm of Claghorn and Wood in the city. When the trunk went missing, Hanson's guardian presented the court with his letters of guardianship and requested $200 in damages for his ward, claiming that the pilot boat captain, "contriving, and fraudulently intending craftily and subtly to deceive and defraud the said Andrew Hanson […] so carelessly conducted himself with respect to the said trunk" ought to be held responsible for the value of the contents. George also retained an attorney Joseph S. Pelot to bring the suit to court.[142] In the transaction leading to the disappearance of the trunk, George was involved only as Hanson's agent in town,

[140] *Alexander Carlie by his guardian and next friend, William H. Stiles vs. Shadrack Winkler.* June 18, 1836. Civil Record Books 5600CC-060, Vol. 3: 1836, CSMRLA.
[141] *Felicite Godechen by her Guardian Paul P. Thomasson vs. Henry Shenayder.* February 13, 1821. Savannah City Courts, Civil Case Papers 5600CC-100, Case no. D257, Box 16, CSMRLA.
[142] *Joseph George, Guardian of Andrew Hansen, a free man of colour vs. John Johns.* January 29, 1827. Ibid.

but his suit illustrates that the protection of property interests by guardians occurred regardless of direct involvement in a given transaction.

The willingness of free people of color to participate in and enforce transactional agreements through local courts at Savannah, regardless of the race of a potential defendant, indicates a distinct racial openness within the local credit-based economy. But the overwhelming choice to use guardians to pursue civil matters in the courtroom rather than allowing for a temporary legal agent like a "next friend" to represent one's legal interests illustrates a recognition of the guardian as an advantageous representative in both the legal and economic realms. Suits in which free people of color appeared as defendants portray guardians as important fixtures in the economic activity of the free black community outside of the courtroom. In the sample of civil cases from the Mayor's Court, free people of color served as defendants in nearly two-thirds (61) of all cases. Although a majority of the suits cannot provide data concerning the circumstances of civil disputes, a comparison of the appearance of guardians in cases heard before and after the passage the law shows that the 1833 law effectively did not alter existing patterns of guardian involvement in the economic affairs of the free black community. Of the 61 suits where free blacks were defendants in civil cases where circumstances could not be specified, guardians appear as defendants in 46, or 75% of all suits. Of the fifty-four suits taking place before 1833, a nearly identical proportion of suits (76% or forty-one) featured guardians.

While the appearance of free blacks as defendants in civil suits reflects the comparatively weak economic position of the free black class, such suits also illustrate the extent to which free people of color could acquire credit within the community. In

thirteen suits, white men sued free blacks for failing to pay outstanding promissory notes (7) or overdue accounts for goods, services, or slave hire (7). In suits brought against indebted free people of color, guardians appear to have been essential in the extension of credit to such individuals. Only in two instances were suits filed against free blacks without including their guardians as parties. The Mayor's Court records also suggest that guardians supervised the extension of credit to free people of color before and after the 1833 law required them to do so. Of the twelve cases brought against indebted free blacks that named guardians as defendants, three-quarters of the cases took place before the law demanded that guardians approve all such debts.[143]

Free people of color could receive significant loans when their guardians signed off on their transactions. Several white individuals extended credit to free black butcher, William Goldsmith, through promissory notes signed by his guardian Robert M. Charlton. Yet, Charlton appears to have done little to supervise Goldsmith's repayment of the notes. In 1832, Hiram Roberts and Archibald Baggs both successfully sued Charlton for Goldsmith's outstanding debts, including $90 owed to Roberts on three separate notes and an additional $110 owed to Baggs.[144]

Louis Mirault's use of his guardian in a variety of credit based transactions illustrates how the involvement of guardians in credit transactions might extend from

[143] Nine of twelve suits involving guardians took place before 1833. Totaled from: Savannah City Courts, Civil Minute Books 5600CC-050, Vol. 01A: 1801-1808, Vol. 01B; Savannah City Courts, Civil Record Books 5600CC-060, Vol. 25A Record Book (Indexed):1799, 1798, 1808, Vol. 2 Rec'd book K: 1834, Vol. 2A Record Book K: 1832-1835, Vol. 3: 1836, Vol. 4 Book N: 1838, Vol 18 Book 0: 1839; Savannah City Courts, Civil Case Papers 5600CC-100, Boxes 1-36; Savannah City Courts, Subpoena Docket 5600CC-090, Vol. 1 1834-47; Savannah City Courts, Mayor's Court Civil Dockets—Appearance Cases 5600CC-010.2, Vol. 1: 1816-1820; Savannah City Courts, Civil Dockets—Record of Executions and Judgments Satisfied 5600CC-010.3, Vol 1; Savannah City Courts, Civil Dockets, Judgment Docket Books 5600 CC-010.4, Vol 2: 1821-1822; Savannah City Courts, Judges' Docket Books 5600CC-10.5, 1821-1825, CSMRLA; Chatham County Superior Court Minutes, Book 10, 1818-1822, CCCH.

[144] *Hiram Roberts vs. William Goldsmith a free man of Color, by Robert M. Charlton his Guardian.* October 16, 1832. Savannah City Courts, Civil Record Books 5600CC-060, Vol. 2A Record Book K: 1832-1835.

private marketplace to a site of public arbitration during the lifetime of each transaction. As guardian to Louis Mirault, Alexander Hunter had represented him in a variety of debt-based transactions before and after Mirault defaulted on a significant debt. In 1818, Hunter signed off on several notes that left Mirault indebted to Richard Richardson for $800. Mirault was able to give Richardson three slaves as collateral for the payment of the note within five years, minimizing the risk of the transaction.[145] However, in 1824, Durham T. Hall brought Mirault and Hunter to court when Mirault defaulted on a two hundred dollar note entered into "with the consent" of his guardian, Alexander Hunter.[146] One year after Mirault's default on his debt to Hall, Hunter continued to sign notes for Mirault, assuming responsibility a total of $70 issued by William W. Gordon. The continued relationship between the two raises some questions as to the lengths guardians would go to insure the ability of free black wards to secure credit when their actions had already proven them to be individuals of questionable credit worthiness.[147]

***Figure 7.2*: Receipt signed by Louis Mirault and his Guardian, Alexander Hunter**

Receipt signed by Louis Mirault and Alexander Hunter, Guardian for debt to W.W. Gordon. October 22, 1825. Series 1. Subseries 1.1. 1810-1825. Gordon Family Papers 1810-1968 #02235, Southern Historical Collection, Wilson Library, The University of North Carolina at Chapel Hill.

[145] Deed of Louis Mirault and Alexander Hunter, October 10, 1818. Deed Books, 2L, CCCH.
[146] *Durham T. Hall vs. Alexander Hunter Guardian of Louis Mirault.* December 29, 1824. Savannah City Courts, Civil Case Papers 5600CC-100, Case no. F32, Box 24, CSMRLA.
[147] Receipt from Louis Mirault and Alexander Hunter, Guardian. October 22, 1825; July 20, 1826. Series 1. Subseries 1.1., 1810-1825. Gordon Family Papers 1810-1968 #02235, SHC.

On the other hand, Hunter's willingness to continue signing off on the debts of his wards can be partly attributed to the fact that standing credit was a cornerstone of the marketplace in the antebellum South. The appearance of the names of prominent Savannah citizens on the docket books of the Mayor's Court indicates that default and prosecution may have been events of considerably less importance for one's reputation than the equitable resolution of any outstanding obligations. The exemption of guardians from personal liability removed any direct financial incentive that would cause a guardian to limit such transactions, leaving only concerns relating to the extension of one's personal reputation as a guide to such decisions. However, guardians who signed off on credit-based transactions did have other legal responsibilities.

In standing for free black wards in such transactions, guardians like Hunter accepted that while liability for the debt remained with a ward, they would still be required at the very least to appear in court as such debts were sorted out. In approving Hall's suit, which called for "Louis Mirault by his Guardian Alexander Hunter to appear on the premises," the judge called upon the Sheriff of the Court of Common Pleas to "summon" Hunter as the "defendant" in the case.[148] In addition to personally appearing in court when his free black ward, Joseph Soude, was sued by Simon Jackson, Pierre Thomasson "paid costs" when Soude lost, filed an appeal, and "produced Adam Cope as security […] should a verdict go against him." Although a jury ultimately found in favor of Soude, Thomasson assumed personal risk in calling upon another white citizen to support the efforts he made to protect Soude's financial integrity.[149] In some instances,

[148] Petition of Durham T. Hall; Summons of Alexander Hunter, December 3, 1824. *Durham T. Hall vs. Alexander Hunter Guardian of Louis Mirault.* December 29, 1824. Civil Case Papers 5600CC-100, Case no. F32, Box 24.
[149] *Simon Jackson by Jno Lawson, guardian vs. Joseph Soude by guardian PP Thomason,* January 28,

involvement in credit transactions could extend over years. In 1818, Madelaine Seveir used her guardian, James Morrison, to mortgage her lot in Carpenter's Row to Moses Herbert in exchange for three promissory notes valued at $166.66 a piece. Herbert sued Seveir through Morrison six years later when $258.73 of the loan remained unpaid, and the court provided Seveir one year to pay the amount plus interest. Unfortunately, she was unable to do so, at which point Herbert foreclosed on her mortgage.[150]

The language of petitions and legal documents concerning civil suits indicate that those transacting with free people of color still relied upon the general authority wielded by guardians over their wards during the process of resolving financial disputes. Guardians served several important functions for conducting court business apart from personal liability in their roles as reputational guarantors of their wards. By involving guardians in suits, white plaintiffs hoped that they would ensure the appearance of defendants. Free woman of color Ann Jalineau became indebted to her landlord, Augustus Hazzard, for $90 in rent, and when Hazzard brought suit for recovery, he used his familiarity with her guardianship to his advantage. By establishing before the court "that the said Ann Elizabeth Jalineau is a free woman of Color and that James M. Wayne is her legally qualified and acting Guardian," Wayne could then be named as defendant. Hazzard implied an awareness not only of Wayne's connection as guardian, but that for the suit to proceed against Jalineau as a free person of color, her guardian would have to appear in order to answer his complaint.[151] When Anthony Porter sued Polly Battiste for

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1818; Verdict, June 16, 1818. Civil Minute Books 5600CC-050, Vol. 01B: 1815-1819, CSMRLA.

[150] Deed of James Morrison, December 7, 1818. Deed Books, 2I; *Moses Herbert for use vs. Madeline Seveir a free woman of color by her guardian James Morrison Esquire*, January 31, 1822. Chatham County Superior Court Minutes, Book 10, 1818-1822.

[151] *Augustus G. Hazzard vs. Ann Elizabeth Jalineau by her Guardian James M. Wayne*. June 27, 1832. Civil Record Books 5600CC-060, Vol. 2A Record Book K 1832-1835.

defaulting on a loan, he requested that her guardian, John P. Williamson, be summoned by the sheriff to appear in court. The court summoned Williamson but allowed him the option of appearing "personally, or by attorney[.]" Those who did extend credit to free blacks desired the continued involvement of guardians in litigation regardless of whether they had attorneys conduct the affairs of their wards through the courts.[152]

A second explanation for the involvement of guardians in the courts lies in the responsibility they held as trustees for the property of their wards. If a creditor wished to seize assets from a free person of color for the payment of a debt, they would often have to be obtained from the guardian. When William Crabtree sued free black cooper Sampson Whitfield by his guardian, James H. Wade, for an outstanding bill and $100 owed on a black horse sold to Whitfield, Crabtree levied against the property Wade held in trust for Whitfield as he claimed that Whitfield "absconded so that the ordinary process of Law cannot be served upon him[.]"[153]

The activities of free people of color and their guardians within the courts support the argument that guardians played a central role in networks of credit involving free blacks before the law required their supervision, but their presence in court suits does not necessarily indicate their participation in all aspects of contracts involving free people of color. After the law demanded guardians to be present in all contracts involving free people of color, jurists on the Georgia Superior Court struggled to practically apply the requirement in several civil suits as free people of color continued to actively participate

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[152] *Anthony Porter vs. Polly Battiste, Alias Polly Williams, a free woman of colour.* April 23, 1838. Ibid, Vol. 4 Book N 1838.

[153] Wade was also sued as guardian of Whitfield a year later for an outstanding debt of $84.75 for merchandise sold by Emmanuel Heidt and William J. Lawton, including pants, shoes, and a beaver hat. *Emmanuel Heidt and William J. Lawton late Copartners vs. James H. Wade, guardian of Samuel Whitfield, free man of color.* February 1, 1839; *William F. Crabtree vs. Sampson Whitfield, by his guardian, James H. Wade.* October 28, 1838. Ibid.

in contracts without the required supervision of a guardian. As emphasized by the 1829 law allowing for the standing of a *next friend* and several Mayor's Court suits pursued by free black plaintiffs, free people of color often opted not to engage a guardian in processes concerning the litigation or establishment of a contract, especially if no significant amount of property or credit was exchanged. In practice, the 1833 laws guiding contract and debt were often ignored or reinterpreted.

In the 1859 case of *Hargrove v. Webb and Allen,* the Georgia Superior Court reviewed the practicality of the legal mandate concerning the supervision of free black contracts. The central question under review was whether a free man of color, Allen G. Webb, had the right to sue a party for defaulting on a contract Webb had made without the permission of his guardian. Justice McDonald argued that the act of 1833 was created for "the *protection* of free persons of color from the designs of men, by whose arts and persuasions, they might be seduced into contracts of waste and extravagance. It was intended to throw about them and their property, the guard of the better poised judgment of a discreet guardian." For McDonald, the law that was "intended for the benefit of that class of persons must not be made an instrument or engine of mischief to them." Under this interpretation, the 1833 statute was created not to penalize but to protect, providing Webb with the ability to legally enforce his contract in the courts, regardless of whether his guardian initially signed off on the agreement. McDonald concluded that if a free person of color were to "extend to white persons credit, and let their services or their property go in that way, even without the consultation with their guardian, […] the guardian may ratify the contract, and a suit upon it is always sufficient evidence of ratification." The *Webb* decision established that free blacks could operate independently

from their guardians with the understanding that a guardian could still assert the legitimacy of a contract for the purpose of receiving protection from the courts. Although the 1833 law required that a guardian verify any contract entered into by a free black, *Webb* illustrated that the law actually held no bearing over the enforceability of such contracts.[154] McDonald's decision viewed the law defining the powers of free black guardians as instrumentally valuable in meeting a higher social goal of enforcing the legitimacy of the market economy by facilitating the fulfillment of contracts.

By contrast, in the earlier case of *Bryan v. Walton* (1856), the court rejected the notion that free people of color had a right to dispose of their property independently in the wake of the 1833 law. Joseph Nunez sold several slaves to his guardian with the understanding that the slaves would be held in trust, but when Nunez died, his guardian sold the slaves to Seaborn Bryan, pocketing the profit. In the wake of a suit by Nunez' executor that claimed the sale was illegal, Bryan's attorneys argued that Nunez had indeed possessed the legal capacity to sell the slaves to his guardian as free blacks were "entitled to all the powers and privileges of free white citizens, unless restricted by Statute" and that no law had yet "deprived this class of persons of the *jus disponendi,"* or the right of disposing property. Joseph Henry Lumpkin vehemently disagreed, arguing that the act of 1833 "rendered void" all contracts, "even for necessaries," made by free blacks without guardianship, which necessarily included "the higher and more important privilege of giving or selling slaves[.]"[155] For Lumpkin, the wardship of African Americans was a necessary consequence of more than just the 1833 directive:

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[154] *Hargrove v. Webb and Allen,* 27 Ga. 172 (1859). See Sections III and VI for the enforcement clause. "An Act concerning free persons of color, their guardians, and colored preachers," passed December 23, 1833. Oliver H. Prince, *Digest of the Laws* (1837), 808.
[155] *Bryan v. Walton,* 14 Ga. 197, 205 (1853).

"the African in Georgia, whether bond or free, […] has no civil or social or political rights or capacity, whatever, except such as are bestowed on him by Statute; that he can neither contract, nor be contracted with; that he is in a state of perpetual pupilage or wardship; and that this condition he can never change by his own volition. It can only be done by Legislation."[156]

Incredibly, Lumpkin contended that the right to contract independently was not simply controlled under the 1833 statute, but could only be instituted through positive law.

When the reporter to the Georgia Supreme Court, Thomas Reade Cobb, published his famous legal treatise on slavery, *An Inquiry into the Law of Negro Slavery in the United States of America,* two years after the *Walton* decision, he provided legal scholars across the nation with a description of the condition of free people of color under the laws the State of Georgia that summarized Lumpkin's opinion concerning the relationship of guardianship to those regulations. Cobb agreed with the justices "as to the *status* of the freed negro in Georgia, that *status,* [being] derived from the legislation" of slaveholding states which "have been forced to extend over them their patrol and police regulations, to deny to them the privilege of bearing arms, to require of them the selection of a guardian, who shall stand as patron, and contract for them; to restrain their acquisition of negro slaves as property; to place them on the same footing with slaves as to their intercourse with white citizens; such as the purchasing spirituous liquors, &c."[157] Whereas Lumpkin remained silent in his characterization of guardians, Cobb's description of the guardian as "patron" did nod towards the guardians' function beyond that of a gatekeeper of rights.

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[156] *Ibid* at 198. For an excellent summary of the three trials concerning Nunez' property and corresponding witness testimony concerning the race and reputation of the Nunez family, see: Ariela J. Gross, *What blood won't tell: a history of race on trial in America,* (Cambridge: Harvard University Press, 2008), 49-54.

[157] Lumpkin was also Cobb's father in Law. In addition to their views on slavery, the two men also shared a strong belief in the Secessionist cause. Cobb later served as a delegate to the Secessionist convention. Thomas Read Cobb, *An Inquiry into the Law of Negro Slavery in the United States of America.* (T & J.W. Johnson & Company, 1858), 313-4.

Still, in the shared view of Lumpkin and Cobb, the law of free black guardianship stood as just one more point in the universe of "severe restrictions" that the state asserted over free people of color—restrictions that Lumpkin admitted had his "hearty and cordial approval." The limitation of civil rights among the free black population was necessary as "the great principle of self-preservation, demands […] [e]verything must be interdicted which is calculated to render the slave discontented with his condition[.]" Furthermore, Lumpkin believed that the natural inferiority of those of African decent made it irresponsible for the State to "seek to elevate the black man in our midst, to a condition of equality which it is impossible for him to exercise wisely for himself or the community."[158] Guardianship performed a central role in that process, visibly validating the subordinated status of free people of color in settings outside of the courts.

Justices Lumpkin and McDonald asserted contradictory claims concerning the social value achieved through the assignment of guardians to free people of color but both were compatible with a view towards a well-ordered slave society. While McDonald argued that the guardian requirement was "intended for the benefit" of free blacks aimed towards "protection" through the "guard" of a "discreet guardian," he still recognized that under legislative directive, free people of color ought to never possess the right to receive full standing in court. On the other hand, Lumpkin's vitriolic assertions in *Walton* concerning the conditions of freedom for African Americans—which included the assertions that the "fancied freedom" enjoyed by African Americans was "all a delusion" and that freedom "will ever be but a name" to the membership of that class—did not mean that he rejected the presence of free blacks in the state. Above all, Lumpkin believed that he had a responsibility as a judge to uphold the laws as written, and he

[158] *Bryan v. Walton,* 14 Ga. 185, August 1853. *Reports of Cases in Law and Equity,* 203.

accepted that the law placed free blacks in a condition of "wardship" in Georgia, embracing the role of guardians in policing the restricted space they were to occupy in the social hierarchy.[159] A confidence in the paternalistic character of domestic relations relating to slavery shared by Cobb, McDonald, and—to a certain extent—Lumpkin may explain why instituting a class of guardians for free people of color appealed to jurists, lawmakers, and slaveholders alike.

Conclusion

Scholars have struggled to characterize the institution of free black guardianship and its contribution towards the operation of racial hierarchy in the American South in part because the identities and motivations of the men who served as guardians were undefined. Whittington Johnson concludes that "[b]eing a guardian of a free African American was a demanding and unrewarding obligation, except for the fulfillment that came from having shouldered one's civic responsibility."[160] For many, civic duty was likely sufficient to merit participation, but Johnson's conclusion makes significant assumptions concerning the motivations of *all* individuals willing to offer their services as a legal protector of free persons of color.

Guardianship could, in fact, be mutually beneficial for both whites and free black wards because of several underlying principles. Johnson assesses such duties as "unrewarding"—likely prompted by his incorrect assertion that "guardians were not paid"—but the compensation provided to guardianship by law likely provided some motivation to men like Richard Stites and other lawyers, agents, or brokers who already

[159] *Hargrove v. Webb and Allen,* 27 Ga. 172 (1859); *Bryan v. Walton,* 14 Ga. 205-6, (1853).
[160] Whittington B. Johnson, *Black Savannah*, 147-8.

performed similar tasks for other residents in Savannah, such as registering court deeds, for comparable pay. Commissions for legal transactions accompanying the relationship provided a natural incentive for white participation that would otherwise be absent. Watson W. Jennison has also argued in favor of aligned economic incentives, maintaining that the relationships between the white elite and free people of color demonstrate "that members of the white elite preferred to deal with non-whites when conducting certain parts of their affairs" and that whites "sometimes perceived class rather than race as the key factor in determining an individual's fate in society."[161] The guardianships between employers and employees certainly support such a conclusion as an active economic partnership defined certain qualities of their relationship.

Moreover, guardianship channeled natural bonds of patriarchy that already undergirded many of the relationships between the white and free black communities and thereby constituted a system that not only reflected existing trust and supervision exacted over free blacks but one which stood to deepen such bonds as the state expanded the roles of guardians. For free people of color, guardianships provided a way around the deep mistrust of the free black class that had steadily grown during the opening decades of the 19th century. Unlike trustees or agents who might act as title holders in single legal transactions made for free people of color, the permanence of guardianship and the consequent strength of the bond between the reputations of guardian and ward provided free blacks with the ability to conduct business across racial lines with greater ease.[162]

Having the ability to select a white guardian of their own choosing and to freely dissolve that bond, free blacks ultimately exercised a great measure of control over their

[161] Jennison, *Cultivating Race,* 341, FN 106, 77-78.
[162] For general arguments concerning the ease of economic transactions facilitated by guardianship, see: Ibid*,* 79-80.

guardianships. The law of guardianship implicitly limited the legal rights of free people of color, but it also provided them with a vehicle through which they could assert their own claims to justice and define the terms of their dependence. Savannah's white guardians and free people of color understood guardianship as a long-lasting but flexible relationship. Each guardian's assumption of responsibility for and involvement in the lives of his wards certainly varied, but legislated restrictions concerning the personal liberty and legal rights of free people of color also fundamentally altered the nature of interactions between guardians and free black wards in the urban South.

A guardian was a source of both limitation and empowerment in the lives of free people of color. This conflicting duality was created by the formal legal requirement of guardianship, initiated by the state and by the vague and informal parameters of that role. Law increasingly defined the guardians of free people of color as empowered delegates of the state who served to police the rights of blacks. At the same time, they served as allies to black wards, operating within a realm of legal paternalism. At a minimum, guardian relationships stood as proof of a *legitimate* status for free people of color, one separate from the shackles of bondage and the uncertainty suffered by the scores of the city's quasi-free hirelings. The large number of prominent white citizens who served as guardians, often for decades, demonstrates the commitment of influential whites to the construction and maintenance of an "imperfect state of freedom" for free people of color in Savannah.

Conclusion

When the colonial government of Georgia responded to the need to establish principles for ordering a racially divided society following the development of the plantation economy and large-scale importation of African laborers, the laws and customary practices of South Carolinians provided officials with the necessary guidance for the transformation of their anomalous society of free-holders. However, by the 1790s, Georgia lawmakers and officials at Savannah were more willing to fashion their own principles and legal strategies for governing people of color. New policies limiting the importation of slaves, the immigration of West Indian free people of color, and the ability of slave owners to offer freedom to their slaves responded directly to the destabilization of slavery in St. Domingue and foreign relations with European powers in the Atlantic as well as broader ideological shifts in the South concerning the danger of black freedom. These forces and events generated tangible threats at the local level—including the appearance of unfamiliar black and white immigrants from the West Indies and threats of military invasion by foreign powers—that prompted Savannah officials to attempt new strategies to control the future incorporation of people of color into Georgia's population while minimizing any impact these forces might have over the stability of the institution of slavery.

These laws evidence a central shift in the nature of legislative power in Georgia during this period as state lawmakers increasingly seized upon regulatory powers—several of which interfered with the private rights of slave owners—under justifications related to public safety. Although little evidence exists that Georgia residents challenged the legality of the state's new powers to regulate slave importation, manumission, and the

rights of free black Georgians, these new measures failed to address the compelling force of existing customary practices within the Lowcountry. Laws regulating the importation of slaves, black residency, and manumission functioned essentially as absolute bans, and the extremity of these statutes left little room for negotiating freedom for slaves or rights for free blacks. Moreover, the existing relationships between slaveholders or other whites and free or enslaved blacks, particularly among the French refugee community, prompted many to reject the new measures. Yet, statewide measures like the residency restrictions placed over free people of color still relied upon the cooperation of the residents within distinct localities to effect the enforcement of the law. Like previous laws and ordinances that policed behaviors among slaves at Savannah and elsewhere, residents were expected to identify and report illegal outsiders to officials, but the settlement of hundreds of free and enslaved West Indian people of color in the Georgia Lowcountry demonstrates that the ability and willingness of white residents to do so was questionable.

The examination of guardianship, trusteeship in virtual manumissions, and other forms of legal and extra-legal sponsorship within my research is not intended to minimize the oppressive legal restrictions and economic restrictions facing enslaved, free, and quasi-free people of color at Savannah and the surrounding areas of the Lowcountry. Not all people of color benefited from these kinds of sponsorship arrangements, and those who did still were left to operate under a system of laws that stifled their day-to-day interactions as they exchanged property, labored, and set about trying to enjoy their gains. Furthermore, the slave owners and other whites who participated in these instruments were not seeking to enact wider social change and could certainly not be viewed as heroic

abolitionist types. However, what the participation of whites and people of color in these sponsorships, trusteeships, and guardianships does indicate is that members of both groups understood "freedom" for blacks in Georgia as a negotiable construct which fit an individual person of color rather than a widely conceived social class.

Although much of the scholarship concerning free blacks and racial boundaries in the antebellum South accepts a hardened racial order as a direct corollary of the passage of formal laws instituting those principles, these institutional relationships between blacks and whites support an alternate understanding of how racial order was created in Georgia by illustrating the primacy of local legal culture and the personal interactions guiding its operation. Under this framework, slaveholding whites interacted with free blacks on the basis of the same principles they used to assess the creditworthiness and reputations other whites rather than replicating a social order that more perfectly reflected the execution of formal laws that came into existence during this period of time. Slaveholders who provided quasi-freedom to their slaves similarly relied upon their own credit and the community's good will towards them when they put legal instruments that illegally freed their slaves into motion and conscientiously rejected the relegation of control over access to black freedom to the legislature. Under this paradigm, the power to distinguish between legal freedom and quasi freedom and between legal residents and offending denizens remained dispersed within the community.

The interactions between black and white French refugees at Savannah within local courts and the Catholic Church illustrate how those with shared cultural and social sensibilities worked together to reproduce their own understanding of social structures at Savannah. Hundreds of French slaves, free blacks, and whites who arrived at Savannah

between 1793 and 1809 from the French West Indies had lived under a racial hierarchy that fundamentally differed from the one they found in the American South. The legal blocks positioned over black freedom in Georgia created underlying tensions with West Indian modes of social relations. Deeds that outline trusteeships or guardianships for French people of color in the Chatham County court and Catholic sponsorships of black infants at Savannah reflect that the French actively engaged in the sponsorship of people of color and that responsibilities—such as serving as a godparent, nominal slave owner, trustee, guardian, or witness—were nearly exclusively undertaken by other French residents for several decades following their settlement. While the insular character of these interactions and the St. Dominguan origins of the manumission trust instruments they used indicate that these interactions might represent irregular exchanges for whites at Savannah, the French deployed these legal instruments within local institutions in accordance with local forms concerning property and slaves, and the instruments were used widely by Anglo-Savannahians as well.

The overview of interactions between blacks and whites outlined within the legal instruments focused on in this dissertation—including manumission trusts and guardianships—illustrate that local legal institutions sat at the very center of how racial hierarchy was constructed in the South even as those in power at the state level attempted to shape an increasingly narrow definition of black freedom and erase the distinctiveness of free people of color from their enslaved counterparts in the state of Georgia. Far from capitulating to new formal constructs concerning black Georgians, free people of color, quasi-free slaves, and their white allies continued to define their own interactions according to an existing conceptualization of community belonging constructed through

existing customary practices concerning people of color and the underlying basis for credit that supported interactions between all members of the community, regardless of their legal status. During the nineteenth century, slaveholders and black Georgians entered deeds protecting freedom or property for people of color in local legal institutions that often fell in direct violation of new state measures targeting black freedom, indicating that local courts continued to represent sites where their own understandings of the law could be legitimized before the white community, even if state authorities denied them that capacity.

Cases developed through the local courts and at the level of appellate review inform how black and white Georgians interpreted new statutory directives passed during 19th century that fundamentally changed the place of freedom in Georgia's slave society and continued to modify how free people of color could stake their claims to legal rights. Although court rulings in the Superior Court consistently confirmed their distance from citizenship and political rights, certain practices developed through custom allowed free people of color to more effectively assert their claims to property and social status. The adoption of property trust instruments for the purpose of creating freedom for slaves illustrate that white slaveholders in the Lowcountry rejected the idea of black freedom as a privilege that could only be awarded by the state, instead imagining a construction of privileges that could achieve an end similar to manumission. The achievement of quasi-freedom relied upon the cooperation of many within the community and the prevalence of these instruments indicates that quasi-free slaves may have been more widely accepted as a segment within Georgia's slaveholding society during the antebellum than scholars previously believed. The enactment of the 1818 manumission law banning trusts that

promoted quasi-freedom and registration laws for free people of color attempted to ensure that the number of blacks added to the free population remained at a minimum, but the continued creation of manumission trusts by whites illustrates that they openly accepted the illegality of their actions in violating the virtual ban on private manumission.

The local usage of guardianship further demonstrates how black and white residents and Savannah cleverly used existing legal instruments and institutions at the local level in order to realize their own conceptualization of racial ordering practices. Guardianship of free blacks did not become a requirement because of the influences of increasingly penalizing statutory laws passed by city and state authorities. Rather, the prevalence of free black guardianships became a feature of the Savannah's transactional economy. White guardians participated in individual property transactions for free blacks prior to the state's recognition of a distinct category of "free black guardians" outside of freedom suits. As white guardians continued to stand as sponsors of free black interactions in the marketplace, they became integrated as part of the pattern of economic relations among free people of color at Savannah. The state gradually used white guardians to more firmly situate free blacks as wards of the state because guardianship had already become a common practice among free people of color towards the end of the eighteenth and beginning of the nineteenth centuries.

By the late nineteenth century, guardianship had developed into a tool through which the state could limit not only the standing of a free black individual in the courts, but also his or her standing within the wider community. However, guardianship itself remained largely defined by the individual free people of color and whites who participated in the relationship. Civil litigation in local courts at Savannah illustrate that

formal laws did little to change existing practices of how free blacks or the whites who transacted with them viewed the integration of guardians in their economic transactions. Prior to the 1833 law demanding the participation of white guardians in the contracts of free blacks, free people of color commonly used guardians to sue whites through the courts, while white plaintiffs also viewed guardians as responsible as the creditors and exchange partners of free blacks.

Clarifying the timeline for the state's legal codification of guardianship under the laws of slavery and examining its actual deployment within local courts holds significant implications for any evaluation of the state's success in using guardians to exert greater control over free blacks. Georgia law positioned the guardians of free blacks as men who would limit black legal standing while simultaneously curbing the freedoms they could enjoy. However, the legal capacities of free blacks' guardians fails to fully describe the nature of the relationships already existing between free blacks and potential white guardians that influenced how such a white guardian might behave either as an agent of the state or his free black ward. The subtle change in free black guardianship over time as it drifted between an institution defined primarily under the common law to one serving in fundamental capacities under the law of slavery changed how the free black community at large in Savannah approached their attachment to guardians. However, even under the constraining laws of free black guardianship, individual people of color and the whites they chose to represent them made their own decisions concerning the relationship and what advantages, if any, they might obtain from it.

After the turn of the nineteenth century, freedom for people of color at Savannah was subject to the definitions of numerous sources of authority. On the one hand, state

and local authorities provided a collection of increasingly limiting rules for the rights and privileges that a black person might expect on the other side of slavery, if the transition could be made at all. Yet, local courts at Savannah also evidence that various members of the community accepted an understanding of freedom that was defined exclusively by slaveholders or other white individuals in non-official capacities. By law, freedom constituted a legal separation from the conditions of ownership that marked the attainment of personhood. Yet, legal trusts that maintained a slave's status as the property of an owner for the purpose of providing him or her with freedom defined the notion of freedom differently; privileges specified by the slave owner cumulatively were understood to represent the slave's freedom. The construction of status for people of color at Savannah remained highly dependent on the efforts and choices made by slave owners, family members, or other white guardians or associates. Theses individuals often did not possess the ability to construct a legally enforceable claim to freedom for free blacks. However, the legal instruments they did construct suggest that they perceived freedom as a condition open to their own interpretation and negotiation, subject only to the consideration of their white neighbors and peers.

Appendix A: Guardianship Laws Passed in Georgia (1755-1860) and Elsewhere in the South

Year	Description	Category of law	Body passed under
1755	Blacks may file freedom suits only through the use of a white guardian.	Court standing	Georgia Colonial Assembly
1804	A ticket from guardian is required for any FPC purchasing explosives.	Privilege	Savannah City Council
1807	Guardian of a FPC charged with violating city rules for fire safety must testify to council.	Testimony/ Public safety	Savannah City Council
1808	Free black children between the ages of eight and twenty-one not having a guardian will be placed under indenture by the state.	Public safety	Georgia Assembly
1810	Free blacks applying for guardianship by white person must petition the court for appointment. Guardian will be vested with powers of guardians of infants.	Court standing	Georgia Assembly
1816	FPC may only appeal capital convictions or petition governor for pardon through a white guardian.	Court standing	Georgia Assembly
1817	Guardians can pay fines accrued by FPC for violating the assembly law.	Intervention	Savannah City Council
1818	If the free status of a FPC is contested at the time of his or her registration, a guardian may provide evidence of freedom to the clerk.	Testimony/ Public safety	Georgia Assembly
1822	Guardians are included among whites empowered to issue tickets to FPC for travel after 7PM.	Privilege	Savannah City Council
1822	South Carolina requires all free black males to obtain white guardians.	Comparative law	South Carolina Assembly
1826	FPC may obtain certificate of freedom only when a guardian presents a signed affidavit to the county clerk.	Testimony/ Public safety	Georgia Assembly
1829	Free people of color may use *next friend* instead of a guardian to bring suits or defend themselves in court.	Court standing	Georgia Assembly
1833	Credit may be extended to a free person of color only with a guardian's written permission. Guardians may cover the financial obligations of a ward to prevent their punishment.	Privilege	Georgia Assembly
1839	A ticket from guardian required for assembly.	Privilege	Savannah City Council
1841	Permission of guardian required for any FPC to sell writing materials.	Privilege	Savannah City Council
1842	Florida Legislature passes the state's first guardianship law.	Comparative law	Florida Assembly
1852	Alabama Legislature passes the state's first guardianship law.	Comparative law	Alabama Assembly

Appendix B: Elected or Appointed Offices Held by Guardians Registered in 1837

Office	Guardian	# Wards	# Slaves
Alderman	T. G. Barnard	2	119
Alderman, Fire Company Manager, Director of Central Railroad and Banking Co.	N.J. Bayaird	1	
Alderman, Fire Company Manager	Thomas Bourke	3	3
Alderman	W. Brown	2	
Alderman, Fire Company Manager, Director Savannah Steamship Company	James Bulloch	2	8
Alderman, City Treasurer, Commissioner of Pilotage	W.H. Bulloch	3	
Alderman	James Clark	21	1
Alderman, Fire Company Manager	Adam Cope	2	12
Alderman, Judge U.S. Circuit Court, Fire Company Manager, Director State Bank of Georgia	Jeremiah Cuyler	1	8
Alderman	Emmanuel Delamotta	18	7
Alderman, US District Atty	Alexander Drysdale	4	1
Alderman, State Representative, Fire Company Manager	James Eppinger	3	5
Alderman, Superior Court Judge	W.B. Flemming	4	10
Alderman	James Gaudry	9	10
Alderman, Director Savannah Steamship Company	J.C. Habersham	2	5
Alderman, Commissioner of Pilotage, County Treasurer, Fire Company Manager	R. Habersham	7	213
Alderman, U.S. Court Clerk	C.S. Henry	5	1
Alderman	J.P. Henry	4	2
Alderman	James Hunter	8	12
Alderman	William Law	3	36
Alderman	Levi S. D'lyon	93	13
Alderman	John N. Lewis	1	16
Alderman	Thomas Lloyd	1	72
Alderman, Judge City Court	J. Millen	1	33
Alderman, Commissioner of Pilotage	Jonathan Morel	1	10
Alderman	William Morel	4	12
Alderman	Mordecai Myers	3	1
Alderman, Post Master	George Schley	3	3
Alderman	A.J.C. Shaw	2	51
Alderman, Port Inspector	M. Sheftall	4	2
Alderman, Judge GA Superior Ct, US District Atty	W.H. Stiles	12	13

Alderman, Tax Collector	Francis Stone	6	24
Alderman, French Consul, Fire Company Assistant Manager	P.P. Thomasson	10	6
Alderman	J. Wade	2	3
City Chamber of Commerce Member	H. Roser	4	6
City Marshall	Thomas Wayne	3	1
Constable, Sheriff, State Representative	P.M. Russell	1	3
Clerk of Court	W.C. Barton	9	2
Clerk of Court, Fire Company Manager	George Glenn	4	49
Director of Central Railroad Company	Frederick Tupper	5	17
Commissioner of Pilotage, Director of Planter's Bank	J. Auze	2	3
Director of Planter's Bank, Fire Company Manager	FDP Devillers	9	1
County Inferior Court Judge, Director of Planter's Bank	F. Sorrell	1	5
Mayor	R.D. Arnold	3	17
Mayor, U.S. House Representative, U.S. Senator	W.B. Bulloch	8	37
Mayor, U.S. District Judge, U.S. Senator	R. M. Charton	31	13
Mayor	W.C. Danielle	3	77
Mayor	W.W. Gordon	1	66
Mayor	M.F. Mcallister	5	67
Mayor	George W. Owens	2	109
Mayor, State Senator, President of the Atlantic & Gulf Railroad company	J.P. Screven	8	60
Mayor, Justice US Supreme Court, U.S. House Representative	J.M. Wayne	3	
Mayor	William T. Williams	1	3
Mayor, Commissioner of Pilotage	John P. Williamson	5	70
Port Appraiser	W. Mackey	1	17
Port Surveyor	R.M. Pooler	38	20
Tax Collector	Elisha Wylly	4	10
Fire Company Manager	Lewis Cope	1	5
Fire Company Manager	William H. Davies	5	7
Fire Company Manager	W. Gaston	1	14
Fire Company Assistant Manager	Levi Hart	3	3
Fire Company Assistant Manager	P. Mitchell	1	14
Fire Company Manager	J.S. Pelot	1	5
Fire Company Manager	S. Sheftall	2	
Clerk of Court	J.I.G Davis	3	3

Sources: Chatham County Free Persons of Color Register, Vol. 3: 1827-1848, Georgia Department of Archives and History; *1830 United States Federal Census*; *1850 Slave Schedule Chatham County.* [Database online at: Ancestry.com]. Provo, UT, USA: Ancestry.com Operations, Inc., 2010. For sources used to identify public offices, see: Chapter 7, FN 23 and 29.

Appendix C: Free Black Occupation Charts

Note: The following tables are compiled from Volume 3 of the Chatham County Free Persons of Color Register. An average of 238 free blacks provided their employment information when they registered with the Chatham County clerk each year. Free blacks registered a total of 4,768 separate occupations with the clerk over the twenty-year span covered by the register.

Table A1: **Occupations Performed by Free Black Males in Savannah between 1828-1847 (5 year Increments)**

Gender of Employee	Occupation	1828-1832	1833-1837	1838-1842	1843-1847	Total # FPC Employed 1828-1847	AVG # Employed Annually per Occupation
F	**Seamstress**	306	291	221	194	1012	50.6
F	**Washer-woman**	191	169	129	94	583	29.2
F	**Pastry Cook**	75	80	69	60	284	14.2
F	**Huckster**	73	62	45	34	214	10.7
F	**"Wash and Cook"**	52	33	28	24	137	6.9
F	**Cook**	38	37	30	35	140	6.7
F	**Nurse**	37	19	14	9	79	4
F	**"Wash and Sew"**	22	11	7	8	48	2.4
F	**Cake Setter**	5	5	5	5	20	1
F	**Marketer**	2	5	5	0	12	0.6
F	**Sausage Maker**	2	5	4	0	11	0.6
F	**House Keeper**	5	2	0	0	7	0.3
F	**Apprentice**	4	0	0	0	4	0.2
F	**At "Oyster House"**	4	0	0	0	4	0.2
	Total Female Employments	816	719	557	463	2555	

Source: CCFPCR, Vol. 3: 1827-1848, GDAH.

Table A2: Occupations Performed by Free Black Females in Savannah between 1828-1847 (5 year Increments)

Gender of Employee	Occupation	1828-1832	1833-1837	1838-1842	1843-1847	Total # FPC Employed 1828-1847	AVG # Employed Annually per Occupation
M	**Carpenter**	126	149	92	76	443	22.2
M	**Cooper**	78	68	42	32	220	11
M	**Tailor**	48	42	28	25	143	7.2
M	**Drayman**	49	34	22	20	125	6.3
M	**Butcher**	39	40	24	17	120	6
M	**Apprentice**	37	31	24	19	111	5.6
M	**Porter**	35	27	13	10	85	4.3
M	**Barber**	27	22	15	14	78	3.9
M	**Ship Carpenter**	22	20	7	6	55	3.1
M	**Oyster Man**	10	10	10	10	40	2
M	**Blacksmith**	12	9	10	6	37	1.9
M	**Bricklayer**	9	9	11	7	36	1.8
M	**Wheelwright**	12	9	8	6	35	1.8
M	**Waggoner**	11	7	5	7	30	1.5
M	**Shoemaker**	15	6	3	0	24	1.2
M	**Seaman**	9	5	5	3	22	1.1
M	**Stevedore**	5	5	4	4	18	0.9
M	**Planter**	3	5	5	5	18	0.9
M	**Engineer**	3	5	5	5	18	0.9
M	**Mason**	5	5	3	3	16	0.8
M	**Printer**	10	10	4	0	24	0.7
M	**Horse Doctor**	4	4	1	0	9	0.5
M	**Field Hand**	1	5	2	0	8	0.4
M	**Menial Servant**	6	1	0	0	7	0.4
M	**Fisherman**	5	2	0	0	7	0.3
M	**Farmer**	0	3	2	0	5	0.3
M	**Preacher**	4	1	0	0	5	0.2
M	**Waiting Man**	3	0	0	0	3	0.2
Total Male Employments		588	534	345	275	1742	

Source: CCFPCR, Vol. 3: 1827-1848, GDAH.

Table A3: Occupations Performed by Free Black Males and Females in Savannah between 1828-1847 (5 year Increments)

Gender of Employee	Occupation	1828-1832	1833-1837	1838-1842	1843-1847	Total # FPC Employed 1828-1847	AVG # Employed Annually per Occupation
M/F*	**Gardener**	30	45	36	25	136	6.8
M/F*	**Laborer**	35	28	22	19	104	5.2
M/F*	**Baker**	23	15	15	10	63	3.2
M/F*	**Domestic**	11	21	20	10	62	3
M/F*	**House Servant**	18	13	8	6	45	2.3
M/F*	**Shopkeeper**	12	9	5	1	27	1.4
M/F*	**Servant**	11	3	2	4	20	1
M/F*	**Jeweler**	2	5	3	4	14	0.8
Total Employments Performed by M or F		142	139	111	79	471	

***Employments distributed evenly among men and women**

Source: CCFPCR, Vol. 3: 1827-1848, GDAH.

Bibliography

Primary Sources

MANUSCRIPT COLLECTIONS:

Chatham County Court House, Savannah, G.A.
Chatham County Superior Court, Minute Books
Chatham County Deed Books
Chatham County Will Books

City of Savannah Research Library and Municipal Archives, Savannah, G.A.
5600CT-540A City Treasurer, Cash Books, 2 volumes (1806-1809, 1824-1831)
5600CT-410 City Treasurer, Cash Books, 76 vols. (1806-1913)
5600CL-005 City Council Minute Books (1790-1900)
5600CL-340-A Ordinances and Index to Ordinances (35 Vols.)
5600CL-130 Registers of Free Persons of Color, (5 Vols.)
5600MY-010 Mayor's Office, Letter Books, 20 vols. (1817-1904)
5600CC-010.2 City Court, Civil Dockets—Appearance Cases (1816-1820)
5600CC-010.3 City Court, Civil Dockets—Record of Executions and Judgments Satisfied (1821-1824)
5600 CC-010.4 City Court, Civil Dockets—Judgment Docket Books, 3 vols. (1814-1824, 1843-1857)
5600 CC-010.5 City Court, Civil Dockets, 5 vols. (1821-5, 1841-1855, 1884-1891)
5600CC-050 City Court, Civil Minute Books (Indexed), 25 vols. (1801-8, 1815-1819, 1849-1858, 1860-9, 1873-1905)
5600CC-060 City Court, Record Books (Indexed), 28 vols. (1798-1808, 1828-1863, 1874-5, 1888-1891)
5600CC-090 City Court, Subpoena Docket (1834-47)
5600CC-100 City Court, Civil Case Papers, 143 Boxes (1821-1899)

Duke University, Perkins Library, Special Collections, Durham, N.C.
Richard Dennis Arnold Papers

Emory University, Manuscript and Rare Books Library, Atlanta, G.A.
Thiot Family Papers, MS297.

Georgia Department of Archives and History, Morrow, G.A.
Grand Dutreuilh Family Papers
St. John the Baptist Catholic Church Savannah Parish Register 1796-1816 [Microfilm]
Independent Presbyterian Church Session Minutes 1828-51 [microfilm]
Chatham County Free Persons of Color Register, 1828-1847, Volume 3
"Census of people of color above the age of fifteen in the City of Savannah," RG 4-2-46, File II Subjects--Negroes
State of Georgia Executive Minutes, June 28, 1798 to Nov 7, 1799

Georgia Historical Society, Savannah, G.A.
Alexander Telfair Papers, MS 790
Telfair Family Papers, MS793
Colonial Dames Collection, MS965
France Department of Foreign Affairs Register, Register of Births, Marriages and Deaths, MS6011
James Jackson Papers, MS422
Eugenia W. Howard Collection, MS1348
J. Randolph Anderson collection on the Wayne, Stites, and Anderson family, MS846
City of Savannah (Ga.) Records, 1817-1912, MS5600
Journal of the Constitutional Convention of the State of Georgia, 1798. MS284

Newberry Library, Chicago, I.L.
Nathan Welby Fiske Papers

Roman Catholic Diocese of Savannah Archives, Savannah, G.A.
French Catholics File
St. John the Baptist Catholic Church Savannah Parish Register 1796-1816
St. John the Baptist Catholic Church Savannah Parish Register 1816-1838

South Carolina Historical Society, Charleston, S.C.
Letters from Rusticus, 1794. (43/775)

Southern Historical Collection, University of North Carolina, Chapel Hill, N.C.
Mackay and Stiles Papers
Alexander Hillhouse Papers, Financial and Legal Papers, 1758-1806
Bulloch Family Papers 1784-1865
Gordon Family Papers 1810-1968

NEWSPAPERS:

Columbian Museum and Savannah Advertiser (Savannah, G.A.)
The Georgia Gazette (Savannah, G.A.)
Republican and Savannah Evening Ledger (Savannah, G.A.)
Georgia Republican & State Intelligencer (Savannah, G.A.)
Southern Centinel (Augusta, G.A.)
*The Reflector (*Milledgeville, G.A.)
The Georgia Telegraph (G.A.)
The Macon Georgia Telegraph (Macon, G.A.)
The South Carolina Gazette (Charleston, S.C.)
City Gazette & Daily Advertiser (Charleston, S.C.)
Pennsylvania Packet (Philadelphia, P.A.)
The Federal Gazette, and Philadelphia Evening Post (Philadelphia, P.A.)
Columbian Centinel (Boston, M.A.)

Carey's United States Recorder (Philadelphia, P.A.)
The Bee (New London, C.T.)
The Daily Advertiser (New York, N.Y.)
Virginia Argus (Richmond, V.A.)
Worcester Gazette (M.A.)
The Liberator (Boston, M.A.)

GOVERNMENT RECORDS:

1790, 1800, 1810 Census Schedules. Historical Census Browser, University of Virginia, Geospatial and Statistical Data Center. [Online at: http://mapserver.lib.virginia.edu].

1830 United States Federal Census [database on-line]. Provo, UT, USA: Ancestry.com Operations, Inc., 2010.

1840 United States Federal Census [database on-line]. Provo, UT, USA: Ancestry.com Operations, Inc., 2010.

1850 United States Federal Census [database on-line]. Provo, UT, USA: Ancestry.com Operations, Inc., 2009.

Acts and resolutions of the Legislative Council of the Territory of Florida, 20th sess. Tallahassee: C.E. Bartlett, 1842.

Acts of the General Assembly of the State of Alabama. Huntsville, Al.: J. Boardman, 1852.

Acts of the General Assembly of the State of Alabama. J Huntsville, Al.: J. Boardman, 1854.

Acts of the General Assembly of the State of Georgia Passed at Milledgeville, At an Annual Session, 1793-1860.

Acts of the General Assembly of the State of Georgia : passed at their session, begun and held at Augusta, the fourth November, one thousand seven hundred and ninety three, and continued, by adjournments, to the nineteenth December following. Augusta, 1794.

Aggregate of Persons within the United States in 1810. Washington, D.C., 1811.

American State Papers. 38 vols. Buffalo, N. Y.: W.S. Hein, 1998.

Annals of the Congress of the United States. 42 Vols. Washington: Gales and Seaton, 1834-1856.

Bancroft, Joseph. *Census of the City of Savannah.* Savannah: E.C. Councell, 1848.

Bay, Elihu Hall. *Reports of Cases Argued and Determined in the Superior Courts of Law in the State of South Carolina, Since the Revolution* [1783-1804]. New York: I. Riley, 1809- 1811, 2 vols.

Candler, Allen D. *The Colonial Records of the State of Georgia.* 28 vols. Atlanta, Ga.: The Franklin Printing and Publishing Co., 1904.

Charlton, R.M. *Reports of Decisions made in the Superior Courts of the Eastern District of Georgia*. Savannah: T. Purse & Co., 1838.

Charlton, Thomas Usher Pulaski, Robert Milledge Charlton, and George M. Dudley. *Georgia Reports Annotated.* Charlottesville: The Mitchie Co., 1903.

Chatham County Superior Court. *Minute Books: 1782-1905.* Microfilm. 51 reels. Atlanta, Ga.: Georgia Dept. of Archives and History, 1966.

Chatham County Tax Digest, 1799. Morrow, Ga. : Georgia Archives, 2006. [Online at: http://cdm.georgiaarchives.org:2011/cdm/ref/collection/tax/id/1825]

Clark, Richard H., Thomas Cobb, David Irwin. *The Code of the State of Georgia.* Atlanta: John H. Seals, 1861.

Clayton, Augustin Smith. A *Compilation of the Laws o f the State of Georgia, Passed by the Legislature Since the Political Year 1800, to the Year 1810, Inclusive.* Augusta, GA: Adams & Duyckinck, 1812.

Cobb, Thomas R.R. *A Digest of the Statute Laws of the State of Georgia.* Athens, GA: Christy, Kelsea & Burke, 1851.

------. *Reports of Cases in Law and Equity, Argued and Determined in the Supreme Court of the State of Georgia [1854].* Athens: Reynolds & Brother, 1854.

------. *Reports of Cases in Law and Equity, Argued and Determined in the Supreme Court of the State of Georgia*. Volume XVI. Athens: Reynolds & Brother, 1855.

Cooper, Thomas and David J. McCord. *Statutes at Large of South Carolina.* 10 vols. Columbia: A.S. Johnston, 1836-41.

Cushing, John D. *The First Laws of the State of Georgia*. Wilmington, Del: Michael Glazier, 1981.

Dudley, G.M. *Reports of decisions made by the judges of the Superior courts of law and chancery of the state of Georgia [1830-1833].* New York: Collins, Keese & Co., 1837.

Georgia et al., *Statutes Enacted by the Royal Legislature of Georgia from Its First Session in 1754 to 1768 [and Statutes, Colonial and Revolutionary, 1768 to 1773, and 1774 to 1805*. Atlanta: C.P. Byrd, 1911.

Georgia Property Tax Digests, 1793-1893. [database on-line at Ancestry.com]. Provo, UT, USA.

Greene, Evarts Boutell and Virginia Draper Harrington. *American Population Before the Federal Census of 1790*. New York: Columbia University Press, 1993.

Journal of the House of Representatives of the United States. 14 vols. Wilmington, Del., M. Glazier, Inc., 1977.

Journal of the Senate of the State of Georgia, at the annual session of the General Assembly November 1810. Louisville, Ga.: Day and Wheeler, 1809.

Journal of the Senate of the State of Georgia, at the annual session of the General Assembly of the State of Georgia, begun and held at the State-House in Milledgeville, on the first Monday, being the 4th ay of November, 1811. Milledgeville: S. & F. Grantland:1812.

Journal of the Senate of the State of Georgia, at the annual session of the Legislature, begun and held at Milledgeville, Monday the first day of November, 1813. Milledgeville: S & F Grantland, 1813.

Naval Documents related to the Quasi-War between the United States and France. 7 Vols. Washington, DC: United States Government Printing Office, 1935.

Population of the 100 Largest Cities and other Urban Places in the United States: 1790 to 1990, Population Division Working Paper No. 27. Census Bureau, Population Division U.S. Bureau of the Census. Washington, D.C. June 1998.

Population Schedules of the Seventh Census of the United States, Slave Schedules. Washington, DC: U.S. Census Office, 1850.

Prince, Oliver H. *A Digest of the Laws of the State of Georgia.* Athens, GA: Oliver H. Prince, 1837.

------. *A Digest of the Laws of the State of Georgia.* Milledgeville, GA: Grantland & Orme, 1822.

Record of Deaths in Savannah, GA from February 10, 1807 to May 29, 1811. *Savannah,*

Georgia Vital Records, 1803-1966 [database on-line at Ancestry.com]. Provo, UT, USA.

Register of Deaths in the City of Savannah from October 29, 1803 to December 31, 1806. *Savannah, Georgia Vital Records, 1803-1966* [database on-line at Ancestry.com]. Provo, UT, USA.

Reports of Cases in Law and Equity, Argued and Determined in the Supreme Court of the State of Georgia. 82 vols. New York : Printed by Edward O. Jenkins, 1847-1890.

Schweninger, Loren, ed. *Race, Slavery, and Free Blacks: Petitions to Southern County Courts, 1775-1867.* [Microfilm]. Bethesda, MD: University Publications of America, 2003, 23 reels.

Schweninger, Loren, ed. *Race, Slavery, and Free Blacks. Series I, Petitions to Southern Legislatures, 1777-1867* [Microfilm]. Bethesda, MD: University Publications of America,1998, 23 reels.

Senate, Transcribed Reports, RG46. *Papers of the War Department*, Roy Rosenzweig Center for History and New Media, George Mason University. [Online at: *http://wardepartmentpapers.org*]

Watkins, Robert, George Watkins, Robert Aitken, eds. *A digest of the laws of the State of Georgia: from its first establishment as a British Province down to the year 1798, inclusive, and the principal acts of 1799.* R. Aitken, 1800.

PUBLISHED SOURCES:

American Antiquarian Society and the Readex Corporation, *Early American Imprints, Series I: Evans , 1639-1800.* Digital edition. New York: Readex, 2000-

Baine, Rodney and Phinizy Spalding, ed. *Some Account of the Design of the Trustees for Establishing Colonys in America by James Edward Oglethorpe* (Athens, Ga., 1990).

Blackstone, William. *Commentaries on the Laws o f England. 4* vols. Oxford: Clarendon Press, 1769. Reprint of First Edition with Supplement. Buffalo, NY: William S. Hein & Co., Inc., 1992.

Catterall, Helen Tunnicliff, ed. *Judicial Cases Concerning American Slavery and the Negro.* Washington, D. C.: Carnegie Institution of Washington, 1926-1937.

Cobb, Thomas Read. *An Inquiry into the Law of Negro Slavery in the United States of America.* T & J.W. Johnson & Company, 1858.

Directory of the City of Savannah for the year 1849. New Haven: Edward C. Councell, 1849.

Directory of the City of Savannah for the Year 1858. Savannah: G.N. Nichols, 1858.

Grimes, William. *Life of William Grimes, the Runaway Slave. Written by Himself."* (New York: 1825),

Harden, William. *Recollections of a Long and Satisfactory Life.* Savannah, Ga., 1934.

Hodgson, Adam. *Letters from North America Written During a Tour in the United States and Canada,* Vol 1. London: Hurst, Robinson, & Co.,1824.

La Rochefoucauld-Liancourt, François-Alexandre-Frédéric, duc de. *Voyage dans les États-Unis d'Amérique : fait en 1795, 1796 et 1797.* 8 vols. Paris: Du Pont, 1799.

Laurens, Henry. *The Papers of Henry Laurens*. University of South Carolina Press, 2000.

Linn, C.A., trans., "Extract from a Diary of John Martin Bolzius and Israel Christian Gronau," *Savannah morning News,* May 20, 1934. (Microfilm), Bull Street Library, Savannah.

Memoirs of Georgia: Containing Historical Accounts of the State's Civil, Military, Industrial and Professional Interests, and Personal Sketches of Many of Its People, Volume 2. Atlanta: Southern Historical Association, 1895.

Moreau de St. Mery. *American Journey: 1793-1798.* Transl. and Ed. Kenneth and Anna M. Roberts. Garden City, NY: Doubleday, 1947.

O'Neall, John Belton. *The Negro Law of South Carolina.* Columbia: John G. Bowman, 1848.

Seeber, Edward D. *On the Threshold of Liberty: Journal of a Frenchman's Tour of the American Colonies in 1777.* Bloomington: Indiana University Press, 1959.

Shryock, Richard H., ed., *Letters of R.D. Arnold, M.D. 1808- 1876.* Durham: The Seeman Press, 1929.

Sprague, William Buell ed., *Annals of the American Pulpit: Baptist.* R. Carter, 1860.

Wilson, Adelaide. *Historic and Picturesque Savannah.* Boston: Rockwell and Churchill, 1889.

Secondary Sources

BOOKS:

Alderson, Robert J. *This Bright Era of Happy Revolutions: French Consul Michel-Ange-Bernard Mangourit and International Republicanism in Charleston, 1792-1794*. University of South Carolina Press, 2008.

Alexander, Adele Logan. *Ambiguous Lives: Free Women of Color in Rural Georgia. 1789-1879*. Fayetteville, Arkansas: The University of Arkansas Press, 1991.

Aptheker, Herbert. *American Negro Slave Revolts*. New York: Columbia University Press, 1943.

Bennett, Ralph. *Settlements in the Americas: Cross-Cultural Perspectives.* Newark London: University of Delaware Press Associated University Presses, 1993.

Berlin, Ira and Ronald Hoffman, eds. *Slavery and Freedom in the Age of the American Revolution.* Charlottesville, Va.: University Press of Virginia, 1983.

Berlin, Ira. *Many Thousands Gone: The First Two Centuries of Slavery in North America.* Cambridge: Belknap Press of Harvard University Press, 1998.

------. *Slaves Without Masters: The Free Negro in the Antebellum South*. New York: New Press, 1974.

Bond, Bradley G., ed. *French Colonial Louisiana and the Atlantic World.* Baton Rouge: LSU Press, 2005.

Brasseaux, Carl A. and Glenn R. Conrad, eds. *The Road to Louisiana: The Saint-Domingue Refugees, 1792-1809.* Lafayette: University of Southwest Louisiana Press, 1992.

Breen, T. H. and Stephen Innes. *"Myne Owne Ground": Race and Freedom on Virginia's Eastern Shore, 1640-1676*. New York: Oxford University Press, 2004.

Brown, Kathleen M. *Good Wives, Nasty Wenches, and Anxious Patriarchs: Gender, Race, and Power in Colonial Virginia*. Chapel Hill: UNC Press, 1996.

Bullard, Mary Ricketson. *Robert Stafford of Cumberland Island: Growth of a Planter.* Athens: University of Georgia Press, 1986.

Cañizares-Esguerra, Jorge, Matt D. Childs, and James Sidbury. *The Black Urban Atlantic in the Age of the Slave Trade*. Philadelphia: University of Pennsylvania Press, 2013.

Childs, Frances Sergeant. *French Refugee Life in the United States, 1790-1800.* Baltimore: The Johns Hopkins Press, 1940.

Coleman, Kenneth, ed. *A History of Georgia*. Athens: University of Georgia Press, 1977.

Cover, Robert M. *Justice Accused: Antislavery and the Judicial Process.* New Haven: Yale University Press, 1975.

Davis, David Brion. *The Problem of Slavery in the Age of Revolution, 1770-1823.* New York: Oxford University Press, 1975.

Edwards, Laura F. *The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South*. Chapel Hill, N.C.: University of North Carolina Press, 2009.

Elkins, Stanley and Eric McKitrick. *The Age of Federalism.* New York: Oxford University Press, 1993.

Elkins, Stanley M. *Slavery, a Problem in American Institutional and Intellectual Life*. University of Chicago Press, 1959.

Fede, Andrew. *Roadblocks to Freedom.* Quid Pro, LLC, 2012.

Fields, Barbara Jeanne. *Slavery and Freedom on the Middle Ground: Maryland During the Nineteenth Century*. New Haven: Yale University Press, 1985.

Flanders, Ralph Betts. *Plantation Slavery in Georgia*. Cos Cob, Conn.: J. E. Edwards, 1967.

Forbes, Robert. *The Missouri Compromise.* Chapel Hill, University of North Carolina Press, 2009.

Ford, Lacy K. *Deliver Us from Evil: The Slavery Question in the Old South*. Oxford: Oxford University Press, 2009.

Franklin, John Hope. *The Free Negro in North Carolina.* University of North Carolina Press, 1943.

Fraser, Walter J., Jr. *Savannah in the Old South*. Athens: University of Georgia Press, 2002.

Fredrickson, George M. *The Black Image in the White Mind: The Debate on Afro-American Character and Destiny, 1817-1914*. New York: Harper & Row, 1971.

Friedman, Lawrence M. *A History of American Law.* New York: Simon & Schuster, 2005 [1973].

Fries, Sylvia Doughty. *The Urban Idea in Colonial America*. Philadelphia: Temple University Press, 1977.

Gamble, Thomas. *A History of the City Government of Savannah, Ga., from 1790 to 1901.* Savannah City Council: 1901.

Garrigus, John D. *Before Haiti: Race and Citizenship in French Saint-Domingue*. New York: Palgrave Macmillan, 2006.

Gaspar, David and David Geggus, eds. *A Turbulent Time: The French Revolution and the Greater Caribbean.* Bloomington: Indiana University Press, 1997.

Geggus, David, David Patrick, and Norman Fiering, eds. *The World of the Haitian Revolution.* Bloomington: Indiana University Press, 2009.

Geggus, David, ed. *The Impact of the Haitian Revolution in the Atlantic World.* Columbia: University of South Carolina Press, 2001.

Genovese, Eugene D. *Roll Jordan Roll: The World the Slaves Made.* New York: Vintage Books, 1974.

------. *The Political Economy of Slavery: Studies in the Economy and Society of the Slave South.* 2nd ed. Wesleyan, 1988.

Goldin, Claudia Dale. *Urban Slavery in the American South, 1820-1860: A Quantitative History*. Chicago: University of Chicago Press, 1976.

Goveia, E.V. *The West Indian Slave Laws of the 18th Century.* Caribbean Universities Press, 1970.

Greene, Harlan, Harry S. Hutchins and Brian E. Hutchins. *Slave Badges and the Slave Hire System in Charleston, South Carolina, 1783-1865.* McFarland & Company, 2004.

Gross, Ariela J. *What blood won't tell: a history of race on trial in America.* Cambridge: Harvard University Press, 2008.

------. *Double Character: Slavery and Mastery in the Antebellum Southern Courtroom.* Princeton, NJ: Princeton University Press, 2000.

Guilday, Peter. *The Life and Times of John England.* New York: Arno Press, 1969.

Guss, John Walker. *Savannah's Laurel Grove Cemetery*. Arcadia Publishing, 2004.

Hadden, Sally E. *Slave Patrols: Law and Violence in Virginia and the Carolinas.* Cambridge: Harvard University Press, 2001.

Hall, Kermit L. *The Magic Mirror: Law in American History*. New York: Oxford University Press, 1989.

Harden, William. *A History of Savannah and South Georgia*. Atlanta: Cherokee Pub. Co, 1969.

Harris, Leslie M. and Daina Ramey Berry. *Slavery and Freedom in Savannah*. Athens: University of Georgia Press, 2014.

Hartog, Hendrik. *Public Property and Private Power: The Corporation of the City of New York in American Law, 1730-1870*. Chapel Hill: University of North Carolina Press, 1983.

Higman, B.W. *Slave Populations of the British Caribbean.* Jamaica: University of the West Indies Press, 1984.

Horwitz, Morton J. *The Transformation of American Law, 1780-1860*. Cambridge: Harvard University Press, 1977.

Hunt, Alfred N. *Haiti's Influence on Antebellum America: Slumbering Volcano in the Caribbean.* Baton Rouge: Louisiana State University Press, 1988.

Hurst, Willard. *Law and the Conditions of Freedom in the Nineteenth-Century United States*. Madison: University of Wisconsin Press, 1956.

Jennison, Watson. *Cultivating Race: the Expansion of Slavery in Georgia 1850-1860.* University of Kentucky, 2012.

Johnson, Michael P. and James L. Roark. *Black Masters: A Free Family of Color in the Old South.* New York: W. W. Norton, 1984.

Johnson, Whittington Bernard. *Black Savannah, 1788-1864.* Fayetteville: University of Arkansas Press, 1996.

Jones, Charles Colcock et al., *History of Savannah, Ga: From Its Settlement to the Close of the Eighteenth Century*. D. Mason & Company, 1890.

Jones, Jacqueline. *Saving Savannah: The City and the Civil War.* New York: Kopf, 2008.

Jordan, Winthrop D. *White Over Black: American Attitudes Toward the Negro, 1550-1812.* Chapel Hill: University of North Carolina Press, 1968.

Keber, Martha L. *Seas of Gold, Seas of Cotton: Christophe Poulain Dubignon of Jekyll Island.* Athens: UGA Press, 2002.

King, Stewart R. *Blue Coat or Powdered Whig: Free People of Color in Pre-Revolutionary Saint Domingue.* Athens: University of Georgia Press, 2001.

Knight, Franklin and Peggy Liss, eds. *Atlantic Port Cities: Economy, Culture, and Society in the Atlantic World, 1650-1850.* Knoxville: University of Tennessee Press, 1991.

Knight, Franklin W. Ed., *General History of the Caribbean: The Slave Societies of the Caribbean.* Vol. 3. London: UNESCO, 1997.

Landers, Jane. *Black Society in Spanish Florida.* Urbana: University of Illinois Press, 1999.

Lawrence, Alexander A. *Storm over Savannah: the Story of Count d'Estaing and the Siege of the Town in 1779.* Athens: University of Georgia Press, 1951.

Lockley, Timothy James. *Lines in the Sand: Race and Class in Lowcountry Georgia, 1750-1860*. Athens: University of Georgia Press, 2001.

------. *Maroon Communities in South Carolina: A Documentary Record*. Columbia: University of South Carolina Press, 2009.

Martin, Jonathan D. *Divided Mastery: Slave Hiring in the American South.* Cambridge: Harvard University Press, 2004.

McCash, June Hall. *Jekyll Island's Early Years: From Prehistory through Reconstruction.* Athens: University of Georgia Press, 2005.

McCusker, John J. and Russell R. Menard. *The Economy of British North America, 1607-1789* (Chapel Hill, 1985.

McDonogh, Gary W. *Black and Catholic in Savannah, Georgia*. Knoxville: University of Tennessee Press, 1993.

McInnis, Maurie Dee. *The Politics of Taste in Antebellum Charleston.* Chapel Hill: University of North Carolina Press, 2005.

McNair, Glenn *Criminal Injustice: Slaves and Free Blacks in Georgia's Criminal Justice System*. University of Virginia Press, 2009.

Miller, Randall M. and Jon L. Wakelyn, eds. C*atholics in the Old South: Essays on Church and Culture*. Macon, Georgia: Mercer University Press, 1983.

Mills, Gary B. *The Forgotten People: Cane River's Creoles of Color*. Baton Rouge: Louisiana State University Press, 1977.

Mohl, Raymond A. ed., *The Making of Urban America*. Wilmington, Del: Scholarly Resources, 1988.

Morgan, Edmund S. *American Slavery, American Freedom: The Ordeal of Colonial Virginia.* New York: W. W. Norton, 1975.

Morgan, Philip, ed. *African American Life in the Georgia Lowcountry: The Atlantic World and the Gullah Geechee*. Athens, Ga: University of Georgia Press, 2010.

------. *Slave Counterpoint: Black Culture in the Eighteenth-Century Chesapeake and Lowcountry.* Chapel Hill: University of North Carolina Press, 1998.

Morris, Thomas D. *Southern Slavery and the Law, 1619-1865.* Chapel Hill and London: University of North Carolina Press, 1996.

O'Gorman, Thomas. *A History of the Roman Catholic Church in the United States.* The Christian Literature Co., 1895.

Patterson, Orlando. *Slavery and Social Death.* Cambridge, Mass.: Harvard University Press, 1982.

Penningroth, Dylan C. *The Claims of Kinfolk: African American Property and Community in the Nineteenth-Century South.* Chapel Hill: University of North Carolina Press, 2003.

Philips, Christopher. *Freedom's Port: The African-American Community of Baltimore, 1790-1860.* Urbana, Illinois: University of Illinois Press, 1997.

Phillips, Ulrich B. *American Negro Slavery*. Baton Rouge: Louisiana State University Press, 1966.

------. *Georgia and States Rights: a Study of the Political History of Georgia from the Revolution to the Civil War, with particular regard to Federal Relations.* Yellow Springs, Ohio: Antioch Press, 1968.

Popkin, Jeremy D. *You are all Free: The Haitian Revolution and the Abolition of Slavery.* New York, Cambridge University Press, 2010.

Reps, John William. *The Making of Urban America: A History of City Planning in the United States*. Princeton, N.J: Princeton University Press, 1965.

Rothman, Adam. *Slave Country: American Expansion and the Origins of the Deep South.* Harvard University Press, 2005.

Rucker, Walter C. *The River Flows On: Black Resistance, Culture, and Identity Formation in Early America.* Baton Rouge: LSU Press, 2006.

Schweninger, Loren, ed. *The Southern Debate Over Slavery: Petitions to Southern County Courts, 1775 1867.* Vol 2. Urbana: University of Illinois Press, 2007.

Schweninger, Loren. *Black Property Owners in the South, 1790-1915*. University of Illinois Press, 1997.

Simms, James M. *The First Colored Baptist Church in North America. Constituted at Savannah, Georgia, January 20, A.D. 1788. With Biographical Sketches of the Pastors.* Philadelphia: J.B. Lippincott Company, 1888.

Spalding, Phinizy. *Oglethorpe in America.* Chicago: University of Chicago Press, 1977.

Starobin, Robert S. *Industrial Slavery in the Old South.* New York: Oxford University Press, 1970.

Sumler-Edmond, Janice. *The Secret Trust of Aspasia Cruvellier Mirault: The Life and Trials of a Free Woman of Color in Antebellum Georgia.* University of Arkansas Press, 2008.

Tannenbaum, Frank. *Slave and Citizen.* Boston: Beacon Press, 1992.

Tomlins, Christopher. *Freedom Bound: Law, Labor, and Civic Identity in Colonizing English America, 1580–1865.* New York: Cambridge University Press, 2010.

Wade, Richard C. *Slavery in the Cities: The South, 1820-1860.* New York: Oxford University Press, 1964.

Wesley, Charles H. *Negro Labor in the United States, 1850-1925; a Study in American Economic History.* New York: Russell & Russell, 1967.

White, Ashli. *Encountering Revolution: Haiti and the Making of the Early Republic.* Baltimore: Johns Hopkins University Press, 2010.

Whitman, Stephen. *The Price of Freedom: Slavery and Manumission in Baltimore and Early National Maryland.* Lexington, Ky.: University Press of Kentucky, 1997.

Wikramanayake, Marina. *A World in Shadow: The Free Black in Antebellum South Carolina.* Columbia: University of South Carolina Press, 1973.

Wood, Betty. *Slavery in Colonial Georgia, 1730-1775*. Athens: University of Georgia Press, 1984.

Wood, Betty. *Women's Work, Men's Work: The Informal Slave Economies of Lowcountry Georgia.* Athens: University of Georgia Press, 1995.

Woodson, Carter G. *Free Negro Heads of Families in the United States in 1830 together with a Brief Treatment of the Free Negro.* Association for the Study of Negro Life and History, 1925.

Wylly, Charles Spalding. *The Seed That Was Sown in the Colony of Georgia: The Harvest and the Aftermath, 1740-1870.* New York and Washington: Neale Pub. Co., 1910.

Zaborney, John J. *Slaves for Hire: Renting Enslaved Laborers in Antebellum Virginia.* Baton Rouge: LSU Press, 2012.

ARTICLES:

Abramowicz, Sarah. "English Child Custody Law, 1660- 1839: The Origins of Judicial Intervention in Paternal Custody," ***Columbia Law Review*** 99, No. 5 (Jun., 1999): 1344-1391.

Aptheker, Herbert. "American Negro Slave Revolts," *Science & Society,* Vol. 1, No. 4 (Summer, 1937), 512-538.

Baine, Rodney M. and Louis De Vorsey, Jr., "The Provenance and Historical Accuracy of 'A View of Savannah as it Stood the 29th of March, 1734," *Georgia Historical Quarterly* 73 (Winter 1989): 784-813.

Baur, John E. "International Repercussions of the Haitian Revolution," *The Americas,* Vol. 26, No. 4 (April 1970): 394-418

Bell, Caryn Cossé. "French Religious Culture in Afro-Creole New Orleans, 1718-1877." *U.S. Catholic Historian*, Vol. 17, No. 2, French Connections (Spring, 1999): 1-16.

Berlin, Ira and Herbert G. Gutman, "Natives and Immigrants, Free Men and Slaves: Urban Workingmen in the Antebellum American South." *The American Historical Review*, Vol. 88, No. 5. (Dec., 1983), 1157-1200.

Berlin, Ira. "The Structure of the Free Negro Caste in the Antebellum United States," *Journal of Social History,* Vol. 9, No. 3. (Spring, 1976), 297- 318.

Breathett, George. "Catholicism and the Code Noir in Haiti," *The Journal of Negro History*, Vol. 73, No. 1/4 (Winter - Autumn, 1988): 1-11.

------. “Religious Protectionism and the Slave in Haiti," *Catholic Historical Review*, 55 (April 1969-January 1970): 26-39.

Byrne, William A. "Slave Crime in Savannah, Georgia." *The Journal of Negro History*, Vol. 79, No. 4 (Autumn, 1994), pp. 352-362.

Davies, John. "Saint-Dominguan Refugees of African Descent and the Forging of Ethnic Identity in Early National Philadelphia," *The Pennsylvania Magazine of History and Biography*, Vol. 134, No. 2 (April 2010), 117.

Davis, Cyprian. “Black Catholics in Nineteenth Century America," *U.S. Catholic Historian,* Vol. 5, No. 1, The Black Catholic Experience (1986): 1-18.

Edwards, Laura. “Law, Domestic Violence, and Patriarchal Authority in the Antebellum South. *The Journal of Southern History,* Vol. 65, No. 4 (Nov., 1999), 733-70.

------. “The Peace: The Meaning and Production of Law in the Post-Revolutionary United States,” *University of California, Irvine Law Review.* Volume 1, No. 3 (2011), 565-85.

Fields, Barbara J. "Slavery, Race and Ideology in the United States of America," *New Left Review* 181 (May/June 1990): 95-118.

Fisk, Catherine and Robert Gordon. "'Law As . . .': Theory and Method in Legal History," *UC Irvine Law Review* 1, no. 3 (2011): 519-541.

Flanders, Ralph B. “The Free Negro in Antebellum Georgia.” *North Carolina Historical Review 9* (1932): 250-272.

Garvin, Russell. "The Free Negro in Florida before the Civil War." *The Florida Historical Quarterly*, Vol. 46, No. 1 (Jul., 1967): 1-17.

Goddard, John H. "Collections of the Georgia Historical Society other Documents and Notes," *The Georgia Historical Quarterly.* Vol. 48, No. 1 (March, 1964), 85-103;

Gordon, Robert. “Critical Legal Histories,” 36 *Stanford Law Review* 57 (1984), 57-125.

Green, Cecilia A. “A Civil Inconvenience"? The Vexed Question of Slave Marriage in the British West Indies," *Law and History Review*, Vol. 25, No. 1 (Spring, 2007), 1-60.

Grinberg, Keila. “Freedom Suits and Civil Law in Brazil and the United States” *Slavery*

and Abolition 22, No. 3 (December 2001): 66-82.

Grindle, David J. “Manumission: The Weak Link in Georgia’s Law of Slavery,” *Mercer Law Review.* Vol. 41 (1989-1990): 701-722.

Gross, Ariela. "Beyond Black and White: Cultural Approaches to Race and Slavery," *Columbia Law Review* 101 (2001): 640-89.

Hartog, Hendrik. "Pigs and Positivism," *Wisconsin Law Review* 1985 (1985): 899-935.

Hartog, Hendrik, William Forbath, and Martha Minow. "Introduction: Legal Histories from Below," *Wisconsin Law Review* 1985 (1985), 759-766.

Haunton, Richard H. "Law and Order in Savannah, 1850-1860," *The Georgia Historical Quarterly,* Vol. 56, No. 1 (Spring, 1972), pp. 1-24;

Hughes, Sarah S. "Slaves for Hire: The Allocation of Black Labor in Elizabeth City County, Virginia, 1782 to 1810," *William and Mary Quarterly*, 3d Ser., XXXV (April 1978), 260-86.

Ingersoll, Thomas N. "Free Blacks in a Slave Society: New Orleans, 1718-1812." *The William and Mary Quarterly*, vol. 48, No 2. April 1991: 173-200.

Johnson, Walter. “Inconsistency, Contradiction, and Complete Confusion: The Everyday Life of the Law of Slavery.” *Law and Social Inquiry*. 1997;22 (2): 405-33.

Johnson, Whittington B. “Free Blacks in Antebellum Savannah: An Economic Profile.” *Georgia Historical Quarterly,* 64 (1980): 418-431.

Jones, Martha. “Time, Space, and Jurisdiction in Atlantic World Slavery: The **Volunbrun** Household in Gradual Emancipation New York,” *Law & History Review*. Vol. 29, No. 4 (Nov2011), 1031-1060.

Klein, Herbert S. “Anglicanism, Catholicism, and the Negro Slave.” *Comparative Studies in Society and History,* Vol. 8, No. 3 (Apr., 1966), 295-327.

Krebsbach, Suzanne. "Black Catholics in Antebellum Charleston," *The South Carolina Historical Magazine,* Vol. 108, No. 2 (Apr., 2007): 143-159.

Lachance, Paul. “Intermarriage and French Cultural Persistence in Late Spanish and Early American New Orleans,” *Histoire Sociale/ Social History* 15 (1982): 47-81

------. “The 1809 Immigration of Saint-Domingue Refugees to New Orleans: Reception, Integration, and Impact,” *Louisiana History 29 (1988):* 109-41.

Litowitz, Douglas. "Gramsci, Hegemony, and the Law." 2000 *BYU Law Review* 515 (2000), 546-8.

Lockley, Timothy. “Trading Encounters between Non-Elite Whites and African Americans in Savannah, 1790-1860." *The Journal of Southern History*, Vol. 66, No. 1 (Feb., 2000), 25-48.

Lux, William R. "French Colonization in Cuba, 1791-1809," *The Americas*, Vol. 29, No. 1 (Jul., 1972): 57-61.

Mann, Bruce H. “Tales from the Crypt: Prison, Legal Authority, and the Debtors’ Constitution in the Early Republic.” *The William and Mary Quarterly*, Third Series, 51, no. 2 (April 1, 1994): 183–202.

Matison, Sumner E. “Manumission by Purchase, *Journal of Negro History,* XXXIII (April, 1948): 146-67.

Meadows, R. Darrell. “Engineering Exile: Social Networks and the French Atlantic Community, 1789-1809.” *French Historical Studies* 23, no. 1 (Winter 2000): 67-102.

Mintz, Sidney W. and Eric R. Wolf, “An Analysis of Ritual Co-Parenthood (Compadrazgo),” *Southwestern Journal of Anthropology,* Vol. 6, No. 4 (Winter, 1950): 341-368.

Moffatt, Lucius Gaston and Joseph Médard Carrière. "A Frenchman Visits Charleston, 1817," *The South Carolina Historical and Genealogical Magazine,* Vol. 49, No. 3 (Jul., 1948), 131-154.

Morgan, Philip D. "Black Life in Eighteenth-Century Charleston," *Perspectives in American History,* new ser. 1, vol. 1 (1984), 220-232.

Nash, A.E. Keir. “Reason of Slavery: Understanding the Judicial Role in the Peculiar Institution,” 32 *Vanderbilt Law Review* 7 (1979), 7-218.

Nash, Gary. “Reverberations of Haiti in the American North: Black Saint Dominguans in Philadelphia.” *Explorations in Early American Culture: A Special Supplemental Issue o f Pennsylvania History* 65 (1998): 44-73.

Peabody, Sue. "'A Nation Born to Slavery': Missionaries and Racial Discourse in Seventeenth-Century French Antilles," *Journal of Social History*, Vol. 38, No. 1 (Autumn, 2004): 113-126.

------. "‘A Dangerous Zeal’: Catholic Missions to Slaves in the French Antilles, 1635-1800," *French Historical Studies,* Vol. 25, No. 1 (winter 2002): 53-90.

Philips, Ullrich B. “The Central Theme of Southern History.” *The American Historical Review*, Vol. 34, No. 1 (Oct., 1928), pp. 30-43.

Price, Jacob M. "Economic Function and the Growth of American Port Towns in the Eighteenth Century" in *Perspectives in American History,* 8 (1974): 123-186.

Reid, John Phillip. “Lessons of Lumpkin: a Review of Recent Literature on Law, Comity, and the Impending Crisis,” *William and Mary Law Review.* Vol. 23: 571 (1981-2): 571-602.

Reid, Patricia A. “The Haitian Revolution, Black Petitioners and Refugee Widows in Maryland, 1796-1820,” *The American Journal of Legal History,* Vol. 50, No. 4 (October 2008-2010), 431-452.

Reinberger, Mark. "Oglethorpe's Plan of Savannah: Urban Design, Speculative Freemasonry, and Enlightenment Charity." *The Georgia Historical Quarterly,* Vol. 81, No. 4 (Winter 1997), 339-382.

Rogers, W. McDowell. “Free Negro Legislation in Georgia before 1865,” *The Georgia Historical Quarterly,* 16 (March 1932), 27-37.

Russell, Marion J. “American Slave Discontent in Records of the High Courts,” *The Journal of Negro History* 31, No. 4 (Oct. 1946): 411-434.

Schafer, Daniel L. "A Class of People Neither Freemen nor Slaves": From Spanish to American Race Relations in Florida, 1821-1861,” *Journal of Social History,* Vol. 26, No. 3 (Spring, 1993): 587-600.

Schiller, Reuel E. “Conflicting Obligations: Slave Law and the Late Antebellum North Carolina Supreme Court,” *Virginia Law Review*, Vol. 78, No. 5 (Aug., 1992), 1207-1251.

Schweninger, Loren. "The Underside of Slavery: The Internal Economy, Self-Hire, and Quasi-Freedom in Virginia, 1780-1865," *Slavery and Abolition*, 12 (September 1991), 1-22.

Sio, Arnold A. "Marginality and Free Coloured Identity in Caribbean Slave Society," *Slavery & Abolition* 8, no. 2 (September 1987): 166-82.

Smith, James Morton. “The ‘Aurora’ and the Alien and Sedition Laws: Part I: The Editorship of Benjamin Franklin Bache,” *The Pennsylvania Magazine of History and Biography*, Vol. 77, No. 1 (Jan., 1953): 3-23.

Snydor, Charles S. “The Free Negro in Mississippi,” *American Historical Review* 32 (July 1927): 769-88.

Stern, Andrew. "Southern Harmony: Catholic-Protestant Relations in the Antebellum South," *Religion and American Culture: A Journal of Interpretation*, Vol. 17, No. 2 (Summer 2007): 165-190.

Treudley, Mary. "The United States and Santo Domingo, 1789-1866," *The Journal of Race Development*, Vol. 7, No. 1 (Jul., 1916), 83-145.

Wahl, Jenny Bourne. "Legal Constraints on Slave Masters: The Problem of Social Cost." *The American Journal of Legal History* 41 (January 1997): 1-24.

Walvin, James. "Slaves, Free Time, and the Question of Leisure," *Slavery and Abolition*, XVI (April 1995), 1-13.

Wiecek, William M. "The Statutory Law of Slavery and Race in the Thirteen Mainland Colonies of British America." *The William and Mary Quarterly* 34 (April 1977): 258-80.

Wilkins, Barratt. "A View of Savannah on the Eve of the Revolution." *The Georgia Historical Quarterly*, Vol. 54, No. 4 (Winter, 1970): 577-84.

Wood, Betty. "'White Society' and the 'Informal' Slave Economies of Lowcountry Georgia, C. 1763-1830." *Slavery & Abolition* 11, no. 3 (December 1990): 313-331.

------. "Prisons, Workhouses, and the Control of Slave Labour in Low Country Georgia, 1763-1815." *Slavery and Abolition* 8, no. 3 (December 1987): 247-71.

THESES:

Babb, Winston C. "French Refugees From Saint Domingue to the Southern United States: 1791-1810." Ph.D. diss., University of Virginia, 1954.

Byrne, William A. "The Burden and Heat of the Day: Slavery and Servitude in Savannah, 1733-1865." Ph.D. diss., Florida State University, 1979.

Chesnutt, David Rogers. "South Carolina's Expansion into Colonial Georgia, 1720-1765." Ph.D. diss., University of Georgia, 1973.

Davies, John. "Class, Culture, and Color: Black Saint-Dominguan refugees and African-American communities in the early republic." Ph.D. diss., University of Delaware, 2008.

Garrigus, John D. "A Struggle for Respect: the Free Coloreds of Pre-revolutionary Saint Domingue, 1760-69." Ph.D. diss., Johns Hopkins University, 1988.

Haunton, Richard Herbert. “Savannah in the 1850s.” Ph.D. diss., Emory University, 1968.

Jennison, Watson Woodson, III. “Cultivating Race: Slavery and Expansion in Georgia, 1750-1860.” Ph.D. diss., University of Virginia, 2005.

Miceli, Mary V. "The Influence of the Roman Catholic Church on Slavery in Colonial Louisiana, 1718-1763." Ph.D. diss., Tulane University, 1979.

Scott, Julius. “A Common Wind: Currents of Afro-American Communication in the Era of the Haitian Revolution.” Ph.D. diss., Duke University, 1986.

Statom, Thomas Ralph Jr., “Negro Slavery in Eighteenth-Century Georgia.” Ph.D. diss., University of Alabama, 1982.

Sweat, Edward F. “The Free Negro in Antebellum Georgia.” Ph.D. diss., Indiana University, 1957.

Terry, George D. “A Study of the Impact of the French Revolution and the Insurrections in Saint-Domingue upon South Carolina: 1790-1805.” M.A. Thesis, University of South Carolina, 1973.

Thigpen, Thomas Paul “Aristocracy of the heart: Catholic lay leadership in Savannah, 1820-1870.” Ph.D. diss., Emory University, 1995.

White, Ashli. “A Flood of Impure Lava: Saint Dominguan Refugees in the United States, 1791-1820.” PhD diss., Columbia University, 2003.

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