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SLAVERY IN THE ECONOMY OF BRAZOS COUNTY

1821 TO 1860

BY

HENRY

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Prairie View Agricultural and Mechanical College
Studies in History

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History of Slavery In Texas And The South West

A Thesis Submitted in Partial Fulfillment
of the Requirements for the Degree of

Number

6

Willie Rae Green Henry

"Slavery In The Economy of Brazos County, Texas"

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SLAVERY IN THE ECONOMY OF BRAZOS COUNTY

1821 to 1860

By

Willie Rae Green Henry

A Thesis Submitted in Partial Fulfillment
of the Requirements for the Degree of

Master of Arts

In The

Graduate Division

of

Prairie View Agricultural and Mechanical College
Prairie View, Texas


August, 1954

DECLARATION

The writer wishes to express his sincere appreciation to those friendly, courteous persons who assisted him in the development of this thesis.

It was only by the encouragement of friends who helped

Approved: _____ that the task would be successfully accomplished.

Date	Signature	Field Represented
8/12/54		History
_____	_____	_____
_____	_____	_____

Dr. Woolfolk, professor of history, Pacific View Agricultural and Mechanical College.

ACKNOWLEDGMENT

The writer wishes to express her sincere appreciation to those friendly, courteous persons who assisted her in the development of this thesis.

It was only by the encouragement of friends who assured the writer that the task could be successfully accomplished, that an attempt was made to do the writing. The writer is indebted to the following persons for help:

Miss Wesa Weddington, grand-daughter of Harvey Mitchell, author of the Mitchell Memoirs; Mrs. Mary Darby, through whose influence she was able to make personal contacts; Mr. Syptak, County Clerk of Brazos County; and Dr. George R. Woolfolk, professor of history, Prairie View Agricultural and Mechanical College.

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THE
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 1834
 BY
 J. W. WALKER
 WASHINGTON, D. C.

WASHINGTON, D. C.



**BRAZOS
COUNTY ABSTRACT
COMPANY'S
MAP
OF
BRAZOS COUNTY
TEXAS**

SCALE 1"=4000 VRS.
MILES

0 1 2 3 4 5
1 VARA = 38 1/2 IN.
1800 VARAS = 1 MILE

BRYAN, TEXAS.

WASHINGTON CO.

CHAPTER I

INTRODUCTION

In writing on Slavery In The Economy of Brazos County, Texas, the writer realizes that any one who writes about the oft-repeated story of our country must find a new phase to deal with in order to win the praise of those who already know it so well. The writer of this thesis, whose primary purpose is to instruct, is centering attention toward the individual who is seeking a book of facts, and interpretations, and also a source of literary enjoyment.

This study was not a slight undertaking. Much research was necessary to receive enough information to correct old errors, avoid old prejudices, present new views and offer suggestive interpretations. Even if only a little is contributed to that which is not already proven, the task of shifting out that which is both true and significant demands no small measure of critical judgment as well as scholarship.

PROBLEM

The problem of this study arises out of the theories which have been given by various historians as to the role played by the slaves in the plantation economy of the South. The writer wishes for you to note carefully the

theories given here, and the weaknesses found in each.

First, I shall refer to the Labor Theory as given by Phillips, Flanders, Gray, Wiley, and Olmsted. Phillips said that the economic value of slavery lies wholly in making labor regular, secure, and mobile.¹

Flanders states that "Slaves were not only great capital; they were also labor, herein lies the weak point in the whole system!"²

Gray explains that from the standpoint of the employer, slavery provided a stable labor supply. Barring ordinary accidents and sickness, the laborer's services were always available, an important advantage in large scale farming. There was possible a certain degree of economic inelasticity in the supply of labor, particularly at harvest time, where there was little surplus labor except children, and slave labor flowed less readily than free labor to the type of employment promising greatest economic opportunity due partly to the difficulties in transferring the capital values of the slave labor.³

Wiley's position, taken by many leading southerners before 1861, is "that Negro labor properly directed was

1. Ulrich Bonnell Phillips, Life and Labor In The Old South, (Little Brown and Co., Boston, 1949) p. 213

2. Ralph Betts Flanders, Plantation Slavery In Georgia, (The University of North Carolina Press, 1933) p. 214

3. Lewis Cecil Gray, History of Agriculture In The Southern United States To 1860, VI (Peter Smith, New York, 1941) p. 556

adaptable to diversified agriculture and to a varied industrial program."⁴

Olmsted, who did not believe slavery was profitable in most sections of the South, made the following generalizations concerning Mississippi:

"It is quite plain, notwithstanding all the drawbacks attending the employment of forced labor and notwithstanding the high price of slaves, that slave labor is employed profitably by the large planters in Mississippi and in certain other parts of the South in the culture of cotton."⁵

In the view of the writer, the labor theory in part is not definitive. To say that slave labor was forced, which was not conducive to its efficiency, and to say that it was unprofitable is wholly confusing. Long before the scope of this writing, the white man depended on the slave for his labor. In the Austin papers, many incidents are cited which proves that Negro labor was efficient.

In letters addressed to Stephen F. Austin, we find proofs of these facts of which I shall cite only a few.

A letter addressed to Stephen F. Austin from William N. Henderson, states:

"We could move all that we have at a small expense as we only live 20 miles from the Quelquese (Calcasieu) an excellent navigable river, and we have slaves who are good sawyers, carpenters, etc."

From Randall Jones to Stephen F. Austin, in which he

4. Bell I. Wiley, Southern Negro (Yale University Press, New Haven, 1938) p. 24

5. Frederick L. Olmsted, A Journey In The Back Country, (The Knickerbocker Press, New York, N.Y., 1907) p. 50

was writing about Mrs. Long, states that:

"Mrs. Long about that time had a difference with some of the female part of the family and left the house and hired a Negro to build her a palmetto camp and her only provision was a small quantity of milk and sometimes a little venison."⁶

This writer agrees with the historians when they say that slaves were used for labor, because the whole of the cotton plantation economy in the South was built up of slave labor. The rich red and brown earth was watered by their tears and fed by their blood and sweat. They toiled, that their owners may live by the earth. With their bare feet they trod the long furrowed acres, with their bare hands they stripped the yearly harvest of cotton; but their economic value went beyond the realm of labor.

Second, the writer wishes to discuss the "Investment Theory," as given by Bancroft, Simpkins, Rupert, and Goran.

Bancroft points out that "plantation owners were not hesitant to mortgage their crops to buy more slaves to make more cotton, to buy more slaves."⁷

While Simpkins contended that the assessed valuation of slaves should not be considered the capital upon which slave holders were entitled to receive interest, since the money actually invested was seldom as high as the inflated

6. Eugene C. Barker, "The Austin Papers," Annual Report of the American Historical Association, Vol. I, (Washington Government Printing Office, Washington, D. C., 1924) pp. 424-749

7. Frederick Bancroft, Slave Trading In The Old South, (J. H. Furst Co., Baltimore, 1931) pp. 243-247

prices of slaves prevailing in the Lower South after 1843. Many slaves were acquired through inheritance or through natural increase; others were purchased by planters in the cheaper markets of the East.

The amazing productivity of western soil justified the higher prices which planters had to pay for slaves there, and brought a return for capital invested as great, if not far greater, than the East.⁸

Richardson makes the statement "that good hands could be hired out at from \$200 to \$275 for the year. Some enthusiasts contended that a good field hand could pay for himself in a year."⁹

In the discussion of slavery by Thomas P. Govan, the question arises as to economic value of slavery. He asks these questions: First, was plantation slavery profitable? This, he answers by saying, "It is too late to find enough evidence, since most records have been destroyed."

The second question asked is, "Was the slave-holder making money?" He carefully studied several plantation records and census reports and finally came to the conclusion that slavery was profitable.¹⁰

8. Francis Butler Simkins, The South, Old and New, (Alfred A. Knopf, New York, N. Y., 1949) p. 50

9. Rupert Norval Richardson, Texas, The Lone Star State, (Prentice Hall, Inc., N. Y., 1943) p. 89

10. Thomas P. Govan, "Was Plantation Slavery Profitable?" Journal of Southern History, Vol. 8, No. 4, (Nov., 1942) pp. 513-535

The Investment Theory as given by these historians is one that could not be overlooked. The writer agrees that to the owners the slave did represent only so many dollars worth of merchandise, but it is unconceivable that a slave was only investment. Simple reasoning supports the fact that a planter would not tie up that much money in something that is not convertible into other economic needs.

Third, the Fixed Capital Theory supported by Flanders and Kirkland, wherefore Flanders states that "slaves were the great capital."¹²

Kirkland remarks on this theory that:

"Since so much was tied up in slaves there was nothing left to invest in other enterprises. Since firms dealt in slaves as a business, purchasing agents journeyed through the country with an eye for Negroes between ten and thirty years. They bought slaves and moved them south."¹³

To this writer, the fixed capital theory is unsatisfactory. The fact that millions of dollars were made in the slave trade cannot be disputed; but when the plantation owner took his capital and invested it in slaves, it did not become fixed. Prior to the Emancipation program outlined by Abraham Lincoln, slavery was protected by law and considered highly respectable. Slaves were bought, and in turn, sold or traded as so much property and auctioned at public sales on court house steps or public

12. Ralph Betts Flanders, op. cit. p. 214

13. Edward C. Kirkland, A History of American Economic Life, (F. S. Crofts and Co., N. Y., 1941) p. 182

auction rings if capital was needed in any economic endeavor.

Fourth, the "Consumptive Productive Theory" as was considered by Robert W. Smith, is one with some currency among writers on the institution. He found that the difference between what the slave consumed and what he produced was basic to any question as to how profitable slavery was.¹⁴

Robert W. Smith asks this question: "Was slavery unprofitable in the Ante-bellum South?" He answers by saying, "It was the wide difference between what the slave consumed and what he produced that made slave holding profitable before the war.

Smith contended that a majority of slave holders had not invested a great amount of money in slaves. He further pointed out that many slaves were acquired through inheritance or through natural increase; others were purchased by planters in the cheap markets of the East. He concluded that by an examination of the system from a strictly economic point of view, excluding political and humanitarian consideration, "slave economy was operating in the South on a strictly economic efficient basis."¹⁵

14. Robert Worthington Smith, "Was Slavery Profitable In the Ante-Bellum South?" Agricultural History, Vol. 20, No. 1, (January, 1946) pp. 62-64.

15. Robert Worthington Smith, loc. cit., p. 64.

Fifth, and last is the "Prestige Theory" as discussed only by Kirkland, who says, "The scale of slave holding was in some degree a measure of social rank, and men were constrained by uneconomic motives to increase their train of retainers."¹⁶

The writer concludes by saying that the view taken by these historians on the, "Labor, Investment, Fixed-Capital, Consumptive-Productive, and Prestige Theories" are all in part unsatisfactory, hardly acceptable and unconceivable.

PURPOSE

The purpose of this study is to broaden accepted knowledge of the role of the Negro slave in the plantation economy of Brazos County and to discover how eminent the slave has been in reckoning with human improvement and essential contributions. For the benefit of the writer and others who may be interested in such studies, an attempt will be made to answer the following questions:

1. What was the role of the slave in the organization of Brazos County?
2. What are some of the accepted theories as to the actual value of the slaves in the social and economic status of the Southern planter and how sound are they?
3. What is the legal origin of slavery, what are some

16. Edward C. Kirkland, op. cit., p. 176

of the legal principles that developed as the institution expanded and what were some of the outstanding laws on slavery?

4. What was the relative value of slave property in relation to sex and age?

5. How does the economic value of slaves compare with other property?

6. What was the means of obtaining liquid capital in an emergency?

SCOPE

The Historical scope of this study will begin about 1821 when young Stephen F. Austin stood at break of day on the banks of the Brazos River and looked across at the "Promised Land" on the other side.

The formal scope begins with 1841 when Brazos County was created. It will close around 1860, which is considered the beginning of the end for the slave plantation in the South.

METHOD

The method used in this study tends to avoid the use of technical words, so as to create logical understanding. For enjoyable reading, the writer has chosen the topical method. Each chapter brings an answer to the questions found in the problem.

SOURCE

The source of the material used in the development was Gammel's Laws; Journals; Magazines; Old Letters, Deeds, and Probate Records found in the County Clerk's office, County Court House, of Bryan and Brenham, Texas; A History of Brazos County written by Elmer Grady Marshall, Austin, Texas; Histories, General and Special; Records from the General Land Office and The Comptroller's office, Austin, Texas; Maps; and the Harvey Mitchell Memoirs were also used in this study.

DEFINITION OF TERMS

Appraisement--The act of setting the value, estimating the worth of.

Auction--A public sale of property to the highest bidder.

Bill of Sale--A formal instrument for the conveyance or transfer of property.

Bishopric--A diocese; the district over which the jurisdiction of a bishop extends.

Deed--A sealed instrument in writing, duly executed and delivered, concerning some transfer.

De-facto--Actually in fact: in reality.

Economy--The management and regulation of domestic affairs.

Headright--A land certificate entitling the head of

the family, under the old law of colonization to a league of land.

Liquid Capital--That capital in which one has a great possibility of raising cash upon it by selling it, or by pledging it as security for a loan.

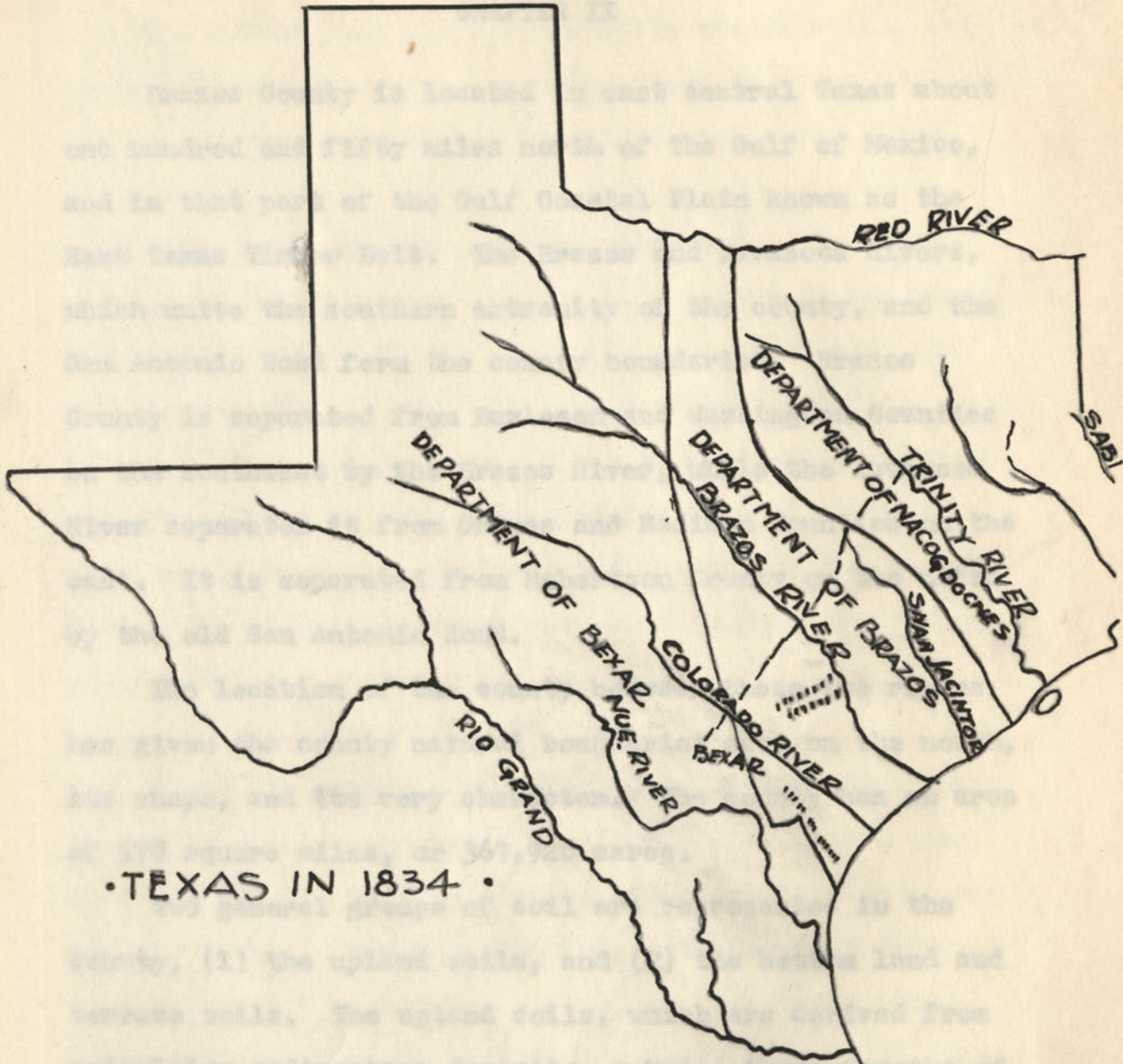
Penal Code--A code or system of laws relating to the punishment of crime.

Plaintiff--The person who commences a suit before a tribunal, for the recovery of a claim.

Property--That which a person has a legal title to.

HYPOTHESIS

Out of respect for scholarship and sincerity, the writer accepts in part the Labor, Investment, and Prestige Theory; but to the southern planter, slavery meant more. The Negro slave fitted into the economy pattern and was used as a source of acquiring large sums of money while the value of other property remained extremely low. The slave was liquid capital.



• TEXAS IN 1834 •

Bexar County is located in east central Texas about one hundred and fifty miles north of the Gulf of Mexico, and is that part of the Gulf Coastal Plain known as the East Texas High Table. The county, which unites the southern extremity of the county, and the San Antonio River for the northern boundary. Bexar County is separated from the Brazos River by the Colorado River. It is separated from the Brazos River by the old San Antonio River. The county is bounded by the Rio Grande on the west, the Colorado River on the north, the Brazos River on the east, and the Rio Grande on the south. The soil is generally composed of sand and gravel, and is very fertile. The soil is composed of fine, sandy and clay loam. There are very small areas of gravel and gravelly soils, but generally very fertile of course.

1834

CHAPTER II

Brazos County is located in east central Texas about one hundred and fifty miles north of the Gulf of Mexico, and in that part of the Gulf Coastal Plain known as the East Texas Timber Belt. The Brazos and Navasota Rivers, which unite the southern extremity of the county, and the San Antonio Road form the county boundaries. Brazos County is separated from Burleson and Washington Counties on the southwest by the Brazos River, while the Navasota River separates it from Grimes and Madison Counties on the east. It is separated from Robertson County on the north by the old San Antonio Road.

The location of the county between these two rivers has given the county natural boundaries save on the north, its shape, and its very character. The county has an area of 578 square miles, or 369,920 acres.

Two general groups of soil are represented in the county, (1) the upland soils, and (2) the bottom land and terrace soils. The upland soils, which are derived from underlying sedimentary deposits, embrace three-fourths of the total area of the county. Light gray in color, the soils consist of fine, sandy and clay loams. There are very small areas of sands and gravelly soils, but scarcely any medium or coarse sands.

These upland soils are underlain by impervious, plastic gray to mottled gray and yellow subsoils.

The bottom land and terrace soils are alluvial, and represent material which has been washed from the drainage basins of other streams and deposited over their flood plains.

These soils occupy comparatively narrow elongated areas conforming in direction to the courses of the rivers and large creeks. The bottom soils consist of clay and fine sandy loam. In general, their color is reddish, both in the surface material and in the subsoil, the shades of color varying from very light reddish-brown to a chocolate red, according to the drainage and texture of the soil. Subject to overflow, soils from other drainage basins are added with each succeeding flood.¹

PRE-ORGANIZATION HISTORY (1821-1841)

Texas was occupied by Spain from 1693 to 1821. During this period, a number of missions and colonies were established. In 1716, a mission was established near the present town of Crockett, probably not more than fifty miles from Brazos County. During the same year, five other missions were established in East Texas. The Mission San Antonio de Valero, later known as the Alamo was founded in 1718. In 1747, Missions San Francisco Xavier,

1. Elmer Grady Marshall, The History of Brazos County, (Austin, Texas, 1937) p. 1, 5, 6

San Ildefonso, Nuestra Señora de la Candelaria, were founded near others in present Williamson County, Missions and settlements were also founded in the present counties of Menard and Goliad, and in other sections of the state. No Spanish mission or settlement was established in the territory which is now included in Brazos County.²

The Spanish claim to Texas was challenged by France. From Canada an expedition under La Salle reached the mouth of the Mississippi in 1682, and claimed all the valley of the Mississippi for France. Five years later, in 1687, he returned from France with a company to found a colony on the Gulf of Mexico. Failing to find the mouth of the Mississippi, the colony disembarked at Matagorda Bay on the coast of Texas. La Salle established a fort, and began searching for the Mississippi. After many failures, he was murdered by one of his own men near the present town of Navasota, not more than twenty-five miles from Brazos County.³

For a greater appreciation and understanding of this writing, the writer wishes here to give a background of the life of Moses Austin, the man that pioneered the way and played such an important role in the early Anglo-Saxon development of Texas. Says Worth S. Ray, Moses Austin was

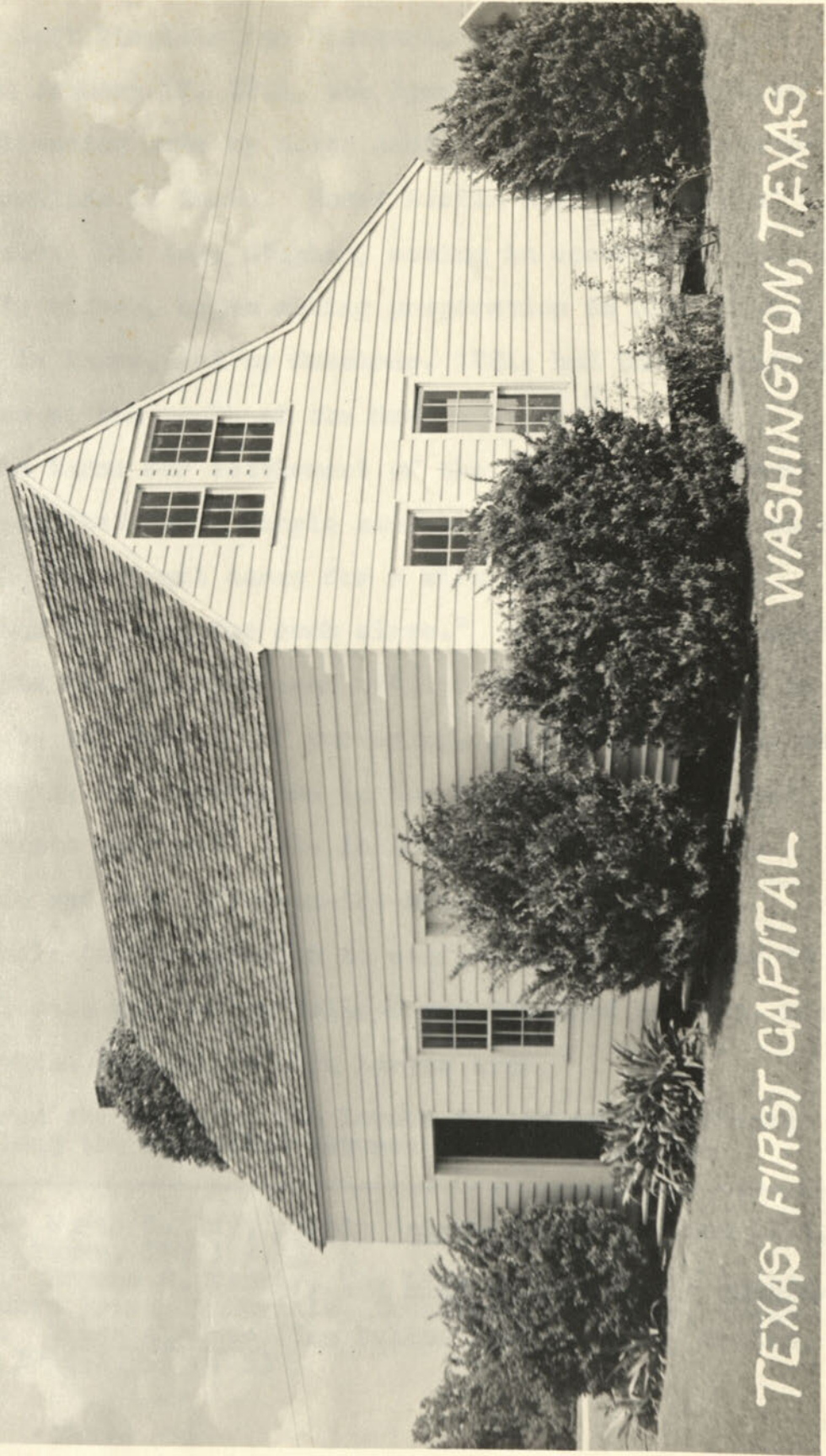
2. L. W. Newton and H. P. Gambrell, Social and Political History of Texas, (Turner Company, Dallas, Texas, 1935) pp. 5-33

3. Ibid. pp. 5-33

a Connecticut "Yankee" born in 1765 in the county of New Haven. His father was Elias Austin of Durham, Connecticut. Elias Austin was the son of Richard Austin of Suffield, Massachusetts; and Richard was the son of Anthony Austin from the Bishopric of Durham in North England. Moses Austin married Marie Brown, daughter of Abia Brown in New Jersey. Moses Austin and his wife, Marie, had the following children:

1. Anna Marie Austin, died young.
2. Eliza Fuller Austin, died young.
3. Stephen Fuller Austin, born at Austinville Virginia, November 3, 1793.
4. Emily Margaret Brown Austin, born October 3, 1803. Had crop in his ear.

The Austin "Colony" was the idea of Moses Austin, who had an interesting career. When a young man, he left Connecticut and went into the wholesale dry goods business in Philadelphia. The business prospered and he established a branch store in Richmond, Virginia; and moved there with his family in 1785-6. Later he acquired the "lead mines" near Wythville, Virginia, and established the little town of Austinville. Stephen Fuller Austin was born there. Moses Austin had a brother named Stephen Austin to whom he sold his lead mines in Virginia in 1797 before removing to Missouri. The Austin family, a number of other persons, and relatives, forty altogether, including a number of



TEXAS FIRST CAPITAL

WASHINGTON, TEXAS

THE FIRST CAPITAL OF THE REPUBLIC of Texas was at Washington on the Brazos eight miles west of Navasota. The building Texas state house stands today in the state Park at Washington

slaves left Virginia for Missouri, June 8, 1798.⁴

On January 17, 1821, the Spanish government granted an application made by Moses Austin to settle three hundred families in Texas. Moses Austin died June 10, of the same year. His son, Stephen, acting in accordance with his father's wishes, began making preparation to establish a colony in Texas, and by December, 1821, had three hundred families at the mouth of the Brazos River.⁵

The terms for settlement of the three hundred families were that "each single man would be granted 640 acres with 320 additional acres for a wife and 160 for each child and 80 acres for each slave." Austin was to receive 12½ cents an acre from each settler with which he was to attend to the details of surveying, perfecting titles, and advertising the enterprise in the United States. First settlements were made late in 1821 at Columbus on the Colorado and Washington-on-the-Brazos.⁶

While Austin expected to confine the settlements to the Colorado and Brazos Valleys and the land between, his reservation included a much larger area.

From the mouth of the Lavaca to its source, thence along the watershed between the Guadalupe and

4. Worth S. Ray, Austin Colony Pioneers, (Box 1111, Austin, Texas, 1949) p. 2

5. Eugene C. Barker, The Life of Stephen F. Austin, (Cokesbury Press, Nashville, Tennessee, 1926) pp. 27-29

6. Texas Almanac (The Dallas Morning News, Dallas, Texas, 1954-1955) p. 53

Colorado to a point six leagues above the Bexar-Nacogdoches road, then parallel with the road to the Brazos-San Jacinto watershed, down that to the sea, and along the shore to the point of beginning.⁷

The early citizens of this territory experienced many political changes incident to the turbulence that prevailed. For some time they were under the rules and regulations made by Austin.

He was to preserve order, and govern the colony in all civil, judicial, and military matters according to the best of his abilities until the government was able to organize the authority that was to govern them and administer justice.⁸

By an Act of Congress of the Republic of Mexico dated January 31, 1824, Texas and Coahuila were declared to be a state of the Mexican Federation.⁹

By an act of its legislature, March 11, 1827, the state of Coahuila and Texas was divided into three districts, Bexar, Monclova, and Saltillo. The department of Bexar consisted of the province of Texas.¹⁰

By a second act of January 31, 1831, the province of Texas was divided into two departments, Bexar and Nacogdoches.¹¹

The territory east of the dividing line was called the

7. Eugene C. Barker, *op. cit.*, p. 38

8. *Ibid.*, p. 74

9. Gammel, *Laws of Texas*, Vol. 1, p. 281

10. *Ibid.*, p. 424

11. *Ibid.*, p. 281

department of Nacogdoches, and the town of the same name was designated as the Capitol. The division left the territory now included in Brazos County in the Department of Bexar.

By an act of the legislature of the state of Coahuila and Texas, March 18, 1834, the department of Brazos was created out of the Department of Bexar.

San Felipe became the Capital of the Department of Brazos which included present Brazos County.¹²

In the spring of 1835, the town of Washington was laid out, and in July of the same year, erected into a municipality. Washington municipality included the territory now known as Brazos County.¹³

By an Act of Congress of the Republic of Texas, December 14, 1837, Washington County was organized as a separate political division.¹⁴ With the exception of about fifteen thousand acres, these boundaries included present Brazos County.¹⁵

The organization of Washington County was never satisfactory to all of its citizens for several reasons, and many petitions were sent to Congress at various times ex-

12. Ibid. p. 355

13. Earnest William Winkler, The Seat of Government of Texas, (Librarian, Univ. of Texas, Austin, Texas, 1928) p.11

14. Gammel, op. cit., p. 1391

15. Brazos County Records in the General Land Office, Austin, Texas

pressing their desire for the creation of a new county.¹⁶

Finally, on January 30, 1841, Navasota County was created out of land taken from Washington County, with the addition of about fifteen thousand acres taken from Robertson County. The boundaries of the county were given as follows:

Beginning midstream of the Brazos River, at the junction of the Navasota River with the same, and running thence up said Navasota along the mid-channel of the same to the crossing of the old San Antonio Road or road leading from Nacogdoches to San Antonio; thence westwardly with said road, to a point to be selected to the same due south of the late residence of Leander Hail, deceased; thence on a direct line to the crossing of the Brazos River at or near Texotclan; thence down said river following the mid-channel of the same, to the place of beginning.¹⁷

The above mentioned county of Navasota is now called Brazos. The name was changed January 28, 1842.¹⁸

The exact dates of the arrival of many of the early settlers are unknown. The writer did find, however, that Robert Millican, James D. Millican, a William Millican, were among the first "Three Hundred," Austin Colonists. The town of Millican, on the Brazos, in a bend of the Brazos River, was named for this family. It is now a small village, but during the war between the states it was the rallying point for the organization of Southern Troops of

16. Department of State, Austin, Texas, Patent Box No. 94

17. Gammel, op. cit., Vol. II pp. 550-552

18. E. L. Blair, Early History of Grimes County (Superintendent of Schools, 207 Winding Way, Lake Jackson, Texas, 1930) p. 26

the Confederacy raised in Texas.¹⁹

Robert Millican was given the largest grant of land made to an individual within the county. When he made application for his land, he carried a letter from Stephen F. Austin which stated that the applicant was a man of good qualities, devoted to the cultivation of the soil and cattle raising, and that he had a large family. For these reasons, he said, the government could afford to grant the request of the applicant. There were rites and ceremonies which he had to observe on the land before he was given complete possession. He was required to shout aloud, pull up weeds, throw stones, and declare his intention of cultivating the soil within two years.²⁰

That the Millicans were among Austin's colonist, was confirmed by the tax list for Washington County which was made in 1837. The tax list of 1837 contained the following names of the Millican family:

Robert Millican (deceased)
 J. D. Millican
 Daniel Millican
 Willis Millican
 W. T. Millican
 John Millican
 D. L. Millican
 Andrew Millican

Andrew Millican, a ranchman from Millican Bend, Arkansas, first settled within the limits of present Grimes

19. Worth S. Ray, op. cit., p. 168

20. Elmer Grady Marshall, op. cit., p. 20

County, but later sold out to the Hollands and moved into what is now Brazos County, there establishing the settlement now known as Millican. The part of Brazos County where these Millicans lived was cut out of the Washington Municipality.²¹

Dr. Asa Haxey moved to Texas from Montgomery, Alabama in 1833, bringing with him about 30 Negroes and \$40,000, in money and located in "Cole's Settlement." Afterwards in Independence, Washington County, where he opened two large Prairie Plantations and later, two in the Brazos Bottom.

Thomas D. Wilson came from Arkansas to Texas, locating in what is now Harrison County, where he engaged in farming until the fall of 1851, when he removed to the Brazos Bottom, in Brazos County. In the heart of the wilderness he opened a plantation on which he employed his hundred or more Negro slaves profitably until the war between the states. During the war, Wilson hauled cotton to Mexico and brought back merchandise, greatly adding to his wealth.²²

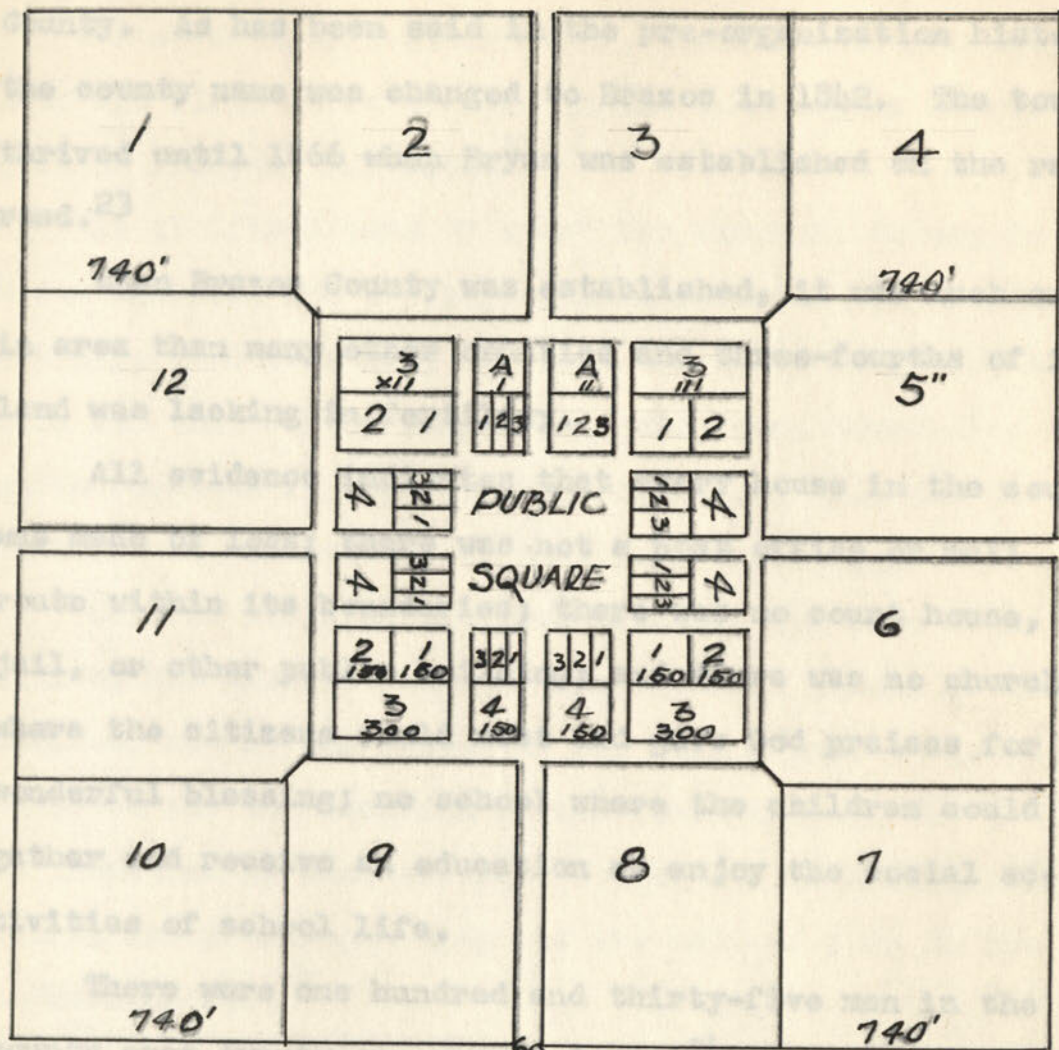
THE DEVELOPMENT OF BRAZOS COUNTY FROM 1841 TO 1860

Three miles east of Bryan is a marker on the site of

21. Worth S. Ray, op. cit., p. 168

22. John Henry Brown, Indian Wars and Pioneers of Texas, (L. E. Darnell, Publisher, Austin, Texas) p. 168

Boonville, established in 1841 as county seat of Nevada



PLAT TOWN OF BOONVILLE

SCALE 500' = 1"

Millican, Captain J. H. Jones, Joseph Fergueson, Major Eli
 Seale, and Cordelia Egan, Dr., to select and buy a suitable
 tract of land as near as practicable to the center of the

23. Texas Almanac, (1878-1885) p. 78

24. Harry Mitchell, M.D. (Now in the possession of
 his granddaughter, Miss Wess Waddington, of Bryan, Texas)
 Hereinafter cited Harry Mitchell Records

Boonville, established in 1841 as county seat of Navasota County. As has been said in the pre-organization history, the county name was changed to Brazos in 1842. The town thrived until 1866 when Bryan was established on the railroad.²³

When Brazos County was established, it was much smaller in area than many other counties and three-fourths of its land was lacking in fertility.

All evidence indicates that every house in the county was made of logs; there was not a post office or mail route within its boundaries; there was no court house, jail, or other public building; and there was no church where the citizens could meet and give God praises for His wonderful blessing; no school where the children could gather and receive an education or enjoy the social activities of school life.

There were one hundred and thirty-five men in the county over twenty-one years of age.²⁴ Slaves were not counted as they were considered property instead of men.

The act creating the county appointed William T. Millican, Captain J. H. Jones, Joseph Ferguson, Major Eli Seale, and Mordicia Boon, Sr., to select and buy a suitable tract of land as near as practicable to the center of the

23. Texas Almanac, (1954-1955) p. 78

24. Harvey Mitchell, M.S.S. (Now in the possession of his granddaughter, Miss Wesa Weddington, of Bryan, Texas) Hereinafter cited Harvey Mitchell Memoirs

county for a permanent county seat.²⁵

After a careful examination, these men bought one hundred and fifty acres of land in the John Austin League from William Pierpont for \$150.²⁶

At the first term of court for Navasota County in 1841 Hiram Hanover, who was a practical surveyor and draftsman, was appointed to survey the town tract and to submit a plan for the town of Boonville. The name, Boonville, was given the town in honor of Mordicia Boon, Sr., who was a relative of the hunter and explorer, Daniel Boone.

Hanover surveyed the town tract in the form of a square; the streets ran with the cardinal points of the compass, and at the center of the town a public square was reserved for the location of the court house. The plan, as submitted by Hanover, was adopted at the next term of court, and provisions made for the sale of lots to the highest bidder.²⁷

The price of lots in the newly surveyed town did not indicate that the citizens of the county had any confidence in the future of their county seat. Bryan Wickson and Joshua Seale bought one lot each for \$8. Harvey Mitchell bought six lots for \$30. W. C. Hudson, Authur Edwards, James T. Robinson, J. H. Foley, James A. Head, and

25. Gammel, *op. cit.*, Vol. II, pp. 550-552

26. Deed Records of Brazos County, Vol. B, p. 320, County Courthouse, Bryan, Texas

27. Harvey Mitchell Memoirs

Joseph Lyons also purchased lots in the new town.²⁸

There was no money in the treasury for the construction of public buildings, yet there was an urgent need for a court house; therefore, the citizens decided to build one by volunteer labor. On the evening preceeding the day designated for the building of a court house, twenty men, some from each precinct in the county, went to Boonville with wagons, teams, and tools. The town tract was an unbroken post oak forest, and the men began early the next morning to fell the trees that grew within its limits. Some of the men cut and hauled the logs. Before night the county was the owner of its first court house. It had no floor except native earth; there was but one door and no windows, but the openings between the logs afforded sufficient light during the day at all times. The building was covered with oak boards, fastened down with eight poles. There was not a nail or other metallic substance in the structure. Seats were furnished by placing split logs, flat side up, on legs about two feet high. Two chairs and a table were borrowed from neighbors to accommodate the judge and clerk during court sessions.

The first court house never met the needs of the county. In fact, after two or three terms of court, its use was abandoned; and court sessions were held in a log house which had been built by William Boyles for a store.

In 1846 the county court let a contract for a new court house to Harvey Mitchell for \$150. This building, eighteen by twenty-six feet, had walls and roof made of framed oak timber; it was weatherboarded, and the roof covered with riven oak boards. The flooring and seats were made of cedar planks sawed by hand. Though this building was by no means palatial in appearance, it presented a marked advance over the first court house. Judge Baylor and the members of the bar congratulated the citizens on the progress they had made.

The second court house, although numerous were its uses, did not prove adequate to the needs of the time. It had never been considered safe for the archives of the county, and throughout the years the records had been kept in the possession of Harvey Mitchell. This caused great inconveniences, for court proceedings were frequently interrupted in order to send for needed papers and documents. Added to this, there was but one room in the court house, and sessions of the jury had to be held in the woods.²⁹

During the year 1854, the commissioners' court employed Harvey Mitchell, County Judge, to build a two-story court house. This building was made of good material brought on wagons from the mills of Grimes County; and when finished, furnished, and painted, presented an imposing appearance. The first story of the building contained

29. Harvey Mitchell Memoirs

four office rooms for the use of county officials. The second story was used for holding sessions of the county and district courts. The building contained appropriate fixtures, a bar, jury box, tables, and seats. In the back of the room, to the rear of the judge's seat, were two small jury rooms.³⁰

From the time of the organization of the county in 1841 until the Civil War, Houston was the market for the people of Brazos County. The products of the county were freighted to Houston or shipped by steamer down the Brazos River, and the necessities which the people were unable to produce at home were purchased for the return trip. Wagons heavily loaded with bacon, barrels of lard, corn, oats, and poultry were often seen leaving Boonville drawn by four and sometimes six yoke of oxen. On the return they were loaded with furniture for the wealthier people, dry-goods, plows, and barrels of whiskey.³¹

Prior to the coming of the railroad, communication was supplied mainly by stage coaches and mail carriers. As early as 1850, there was a stagecoach line through Boonville from the northern settlements. The arrival of the stage coaches, usually drawn by four horses, was announced by lusty blasts from a horn or bugle. The drivers and passengers stopped for the night at Boonville, as the town

30. Harvey Mitchell Memoirs

31. Elmer Grady Marshall, The History of Brazos County, Texas (Austin, Texas, 1937) p. 66

had a hotel and other facilities for the care of guests.³²

With the approach of the Houston and Texas Central Railroad, the county took on new life and activity. The town of Bryan came into existence in 1859. The town is located on the Stephen F. Austin League number ten. By a decree of the District Court of Brazoria County, May 24, 1855, W. J. Bryan, as one of the heirs of Stephen F. Austin, received all of League ten and 1,107 acres in League nine in Brazos County.

In 1859, the present county seat of Brazos County, which is the town of Bryan, was founded. It soon became apparent that it was destined to become the most important town in the county. By 1866 the officials of the Houston and Texas Central Railroad Company had plans to continue the construction of the railroad northward, and by the summer of 1867 the road was built to Bryan.

The people of the county wanted their county seat to have the advantages of a railroad, and on Monday, October 15, 1866, they changed the county seat from Boonville to Bryan by a vote of 190 to 42.³³

When the county seat was moved to Bryan in 1866, the old court house, built in 1854, was sold by order of the commissioners court to W. H. Bowman, and the county records were moved to Bryan. After the removal of the county

32. *Ibid.*, p. 67-68

33. *Record of Election Returns*, Vol. 1, p. 82, County Courthouse, Bryan, Texas

seat, the various courts held their sessions in rented buildings in different parts of the town until Harvey Mitchell was awarded the contract for a new court house, the fourth, in 1868. From that date until the completion of the new building in 1871, Harvey Mitchell furnished a courtroom free of charge.

Although the building was seriously defective, by constant reinforcements and careful watching, the building was made to last for a period of twenty-three years.³⁴

34. Harvey Mitchell, Memoirs

1. Bill of Rights

2. Rights of Property of Slaves

3. Navigation

Slavery existed in the territory that is now
 Texas before the Independence was declared and the Consti-
 tution of the Republic was adopted and it continued, as a
 social institution, down to the time of the adoption of the
 thirteenth amendment to the Constitution of 1865. The
 early reports indicate, as might be expected, numerous cases
 dealing with every phase of the law as applied to slaves,
 but as useful sources would be scarce at this late day by
 consulting the decisions. In no case or report of these
 cases are still useful as authorities illustrating the
 principles applicable to personal property, they are valuable

CHAPTER III

In Chapter III the writer wishes to acquaint you with the legal origin of slavery and some of the legal principles that developed as the institution expanded. This chapter does not include all of the laws on slaves, but it contains the legal documentary evidence upon which the following transactions occurred:

1. The Transferring of Slaves
2. Hiring and Loaning of Slaves
3. Bills of Sales
4. Rights of Property of Slaves
5. Mortgages

African slavery existed in the territory that is now Texas before the independence was declared and the Constitution of the Republic was adopted and it continued, as a social institution, down to the time of the adoption of the thirteenth amendment to the Constitution of 1865. The early reports contain, as might be expected, numerous cases dealing with many phases of the law as applied to slaves, but no useful purpose would be served at this late day by summarizing the decisions. In so far as any of these cases are still useful as authorities elucidating the principles applicable to Chattel property, they are noticed

in proper articles.¹

"Slavery" is defined as "the state of entire subjection of one person to the will of another." The term implies the relation of two persons in the character of master and slave, the former being defined as one who has another or others under his immediate control, a lord paramount or employer of slaves, and the latter as a person who is the chattle or property of another and is wholly subject to his will; a bond servant; a serf.²

Our American law of African slavery was a system of customary law; that is, of rules and principles applicable to the institution, at first introduced and observed by the people in their practical dealing with the subject, and subsequently recognized by the courts as the grounds of judicial decision. Very few of these principles were the result of written law, but had been developed from time to time by the actual working of the system in the several slave states; and successively adopted by the courts as they had been found by experience to be proper and effective in making the institution answer the purpose for which it existed,³ and it was held that slavery could legally exist without any positive law authorizing it, its

1. William M. McKinney, Texas Jurisprudence (Bancroft Whitney Company, San Francisco, 1935) Vol. 38, p. 591

2. William Mack, Donald J. Kiser, Corpus Juris Section 1-2, (The American Law Book Company, New York, N.Y. 1932) Vol. 58, pp. 745-768

3. Douglass v Ritchie, 24 Mo. 177

very existence in fact being presumptive evidence of its legality.⁴

Slaves born in the States of Coahuila and Texas before the promulgation of the Constitution, or introduced into the state within six months after that time (1) could be held in slavery⁵ (2) and under Texas Constitution, Section 9, providing that all persons who were slaves before their emigration to Texas and who "are now held in bondage, shall remain in the like state of servitude," that relation where it existed de facto at the time of the adoption of the Constitution was recognized and continued⁶ (3) and Negroes in this state were prima facie slaves, and were held as such if they were slaves de facto, whether so de jure or not⁷ (4) but in Texas none but Africans could legally be slaves.⁸

Slaves could be transferred by will or by gift, which under some statutes was sufficient if by parol accompanied with delivery, but which might be and in some instances,⁹ must be, in writing, and recorded or accompanied with actual delivery, and slaves could also be mortgaged. Slaves could be sold, under some statutes, by sale and delivery without deed or writing, while under others a deed or

4. Charlotte v Chouteau, 25 Mo. 465

5. Clapp v Walters, 2 Texas 130

6. Guess v Lubbock, 5 Texas 535

7. Boulware v Hendricks, 23 Texas 667

8. Gaines v Ann 17 Texas 211

9. William Mack, Donald J. Kiser, *op. cit.*, Vol. 58

writing was necessary, which must be recorded to have effect against third person, but not as between the parties; and the general rule governing warranties, latent defects and rescission of sales applied.¹⁰

This law is not surprising when we think of how property is transferred today. There are laws which must be regarded and obeyed when wills are made and gifts are given, in order that the person for which the will is made or the gift is given may be protected. This must be done in writing and recorded in the County Clerk's office in the county in which the individual lives. A good example of the transfer of property is the purchasing of an automobile. When the purchase is made, transfer papers must be filled out and properly signed to show that the purchaser is the rightful owner. This is done for the purchaser's protection. Slaves were property and in this law the purchaser of the slave was protected. Whenever any conflict arose over the transferring of slaves, the cases according to the laws were handled in court.

An example of such a case in which property was transferred by a will reads:

The gift was void as between donor and donee in writing or accomplished by actual possession.¹¹

Slaves could be loaned or hired out or pledged as

10. Ibid., Vol. 58, p. 746

11. Jones Adm'r v Thurmond Heirs, Texas, Patterson v Franklin, 34 Va.

security for a debt and like manner as other chattels, and the hiring might similarly be rescinded or terminated. The borrower or hirer was responsible for loss or conversion of the slave, or for wrongfully chastening or injuring or killing or causing the death of the slave and the hirer was responsible for the hire of the slave and for breach of his contract of hiring in like manner as in any case of hiring of chattle.¹²

Although the slave was property he was protected by law. When loaned or hired out, the overseer did not have the right or privilege of mistreating him, and if the slave was injured or killed, the hirer or borrower was compelled by law to compensate the owner.

Here is a list of a number of examples:

If a slave was lost to the master because of a wrongful act of the hirer, the hirer pays for the value of the slave¹³ and if a slave is shot by an overseer while making off and does not stop when ordered, the overseer must pay any injury.¹⁴

If a slave is killed by an overseer, the overseer is subject to the Penal Code as is and before adopted.¹⁵ If a slave is injured unintentionally on the job, the owner must be compensated to the extent of the injury to the

12. William Mack, Donald J. Kiser, *op. cit.*, Vol. 58

13. Hedgepeth v Robertson, 18 Texas 8-111

14. Brady v Price, 19 Texas 190; Jones v Fort, 36, Alabama, p. 499; Kelly v Wallace, 6 Florida, p. 690

15. Callihan v Johnson, 22 Texas p. 596

slave.¹⁶

The owner of a slave unlawfully detained is entitled to recover, not only his value, but also damages equal to the value of his services from time of the demand up to the time of the trial,¹⁷ and the owner may not receive compensation for loss of services of a slave when proof is remote or speculative.¹⁸

The harboring and concealing of a slave was considered for all purposes of law as larceny.¹⁹ The hirer must give the slave the same humane treatment as his master and return him in good condition unless his condition had become deteriorated without the default of the hirer.²⁰

The hirer is responsible for medical attention unless the owner employed the physician.²¹

Where the slave is hired for a year and before the expiration of the period dies, without any default or neglect on the part of the hirer, the latter is entitled to an abatement of the hire corresponding to the unexpired term.²²

These are laws pertaining to the issue "Bill of Sale" whenever a purchase was made.

A bill of sale was not necessary in order to vest the title to a slave in the purchasing, though the seller

16. Phillip v Wheeler, 10 Texas 536; Harvey v Skipwith, 16 Gratt Va. 57, p. 393

17. Pridgin v Strickland, 8 Texas 427, 58 A.M., Dec. 124

18. Hope v Alley, 9 Texas 394

19. Martin v State, 16 Texas 240

20. Mims v Mitchell, 1 Texas 443

21. McGee v Currie, 4 Texas 217

22. Townsend v Hill, 18 Texas 422

agreed to give one.²³ A Negro woman was sold and delivered and the court ruled it was an error to instruct the jury that a bill of sale was necessary to pass title to Negro, or that plaintiff should show title and right to convey the Negro.²⁴

BILLS OF SALES

This writer was not able to find or secure all of the laws pertaining to the sale of slaves, but through reading a collection of Bill of Sales and other documents, it is found that economic conditions, age, sex, mental and physical fitness determined the value of the slave at any given time. The writer has seen a number of bills of sales of slaves, and in almost every one, the seller warranted the Negro to be sound, "both in body and mind." Soundness of body and mind meant that the slave was mentally and physically free from any disease and bodily defects. Whenever a slave was falsely sold and it was later discovered by the owner that he was unsound at the time of sale, the owner was protected by law. Here are some examples of rulings taken on court records:

Recognized weakness at time of sale by the purchaser cannot be used later to prove unsoundness.²⁵

If a slave was sold and his unsoundness resulted in

23. McKinney v Fort, 10 Texas 220

24. Castleman v Sherry, 42, Texas 59

25. Nation v Jones, 50 Texas 300

death, the buyer had to be repaid the sale price of the slave and the value of his services,²⁶ and if a slave had some permanent disease at the time of sale which would reduce his value, such disease would make him unsound for commercial purposes.²⁷ Death resulting from correctable causes could not be considered a proof of unsoundness.²⁸

Another way in which the plantation owner used his property, the slave, was that of mortgaging when immediate capital was needed. Often slave owners sold land to defendants intestate, taking as a mortgage slaves to secure payments and if the slave or slaves were emancipated before the debt was paid, the law read as following:

As the mortgage of the slaves did not pass the property in them, their loss as property fell on defendant's intestate.²⁹

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26. Seranton v Tilly 16 Texas 183
 27. Wade v De Witt 20 Texas 398
 28. Wood v De Witt 20 Texas 398
 29. Brightman v Word 37 Texas 310

CHAPTER IV

What was the relative value of slave property in relation to sex and age?

A large portion of the wealth of Brazos County consisted of slave property. The value of a slave at any time depended on age, sex, and physical fitness. Records do not reveal any stipulated prices for slaves of a given age, but the ages ranged from one and one-half to ninety years. Prices for children were from one hundred to four hundred and sixty-five dollars, and adults from four hundred fifty to seven hundred and fifty dollars. An observation of prices given in inventories and appraisements of slaves is given below.

Appraisement Table for 1845¹
Philco Fairchild Estate

Name	Sex	Age	Value
Jordon	Man	23	\$500.00
Samantha	Woman	21	\$500.00

Appraisement Table for 1846²
George Collins Estate

Name	Sex	Age	Value
Henson	Man	31	\$500.00
Daniel	Boy	12	\$300.00
Fanny	Woman	35	\$375.00
Lucy	Girl	9	\$250.00
Buck	Boy	16	\$500.00
Harriet	Woman	30	\$400.00
Nancy	Girl	11	\$275.00
Bonapart	Boy	4	\$150.00

-
1. Book of Wills D P. 20-21
 2. Book of Wills B P. 31

Appraisement Table For 1849³
George Collins Estate

Name	Sex	Age	Value
Caleb	Man	Not	\$350.00
Adaline	Woman	Given	\$500.00
Bill	Boy	"	\$400.00
Bonny	Girl	"	\$325.00

On March 26, 1849 sold to G. C. Collins
a Negro Buck at \$750.00⁴ and in 1855:

To amount of property sold as per seal--
Bill by I. J. Bowman

1 Negro gal, Jane- - - - - \$600.00
1 Negro boy, John- - - - - \$300.00⁵
1 Negro gal, Hariah- - - - - \$200.00⁵

It has been seen throughout this "Thesis" that the Millicans were wealthy in the possession of land and slaves. So valuable were the slaves that frequently complaints were issued for their distribution.

State of Texas) To Honorable G. B. Reede
) Chief Justice of Brazos County
Brazos County) Judge of Probate and C.

Your complainant Mary A. Clark Guardian of Elizabeth Millican, minor, would respectfully represent that the said Elizabeth Millican is an heir at law of John Millican Dec d/11. That S. C. Brashir has regularly filed his inventory and appraisement of the property of said Estate whereby it appears that the assets largely exceed the liabilities of said Estate, that there is in the hands of the

-
3. Book of Wills B p. 31
 4. Book of Wills Transcribed B p. 100
 5. Book of Wills Transcribed B p. 184

Administrator, cash and available funds more than sufficient to pay all the debts against said estate and that it appears there are Sixty-Seven Negroes belonging to the Estate and that said Negroes could be easily partitioned and distributed among the heirs without injury to the Estate and to the manifest benefit of the heirs.⁶

Later such a complaint was filed by all heirs, being over 50 or 60 in all.

Later

Mary A. Clark and other heirs of the Estate of John Millican, dec d/; have filed in the County Court of Brazos County; their petition praying for partition and distribution among the heirs of Said Estate of all Negroes belonging to Said Estate.⁷

On June 25, 1860, the undersigned three of the Commissioners which had been appointed by the last term of Court met to valuate and divide the Negroes belonging to the estate of John Millican.

"We first valued the Negroes separately, then proceeded to divide them into six separate lots according to the valuation having respect to family circumstances."⁸

In some lots there were 10, in some 11, and in some there were 12. Lot No. 1 and No. 2 following is an example of the division.

-
- | | | | |
|----|-----------------|---|------------|
| 6. | Probate Minutes | E | p. 153-154 |
| 7. | Probate Minutes | E | p. 153-154 |
| 8. | Probate Minutes | E | p. 248-249 |

Lot No. 1

	Name	Age	Value
1.	Ned	24	\$1800.00
2.	Harry	14	1200.00
3.	Jane	40	1300.00
4.	Lucy	14	1200.00
5.	China and Child	50	600.00
6.	Sealy	6	500.00
7.	Mary	4	400.00
8.	Wash	7	650.00
9.	Latrtia	8	700.00
10.	Ellen	10	<u>800.00</u>

Slave Property \$9200.00

Lot No. 2

1.	John	22	\$1800.00
2.	Buck	11	1275.00
3.	Jim	40	900.00
4.	Martha	44	250.00
5.	Betty	12	1000.00
6.	Roxana	21	1150.00
7.	Booker	1	500.00
8.	March Lee	1	150.00
9.	Minta	31	900.00
10.	Carrol	8	750.00
11.	Jim	3	300.00

12. Simon 2 \$ 400.00

Slave Property \$9375.00⁹

In the same manner valuations were made for 6 lots to the heirs of John Millican, a good example of wealth depending on the number of slaves owned.

So important was the relative value of slave property in relation to sex and age that after the division of the slaves a protest arose between the John Millican heirs. The case was carried to the court with a number of exceptions thereto, the following ones pertaining to the Negro slaves.

1. That said Negroes were not duly apportioned and partitioned as to kind and is on that account insufficient in law.

2. That by said report they are greatly injured-- that the state under which they take No. 1, contains but three grown Negroes, viz, Ned, 24 years; Sam, 40 years; and China, 50 years. Whereas in Lot No. 2 there are three men, three women, and Lot No. 3, three men and two women, in Lot No. 4, three men and two women, in Lot No. 5, three men and three women, in Lot No. 6, three men and two women, making a result of 30 Negroes capable of performing field service and bearing children, which if they had been divided according to kind would have given 6 divided by 30 equalling 5 Negroes to each share considered grown.¹⁰

9. Probate Minutes E p. 182

10. Probate Minutes E pp. 248-249

Third, that they have been injured in the galvation of said Negroes in this: That in Lot No. 1, Sam, age 40, is valued at \$1300; and in Lot No. 2, Jim, aged 40, is valued at \$900, or \$400 difference, wherein the said Jim is worth as much as Sam and that the Commissioners erred generally and particularly in the valuation of all of said Negroes and that said valuation would be considered so by judges of all Negro property.¹¹

Thus, it can clearly be seen that the relative value of slave property in relation to sex and age was very important. In the division of slaves among heirs there was a great desire for men that were young and capable of an efficient day's work and women of a young age who were capable of bearing children at present, or who would soon be capable of bearing because to produce meant an income of more valuable slaves.

In 1857 a controversy arose over a Negro girl which was settled by a court case.

The State of Texas)
 Brazos County) County Court, December Term, 1857

To the Honorable Judge of the County Court for said County of Brazos, Z. W. Dillaried and wife, administrators upon the estate of W. M. B. Smith Dec. d/i: represents to the court that no property belonging to said estate as yet has come to their hands. That a suit is

11. Probate Minutes E pp. 248-249

progressing in the District Court of Brazos County, sevice a Negro girl claimed as the property of said estate which may not finally be adjudicated before six or twelve months, wherefore they pray that this be recvd/" as the inventory and exhibit and that the said administrators be continued until conclusion of said suit.

Z. W. Dilliared and Mary

A. M. Dilliared by Attorney

Perry and Jones¹²

From the previously mentioned tables men ranging in age between 20 and 40 years were valued highest, however the value was according to age and abilities. Women were highest between the ages of fourteen and thirty-five depending on ability to produce and training.

In the division of slaves belonging to the estate of John Millican previously mentioned, there was a slave named Henry. Henry, aged 90 years, was regarded by the Commissioners as useless and was apportioned to Wesley J. Millican with his consent.¹³

12. Book of Wills Transcribed B p. 139

13. Probate Minutes E p. 182

CHAPTER V

How does the economic value of slaves compare with other property? This is one of the questions in the mind of the writer as chapter five unfolds itself in the ensuing pages.

All available evidence in the study of slavery in Brazos County indicates that the slaves and cotton plantations were the chief factors in its economic development. The slaves were inseparably connected with the cotton plantations in producing its agricultural products. The Brazos bottoms with the large area of fertile land has contributed its share in the growth of the Brazos County towns, but the success of the plantations, and moreover, the success of many people in the county, depended on the foundation of Negro labor.

The influence of slaves is seen throughout the history of the county; he was present in its organization, endured its early trials and hardships, and helped to expand the stump-dotted clearings into broad fields of fertile soil. The Negro worked faithfully for his master. A majority of the early settlers were from the Southern states. In the new land in which they were going there was much work to be done; there were houses to be erected, land to be cleared and fences to be built. It never entered the mind of the

first settlers to leave their slaves behind.¹

To give the reader an idea of the value of Negro Slaves as compared with other property, studies have been made from varied and different situations. First, an examination was made of letters written by Stephen F. Austin to early settlers who wished to make land purchases in Texas. These purchases were made by settlers of the group known as the "Old Three Hundred." Said Stephen F. Austin in his letters, "No credit will be given for lands and nothing taken in payment but money or Negroes,"² and those who are received as settlers will get one league of land if so much is wanted, to be chosen by the emigrants, which land will cost at the rate of twelve dollars and fifty cents per hundred acres payable in cash or Spanish cattle, or Negroes on receipt of title, which will be full for surveying, title deeds, recording, and all other charges.³

The money invested in slaves constituted a large part of the county's wealth. For many years the value of slaves exceeded that of any other form of property. An individual could sell slaves and purchase plantations, the size of the plantation depending upon the number of slaves sold.⁴

As was previously mentioned, in 1821, Stephen F. Austin

1. Harvey Mitchell, Memoirs
2. "The Austin Letters" op. cit. p. 705
3. Ibid., p. 705
4. Harvey Mitchell, Memoirs

sold land to the settlers for twelve and one-half cents an acre, and in 1843 in a will left by a citizen of Brazos County, land was not yet selling for twenty-five cents an acre. (In that Brazos County will dated August 24, 1843, there is stipulated:)

Upon the 24th day of August A. D. 1843, we were called to the bedside of Diadem Millican and the following request was made. To wit: I want all my just debts paid. I believe I have personal property (enough) enuff to pay all my just debts without selling my land at this time. I want my dunn mare sold and I want all my loose property sold and appoint my brother, John Millican, my Executor after my death to attend to my family and to settle all my business as fully and effichically as if I was living. I do not want any of my land sold until it will sell for 25¢ per acre, and as soon as it will sell for that price I want it all sold but the quarter league in which my farm and residence is upon, that I want reserved for my beloved wife and children. . . Also to keep for the youse of my family my Negro girl Ginda. His last request while in his right mind.⁵

On August 29, 1843, the will of Diadem Millican made at the house of Nancy Millican, his mother, and John and W. M. Millican where he, the said Diadem Millican, had lay in his last sickness for near 2 months preceeding his death.⁶

After the death of Diadem Millican, a report of the Commissioners for partition of the personal property belonging to his estate shows how a slave compared with other property in value. Thus we have:

Estate of Diadem Millican) Report of the Commissioners

5. Book of Wills Transcribed, Book B, p. 3

6. Book of Wills, Book B, p. 2

appointed by the now Probate Court of Brazos County for the dividing and partitioning the Stock Cattle, Horses, and our Negro Girl being a part of the Estate of the late Diadem Millican decd/" of said county

1 Negro Girl, Matilda, undivided- - -	\$550.00
1 Yoke Oxen, undivided- - - - -	40.00
1 Wagon, undivided- - - - -	25.00 ⁷

The writer wishes to refer to a sale that was made of the property belonging to another citizen of Brazos County, that of Thomas Bowman, decd/", sold by his brother, I. I. Bowman, in 1844:

"To amt. of perishable property ordered to be sold under the will and sold as per Sale Bill--

10 head of hogs at \$3 per head which are killed by accountant valued in lard scp. as Bacon- - -	\$30.00
1 Negro Girl, Jane- - - - -	600.00
1 Negro Boy, John - - - - -	300.00
1 Negro Girl, Mirriah - - - - -	200.00 ⁸

For further observation the price of land is compared to other property dated, November 2, A. D. 1848.

The undersigned administrator of the Estate of William G. Bayne Deceased returns to court the following inventory and appraisal of the Estate of Said Deceased.

I Land

Six hundred and forty acres in Milan County supposed to be Headright of deceased appraised to \$160.00

7. Probate Minutes B., County Courthouse, Bryan, Texas, p. 18

8. Probate Minutes, p. 76

II Negroes Appraised

Name	Sex	Age	Value
1. Galab	M	About 45 yrs.	\$300.00
2. Ben	M	About 35 yrs.	400.00
3. Gains	M	About 34 yrs.	350.00
4. Mary	F	About 35 yrs.	300.00
5. Adaline	F	About 17 yrs.	350.00
6. Bill	Boy	About 8 yrs.	300.00
7. Booker	Boy	About 7 yrs.	200.00
8. Elizabeth	Girl	About 3 yrs.	150.00
9. Benny	Boy	About 7 yrs.	200.00
10. Culberry	Boy	About 1 yr.	100.00
11. Emenda	Girl	About 15 yrs.	350.00 ⁹

An inventory and appraisalment of the property belonging to the estate of Jackson D. Williams on January 5, 1852, reveals the following account:

Real Estate

429 acres of land lying in Brazos County of the headright of Walter Sutherland - - - - \$200.00

Negroes

Name	Sex	Age	Value
Jane	F	25	\$700.00
Francis	F	22	700.00
Sally	F	21	700.00
Massolet	M	3	200.00

9. Book of Wills Transcribed Book B p. 74

Eliza	F	3	200.00
Rose	F	8 mo.	100.00
Berry	M	7 mo.	100.00

Other

Horses	6 Heads	\$240.00
Cattle	18 or 19 Heads (including cows and calves)	76.00
Hogs	30 Heads	37.50
Oxen	2 Yokes	120.00
Household and Kitchen Furniture		200.00 ¹⁰

The prices for which goods sold during the year 1850 and 1852 is shown on a bill of goods sold by Hiram Hanover, owner of a general store.

4½ yds. of Calico - - - - -	\$.44
One pair of socks - - - - -	.22
One pair G gloves - - - - -	.22
One pair of side combs- - - - -	.05
One ax- - - - -	1.75
One plug of tobacco - - - - -	.50
One quart of whiskey- - - - -	.25
Ten feet of cotton rope - - - - -	.20
One pair of shoes - - - - -	1.50
One bottle castor oil - - - - -	.35
Two small plates- - - - -	.10

10. Book of Wills Transcribed, Book B, Brazos, County, p. 184.

One loaf of sugar - - - - -	\$.50
Fish hooks and lines- - - - -	.35
One tin bucket- - - - -	.75
Thirty grains of quinine- - - - -	1.75 ¹¹

The value of equipment in an average home in Brazos County is illustrated in the following table of property owned by Thomas Bowman in 1845.

One flat iron - - - - -	\$ 1.00
Two jugs and two decanters- - - - -	1.00
One tin pan - - - - -	.50
One churn - - - - -	.50
One lot of plates - - - - -	.75
One small tub - - - - -	1.00
Two small pails - - - - -	.75
One coffee pot and bucket - - - - -	.75
One lot of knives, forks, and spoons- -	.37
One lot tea cups and saucers- - - - -	.25
One salt cellar - - - - -	.25
Sieve and candlestick - - - - -	.57
One large churn - - - - -	1.00
One vinegar stand - - - - -	1.00
One rooster pail - - - - -	.50
One skillet - - - - -	.25
One washing tub - - - - -	1.00

11. Elmer Grady Marshall, op. cit., pp. 57-58

One meal tray - - - - -	§ .25
One large pot - - - - -	2.00
One half bushel - - - - -	.75
One stew pot- - - - -	1.75
Pot hooks - - - - -	.50
One oven and lead - - - - -	1.00
Two axes- - - - -	1.00
One shovel- - - - -	.50
Two meal bags - - - - -	.50
One large trunk - - - - -	1.00
One small box - - - - -	2.00
One razor strap and box - - - - -	.50
One table - - - - -	4.00
One lot of books- - - - -	.50
One lot of chairs - - - - -	5.00
One spinning wheel and cards- - - - -	5.00
One saddle and bridle - - - - -	2.00
One goods box - - - - -	1.00
One grindstone- - - - -	1.00
One lot of sundry tools - - - - -	2.50
One bedstead- - - - -	2.00
One lot of Sunday irons - - - - -	2.00
Hoe and bumbshell - - - - -	.50
Branding iron - - - - -	2.00
One baker - - - - -	.12
One feather bed and two pillows - - - - -	15.00

One horse - - - - -	\$ 30.00
Three cows and calves - - - - -	15.00
One steer - - - - -	5.00
Four heifers- - - - -	12.00
One cow without calf- - - - -	5.00
One bull- - - - -	4.00
Two hoes- - - - -	.75
Two cowhides- - - - -	1.00
One lot blacksmith tools- - - - -	20.00
One pair chains - - - - -	.50
One Negro girl, Jane- - - - -	600.00
One Negro boy, John - - - - -	300.00
One Negro girl, Mammie- - - - -	200.00
One pair hain chains- - - - -	3.00
Fifty heads of hogs - - - - -	40.00 ¹²

Therefore, in Chapter V, by illustrations and examples is proven that the slaves were the property with the highest value.

12. Book of Wills Transcribed, Vol. 8, County Court-house, Bryan, Texas, pp. 13-14

CHAPTER VI

What was the means of obtaining liquid capital in an emergency?

The problem of securing adequate capital to satisfy the wants of man is not one that has been faced by the people of Brazos County only, but by the people of all counties and all ages. Especially with the early settlers, this problem was a difficult one to solve.

When considering the various ways in which capital is used, and the opportunities which are open for the securing thereof, one can hardly review the economic conditions of the past without wondering about the means by which liquid capital was obtained by a southern planter in case of an emergency.

Could he sell his land, pork, horses, cattle, and hogs? They could be sold, but the capital which was brought by the sale thereof was relatively small. The following are appraisals of property which shows the value on the dates given.

State of Texas)	Probate Court
)	
May Term, 1846)	County of Brazos
1 old Mare- - - - \$25.00	1 Surril Horse- - \$40.00
1 Mule- - - - - 75.00	1 young Mare- - - 60.00
12 Cattle- - - - - 16.00	14 Milk Cows - - - 70.00

"I, Mary Collins, Guardian of the heirs of George Collins decd/" do swear, that the foregoing inventory to said heirs is true."¹

1. Book of Wills Transcribed, Courthouse, Bryan, p.31

In 1847 an Estate--Homestead consisting of Residence and two hundred acres of land sold for \$20 per acre.²

On March 26, 1849, the following Bill of Sale was made:

March 26, 1849, sold to Mary E. Pendergast, 13 head of cattle for \$45 and a 1½ year old Filly for \$45. Hogs sold for \$3 each.³ However, by 1850 the picture was somewhat brighter. An inventory of the same Mary Collins shows for the year ending July 29, A. D. 1850:

To Rent of farm 80 acres at \$2 per acre, \$160.

To Rent 2 yokes of Oxen, \$20 each, \$40.⁴

And an actual Bill of Sale for January 1, 1855, is as follows:

Property sold by J. J. Bowman, Ten head of Hogs at \$3 per head, \$30 and 3000 acres of land at \$.50 per acre, \$1500.⁵

Therefore, you can see that means by which a large amount of liquid capital could be obtained immediately was limited. So what was the planter to do? If he was fortunate enough to have a Negro slave to sell, his problem was quickly solved. The following are illustrative of a number of bills of sales of Negro slaves made in Brazos County.

2. Probate Minutes E p. 208-209

3. Book of Wills Transcribed, p. 100

4. Book of Wills, D, p. 113

5. Book of Wills Transcribed, Book B, p. 184

January 1, 1848--Sold this day at Boonville in Brazos County in the usual hours of Sale--

1 Negro girl named Catherine, 12 years of age. The property of W. M. B. Smith Decd/ⁿ for four hundred and sixty-five dollars by order of the Probate Court of said County.

John F. Galloway Auctioneer. Purchased by James A. Head Adms.⁶

Bill of Sale

Report of sale of Negro man belonging to the estate of Washington Middleton made at Boonville, November 1, 1860--To Joseph Lyons--Negro man Tom \$1300. I, Sam M. Price Administrator of the estate of Washington Middleton Decd/ⁿ do solemnly swear that the above is a true amount of the sale of the Negro man Tom belonging to said Estate and that said sale was conducted according to law.⁷

The hiring out of slaves was a common practice in Brazos County. Some slave owners did not own any land; some slave owners did not own enough land to keep all of the slaves busy; therefore, they sold the labor of some or all to other men as a means of securing quick capital. Age, sex, and physical condition determined the price paid for slave labor. Quite frequently farms were rented along with the hire of Negroes; but since land was very cheap, the main source of income was the hiring of slaves.⁸

All evidence indicates that whenever the owner of an estate died, the management of that estate and the minor heirs, if any, was left to a trusted relative or friend

6. Book of Wills Transcribed, B, p. 82

7. Probate Minutes, pp. 206-207

8. Harvey Mitchell, Memoirs

who had the responsibility of managing the estate in as profitable a manner as possible. The person designated for management was usually left in a will. If no will was left and the wife still living, she sometimes took the responsibility; if the wife was deceased and no will left, the county court designated an administrator. Then once a year usually in December, an annual report was placed on probate record in the county clerk's office of the county in which the individual lived. An example of an Annual Report made in Brazos County usually read as follows:

Mary Anthony (formerly Mary Collins) Guardian of the minor heirs of George Collins Decd. in Final account with her wards. The said heirs of George Collins.

December 1845, To amount of property belonging to the Estate of my wards originally received as per original Inventory, December, 1846- - - - -	\$3150.00
Balance on hand after distribution- - - - -	2250.00
To rent of Farm and Hire of Negroes per Annual Exhibit for 1846- - - - -	480.00
Balance - - - - -	2730.00 ⁹

Below is an account of the money paid by Mary Anthony to the estate of Walter Sutherland over a period of years.

December, 1846

To rent of farm, hire of Negroes, as per annual exhibit for 1846- - - - -	\$480.00
---------------------------------------------------------------------------	----------

December, 1847

9. Book of Wills Transcribed, B, pp. 149-150

To rent of farm and hire of Negroes as
per annual exhibit for 1847- - - - - \$545.00

December, 1848

To rent of farm and hire of Negroes as
per report for the year 1848 - - - - - \$550.00

December, 1849

Rent of farm and hire of Negroes as per 10
annual report for 1849 - - - - - \$700.00

In 1850, land had begun a slight increase in value,
therefore, an example is given showing the hiring of slaves
separate from the rent of a farm.

The names of five slaves and the prices paid for
their labor during the year 1850, is given in the table
below:

Name of Slave	Paid for Labor
Hence- - - - -	\$125.00
Caleb- - - - -	100.00
Harrett- - - - -	100.00
Adeline- - - - -	100.00
Fanny- - - - -	60.00
Rent of Farm, 80 acres - - - - -	160.00

The annual report for 1851 shows as follows:

Hire of two Negro men at \$100- - - - - \$200.00¹¹
Hire of three women at \$75 - - - - - 225.00¹¹

Slave labor brought a higher price at a later date.
The table below gives the names of employers, the slaves
employed, and the prices paid for their labor during the
year 1860. This money was paid to the estate of E. M.

10. Book of Wills Transcribed, B, p. 151

11. Book of Wills Transcribed, B, p. 151

Millican.

Name of Employer	Slave	Paid for Labor
E. C. Knox- - -	-Negro boy, Lewis - -	-\$190.00
J. W. Pearson - -	-Negro girl, Betty- - -	99.50
John E. Millican-	Negro boy, Isom- - -	177.00
F. L. Hodge - - -	-Coy, Roxana, Buck- - -	491.50
W. M. Millican-	-Negro girl, Minda- - -	79.50 ¹²

It was sometimes necessary for an emergency to be met immediately. When this happened, if the slave owner knew not where he could get an immediate sale for his slave, he could acquire a petition to hire and hire out all available slaves.

1854- By) Petition to Hire-
S. C. Brasher, Adm.) John Millican Estate

This day came the Administrator and filed a petition to hire to Negroes belonging to said estate where upon it is ordered that he hire out all of the Negroes belonging to said Estate at Public Outcry to the highest bidder at the later residence of the deceased until the first Monday in November next.¹³

July 28, 1860 - By) Petition to Hire-
J. P. Mitchell, Executor) James Mitchell Estate

Upon petition of the Executors filed July 28th, It is ordered by the court that he be and is here by authorized to hire out the Negro woman, Jane,

12. Book of Wills Transcribed, B, p. 236, County Courthouse, Bryan, Texas

13. Book of Wills, B, p. 97

and her child at the Court House Door to the highest bidder for three months, conducting the said hiring according to law.

It is further ordered that the said petition be recorded. ¹⁴

The transcribed probate records found in the County Clerk's office at Bryan, Texas, reveal many cases of hiring, which show that it was a means by which capital was acquired.

Brazos County was a small slave holding county as compared with others in the state.

In 1850 there were 446 white people in the county and 148 slaves, and in 1860 the white population numbered 1,713 and slaves 1,063. The following table gives the number of slaves in Brazos County from 1841 to 1860.

Year	Number of Slaves
1841	-76
1842	110
1843	174
1844	142
1845	152
1846	100
1847	95
1848	113
1849	111
1850	148
1851	178
1852	297
1853	322
1854	427
1855	427
1856	487
1857	519
1858	603
1859	599

CHAPTER VII

EVALUATION OF INVESTIGATION AND CONCLUSION

A study of "Slavery in the Economy of Brazos County, Texas," has meant reviewing the past and searching for information concerning the Negro slave which has brought about a revelation of knowledge which shines with rays of brightness in the mind of the writer like a lighted path through the years from 1821 to 1860.

The problem of this study arises out of the theories which have been given by various historians as to the role played by the slaves in the plantation economy of the South. The "Theories" which have been clearly stated in Chapter I, were the Labor, Investment, Consumptive Productive, Fixed Capital, and Prestige. The role of the slave in the economy pattern as seen by great historians in their past and present writings is shown in the theories they represent.

The old theories of Labor, Investment, and Prestige can not be wholly denied. The writer is happy to acknowledge and share in the portion of truth they represent.

The Fixed Capital, Consumptive Productive Theory, even after hours of research has not established a view of soundness in the mind of the writer. The validity of facts to reveal the truth is yet vague.

One cannot make a thorough investigation of these

theories without observing the weaknesses therein. The Labor Theory is controversial and not susceptible to proof. Ask a group of planters about slave labor, and you would get varied answers. To obtain a definite answer, it would be necessary to set up the standards of proof--this has never been done. There is no reliable criteria by which slave labor could be evaluated. To say that a slave was only investment is quite unreasonable. It is improbable to think that a planter would invest such a large amount in anything that he could not liquidate if it became necessary to do so.

From the standpoint of historical analysis, it does not seem reasonable that adequate means can be established now to critically gauge the relation between production and consumption.

In the Fixed Capital Theory, all evidence points to the fact that the slave was by no means fixed capital, but liquid in that he could be sold, hired, or loaned to meet the needs of the Southern planter. The slaves were given to sons, daughters, grand children, and other relatives through wills, thinking in terms of a means by which needs could be met in case of an emergency.

Observing the Prestige Theory with the idea that plantation owners with vast acres of land and a large number of slaves gained prestige, that wealth gives prestige cannot be denied; but who would tie up such an amount of

money in slaves just to be recognized and popular in society.

The inadequateness of these Theories caused the writer to examine the problem by asking these questions:

1. What was the role of the slave in the organization of the County?

2. What are some of the accepted theories as to the actual value of the slaves in the social and economic status of the Southern planter, and how sound are they?

3. What is the legal origin of slavery? What are some of the legal principles that developed as the institution expanded, and what were some of the outstanding laws on slavery?

4. What was the relative value of slave property in relation to sex and age?

5. How does the economic value of slaves compare with other property?

6. What was the means of obtaining liquid capital in an emergency?

Preliminary examinations led me to the following Hypothesis. That the slave was liquid capital in that he fitted into the economy pattern so well, that he could be mortgaged, loaned, sold, hired out and given as gifts to be used as a source of acquiring wealth.

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APPENDIX

Will of Griffin Bayne
Brazos County Citizen, 1848

The State of Texas, County of Brazos, 1848

I, Griffin Bayne, of Navasota County and the Republic of Texas, being in perfect mind do make this my last will and Testament revoking all others before this. I first wish and desire that my Negro woman Eliza and her two children, Wesley and Caroline, be given to the great estate of my son George Collins late deceased in the U. S. to be put in the hand of the same immediatly after my death. I then wish my just debts to be paid and after my debts are paid, I give all my estate, lands, Negroes, money, stocks and cattles, and whatsoever belonging to me unto my son William I. Bayne, my daughter Sarah Ann Canada and my grandchildren George Collins' children lately deceased in the U. S. in the following manner, one third to my son W. I. Bayne, one third to my daughter Sarah Ann Canady, and the other third to my grand-children to be equally divided among them. All that is to say one third of my estate to be given to my grand-children and sub-divided among the whole of my grand-children.

BIOGRAPHY

The writer was born in Liberty County in Grayburg, Texas, and is the eldest daughter of Willie L. and Pearl Viola (Simmons) Green. She received her elementary education at Clark, Texas, twenty-five miles north of Liberty. High school education was received in Houston and Prairie View, Texas. After finishing freshman college work at Prairie View State Normal and Industrial College, a certificate was earned and because of circumstances unavoidable, the writer's eighteenth birthday found her a classroom teacher in an elementary rural school. Sophomore and senior college work was completed in summer sessions at Prairie View College. Junior college work was completed at Tillotson College, in Austin, Texas, regular session 1936-37. She received her Bachelor of Science Degree from Prairie View College, August, summer session, 1941.

Nine years later, wishing to further her education, she entered Texas Southern University, Houston, Texas, much to the dissatisfaction of her husband, who is also a Prairie View graduate. In 1952, she entered her old Alma Mater, Prairie View Agricultural College, to further her education and make a dream come true--that of majoring in history.