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THE NEGRO IN TENNESSEE, 1790-1865

BY

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The benefits of education and of useful knowledge, generally diffused through a community, are essential to the preservation of a free government.

Sam Houston

Cultivated mind is the guardian genius of democracy. . . . It is the only dictator that freemen acknowledge and the only security that freemen desire.

Mirabeau B. Lamar

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PREFACE

This work was undertaken to discover the exact status of the negro in one of the border states. An effort has been made to give definite information as to the legal, social, economic, and religious condition of the negro from his introduction into slavery in Colonial Western North Carolina to the abolition of slavery in Tennessee in 1865.

The study reveals the struggles of the slave from a status of servitude under the common law through the institution of slavery regulated by an extensive slave-code into the final condition of an almost helpless citizen with a responsibility for which he was only partially prepared.

The status of the free negro is also established in his relations to both the slave and the whites. It was rather disappointing to find that the free negro was more disadvantageously situated than the slave. He never attained either civil or political equality, although he exercised the suffrage until 1834. He was subject to a special code different from either the slave code or the regular code.

It is clear, however, that the negro, whether slave or free, was making progress. He was receiving an industrial training without which he could never have sustained himself without help, when freedom came. His training for active participation in the body politic was negligible. He was taught the lesson of being obedient to law.

A constructive part of the study is the disclosure of a large body of loyal friends of the negro in all his stages of development. These consisted of not only the abolitionists, the Friends, and the anti-slavery forces generally, but of more conservative individuals who saw that the negro could be fitted for freedom only by a gradual process. The courts of the state deserve special mention in this connection.

The study has been a difficult one to make because of the scarcity of the sources and the deplorable condition of those that were available. The county records of Tennessee have either been burned, thrown away, or thrown together in heaps in the basement of county court houses. The state

archives are in the attic of the Tennessee Capitol, covered with dust, and are practically inaccessible for any thorough study. The statutes of the state, records of courts, reports of anti-slavery societies, church minutes, petitions, slave codes, periodicals, travels, reminiscences, and newspapers are the principal sources consulted. A goodly number of general, state, and church histories and biographies proved useful for general information.

The work was begun under the direction of Professors Jernegan and Dodd of the University of Chicago, and continued under the guidance of Professor Albert Bushnell Hart of Harvard, Professor U. B. Phillips of the University of Michigan, and Professor William A. Dunning of Columbia University. Professor B. B. Kendrick of Columbia University was especially helpful in organizing the material. But for the stimulating and sympathetic assistance of these men, the study could not have been completed. The author alone is responsible for any errors of fact and the conclusions.

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CHAPTER I

INTRODUCTION

The introduction of slavery into Tennessee was a part of the westward movement of colonization. It had passed the experimental stage of its development in North Carolina before Tennessee acquired an independent political existence.[1] Its economic, social, and legal aspects had largely been determined before Tennessee was even settled.[2] As a system of labor, it had proved a valuable adjunct to the sturdy pioneers in converting the wilderness of North Carolina into a growing community that began immediately to look forward to statehood.[3] As a social institution, it had been left primarily to the regulation of custom. As a problem of government, an elaborate code had been enacted for its control. Its establishment and regulation in North Carolina prior to 1790 constitute, therefore, the genesis of this study.

Negro slaves were brought into North Carolina in 1663 by Virginia immigrants who planted a settlement on the Albemarle River.[4] A group of more thrifty Virginians, with a large number of slaves, settled in the central part of the state about the middle of the eighteenth century.[5] A number of small farmers came to the western part of the state with their slaves at about the same time.[6] It is im-

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[1]Tennessee belonged to Virginia from 1607 to 1663, to Carolina from 1663 to 1693, and to North Carolina from 1693 to 1790. Garrett, W. R., and Goodpasture, A. V., History of Tennessee, p. 14.

[2]The first settlements in Tennessee were made in 1769 and 1772. Ibid., pp. 49-52.

[3]The settlements of western North Carolina became the State of Franklin in 1785, the Southwest Territory in 1790, and the State of Tennessee in 1796. Ibid., pp. 91, 105, and 127.

[4]Doyle, J. A., The English Colonies in America, I, 331.

[5]Bassett, John Spencer, Johns Hopkins University Studies, Vol. 14, p. 18.

[6]Ibid., p. 19.

possible to state the exact number of slaves owned by these early settlers.

The opportuneness of these settlements is shown by a number of conditions. The contest between negro slavery and white servitude had been settled in favor of slavery. The Tuscorora Indians, the implacable enemies of negroes, were driven out of the colony in 1772. The moral evils of slavery had not appeared.[7] The English government in 1663, by chartering the Royal African Company to engage in the slave trade, became interested in the development of slavery, and, thereafter, discouraged the importation of indented servants into the colonies in order that this company might have a larger market for slaves.[8] It was early recognized that the industrial life of the colonies offered practically no place to the white servant at the expiration of his indenture. He was not financially able to purchase land and white servants or negro slaves, necessary to farming, nor could he find employment in the villages and small towns, because they were not sufficiently industrialized at this time to offer such opportunities.

These influences produced a rapid increase in the slave population of the colonies. In 1709, Rev. John Adams, a missionary, reported 800 slaves in North Carolina.[9] In 1717, there were 1,100 slaves out of a taxable population of 2,000.[10] Governor Burrington stated that there were 6,000 in 1730.[11] The census of 1754 showed a population of 9,128 slaves. In 1756, there were 10,800 negro taxables and as the ratio of taxable negroes (those of the age of twelve and above) to the total negro population was about ten to eighteen, there must have been, at this time, approximately 20,000 slaves in the colony. There were 39,000 in 1767.[12]

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[7] Doyle, I, 389.

[8] Colonial Entry Book, No. lxxxii, p. 129. (Quoted by Doyle, I, 386.)

[9] Bassett, Op. Cit., p. 20.

[10] N. C. Col. Records, II, 17.

[11] Ibid., V, 320.

[12] Ibid., VII, 5391.

It is probable that the first slave was brought into Tennessee in 1766.[13] There are court records which show that slaves were a part of an estate in Washington County in 1788.[13] When John Sevier moved to Nollichucky in 1788, he owned slaves.[13] James Robertson brought a "negro fellow" to Nashville in 1779.[13] John Donelson was accompanied by negroes on his famous voyage to Nashville in the winter of 1779-80.[13] A court record, dated November, 1788, at Jonesboro, Tennessee, shows that Andrew Jackson owned a slave when he was only twenty-one years of age.[14] On the sixth of September, 1794, a negro belonging to Peter Turner was stolen by the Indians near the Sumner Court House.[15] Miss Jane Thomas, who came with her parents to Nashville in 1804, tells an interesting story of a prominent negro, who was highly regarded by the whites.[16] There was also in Nashville in 1805, a famous "Black Bob" who ran a tavern. So it is seen that slaves accompanied the westward movement into Tennessee, and that some of them became rather prominent free negroes. In 1796, when the census of the Southwest Territory was taken to ascertain if it contained sufficient inhabitants to be admitted into the Union as a state, it had a population of 77,262, of which 10,613 were slaves.[17] The population of East Tennessee was 65,339, of which twelve and one-half per cent were slaves. The

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[13]Hale, W. J., and Merritt, D. L., History of Tennessee, II, 292.

[14]"A bill of sale from Micajah to Andrew Jackson, Esquire, for a negro woman named Nancy about eighteen or twenty years of age was proven in open court by the oath of David Allison, a subscribing witness, and ordered to be recorded." Record of the Court of Pleas and Quarter Sessions, Jonesboro, Tennessee, for November Term, 1788.

[15]Haywood, John, The Civil and Political History of the State of Tennessee, 406.

[16](He) "was a very prominent negro. He had a garden, and supplied a great many people with vegetables. His oldest daughter married Graham, a barber. She had a big wedding and invited all the prominent white people in town, and they all went. He was a very respectable, upright, humble negro. General Andrew Jackson attended the wedding, and Dr. McNairy danced the reel with the bride." Hale and Merritt, II, 293.

[17]Ramsey, J. G. M., The Annals of Tennessee, 648.

population of West Tennessee (now Middle Tennessee) was 11,824, of which twenty per cent were slaves.[18]

The legal basis of slavery developed contemporary with the expansion of settlement toward the western part of the colony. The famous law of 1741 is regarded as the basis of the slave code of North Carolina, although the Act of 1715 marks the beginning of slave legislation in this colony. The laws of North Carolina were, in 1790, made the legal basis of the government of the Southwest Territory,[19] which became the State of Tennessee in 1796. These laws constitute the beginnings of the slave code of Tennessee. The common law status of the negro was, in this introductory period, gradually changed to a statutory basis. This development took, primarily, the form of granting privileges to, and placing restrictions upon, the negro. There were three political organizations that participated in this development: North Carolina, the State of Franklin, and the Southwest Territory.

I. The Status of the Negro in North Carolina from 1693-1790

A. privileges—

1. *Hunting:* Slaves were permitted to hunt on their masters' plantations, but, by the Act of 1729, were prohibited from hunting elsewhere unless they were accompanied by a white man.[20] If the slaves violated this restriction, the master paid a fine of twenty shillings to the owner of the land on which the slaves were hunting. Slaves were not permitted to be armed in any way, or hunt anywhere, unless they held a certificate from their master, granting this privilege. Any citizen could seize an armed slave and deliver him to a constable whose duty it was to administer twenty lashes on the slave's naked back. The master was charged a fee on recovering such a slave.[21]

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[18] Hale and Merritt, II, 294.

[19] Iredell, James, Laws of State of North Carolina, p. 85.

[20] Acts of G. A. of N. C., 1729, Ch. 5, Sec. 7.

[21] Acts of 1741, Ch. 24, Sec. 40.

The master was permitted to send a slave on business missions, or to designate one slave to hunt on his plantation, to care for his stock, or to kill game for his family; but this could only be done by the master's securing, from the Chairman of the County Court, a permit which specified the slave that was granted such privileges. This was an ineffectual regulation, and in 1753, the master was required to give bond to the County Court, with good security, to guarantee the county against damages that might be done by a slave enjoying any special privileges.[22] Such permission was granted only during the time of cultivation or harvesting of crops.

This act empowered the justices of the county courts to district their counties and appoint three free-holders as searchers in each district, who, under a very strict oath,[23] were to disarm the slaves of their district. These persons were exempted from services as constables, jurors, on the roads, and in the militia, and from the payment of county and parish taxes.[24] This legislation laid the foundation for the patrol system of North Carolina and Tennessee.

Slaves were especially prohibited from killing wild deer, either on their own initiative or by command of their masters or overseers.[25] For violation of this inhibition, they suffered punishment in the first instance, and their masters or overseers in the second. This prohibition was constantly strengthened by later legislation.[26] These restrictions were intended to prevent damages to crops, and to limit the opportunities of the slaves to run away and organize insurrections. By these acts, masters were made

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[22]Acts of 1753, Ch. VI, Secs. 2-3.

[23]This oath read: "I, A. B., do swear that I will, as searcher for guns, swords, and other weapons among the slaves of my district, faithfully, and as privately as I can, discharge the trust reposed in me, as the law directs, to the best of my power. So help me God." Acts of 1753, Ch. VI, Sec. 4.

[24]Acts of 1753, Ch. VI, Sec. 6.

[25]Acts of 1738, Ch. X, Secs. 1-3.

[26]Acts of 1745, Ch. 3, Sec. 3; Acts of 1768, Ch. 13, Sec. 2; Acts of 1784, Ch. 33, Sec. 2.

very largely responsible for the peace and welfare of the community.

2. *Travel:* The slave was permitted to travel, in the daytime, "the most usual and accustomed road"; but he subjected himself to a whipping, not exceeding forty lashes, if he violated this restriction.[27] He was not permitted to travel at night or visit the quarters of other slaves. He was subject to forty lashes, and the visited slave twenty lashes, for violation of this regulation. Masters, however, were not prohibited from sending their slaves on business missions with written permits. In 1741, an exception to the above regulation was made for negroes wearing liveries.[28]

3. *Possession of Property:* Slaves at first were permitted, not by law but by custom, to own horses, hogs, cattle, sheep, poultry and to cultivate small areas for their own use. They frequently acquired sufficient property to buy themselves. They were protected from professional traders by law.[29] It soon developed, however, that this privilege increased their disposition to steal, and multiplied their opportunities of contact with outsiders. The accessibility of plantations by means of creeks, bays, and rivers stimulated illicit trade. This situation finally caused them to be prohibited by law from owning property.[30]

4. *Protection:* The Locke Constitution of 1669 for the Carolinas stated that "Every freeman of Carolina shall have absolute power and authority over his slaves, of what opin-

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[27]Acts of 1729, Ch. 5, Sec. 8.

[28]Acts of 1741, Ch. 24, Sec. 43.

[29]Anyone trading with slaves "without the license or consent in writing under the head of his or her or their master or owner... shall forfeit treble the value of the thing bought, sold, or traded, trucked or borrowed or lent." Acts of 1715, Ch. 46, Sec. 10.

[30]No slave was "permitted, on any pretense whatever, to raise any horses, cattle or hogs; and all horses, cattle and hogs that, six months from the date thereof, shall belong to any slave, or of any slave's work in this government, shall be seized and sold by the church wardens of the Parish where such horses, cattle or hogs shall be, and the profit thereof be applied, one-half to the use of the said Parish and the other half to the Informer." Acts of 1741, Ch. 24, Sec. 44; see also Acts of 1779, Ch. 5, Sec. 6.

ion or religion soever."[31] This was done to counteract the theory that a Christian could not be a slave. This established the government of the master over the slave. The master became the agent of the government in the control of his slaves, and it became the government's duty to see that its agents dealt humanely with the slaves. The governors of North Carolina tried in vain to secure the passage of laws that would offer the proper protection to slaves.[32] In 1754, Governor Dobbs made an unsuccessful effort to accomplish this result.[33] In 1773, William Hooper secured the passage of a bill to prevent the wilful and malicious killing of slaves, but the Governor vetoed it because "it was inconsistent with His Majesty's instruction to pass it, as it does not reserve the fines imposed by it pursuant to their instruction."[34] In 1774 it was made a criminal offense to be guilty of willingly and maliciously killing a slave. The penalty for first offense was twelve months' imprisonment, and death without benefit of clergy for the second offense.[35]

5. *Trial of Slaves:* A special court was established for the trial of slaves. In 1741, a court of two or more justices of the peace and four free-holders, who were slave-holders, was empowered to try all manner of crimes and offenses committed by slaves.[36] Negroes, mulattoes, and Indians, bond or free, could be witnesses. The chairman of the court always charged the witness before the examination to tell the truth.[37] The master of the slave could appear at his trial and defend him before the court.[38] In 1783, a single justice was constituted a court for the trial of non-capital offenses.[39] For capital offenses, four slave-holders remained a part of the court as provided by the Act of 1741.

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[31]Acts of 1741, Ch. 31, Sec. 2.

[32]Acts of 1741, Ch. 24, Sec. 48.

[33]Ibid., Sec. 51.

[34]Ibid., Sec. 52.

[35]Acts of 1774, Ch. 31, Sec. 2.

[36]Acts of 1741, Sec. 48, Ch. 24.

[37]Ibid., Sec. 51.

[38]Ibid., Sec. 52.

[39]Acts of 1783, Ch. 14, Sec. 2.

This difference in the mode of the trial of the two classes of offenses is evidently due to economic influences.

Since this court was not one of the regular courts, it sat at any time and thus prevented the master from suffering excessive loss of the slave's time between terms of court. This court had rather free procedure and broad jurisdiction.[40]

6. *Witness:* The slave was permitted to be a witness in the trial of other slaves, free negroes, and mulattoes.[41] He was not permitted to give testimony in court in a case to which a white man was a party.[42] His paganism was a partial basis for denying him this privilege.[43] His moral depravity and social prejudice were, undoubtedly, the main forces in making this restriction a universal law of slavery.

The slave was cautioned against false swearing because he generally had little regard for his word. If he was convicted of false swearing, one ear was nailed to the pillory for one hour and then cut off. The other ear was treated in the same way; and to complete this inhuman punishment, the slave was given thirty-nine lashes on his back.[44]

7. *Manumission:* Manumission was the door of escape from slavery that was constantly open to the slave. At common law, a master could free his slaves on the basis of any agreement that he might make with them. The owner

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[40]It was directed "to take for evidence the confession of the offender, the oath of one or more credible witnesses, or such testimony of negroes, mulattoes or Indians, bond or free, with pregnant circumstances as to them shall seem convincing, without solemnity of jury; and the offender being then found guilty, to pass such judgment upon the offender, according to their discretion, as the nature of the offense may require; and on such judgment to award execution." Acts of 1741, Ch. 24, Secs. 48-52.

[41]Ibid., Sec. 48.

[42]"All negroes, mulattoes, bond or free, to the third generation, and Indian servants and slaves, shall be deemed to be taken as persons incapable in law to be witnesses in any case whatsoever, except against each other." Acts of 1746, Ch. 2, Secc. 50.

[43] Bassett, Op. Cit., p. 30.

[44]Acts of 1741, Ch. 24, Secc. 50.

of a slave could dispose of him like any other piece of property. The spirit of manumission was so promoted by the churches and by the doctrine of natural rights of the American Revolution that the State, in self defense, placed a limitation on the common law method of manumission.[45] After 1777, slaves could be freed only on a basis of meritorious service, of which the county court was the judge.[46] Slaves freed by any other method could be resold into slavery by the court.

The "pernicious practice" of manumitting slaves at common law continued,[47] and the county court began to resell such negroes into slavery. The power of the court to give valid title in such sales was doubted, and the legislature was forced by special act to guarantee the validity of the sale of illegally liberated slaves, made by the county courts.[48] The preamble to this measure states that "many negroes are now going at large, to the terror of the good people of this state."[49] This law was weak in that the power of apprehending illegally liberated slaves was optional in freeholders only. In 1788, the state gave any freeman the power to inform a justice of the peace of any such slave, and required such justice to issue to the sheriff a warrant for the arrest of the slave.[50] This legislation indicates a growth of the manumission movement in the face of legal restrictions, and, also, registers a protest against the conservative forces of society.

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[45]The preamble to this act reads: "Whereas the evil and pernicious practice of freeing slaves in this state, ought at this alarming and critical time to be guarded against by every friend and well-wisher to his country." Acts of 1777, Ch. 6, Sec. 1.

[46]Acts of 1777, Ch. 6, Sec. 2.

[47]"Whereas before the passing of the said act, and since the sixteenth day of April, One Thousand Seven Hundred and Seventy-five, divers evil-minded persons, intending to disturb the public peace, did liberate and set free their slaves, notwithstanding the same was expressly contrary to the laws of this state." Acts of 1779, Ch. 12, Sec. 1.

[48]Acts of 1779, Ch. 12, Sec. 2.

[49]Ibid., Sec. 3.

[50]Acts of 1788, Ch. 20, Sec. 1.

8. *Suffrage:* It does not appear that the slave ever possessed the right of suffrage. The free negro, however, voted throughout the period of colonial history in North Carolina. The Declaration of Rights of North Carolina, adopted December 17, 1776, gave the franchise to "all freemen."[51] The Constitution of the State, adopted the next day, gave the franchise to "all freemen" with certain qualifications as to age, residence, property, and taxes.[52] This constitution remained in force until 1835, during which time the free negro voted in North Carolina.

B. RESTRICTIONS—

1. *Marriage:* The slave never acquired legal marriage. It was generally held that the slave regarded marriage lightly, and that, therefore, the separation of husband and wife was not a serious matter. This philosophy was largely true, but, at the same time, it fitted into the economics of slavery very advantageously.

It is not to be inferred from the above that the slave did not have formal marriage. He was usually married with considerable ceremony by either his own minister or a white clergyman. Special preparation was generally made for the wedding, which frequently took place in the dining-room of the master's mansion. It may well be contended that this religious sanction was more sacred to the slave, who was of a very religious nature, and, therefore, more binding than a civil marriage would have been.

Slaves were forbidden to intermarry with free negroes or mulattoes, except by the written permission of the master, attested by two justices of the peace.[53] Marriage of negroes, bond or free, with white persons was prohibited.[54] The white person of such a marriage, and the minister who performed the marriage rite, were fined fifty pounds each.[55]

2. *Social and Economic Relations:* The slave's relations

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[51]Declaration of Rights of North Carolina, Sec. 6.

[52]Constitution of 1776 of N. C., Secs. 7, 8, and 9.

[53]Acts of 1787, Ch. 6, Sec. 3.

[54]Acts of 1741, Ch. 1, Sec. 13.

[55]Ibid., Sec. 14.

with the outside world were carefully guarded because they might lead to run-aways, marriages, or insurrections. No free negro or mulatto was permitted to entertain a slave in his home "during the Sabbath, or in the night between sunset and sunrise."[56] The penalty for violating this act was twenty shillings for the first offense, and forty shillings for each succeeding offense. If the offender could not pay his fine, he was forced to work it out. A free negro or mulatto was prohibited from marrying or cohabiting with a slave unless the master's consent, attested by two justices, was obtained.[57] The free negro or mulatto, and not the slave, was fined, for violation of this act, ten pounds or one year's service for the master. No master of a vessel was permitted to entertain a slave on board, who did not hold a pass from his master or a justice of the peace.[58] Such harboring of a slave indicated either an illicit trade relation, or an intention of stealing the slave. For violation of this act, the master of the vessel was fined five pounds for the first, and ten pounds for each succeeding, offense.

Traffic with slaves was a very difficult matter to control. At first, a person trading with a slave was required to pay treble for the article purchased, and six pounds proclamation money.[59] Finally, traffic with slaves was permitted only on the basis of a written permission from the master, describing the article for sale. A person convicted for violation of this law was fined ten pounds, and the slave received not exceeding thirty-nine lashes.[60] If such a person did not have sufficient property to satisfy the fine, he was committed to jail. Traffic with slaves became more difficult to regulate as the slavery system expanded.

The slave was not permitted to engage his services to anyone, nor could the master hire him out. For violation of this regulation, the slave might be taken in charge by a magistrate or free-holder and set to work for the county,

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[56]Acts of 1787, Ch. 6, Sec. 2.

[57]Ibid., Sec. 3.

[58]Ibid., Ch. 1, Sec. 1.

[59]Acts of 1741, Ch. 24, Sec. 14.

[60]Acts of 1788, Ch. 7, Secs. 1-2.

for the benefit of the poor, for a period not exceeding twenty days; "any law, usage or custom to the contrary notwithstanding."[61]

It is noticed that these restrictions pertained primarily to the relations of the slaves with free negroes, Indians, traders, and poor whites, who were as a rule more or less inclined to disturb the order of the plantation. Their association with the whites in the home and at church was a matter of unwritten law. The domestic servants were more intimately associated with the whites and were frequently cultured.[62] There was very little effort on the part of the masters, in the early stages of the development of slavery, to teach or christianize the slaves. Many of them, however, learned to read, and joined churches, but they were not permitted to have separate church organizations.[63]

3. *The Runaway:* The runaway was one of the most difficult problems of slave government. The wild life of the slave in Africa, and the hardships of frontier American slavery naturally created a disposition in the slave to run away from his master's plantation. Organized bands of slave-stealers, poor whites, and free negroes constantly took advantage of this attitude of the slave. This was one method by which the slave could, at least temporarily, break the bonds of slavery; and he did not always find life more severe in the camp than on the plantation.

Runaways, aside from the economic loss to the slave-owners involved, might congregate and start an insurrection. Any outside contact made possible conspiracies, and created a real danger to the community. It was, therefore, a heavy fine for anyone to harbor a slave; and it was the duty of all citizens to arrest runaways.[64] The law against the aiding and harboring of runaways was made more severe by increasing the fine for its violation. Finally, to

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[61]Acts of 1777, Ch. 6, Sec. 5.

[62]Brickell, John, Natural History of North Carolina, 272.

[63]Acts of 1715, Ch. 46, Sec. 18.

[64]Ibid., Secs. 6-8.

promote the escape of a slave from the colony became a felony and might involve the loss of life.[65]

This law also gave to the justices of the peace the power, by proclamation, to outlaw any runaway who was in hiding, committing injuries to the inhabitants of the community. It was then lawful for any one to kill such a slave.[66] Any runaway who was caught was forced to wear a yoke around his neck until he gave sufficient evidence of good behavior.[67]

Sheriffs and constables were strictly charged with the safe keeping of all runaways who were committed to their care. If they negligently or wilfully permitted any to escape, they were liable for damages to the master at common law with costs.[68] To encourage the police officials to execute the law, they were exempted from the payment of all public, county, and parish levies for their own persons. The keepers of ferries were required to give immediate passage to officers charged with conducting runaways.[69]

No feature of the slave code shows more progressively the attitude of the whites toward the negro than the law on runaways. As the slaves developed the means for evading the law, it was made increasingly rigid. White men could be sold into temporary servitude to pay fines for persuading the slave to run away.[70] Anyone convicted for attempting to steal and convey a slave out of the colony was required to pay the owner twenty-five pounds. If he could not pay this fine he was forced to serve the master for five years.[71] The idea in these laws is not necessarily harshness to the slave, but rather the security of the bondage of the slave.

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[65]Acts of 1741, Ch. 24, Secs. 25-33.

[66]Ibid., Sec. 43.

[67]Ibid., Sec. 46.

[68]Brickell, Op. Cit., 270.

[69]Acts of 1741, Ch. 24, Sec. 36.

[70]Ibid., Sec. 37.

[71]Ibid., Sec. 25.

II. THE STATUS OF THE NEGRO IN THE STATE OF FRANKLIN FROM 1785 TO 1788

The State of Franklin[72] was included in the western part of North Carolina, which later became the Southwest Territory and the State of Tennessee. The independent action of its people is significant, therefore, not only as an expression of their own position on slavery, but also as a prophecy of the attitude of the state of Tennessee.

The constitution proposed by the Greenville Convention, November 14, 1785, established a liberal suffrage.[73] Section 4 of this constitution states that "Every free male inhabitant in this state six months immediately preceding the day of election, shall participate in electing all officers chosen by the people, in the county where he resides."[74] The Declaration of Rights uses the terms "freeman," "the people," and "every man," synonomously. There was no property or religious qualification for the suffrage. The slave, by emancipation, would have voted under this constitution on the same basis as other citizens. This constitution was finally rejected and that of North Carolina with few changes was adopted.[75] The above proposal is interesting as a typical frontier attitude on the suffrage question.

North Carolina never recognized the independence of the Franklin State. There were two factions in North Carolina politics on this question.[76] One of these, led by John Sevier, the Governor of Franklin, advocated independence; and the other, led by John Tipton, demanded the downfall of Franklin. The Tipton faction won, and the Franklin State came to an end in 1788.

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[72]Earlier historians used the name Frankland (the land of the free), but letters from officials of the state indicate that it was named after Benjamin Franklin. See footnote p. 263, Vol. I, McMaster, John B., History of the United States.

[73]A copy of this constitution is now in the State Archives.

[74]Ramsey, J. G. M., Annals of Tennessee, 327.

[75]American Historical Magazine, I, 63.

III. THE STATUS OF THE NEGRO IN THE SOUTHWEST TERRITORY FROM 1790 TO 1796

The western part of North Carolina continued to demand a separate political existence, and in February, 1790, it was ceded to the National Government by North Carolina. The Act of Cession provided that "the laws in force and in use in the State of North Carolina at this time, shall be and continue in full force within the territory hereby ceded until the same shall be repealed or otherwise altered by the legislative authority of the said territory"; and also, "that no regulations made or to be made by congress shall tend to emancipate slaves."[77] The cession was accepted by Congress April 2, 1790, on the above condition;[78] and when Congress, on May 26, 1790, organized the government for the Southwest Territory, it mentioned the conditions laid down in the Act of Cession.[79]

The provisions of the Act of Cession show how slavery, as it had developed in North Carolina by 1790, was transplanted and legalized in the territory that became Tennessee in 1796. There is no recorded protest on the part of the people of the territory. The contract between the National Government, North Carolina, and the Southwest Territory, shows that the economic importance of slavery was already recognized.

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[76]Phelan, James, History of Tennessee, 299.

[77]Scott, I, 437.

[78]I Stat. U. S., 106; Scott, I, 439.

[79]This act states that the territory "for the purposes of temporary government, shall be one district, the inhabitants of which shall enjoy all privileges, benefits, and advantages set forth in the Ordinance of the late Congress for the government of the Territory of the United States northwest of the River Ohio, and that the government of the said Territory shall be similar to that which is now exercised in the Territory northwest of the Ohio; except so far as it is otherwise provided in the conditions expressed in an Act of Congress of the present session, entitled, 'An Act to Accept a Cession of Western Territory.'" Hurd, John Cadman, Law of Freedom and Bondage, II, 90.

The legislation of the Territory on slavery consists of one act, relating to the negro's participation in court procedure. Negroes, whether bond or free, were permitted to be witnesses for and against each other, but denied this privilege in cases to which a white man was a party. Persons of mixed blood, descended from negroes or Indians, inclusive of the third generation, suffered a similar restriction. No person of mixed blood to any degree whatever, who had been held in slavery, could be a witness against a white person within twelve months of his liberation.[80]

This preliminary study suggests the general lines along which the institution of slavery developed in the succeeding decades. The social and religious phases of the negro's life were given less attention than the economic and legal. His common law status was constantly changing to a statutory basis. He was exchanging the status of a servant at common law for that of a mere chattel at statute law. His place in judicial procedure was determined. It was in this connection that racial prejudice made its appearance. The foundation for a comprehensive patrol system was established. The state asserted its right to limit manumission. Free negroes had not become sufficiently numerous by 1796 to call for the serious consideration that they later received. Consequently, there was a relatively small amount of legislation concerning them prior to this date. Some restrictions, however, were made on their relations with the slave and on the process of manumission. On the whole, it may be concluded that there had been laid a fairly secure foundation, for the status of both the slave and the free negro, which future events only modified.

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[80]Acts of the Southwest Territory for 1794, Ch. I, Sec. 32. See also Scott, I, 471; and Meigs and Cooper's Code of 1858, Secs. 3808-3809.

CHAPTER II

THE LEGAL STATUS OF THE SLAVE IN TENNESSEE

Tennessee inherited from North Carolina a liberal policy toward the slave, a policy which was fittingly expressed by Chief Justice Taylor in the following words:

> It would be a subject of regret to every thinking person, if courts of Justice were restrained, by any austere rule of judicature, from keeping pace with the march of benignant policy and provident humanity, which for many years has characterized every legislative act relative to the protection of slaves, and which Christianity, by the mild diffusion of its light and influence, has contributed to promote.[1]

It will be seen throughout the study of the slave code that the slave in Tennessee enjoyed a privileged status, that he was more than a mere chattel, and that his disabilities, characteristic of slavery in many of the states, were considerably modified.

I. THE PRIVILEGES OF SLAVES—

A. *Hunting.* At the request of the master, the county courts permitted one slave on each plantation to hunt with a gun during the cultivation or harvesting of crops. They issued to such a slave a certificate, describing him and granting this privilege, and requested him, when he hunted, to carry it with him to prevent his arrest for being unlawfully armed. The master was financially responsible for any damage done by such a slave.[2] The courts more fully granted authority to the slaves to hunt with dogs, and were limited in such matters only by the degree of responsibility that the master would assume. Slaves were whipped not exceeding thirty lashes if they were caught hunting unlaw-

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[1]State v. Hale, 2 Hawks, 585 (1823).

[2]Meigs and Cooper's Code of 1858, Secs. 2603-9.

fully.[3] The slave was not allowed to hunt at night by firelight with a gun. If he was duly convicted, before a justice of the peace, of violating this restriction, his owner was fined fifteen dollars.[4]

B. *Travel.* The travel of slaves in their immediate community was regulated by a system of passes issued by the masters or their representatives. No slave, except a domestic servant, was supposed to leave his master's premises without a pass, explaining the cause of his absence.[5] No stage driver, captain of a steamboat, or railroad conductor could receive a slave passenger for an extended journey unless he produced a pass from a county clerk, giving instructions for such a journey and a description of the slave.[6] One could be imprisoned six months and fined five hundred dollars for violating this regulation, unless he could prove that the transportation of the slave took place without his knowledge. The slave in such instances, if he was discovered, was arrested, placed in the nearest jail, and advertised as a runaway.[7]

C. *Suits for Freedom.*

1. *Of the Action.* The proper action at law to be taken by a slave in a suit for his freedom was trespass, false imprisonment, or assault and battery.[8] Judge Catron, in the case of Harris v. Clarissa, held that a female and her children, being held in slavery, could institute joint action to establish their freedom.[9] The defendant would in such suits claim that the plaintiff was his slave. In such cases, the slave did not sue the master, the court merely tried the fact, whether the plaintiff was a slave.[10]

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[3]M. & C., Secs. 2610-11.

[4]Ibid., Secs. 2612-13.

[5]Ibid., Sec. 2603.

[6]Acts of 1833, Ch. 3, Sec. 1.

[7]M. & C., Secs. 2666-68.

[8]Stewart v. Miller, 1 Meigs, 174 (1838).

[9]Harris v. Clarissa, 6 Yerger, 227 (1834); Blackmore v. Negro Phill, 7 Yerger, 452 (1835).

[10]Matilda v. Crenshaw, 4 Yerger, 299 (1833).

2. *Of the Evidence.* In a suit for freedom, the *onus probandi rested upon the plaintiff.* What evidence was admitted? How could a slave prove that he was free if there were no court records to show that the State had assented to his freedom? How could he prove that he was descended from free parents and that he was being held in false imprisonment? Judge Crabb, in the case of Vaughan v. Phebe, answered these questions by saying that "He may, perhaps, procure testimony that he, or some ancestor, was for some time in the enjoyment of freedom; that he has acted as a freeman; that he has been received as a freeman into society; and very soon will find himself under the necessity of increasing in proportion to the distance he has to travel into time past, for want of other evidence, to use hearsay; that he, or his ancestor was commonly called a freeman, or commonly reputed a freeman, or, in other words, evidence of common reputation."[11]

The courts of Tennessee in their consideration of suits by slaves for their freedom gave unmistakable evidence that they realized the seriousness of adding another negro voter to the body politic. Free negroes voted in Tennessee until 1834.[11] This made the matter of manumitting a slave have far reaching consequences. Judge Crabb, in Vaughan v. Phebe, pointed out very forcibly the results to the slave and society that attended the freeing of a slave.[13]

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[11]Vaughan v. Phebe, I Martin & Yerger, 1 (1827).

[12]"Freedom in this country," said Judge Crabb, "is not a mere name—a cheat with which the few gull the many. It is something substantial. It embraces within its comprehensive grasp, all the useful rights of man; and it makes itself manifest by many privileges, immunities, e ternal public acts. It is not confined in its operation to privacy, or to the domestic circle. It walks abroad in its operations—transfers its possessor, even if he be black, or mulatto, or copper colored, from the kitchen and the cotton field, to the court house and the election ground, makes him talk of Magna Charta and the constitution; in some states renders him a politician—brings him acquainted with the leading citizens—busies himself in the political canvass for office—takes him to the ballot box; and, above all, secures to him the enviable and inestimable privilege of trial by jury.

3. *Of the Damages.* A negro held in slavery beyond the agreed time of emancipation could maintain an action of trespass for his wages, after he had established his freedom. He could recover wages for the time the suit for freedom was pending and also the cost of the suit.[13]

4. *Of the Judgment.* The judgment in favor of the freedom of a maternal ancestor of a plaintiff was received by the Tennessee courts as evidence in a suit for freedom to show the basis of the right claimed. Judge Crabb, in admitting the records of a previous trial as evidence, said: "We consider the solemn verdict of a jury, with proofs produced to them many years ago, and with the judgment of the court upon it, fully as good evidence, to say the least of it, of what was considered the truth in those days."[14]

It sometimes happened that defendants in suits for freedom would send the plaintiff out of the jurisdiction of the court in which the suit had been instituted. To prevent this, an act was passed, requiring defendant to give security that the plaintiff would not be removed from the limits of the county.[15] "The powers of a court of chancery were more than those of a court of law," said Judge Green in the case of Sylvia and Phillis v. Covey, holding that a suit for freedom in chancery could be maintained regardless of the change of venue.[16]

D. *Trial of Slaves.* The most ordinary court for the trial of slaves was composed of justices and freeholders, who were slaveholders.[17] Their crimes were usually sepa-

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Can it be said, that there is nothing of a public nature in a right, that thus, from its necessary operation, places a man in many respects on an equality with the richest, and the greatest, and the best in the land, and brings him in contact with the whole community?" Vaughan v. Phebe, 1 Martin & Yerger, 1 (1827).

[13]Matilda v. Crenshaw, 1 (1827).

[14]Vaughan v. Phebe, 1 Martin & Yerger, 1 (1827).

[15]Acts of 1817, Ch. 103, Sec. 1.

[16]Sylvia and Phillis v. Covey, 4 Yerger, 27 (1883).

[17]Acts of 1715, Ch. 19, Sec. 9; Acts of 1741, Ch. 24, Sec. 48.

rated into corporal and capital, and a single justice was generally permitted to try the misdemeanors.[18]

The first effort at legislation in Tennessee on the trial of slaves was an attempt in 1799 to establish trial by jury of twelve freeholders, unrelated to the owner of the slave by either affinity or consanguinity. Free legal counsel for slaves whose masters were unknown or outside of the state was proposed. This measure passed the House of Representatives, but was defeated by the Senate on the third reading.[19] This failure only delayed the accomplishment of the object of this bill.

Three justices and nine freeholders, who were slaveholders, were in 1815 empowered to try slaves for all offences.[20] In 1819, the freeholders were increased to twelve[21]. By 1825, the jury might contain non-slaveholders, if twelve slaveholders could not be secured. Their verdict, however, was invalid, if it could be shown that the non-slaveholders divided the jury.[22] The owner by this act had the right of appeal to the circuit court in case of conviction, by giving bond in the sum of twice the value of the slave for his appearance at the next term of court. In 1831, right of appeal was limited to capital cases.[23]

By act of 1835, the trial of slaves was completely reconstructed. Special courts for the trial of slaves were abolished. Right of appeal from justice's court was established in all cases. The circuit court was given exclusive original jurisdiction of all offences punishable by death. No slave was to be tried by a jury until an indictment had been found against him by a grand jury in the regular way. The State provided counsel for the slave if the master did not. Section 11 of this measure reads: "All persons who would be competent jurors to serve on the trial of a free person, shall be competent jurors on the trial of any slave

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[18]Acts of 1783, Ch. 14, Sec. 2.

[19]Manuscripts in State Archives.

[20]Acts of 1815, Ch. 138, Sec. 1.

[21]Acts of 1819, Ch. 35, Sec. 2.

[22]Acts of 1825, Ch. 24, Sec. 1.

[23]Acts off 1831, Ch. 103, Sec. 6.

or slaves."[24] By this piece of humanitarian legislation, Tennessee became one of the five slave states which granted the slave trial by jury.[25]

By this act, the attorney employed by the State for the slave could sue the master for his fee. This provision was repealed in 1838, and the county became liable for the cost of the suit, unless the prosecution appeared frivolous or malicious, in which case the prosecutor paid the cost of trial.[26]

Toward the close of the second quarter of the nineteenth century, there were some changes made in the legal procedure adopted in 1835. The right of appeal in all cases from the justice's court was restored to the master by an act of 1848.[27] The state in 1858 reverted to a former method of indictment of the slave.[28] Five creditable persons could file an accusation of insurrection or conspiracy to kill against a slave, and the judge of the circuit court could empower the jury to try the slave without waiting for a regular term of the court. These changes in the slave's legal status were the delayed response of legal institutions to the movements in politics, economics, and religion in vogue in the early thirties.[29]

II. Disabilities of Slaves.—

A. *To make a Contract.* The slave could not make a legal contract except for his freedom or with his master's consent. The slave in such contracts was regarded as the agent of the master.[30] The courts, however, would enforce a contract made by a slave with his masters for his freedom. In the case of Porter v. Blackmore, the supreme court of the state held that such a contract established a vested right

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[24]Acts of 1835, Ch. 9, Secs. 9-11.

[25]Kentucky, Maryland, Georgia, and Alabama were the other four. See footnote, Wheeler, Op. Cit., 213.

[26]Acts of 1838, Ch. 133, Sec. 1.

[27]Acts of 1848, Ch. 50, Sec. 1.

[28]Acts off 1858, Ch. 86, Secs. 1-2.

[29]Infra, pp. 59-79; 102-152.

[30]Wheeler, Op. Cit., 190.

to freedom, and that "no one but the State can take advantage of it, not even the owner or master, after the right is once vested. A court of chancery, if the right is once vested, will interpose to prevent its defeat."[31]

B. *To Take Property by Devise, Descent, or Purchase.* The slave was regarded as personal property in Tennessee and what he owned belonged to the master.[32] He could not receive property by inheritance or donation, nor buy, sell, or dispose of anything, unless his master consented.[33] Washington Turner, a free negro, died in 1853, leaving his estate to his wife and children. The children were the issue of a slave mother. Judge McKinney, in a case involving the will of Turner, said: "It is clear that the children of the testator being slaves, with no rights of freedom, present or prospective, are incapable in law of taking any benefit under the will."[34] A slave while in a state of inchoate freedom could lay claim to either personal or real property.[35] Judge Catron maintained that it was inconsistent with the liberal slave code of the State not to consider a slave's rights to property in connection with a claim to freedom.[36]

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[31]Porter v. Blackmore, 2 Caldwell, 555 (1865); see also 5 Caldwell, 269; 3 Heiskell, 662; and 10 Lea, 663.

[32]Judge Catron held that "what is earned by the slave belongs to the master by the common law, the civil law, and the recognized rules of property in the slave-holding states of this Union." University v. Cambreling, Yerger, 86 (1834).

[33]Acts of 1803, Ch. 13, Sec. 4.

[34]Turner v. Fisher, 4 Sneed, 210 (1856).

[35]Judge Green held that "A slave is not in the condition of a horse or an ox. His liberty is restrained, it is true, and his owner controls his actions and claims his services. But he is made of the image of the Creator. He has mental capacities, and an immortal principle in his nature, that constitutes him equal to his owner but for the accidental position in which fortune has placed him. The owner has acquired conventional rights to him, but the laws under which he is held as a slave have not and can not extinguish his high-born nature nor deprive him of many rights which are inherent in man. Thus while he is a slave, he can make a contract for his freedom, and by the same will he can take personal or real estate." Ford v. Ford, 7 Humphrey, 95-96 (1846). Cf. Miller v. Miller, 5 Heiskell, 734 1871).

[36]Stephenson v. Harrison, 3 Head, 733 (1859).

C. *To Be a Witness.* The slave never acquired the right of being a witness against a white man.[37] The denial of this right was based on the slave's light regard for his word, his ignorance, and racial prejudice. His paganism was also a factor.[38]

The slave gradually acquired a stronger position in cases in which the white man was not a party. By 1784, he could be a witness in cases where other slaves were being tried.[39] By 1813, he could testify against free persons of color born in slavery.[40] By 1839, his testimony was permitted in cases where persons of mixed blood were tried.[41] This increased capacity of the slave as a witness resulted from efforts to restrict his relations with free negroes and mulattoes. Illicit trade relations were difficult to prevent, especially in liquors.

D. *To Be a Party in a Suit.* There were only two instances in which a slave could be a party to a suit. He could sue for his freedom and for property interests which a grant of freedom involved.[42] In Stephenson v. Harrison, Judge Caruthers held that "No other suit but for freedom, in which may be embraced claim to property, can be brought by slaves, while they are such, except where rights may be endangered, which are connected with a certain grant of freedom to take effect in the future. And this being that kind of case, the slaves have a standing in court."[43] It is observed that in such cases the court for the time being, regarded the slave as being in a state of inchoate freedom.

There was no reason why the slave needed to be a party to a suit. He owned nothing. He could not recover anything. He could be whipped for anything that he did. The master did not want to kill him. If he did not want him, he could sell him. Under such circumstances, it would

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[37] Wheeler, Op. Cit., 194.

[38] Supra, 16.

[39] Acts of 1794, Ch. 1, Sec. 32.

[40] Acts of 1813, Ch. 135, Sec. 5.

[41] Acts of 1839, Ch. 7, Sec. 1.

[42] Wheeler, Op. Cit., 197.

[43] Stephenson v. Harrison, 3 Head, 733 (1859).

have been a mere mockery for the slave to be a party to a suit.

E. *To Contract Matrimony.* There was no process of law involved in the marriage of slaves with each other or their separation. Their marriage with mulattoes or with free negroes was a matter of statutory regulation. In the case of Andrews v. Page, it was held that "Slaves were not married to each other without the consent of their owners, as a general rule. By the act of 1787, Ch. 6, Sec. 3, a free negro or mulatto was prohibited from intermarrying with a slave, without the consent of his or her master, had in writing."[44] When the master for his slave agreed to a marriage with a free negro or mulatto, it was regarded by the courts as a contract.[45]

If a free negro woman was married to a slave, their children were free. The issue of a free woman of color followed the condition of their mother, and were born free. This principle was carried so far that when a female slave was to be emancipated by the concession of the master and assent of the State, but was to be held subject to service for a definite time, and a child was born to her after such emancipation but during such subjection to service, it was held that the child was freeborn.

While it cannot be said that the marriage relation between slaves was a contractual one at law, it had the sanction of an unwritten law that the state respected. In the case of Andrews v. Page, the court held that it was

> "established beyond controversy that there were circumstances under which the courts of this State recognized the relation of husband and wife and the ties of consanguinity, as existing among slaves, as well as among free persons, and free persons of color; and we hold that a marriage between slaves, with the consent of their owners, whether contracted in common law form or celebrated under the statute, always was a valid marriage in this

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[44]Andrews v. Page, 3 Heiskell, 665 (1870).

[45]Haitsell v. George, 3 Humphrey, 255 (1842).

state, and that the issue of such marriages were not illegitimate."[46]

III. Relation of the Master and Society—

A. *Liabilities of the Master to Society.*

1. *For His Own Acts.* The master was responsible to society for the treatment of his slaves. He was required to feed, clothe, and house them.[47] It was his duty to furnish them competent medical aid.[48] If an employer of a slave was unable to pay for medical attention, the master was liable. He was expected to superintend the trials of his slaves to see that they received justice. In capital cases, he was allowed thirty-five challenges.[49] He could give bail for their appearance at court and prosecute writs of error for them.[50]

There is considerable evidence that the slaves of Tennessee were rather well treated. Rev. William Dickey, writing from Bloomingburgh, Ohio, July 23, 1845, stated that the negroes were clean, well-fed, and clothed and that considerable attention was given their minds.[51] Judge

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[46]Andrews v. Page, 3 Heiskell, 666 (1870).

[47]Act of 1753, Ch. 6, Sec. 10.

[48]M. & C., Secs. 2563-64.

[49]Acts of 1825, Ch. 24, Sec. 2.

[50]Ibid., Secs. 3-5.

[51]Thomas, T. Ebenezer, Anti-Slavery Correspondence, 71. The letter reads as follows: "Has the anti-slavery cause injured the condition of the slaves? Surely not. In my late journey through Kentucky and Tennessee, I did not see one dirty, ragged negro. The squads of little negroes I used to see naked as the pigs and calves with which they gamboled in the same grove, were now clad like human beings in shirts and pants or slips, and many of them had straw hats, such as my own little boys put on; nor did I see, as formerly, boys and girls waiting at the table, in a state of stark nudity."

"I was happy to acknowledge that a great change had taken place since I was conversant about Nashville, fifty-five years ago, when negroes were naked and ignorant. I said I was pleased to see so much attention paid to their bodies and their minds, and I wished that the people of Tennessee might go ahead of the people in Ohio in good offices to the negro. God speed you, dear friends, in this work."

Catron, in the case of Loftin v. Espy, refused to let a family of slaves be separated to satisfy a debt against an estate, and, in rendering the decree, he said:

> The servants and slaves constitute a part of the family, entitled to, and receiving, if they be worthy, the affections of the master to a great extent; this disposition towards this unfortunate class of people it is the policy of the country to promote and encourage; without it, good conduct on the part of the slave, and benevolent and humane treatment on the part of the master is not to be expected... Nothing can be more abhorrent to these poor people, or to the feelings of every benevolent individual, than to see a large family of slaves sold at sheriff's sale; the infant children, father, and mother to different bidders.[52]

2. *For the Acts of His Slaves.*

a. *For Contracts Made by the Slave.* The law of principal and agent, as adopted by the common law, did not apply to master and slave in all instances, but in the ordinary domestic relations it was generally held that the master could do business through the agency of his slaves and that he was bound by their acts in such cases. The rule separating the two types of cases seems to have been that, where skill and mentality were requisite for the performance of the task, the law would not imply a contract on the part of the master.[53]

b. *For Negligence of the Slave Resulting in Injury to Others.* The master was not liable for the negligence of his slaves in the performance of unauthorized acts, but was responsible for the faithful performance of their duties when they were acting as tradesmen or carriers under his authority.

c. *For Torts and Crimes Committed by Slaves.* The master was responsible for damage done by slaves carrying

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[52]Loftin v. Espy, 4 Yerger, 92 (1833).

[53]Wheeler, Op. Cit., 225; University v. Cambreling, 6 Yerger, 79 (1834); Craig v. Leiper, 2 Yerger, 193 (1828); Pinson and Hawkins v. Ivey, 1 Yerger, 303 (1830).

guns with his permission.[54] He was subject to indictment and fine at the discretion of the court for permitting a slave to practice medicine or heal the sick.[55] He was liable for at least a fifty-dollar fine for permitting his slave to sell spiritous liquors.[56] He was held responsible for the slave's acts even if a state of inchoate freedom existed. "The master," said Judge Green, "by failing to petition the county court and give bond according to law, remains liable to all the penalties of the law as though he had never consented to his freedom. In view of the law, the negro is not a freeman until the State, through the proper tribunal, consents to his freedom.

Until that is done the master may be indicted for permitting him to act as a freeman, and is liable to all the other consequences that would have existed if he had not consented to the defendant's freedom."[57]

B. *Liabilities of Society to the Master for Abusing His Slave.*

1. *For Beating or Harboring Him.* It was a criminal offense for anyone to abuse wantonly the slave of another. Any such person was subject to indictment in the circuit court, under the same rules and subject to the same penalties as if the offense had been committed against a white person.[58] Enticing a slave to absent himself from his owner subjected one to a forfeiture of fifty dollars to be recovered as an action of debt by the owner of the slave. It was a fine of one hundred pounds to harbor a slave and cause a loss of service to the master.[59] If a master of a vessel entertained on board a slave without a permit from the owner or a justice of the Peace, he was liable to a fine of $12.50

[54]Acts of 1741, Ch. 24, Sec. 40; Acts of 1753, Ch. 6, Sec. 2.
[55]Acts of 1831, Ch. 103, Sec. 3.
[56]Acts of 1835, Ch. 57, Sec. 2.
[57]James v. State, 9 Humphrey, 310 (1848).
[58]Acts of 1813, Ch. 56, Sec. 1.
[59]Acts of 1779, Ch. 11, Sec. 4.

for the first offense, and $25 for each succeeding offense.[60] It was finally made a penitentiary offense to harbor a slave with intent to steal him or carry him beyond the borders of the state.[61] Also, one was subject to imprisonment for a term of not less than three nor more than ten years for deliberately harboring a runaway.[62]

2. *For Maiming or Killing Him.* Any person, wilfully or maliciously killing a slave, was guilty of murder and suffered death without benefit of clergy. If the slave did not belong to the offender, "his goods, chattels, lands and tenements" could be sold to pay for the slave.[63] Killing a slave without malice was manslaughter. In the case of Fields v. The State of Tennessee, the court said, "that law which says thou shalt not kill, protects the slave; and he is within its very letter. Law, reason, Christianity and common humanity all point out one way."[64] No individual had the right to become the avenger of the violated law.[65]

3. *For Trading with Him.* No one was permitted to trade with a slave unless he had a permit. The slave was permitted to sell articles of his own manufacture without a permit. Any one who violated this act was subject to a fine of not less than five nor more than ten dollars to be recovered before any justice of the peace of the county in which the offense was committed. One-half of the fine was

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[60]Acts of 1787, Ch. 6, Sec. 1.

[61]Acts of 1835, Ch. 58, Sec. 1.

[62]Ibid., Ch. 65, Sec. 2.

[63]Acts of 1799, Ch. 9, Sec. 2.

[64]Fields v. The State of Tennessee, 1 Yerger, 156 (1829).

[65]"If a slave commits a criminal offense while in the services of the hirer," said Judge McKinney, "it would be sufficient cause to discharge him. And if the hirer desires to have him punished for such offense the law has pointed out the mode, and he has the right to pursue it, but he has no right to become himself the avenger of the violated law, much less to depute another person in his stead. And for a battery committed on the slave under such circumstances, the owner may well maintain an action against the wrong-doer, in which the jury would be justified in giving exemplary damages in a proper case." James v. Carper, 4 Sneed, 404 (1857).

paid to the master of the slave.[66] If the offender was a free person of color born in slavery, the slave could be a witness in the case.[67]

4. *For Using Improper Language Before Him or Permitting Him to Visit Your Home.* To inflame the mind of any slave or incite him to insurrection by using improper language in his presence subjected one, on conviction, to a fine of ten dollars to be recovered as an action of debt before any court having jurisdiction. The fine was equally divided between the county and the person instituting suit.[68] It was equally a violation of the law to permit slaves to assemble at one's residence or negro houses.[69]

IV. THE PATROL SYSTEM—

A. *Searchers.* By act of 1753, searchers were appointed by the county courts to visit slave quarters four times a year in search of guns.[70] Only reliable persons could be searchers. By 1779, they were required to search for guns once a month.[71] These officers were the beginning of the patrol system in Tennessee.

B. *Patrols.* In 1806, the searchers were converted into patrols and a very elaborate system of police was devised. Captains of militia were empowered to appoint patrols for the counties, determine their number and the frequency of their ridings.[72] Commissioners of the towns were directed to appoint patrols for the towns, whether incorporated or unincorporated.[73] In 1817, justices of the peace were given the power to suggest the appointment of patrols to captains of militia in their districts.[74] In 1831, they were empowered to appoint patrols for their district in case captains of

[66]Acts of 1813, Ch. 135, Sec. 3.
[67]Ibid., Sec. 5.
[68]Acts of 1803, Ch. 13, Sec. 11.
[69]Ibid., Sec. 3.
[70]Acts of 1753, Ch. VI, Sec. 4.
[71]Acts of 1779, Ch. 7, Sec. 3.
[72]Acts of 1806, Ch. 32, Sec. 5.
[73]Ibid., Secs. 6-7.
[74]Acts of 1817, Ch. 184, Sec. 3.

militia neglected to do so.[75] In 1856, masters, mistresses, and overseers were made patrols over their own premises.[76]

Patrols were paid from the county treasury. A tax was levied on the taxable slaves for this purpose.[77] The patrol swore to his account before a justice of the peace, who carried the account to the county court, which decided how much the patrolman should receive.[78] By act of 1856, patrols were allowed $1.00 per night or day for their services.[79] If the masters or mistresses served as patrols, they received nothing for their services.[80]

Patrol service was obligatory upon all citizens. Anyone refusing to serve as a patrol was fined $5.00 for each refusal.[81] A person serving as a patrolman for three months was exempted from musters, road-working, and jury service for twelve months.[82] They were paid $5.00 for every slave they returned to his master.

The powers and duties of patrols were rather extensive. Once each month, they were to search for guns and other weapons and turn such as they found over to the county court or return the same to the owner.[83] They searched all suspected places for slaves without permission of the owners. They could punish, with fifteen stripes on the bare back, any negro, bond or free, that they found away from home, without a pass from his master.[84]

The patrols sometimes abused their powers. In 1859, the supreme court held that

> "It is of great importance to society that these police regulations connected with the institution of slavery, should be firmly maintained; the well-being and safety of both master and slave demand

[75]Acts of 1831, Ch. 103, Sec. 2.
[76]Acts of 1858, Ch. 3, Sec. 1.
[77]Acts of 1831, Ch. 103, Sec. 10.
[78]M. & C., Secs. 2577-2580.
[79]Acts of 1856, Ch. 30, Secs. 1-4.
[80]M. & C., Sec. 2576.
[81]Acts of 1806, Ch. 32, Sec. 8.
[82]Acts of 1831, Ch. 103, Sec. 10.
[83]M. & C., Sec. 2575.
[84]M. & C., Sec. 2576.

> it. The institution and support of the night watch and patrol on some plan are indispensable to good order, and the subordination of slaves, and the best interest of their owners. But the authority conferred for these important objects must not be abused by those upon whom it is conferred, as it sometimes is by reckless persons. If they exceed the bounds of moderation in the injury inflicted and transcend the limits prescribed by law for the office of patrol, if it be found that they were not entitled to that justification, then they will be liable under a verdict to that effect."[85]

Proper pass regulations were an important feature of the patrol system. This is shown in the case of Jones v. Allen. A slave attended a corn-shucking without a pass. In the course of the festivities the slave was killed. The master of the slave brought suit for damages equal to the value of the slave against the man who gave the husking. The lower court gave damages to the master on the ground that the slave should not have been permitted to remain at the husking without a pass. The supreme court reversed the case, holding that it was customary for slaves to attend such gatherings without passes if a white man was superintending them.[86]

C. *Sheriffs and Constables.* It was the business of sheriffs and constables to apprehend runaway slaves, place them in jail, and advertise them that they might be returned to their owners. They assisted in the enforcement of the powers of the patrols, who were really a part of the police system of the state. The patrol system was supposed to be maintained by the taxation of slaves, but since it involved also the general system of police of the state, it was to some extent a burden upon the general public.

Slavery created a real problem of government. "For reasons of policy and necessity," said Judge McKinney in 1858, "it has been found indispensable, in every slave-holding community, to provide various police and patrol regulations, giving to white persons, other than the owner, the

[85]Tomlinson v. Doerall, 2 Head, 542 (1859).

[86]Jones v. Allen, 1 Head, 627 (1858).

right, and making it the duty, under certain circumstances, to exercise a control over other slaves. The safety of the community, the protection of the person and property of individuals, and the safety of the owner's property in his slaves, alike demand the enactment of such laws."[87]

The constant fear of insurrections, the ever-present runaway, and the carelessness of masters in granting passes were the main reasons why society maintained such a rigid system of control. Of course, the interests of the owners of slaves were conserved by such a system.

V. Special Problems of Slave Government—

A. *The Runaway.* The runaway was a great source of worry and expense to the master and somewhat of a terror to the community. The police system of slavery was never able to prevent runaways. If a runaway were caught outside the limits of a corporation, he was taken before a justice of the peace and asked for his master's name. If he refused to give this information, he was placed in jail and advertised by a placard on the court-house door and in the newspapers.[88] If the slave was not claimed within twelve months, the sheriff of the county, on thirty days' notice, sold him at the courthouse to the highest bidder, the net proceeds of the sale going to the county. The county court gave title of the slave to the purchaser.

The county jailer, with the consent of the county court or two of the justices of the peace, could hire out a runaway to either a private individual or an incorporated town.[89] To release the county from obligation, he placed around the negro's neck a collar, on which was stamped "P. G."[90] The wages of the slave went into the county treasury to be disposed of by the county court.

If an incorporated town or city hired the runaway, it gave bond to the sheriff of the county for double the value of the slave. This was the bond of the corporation to the

[87]Jones v. Allen, 1 Head, 636 (1858).

[88]M. & C., Secs. 2581-3.

[89]Ibid., Sec. 2586.

[90]P. G. was an abbreviation for public jail.

State of Tennessee for the safekeeping, good treatment, and delivery of the slave to the owner or jailer at the completion of the contract. The wages of the slave went to the county.[91] The corporation made a very careful description of the slave to use in case of escape.

A runaway arrested in an incorporated city was taken by a patrolman or policeman to the police-station. He was released to his owner on payment of one dollar. If he was not called for, he was hired to the city authorities, advertised and sold at public auction to the highest bidder. The proceeds of the sale went to the city and the city authorities made a deed of sale to the purchaser.

After 1819, the runaway could no longer be outlawed and killed by anyone who had the opportunity.[92] By act of 1825, a runaway was advertised one year before he was sold at public auction. If the owner, within two years from the date of sale, proved that the slave was his, he could recover the net proceeds of the sale or the slave himself by paying the purchaser the amount paid for the slave.[93] Any one who arrested a runaway and delivered him to the owner or jailer, was entitled to the sum of five dollars for his services..[94] After 1831, it was not required by law to make a proclamation concerning a runaway at church "on the Lord's day."[95] By act of 1844, sheriffs were given authority to hire out a runaway in their custody to municipal authorities, who, however, were required to execute bond twice the value of the slave for proper treatment of him.[96] It seems that sheriffs, constables, and patrolmen abused the power given them by act of 1831, relative to the arrest of runaways for which they received five dollars. Masters were subject to useless fees for the arrest of slaves who were not runaways. In 1852, the arrest and confinement

[91]M. & C., Secs. 2596-8.

[92]Acts of 1819, Ch. 35, Sec. 1.

[93]Acts of 1825, Ch. 79, Secs. 1-2.

[94]Acts of 1831, Ch. 103, Sec. 8.

[95]Ibid., Sec. 9.

[96]Acts of 1844, Ch. 129, Sec. 1.

of slaves in county jails in the towns and vicinities of their masters was forbidden.[97]

B. *Importation of Slaves.* North Carolina, by act of 1786, placed a duty of fifty shillings on slaves under seven years of age and over forty; five pounds between the ages of seven and twelve, and thirty and forty; and ten pounds on ages between twelve and thirty.[98] This regulation became ineffective when North Carolina ratified the constitution in 1790. The importation of slaves into Tennessee as merchandise was prohibited in 1812.[99] This act did not prohibit people from moving to the state with their slaves, nor did it prevent citizens from bringing into the state slaves which they had acquired by descent, devise, marriage, or purchase. Persons, moving into the state with their slaves, were required within twenty days to take oath before a justice of the peace that they were not violating the spirit of the law.[100] Such persons were required to deliver to a justice of the peace an inventory of their slaves, giving their number, age and description. This inventory was filed in the office of the county court clerk. The slaves of any one violating this act were seized and sold to the highest bidder at public auction.[101] By act of 1815, such slaves were advertised twenty days before date of sale.[102]

The permanent law of importation was the act of 1826. It retained the features of the above acts and in addition forbade the importation into the state for any purpose convict slaves from territories or states whose laws transmuted the crimes of such slaves upon their removal.[103] Any one

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[97]Acts of 1852, Ch. 117, Sec. 2.

[98]Acts of 1786, Ch. 5, Sec. 1.

[99]Acts of 1812, Ch. 88, Sec. 1.

[100]This oath reads: "I, A. B., do solemnly swear or affirm that I have removed myself and slaves to the State of Tennessee, with the full and sole view of becoming a citizen therof, and that I have not brought my slave or slaves to this state with any view to the security of the same against any rebellion or apprehension of rebellion. So help me God." Acts of 1812, Ch. 88, Sec. 2.

[101]Acts of 1812, Ch. 88, Sec. 3.

[102]Acts of 1815, Ch. 65, Sec. 1.

[103]Acts of 1826, Ch. 22, Sec. 2.

violating this act was ordered before a justice of the peace, who might require him to give bond with two good securities for his appearance with the slaves at the next term of the circuit court. If he were convicted of violating this act, his slaves were sold at public auction to the highest bidder.[104] It is to be noticed, however, that a professional slave-dealer could afford to lose a few slaves occasionally, because he paid only the transportation for convict slaves and received from five hundred to eight hundred dollars for each slave that he successfully smuggled through.

There was no change in the laws of importation until 1855. The act passed in that year permitted the importation of slaves other than convicts as articles of merchandise, and thus replaced the acts of 1815 and 1826 in this respect.[105] This indicates a revolution on this subject. West Tennessee, the black belt part of the state, began to be settled in 1819 and was being put into cultivation in the second quarter of the nineteenth century. The abolition forces in the state were defeated in the constitutional convention of 1834.[106] The demand for slaves had increased as is shown by the increase in price from $584 in 1836 to $854.65 in 1859.[107] The old Whig areas had become Democratic by the early fifties, and Middle and West Tennessee were pro-slavery. The press and the churches had become more favorable in their attitude toward slavery.

C. *The Stealing of Slaves.* Slaves were constantly stolen by individuals and organizations of professional slave thieves. This was one of the most difficult problems of slave government, and demanded very rigid laws for its regulation. By act of 1799, a person stealing a slave, a free negro, or mulatto, for his own use or to sell was guilty of a felony and suffered death without benefit of clergy.[108] The penalty for this offence in 1835 was reduced to not less

[104]Acts of 1826, Ch. 22, Sec. 3.

[105]Acts of 1855, Ch. 64, Sec. 1.

[106]Journal of the Constitutional Convention of 1834, 87-147.

[107]Comptroller's Report to General Assembly, 1859-60, 17.

[108]Acts of 1799, Ch. 11, Sec. 2.

than three nor more than ten years in the penitentiary.[109] The penalty was the same for harboring a slave with intent to steal him, or for persuading a slave to leave his master.[110]

The following advertisement from a religious magazine shows how society was aroused at times on the stealing of slaves and how it proposed to recover them:

> A more heart-rending act of villainly has rarely been committed than the following: on Monday, the 30th of May last, three children, viz., Elizabeth, ten years of age, Martha, eight, and a small boy, name forgotten, all bright mulattoes, were violently taken from the arms of their mother, Elizabeth Price, a free woman of color, living in Fayette County, Tennessee. Strong suspicion rests upon two men, gone from thence to the state of Missouri; and it is ardently hoped that the citizens of that state will interest themselves in the apprehension of the robbers and the restoration of the children. A handsome subscription has been raised in the neighborhood to reward any person who may restore them. Editors of papers, and especially such as are in and contiguous to the state of Missouri, are requested to give the above an insertion.[111]

One of the greatest organizations in the South for the stealing of negroes had its headquarters in West Tennessee and was managed by John A. Murrell. This organization consisted of 450 persons and operated throughout the Mississippi Valley. This organization was in collusion with slaves. It stole the same slaves repeatedly and sold them sometimes to their own masters. Murrell's last stealing was two slaves from Rev. John Hennig, of Madison County, Tennessee. He was caught in 1835, tried, convicted, and sentenced for the maximum term of ten years in the state penitentiary.[112]

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[109]Acts of 1835, Ch. 58, Sec. 1.

[110]Ibid., Sec. 2.

[111]Christian Advocate and Journal, Bolivar, July 4, 1831.

[112]Quarterly Anti-Slavery Magazine, II, 105-6.

D. *Trading With Slaves.* The foundation for the regulation of traffic with slaves was laid by the acts of 1741 and 1787, passed by the Colony and State of North Carolina.[113] In 1799, all traffic with slaves was forbidden unless they had a permit from their masters, designating time and place of the proposed transaction.[114] It was a ten dollar fine to be convicted of violating this regulation. If a slave forged a pass as a basis for such a transaction, he was corporally punished at the discretion of a justice of the peace. Trading with slaves was made a more serious matter in 1803.[115] The pass by this act was required to specify the articles to be traded. Any one violating it was punishable by a fine of not less than ten nor more than fifty dollars. In 1806, it was made unlawful for a white person, free negro, or mulatto to be found in the company of a slave for any purpose without the consent of the owner.[116] In 1813, the restrictions on trading with slaves were made more lenient. The fine for trading in violation of the law was reduced to not less than five nor more than ten dollars and slaves might trade articles of their own make without passes from their masters.[117]

The liquor traffic was the most difficult part of trading with slaves to regulate. The North Carolina code left whiskey in the same category with other articles, but in 1813 Tennessee made it punishable by a fine of not less than five nor more than ten dollars to sell it to slaves.[118] If a person was convicted of violating this regulation and could not pay his fine, he went to jail until he could pay it with cost. By act of 1829, a slave was given from three to ten lashes for having whiskey in his possession and from five to ten for selling it to another slave.[119] Any merchant, tavern-keeper, distiller, or any other person, who sold whiskey

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[113]Supra, pp. 18-19.

[114]Acts of 1799, Ch. 28, Sec. 1.

[115]Acts of 1803, Ch. 13, Sec. 4.

[116]Acts of 1806, Ch. 32, Sec. 4.

[117]Acts of 1813, Ch. 135, Sec. 3.

[118]Ibid., Sec. 1.

[119]Acts of 1829, Ch. 74, Secs. 1-2.

to a slave without permit from his master, was guilty of a misdemeanor, and, on being convicted, was subject to a fine of fifty dolars.[120]

The laws regulating this traffic became increasingly strict. By act of 1832, a dealer in order to secure a license to sell whiskey was required to take an oath not to sell a slave unless he had a written permit from his master.[121] Clerks in liquor houses, not considering themselves dealers, continued to sell whiskey to slaves; so in 1846, the oath was modified to include sales within the knowledge of the person receiving the license.[122] In 1842, the punishment for selling whiskey to slaves or letting a free negro be intoxicated on one's premises was made imprisonment for a period of not exceeding thirty days.[123]

The policy of the state toward the liquor traffic with slaves was forcibly expressed by Judge Caruthers in the case of Jennings v. the State, as follows:

> Under no circumstances, not even in the presence, or by permission in writing or otherwise, can spirits be sold or delivered to a slave for his own use, but only for the use of the master, and even in that case, the owner or master must be present or send a written order, specifying that it is for himself, and the quantity to be sent...A general or indefinite order, such as those exhibited in this case, is of no avail. An order can cover only a single transaction, and then it is exhausted.[124]

It is noticed that this law applied to everybody and not merely to licensed liquor dealers.

The laws on traffic with slaves finally concluded: "Any person who sells, loans, or delivers to any slave, except for his master or owner, and then only in such owner or master's presence, or upon his written order, any liquor, gun,

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[120]Acts of 1829, Ch. 74, Sec. 4.

[121]Acts of 1832, Ch. 34, Sec. 2.

[122]Acts of 1846, Ch. 90, Sec. 3.

[123]Acts of 1842, Ch. 141, Sec. 1.

[124]Jennings v. the State, 3 Head, 519-520 (1859).

or weapon . . . is guilty of a misdemeanor, and shall be fined not less than fifty dollars, and imprisoned in the county jail at the discretion of the court."[125] Judge Caruthers, commenting on this law, said: "This is intended to cut up the offense by the roots, and prescribes a penalty calculated to deter those that milder punishment had been found insufficient to restrain from the injury or destruction of their neighbor's property."[126]

Municipalities usually supplemented the laws of the state with special regulations of their own. The Board of Commissioners of Nashville, June 7, 1805,

> Resolved, That it shall be the duty of the town sergeant to inspect each slave he may discover trading in town, and require of them a permit from their master or mistress, or the person under whose care they are, specifying the commodity which they may have for sale. And if such slave has no permit, the town sergeant shall immediately seize on the commodity he may have for sale, and take it with the slave before some justice of the peace, and make oath that such slave had transgressed the by-laws for the regulation of the town in the manner above described. The town sergeant shall then immediately expose to sale such commodity to the highest bidder for cash at the market house; one-half of the amount of such sales to go to the use of the town, and the other half to the use of the sergeant for his services.[127]

Traffic with slaves was very important for several reasons. The slave had very little sense of value, in the first place. He frequently exchanged the most valuable farm products for a pittance in order to obtain money with which to gamble or buy whiskey. The liquor traffic still more vitally touched the life of the plantation. An intoxicated slave was not only incapacitated, but he was inclined to raise trouble with other slaves. This might end in slaves being killed or an insurrection. Again, the element of society

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[125]M. & C., Sec. 4865.

[126]Jennings v. State, 3 Head, 522 (1859).

[127]Tennessee Gazette and Mero District, Vol. 5, No. 22, July 3, 1805.

that engaged in the liquor traffic with slaves was usually the poor whites, free negroes, or mulattoes, who were opposed to slavery and did not hesitate to propagate ideas of insurrection and freedom among slaves. The best way to keep slaves happy and contented and, consequently, efficient, was to have complete severance of relations between them and outsiders. Finally, it is noticed that traffic with slaves, in all its ramifications, seriously endangered property interests.

E. *Insurrections.* No one was permitted to speak disrespectfully of the owner in a slave's presence, or to use language of an insurrectionary nature.[128] Words in favor of emancipation, rebellion, or conspiracy came under this head. The penalty was a fine of $10, one-half to the county and the other to the reporter.

A person knowingly aiding in circulating any printed matter that fostered discontent or insubordination among slaves or free persons of color, was guilty of felony, and might suffer an imprisonment of ten years for first offense and twenty for the second.[129] The same punishment was prescribed for addresses, or sermons of an inflammatory nature.

There were only two instances of threatend insurrection in the slave history of Tennessee. The first one of these occurred in 1831, and was nipped in the bud by information secured from a female slave.[130] It resulted in a petition being sent to the legislature signed by 108 people, asking for a better patrol system. The second was planned in 1857, and seems to have included the states of Kentucky, Tennessee, Missouri, Arkansas, Louisiana, and Texas.[131] The scheme was discovered in November of 1857 among the slaves employed at the Cumberland Iron Works in Tennessee just before they were ready to execute it. One account

[128]Acts of 1803, Ch. 13, Sec. 1.
[129]Acts of 1836, Ch. 44, Sec, 2.
[130]Niles Register, Vol. 41, pp. 340-1.
[131]24th and 25th Annual Report of American Anti-Slavery Society.

says, "more than sixty slaves in the Iron Works were implicated, and nine were hung, four by the decision of the court and five by a mob." The Missouri Democrat of December 4 states that "For the past month, the Journals from different Southern states have been filled with numberless alarms respecting contemplated risings of the negro population. In Tennessee, in Missouri, in Virginia, and in Alabama, so imminent has been the danger that the most severe measures have been adopted to prevent their congregating or visiting after night, to suppress their customary attendance at neighborhood preachings and to keep a vigilant watch upon all their movements, by an efficient patrolling system. This is assuredly a most lamentable condition for the slave states, for nothing causes such terror upon the plantations as the bare suspicion of these insurrections.[132]

F. *The Assembly of Slaves.* All slave gatherings on the master's plantation were exclusively under his control, as he was responsible for the results. It was considered dangerous to society, however, for slaves to collect miscellaneously. By act of 1803, it was made a ten-dollar fine for any one to permit the slaves of another to congregate on his premises without passes from their master.[133] To aid the justices of the peace in enforcing this act, the fine was equally divided between the county and the reporter of its violation. There was so much zeal shown in the enforcement of this act that the fine was reduced in 1813 to not less than five nor more than ten dollars.[134]

The insurrections over the country in the early thirties and rumors of an insurrection in Tennessee in 1831, combined with the abolition propaganda, gave added significance to the meetings of slaves. It now became necessary to punish slaves for participating in unlawful assemblies as well as to fine those permitting them.

1857-58, 76-78.

[132]24th and 25th Annual Reports of American Anti-Slavery Society, 1857-58, p. 78.

[133]Acts of 1803, Ch. 13, Sec. 3.

[134]Acts of 1812, Ch. 135, Sec. 1.

The act of 1831 empowered justices of the peace, constables and patrols to disperse such meetings and to inflict twenty-five lashes upon the slaves engaged, if necessary. The fine for permitting unlawful assemblies was now left to the discretion of the court.[135] The amount of litigation likely to result from the enforcement of this measure made it necessary to define the terms unlawful assembly.[136]

G. *Punishment of Slaves*—

1. *Offenses Punishable by Stripes.* Trading without permits from their masters or forging passes was punishable by stripes by act of 1799. The number of stripes was left to the discretion of the justice but was not to exceed thirty-nine.[137] In 1806, riots, unlawful assemblies, trespasses, seditious speeches, insulting language to whites, were made offenses punishable by stripes at the discretion of the justice.[138] By act of 1813, the slave was whipped for selling any article not made by himself.[139] The number of stripes was not less than five, nor more than thirty. He was punished for selling whiskey or keeping it at some other place than his own home. This offense was punishable by not less than three nor more than ten lashes.[141] It is interesting to notice the leniency in the punishment for selling this particular article. Conspiracy, which was punishable by death alone in the act 1741, might by act of 1831 be punished by whipping, pillory, or imprisonment.[141] Death still remained a proper punishment for this offense, but one of the others could be substituted at the discretion of the justice, depending on the character and extent of the conspiracy. By act of 1844, the runaway could be worked

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[135]Acts of 1831, Ch. 103, Sec. 1.

[136]Unlawful assemblies was defined by the act of 1831 as being "all assemblages of slaves in unusual numbers, or at suspicious times and places not expressly authorized by their owners."

[137]Acts of 1799, Ch. 28, Sec. 1.

[138]Acts of 1801, Ch. 32, Sec. 3.

[139]Acts off 1813, Ch. 135, Sec. 6.

[140]Acts of 1829, Ch. 74, Sec. 1.

[141]Acts of 1831, Ch. 103, Sec. 4.

on the streets of an incorporated town and his wages went to the poor.[142]

2. *Capital Offenses.* By act of 1741, killing of horses, hogs, or cattle without a permit from the master was punishable by death for second offense.[143] In 1819, murder, arson, rape, burglary, and robbery were made capital offenses and punishment in all other cases was not to extend to life or limb.[144] By this act the suffering of death by being outlawed as a runaway was abolished. By act of 1835, intent to commit rape upon a white woman was punishable by hanging.[145] The burning of a barn, a bridge, or a house with intent to kill was a capital offense.[146]

3. *Offenses Punishable at the Discretion of the Jury.* The burning of barns, houses, bridges, steamboats, manufacturing plants, and valuable buildings or property of any kind were offenses for which the jury could punish at their discretion, provided such punishment did not extend to life or limb. All offenses of slaves for which there was not a specific punishment fixed by law were left to the discretion of the jury.[147] The cutting off of ears, standing in the pillory, and branding were some of the older punishments for which whipping came to be a substitute.

VI. Title to Slaves—

A. *By Deed.* There was no statutory restriction upon the sale or transfer of slaves from one person to another[148] Secret and fraudulent transfers became so numerous that sales of slaves and deeds of gifts were in 1784 required to be in writing attested by at least one creditible witness and recorded within nine months thereafter.[149] By an act of 1801, such transfers were no longer required to be recorded

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[142]Acts of 1844, Ch. 129, Sec. 1.
[143]Acts of 1741, Ch. 8, Sec. 10.
[144]Acts of 1819, Ch. 35, Sec. 1.
[145]Acts of 1835, Ch. 19, Sec. 10.
[146]M. & C., Secs. 2625-28.
[147]Acts of 1831, Ch. 103, Sec. 4.
[148]Wheeler, Op. Cit., 41.
[149]Acts of 1784, Ch. 10, Sec. 7.

if possession accompanied the sale or gift.[150] In the case of Davis v. Mitchell, Judge Green charged the jury that "a deed registered is only necessary where possession does not accompany gift or sale.[151] A bill of sale of slaves by a person indebted, who still retained possession of the slaves, after the execution of the bill of sale, was void against creditors, although a valuable consideration was received. A conveyance of personality presupposed a transfer of possession.[152]

B. *By Devise.* The transfer of slaves by will followed the same procedure as real estate. A will, valid in either law or equity, had to be in the handwriting of the deceased and signed by him or some other person in his presence representing him and by two witnesses. Such a devise was in fee simple unless an estate of less dignity was definitely conveyed.[153] If the deceased left no will, the slaves became the property of the widow for life, the widow being required to give bond to the county that such slaves with their increase would be returned at her death to the administrators of her deceased husband's estate. In absence of the wife, the slaves were equally distributed among the children.[154] By act of 1796, half bloods were inherited equally with full brothers and sisters. In the absence of such brothers and sisters, the law of distribution was followed among the collateral heirs.[155] By act of 1819, foreigners who had settled in Tennessee and had not been naturalized inherited in the same manner as natural born citizens.[156]

C. *By Parol Contract, and Gifts to Children in Consideration of Marriage.* Conveyance of slaves was required to be in writing and properly attested by witnesses. There

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150Acts of 1801, Ch. 2, Sec. 11.

151Davis v. Mitchell, 5 Yerger, 281 (1833); See also Cains and Wife v. Marley, 2 Yerger, 582 (1831); and Battle v. Stone, 4 Yerger, 168 (1833).

152Ragan v. Kennedy, I Overton, 91 (1804).

153Acts of 1784, Ch. 22, Sec. 11.

154Ibid., Ch. 10, Sec. 4.

155Acts of 1796, Ch. 14, Sec. 1.

156Acts of 1819, Ch. 36, Sec. 1.

could be no transfer of title by parol and no deed of gift was recognized unless it was proved and registered.[157] By act of 1805, the transfer of slaves in consideration of marriage, to be valid against creditors, had to be acknowledged by the grantor or proved by two credible witnesses and recorded in the county of the grantor within nine months.[158]

D. *By Statute of Limitation.* In Tennessee, three years of adverse possession invested the title of a slave in the possessor by virtue of the statute of limitation[159] By the statute of limitation, a gift of parol, which is absolutely void, would, after the lapse of three years' possession, convey title.[160] Judge Green in Davis v. Mitchell, held that an infant might hold adverse possession of a slave, either by himself or through a guardian, and that three years of such possession invested the title of the slave in him.[161] Three years of uninterrupted possession not only invested title, but the right to convey that title.[162]

E. *By Statute of Frauds and Fraudulent Conveyances.* All gifts, grants, loans, alienations or conveyances made with fraudulent purposes were valid only between the parties making them and their heirs, assigns, and administrators, and in no way barred the action of creditors.[163] A conveyance of goods or chattels, without a valuable consideration, was considered fraudulent, unless it was made by a will duly proved and recorded or a deed acknowledged and proved. By act of 1805, such recording had to be done within nine months to be valid against creditors or future purchasers.[164] In Tennessee the want of possession was only prima facie evidence of fraud, and might be explained.[165] If a father represented a slave to be his son's

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[157]Young v. Pate, 4 Yerger, 164 (1833).

[158]Acts of 1805, Ch. 16, Sec. 2.

[159]Acts of 1715, Ch. 27, Sec. 5.

[160]Hardeson v. Hays, 4 Yerger, 507 (1833); Kegler v. Miles, 1 Martin & Yerger, 426 (1825); Partee v. Badget, 4 Yerger, 174 (1833).

[161]Davis v. Mitchell, 5 Yerger, 281 (1833).

[162]Kegler v. Miles, 1 Martin & Yerger, 426 (1825).

[163]Acts of 1801, Ch. 25, Sec. 2.

[164]Acts of 1805, Ch. 16, Sec. 2.

[165]Callen v. Thompson, 3 Yerger, 475 (1832).

delivered possession and permitted possession to continue during the lifetime of the son, who also claimed the slave as his own, it was a gift. The acknowledgment of the son that the slave belonged to the father would not bar the claim of the widow.[166]

F. *By Prescription.* Prescription passed the title and possession of slaves in Tennessee.[167] In the case of Andrews v. Hartsfield, Judge Green held that a bona fide loan of slaves by a father to a married daughter for five years subjected the slaves to sale for the debts of her husband.[168]

VII. The Law of Increase—

A. *As to Condition of Increase.* Tennessee adopted the rule of nature, pertaining to human creatures, in declaring that the condition of the mother should be that of the child. Children born of a mother emancipated at a future date received their freedom with the mother. In the case of Harris v. Clarissa, who was to receive her freedom at the age of twenty, Judge Catron, speaking of the condition of her children born after the bequest of her freedom, said: "Had she been a slave forever, their condition would have been the same, she being a slave for years, their condition could not be worse. The child before born is a part of the mother, and its condition the same; birth does not alter its rights."[169] Children born of a mother conditionally manumitted were held to be slaves.[170]

B. *As to the Ownership of the Increase.* Tennessee held that there was only one title to mother and child. If a negro woman were devised to one person for life, with the remainder to another, and during the life estate, she gave birth to children, they belonged not to the tenant for life, but to the remainder man.[171] The first legatee held only a

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166Hooper's Administratrix v. Hooper, 1 Overton, 187 (1801).

167Acts of 1801, Ch. 25, Sec. 2.

168Andrews v. Hartsfield, 3 Yerger, 39 (1832); see also Peters v. Chores, 4 Yerger, 176 (1833).

169Harris v. Clarissa, 6 Yerger, 227 (1834).

170Hope v. Johnson, 2 Yerger, 123 (1826).

171Preston v. McGaughery, 1 Cook, 115 (1812).

particular interest, while the second held absolute title.[172] If the first devisee received an absolute estate, the increase went to him.[174] The term increase was usually qualified by the word "future" in order to restrict its application to only the issue after the bequest of freedom to the mother.[174]

VIII. The Legal Status of the Slave—

What, then, in conclusion, was the legal status of the slave? Was he a chattel? Or was he a responsible person? By the civil law, the slave was a chattel; by the common law he was a person. Both of these systems of jurisprudence were combined into a compromise that actually represented the legal status of the slave in Tennessee. The slave was both a chattel and a person.

A. *As a Chattel.* The slave was personal property. He, therefore, could neither own property, nor make a commercial contract. He had neither civil marriage nor political rights. His movements in the community were under the control of his master. He could not be a party to a law suit in ordinary matters. He had no control over his time or labor. His punishments were usually whipping. Like a chattel, he was an article of merchandise to be sold to the highest bidder. He had no control over his children at law, and could not be a witness against a white man.

B. *As a Person.* The slave was emancipated and given his full rights at law. He could be a party to a suit for his freedom and for property that his freedom involved. He could represent his master as agent. His marriage, while not a civil one, was held binding by the courts. The children of a recognized marriage were not illegitimate, and took the legal status of the mother. He could make a binding contract with his master for his freedom. He was held responsible at law for murder. His intellectual and moral qualities were recognized at times. He eventually acquired the right of trial by jury.

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[172]Caines and Wife v. Marley, 2 Yerger, 586 (1831).

[173]Smith v. Bell and Wife, 1 Martin & Yerger, 302 (1827).

[174]Wheeler, Op. Cit., 225.

This compromise legal basis of slavery in Tennessee was well stated by Judge Nelson in the case of Andrews v. Page, as follows:

> While the institution of slavery existed it was generally held in the slaveholding states that the marriage of slaves was utterly null and void; because of the paramount ownership in them as property, their incapacity to make a contract, and the incompatibility of the duties and obligations of husband and wife with relation to slavery . . . But we are not aware that this doctrine ever was distinctly and explicitly recognized in this state.[175]

In another connection in the same case, Judge Nelson said:

> The numerous authorities above cited show that slaves, although regarded as property and subject to many restrictions, never were considered by the courts of this state as standing on the same footing as horses, cattle, and other personal property.[176]

Judge McKinney, in Jones v. Allen, said:

> We are not to forget, nor are we to suppose, that it was lost sight of by the legislature, that, under our modified system of slavery, slaves are not mere chattels, but are regarded in the two-fold character of persons and property; that is, as persons they are considered by our laws as accountable moral agents, possessed of volition and locomotion, and that certain rights have been conferred upon them by positive law and judicial determination, and other privileges and indulgences have been conceded to them by the universal consent of their owners. By uniform and universal usage, they are constituted the agents of their owners, and are sent on their business without written authority; and in like manner they are sent to perform those neighborly good offices common in every community. They are not at all times in the service of their owners, and are allowed by

[175]Andrews v. Page, 3 Heiskell, 661 (1868).

[176]Ibid., 662.

universal sufferance, at night, on Sundays, holidays, and other occasions, to go abroad, to attend church, to visit those to whom they are related by nature, though the relation may not be recognized by municipal law; and to exercise other innocent enjoyments without its ever entering the mind of any good citizen to demand written authority of them. The simple truth is, such indulgences have been so long and so uniformly tolerated that public sentiment upon the subject has acquired almost the force of positive law.[177]

[177]Andrews v. Page, 3 Heiskell, 662-3 (1868).

CHAPTER III

Economics of Slavery in Tennessee

I. Slavery an Expression of the Soil.

Someone has said, "The rocks determine our politics." The rocks make the soil, which in turn determines the agricultural products that a section can produce with profit, and, hence, the labor system. Slavery nowhere in the United States reflected physiographic features more distinctly than in Tennessee. The three sections of the state have always differed very largely in their agriculture, in their sympathy with various sections of the country, and in their politics. In fact, there are almost three peoples and three civilizations in Tennessee. Physiography has been the biggest factor in the differentiation. The human response to the soil is very clearly shown. The differences in the sections of the state on the subject of slavery were due mainly to geography, since differences in climate were not sufficiently marked to promote or create any special attitude of mind toward slavery.

East Tennessee remained throughout the slavery regime mainly a section of small farmers. It was only the river valleys of the French Broad, the Watauga, the Holston, and the Tennessee that yielded with advantage to agriculture. These valleys were mostly of limestone formation, and produced a loamy soil that was very fertile.

The counties[1] in these river valleys produced considerable quantities of wheat and corn, but very little cotton. In 1850 East Tennessee produced one bale of cotton, ten hogsheads of tobacco, 1,813,338 bushels of wheat, and 10,998,654 bushels of corn.[2] In 1840, the counties containing the largest number of slaves were Knox, numbering 1934; Hawkins,

[1]Knox, Bledsoe, Bradley, Granger, Greene, Hawkins, McMinn, Monroe, Roane, and Hamilton were counties noted for their production of corn and wheat.

[2]Comptroller's Report for 1850, p. 44.

1499; Jefferson, 1282; and McMinn, 1241. There were six counties with slightly over one thousand each, six in the six hundred column, and the others ranged from 150 to 450 each.[3] In 1860 there were four counties in East Tennessee with 2000 slaves in each. In the same year, there were 27,560 slaves in East Tennessee.[3]

In 1856 there were only 28 farms in East Tennessee containing one thousand acres or more. There were 164 containing from 500 to 1000 acres, 1,173 having from 100 to 500 acres, 7,117 having 50 to 100 acres, and 6,920 containing less than fifty acres. There were only 192 farms which contained more than 500 acres. It is seen from these figures that East Tennessee was populated essentially by small farmers who raised wheat and corn and live stock.[4]

In 1840 there were 19,915 slaves in East Tennessee, valued at $10,813,845.[5] In 1850 there were 22,187 valued at $11,248,809; and in 1860 there were 27,560 slaves valued at $23,536,240.[6] There were in 1856 only 4,784 slaveholders in East Tennessee. Of these, one held between 200 and 300 slaves, 3 between 70 and 100, 4 between 50 and 70. 12 between 40 and 50, and only 718 owned more than ten slaves, and 1207 owned only one; 719 owned two slaves. Practically half the slaveholders of East Tennessee owned either one or two slaves. The average price of land per acre in East Tennessee was $4.62, slightly more than half of what it was for middle and West Tennessee.[7] The value of the slave in 1859 ranged from $563 in Johnson County, which is in the northeastern part of the state, in the mountains, to $953 in Blount County, which is bordered by the Tennessee River and is traversed by some of its branches.

Middle Tennessee was more adapted to the slavery system than East Tennessee. It contained the rich Central Basin, traversed by the Cumberland River, and also portions of the valley of the Tennessee. Slavery was profitable

[3]Census of 1850, Population I, p. 63.

[4]Comptroller's Report for 1856, p. 44.

[5]Comptroller's Report for 1857-8, p. 165.

[6]Comptroller's Report for 1859-60, p. 22.

[7]Comptroller's Report for 1859, p. 30.

in Middle Tennessee, especially for the cultivation of tobacco and cotton. Middle Tennessee in 1856 raised 19,621 bales of cotton and 4,511 hogsheads of tobacco. It produced 1,825,423 bushels of wheat and 21,968,114 bushels of corn.[8] The big cotton counties were Lincoln, producing 2,558 bales; Williamson, 3,167 bales; Maury, 4,623 bales; and Rutherford, 4,623 bales. All these counties are in the Central Basin. The big tobacco counties were Robertson, producing 1083 hogsheads, Smith, 1050 hogsheads, and Williamson, 1179 hogsheads.

There were 74 farms in Middle Tennessee, containing more than one thousand acres each and 299 farms having beween 500 and 1000 acres each. The counties having plantations of more than 500 acres were Wilson, with 24, Davidson, 27, Bedford, 33, Montgomery, 23, Williamson, 49, Lincoln, 50, Rutherford, 52, and Giles, 60. Most of these counties are located in the Central Basin, and have a rich, loamy soil. The response was the big plantation and a dense slave population.

The slave population of Middle Tennessee, increased from 106,640 in 1840, to 131,666 in 1850 and to 148,028 by 1860. Land was very valuable in the cotton and tobacco counties, ranging in value from $13.54 in Giles County to $18.84 per acre in Williamson. The slave in Giles County was worth $797 while in Williamson County he was valued at $855. Both of these counties were rural and produced cotton. The average value of land for this section was only $8.82 per acre while the average value of slaves was $838. The total value of slaves in Middle Tennessee in 1860 was $126,488,-926.

There were 18,524 slaveholders in Middle Tennessee in 1856; of this number, 14,145 held less than ten slaves; only one owned more than 300 slaves; about four thousand held only one slave. There were practically no large slaveholders in Middle Tennessee.

West Tennessee along the Mississippi River was a part of the Black Belt, and was more suitable for the production

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[8]Comptroller's Report for 1856, p. 44.

of cotton than either of the other two divisions of the state. There were 13,536 slaveholders in West Tennessee in 1856.[9] West Tennessee had larger slaveholders in proportion to the total number than either of the other divisions of the state. In East Tennessee those who owned one slave were one-fourth of the total number of slaveholders; in Middle Tennessee about the same proportion prevailed; and in West Tennessee this ratio was reduced to 1:5. In East Tennessee there was only one person owning more than one hundred slaves; in Middle Tennessee there were twenty-five; in West Tennessee there were eighty-five.

The plantations in West Tennessee were larger and more numerous, in spite of the fact that West Tennessee was not settled before 1820. Fayette County had 74 plantations containing between 500 and 1000 acres each, and 15 containing more than 1000 acres each. Fayette County in 1860 contained 15,473 slaves, all of whom had been acquired since 1830.[10] Shelby had a slave population of 16,953, which had been acquired since 1830. Some of the most productive parts of the Black Belt in West Tennessee, such as Lake County, were not in cultivation by 1860. The counties along the divide between the Mississippi and Tennessee rivers were very poor, and therefore not suitable for the production of cotton in large quantities. Counties like Hardin, Henderson, McNairy, Chester, Decatur, Carroll, Weakley, and Gibson were cultivated by small farmers, many of whom owned no slaves at all, while others owned only one or two slaves. In these counties, farmers worked their crops by themselves, or by the side of their slaves.

The leading crops of West Tennessee were cotton, corn, wheat, and tobacco. Cotton was the chief crop, and tobacco was raised in only the poorer counties, like Benton, Carroll, Weakley, Gibson, Haywood, and Lauderdale. Fayette and Shelby were the big cotton counties. West Tennessee produced in 1856 four times as much cotton as Middle

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[9]Comptroller's Report for 1856, p. 44.

[10]Tenth Census, I, Population, p. 63.

Tennessee, and 3,144 hogsheads of tobacco against 4,511 produced by Middle Tennessee.[11]

Taking the state as a whole, it was never more than a state of small farmers. The plantation system as it existed in Mississippi or South Carolina never prevailed in Tennessee. The soils of Tennessee were not sufficiently productive to make slavery profitable on a large scale. It was more profitable to own from one to halt a dozen slaves and work with them than to have an overseer. Of the 33,864 slaveholders in the state in 1850, 26,512 owned less than ten slaves each, and 18,198 owned less than five each. There were only 22 persons in the state who owned more than one hundred slaves. By 1856 this number had increased to one hundred and six.

The distribution of the slaves over the state was determined by the crops raised. In East Tennessee the ratio of slaves to whites was about 1 to 12; in Middle Tennessee, 1 to 3; and in West Tennessee, 3 to 5. In no county in East Tennessee was the ratio greater than 1 to 6, while in several counties it was 1 to 60, and in two-thirds of them it ranged from 1 to 20, to 1 to 60.[12] This, of course, was a matter of the soil. These factors reflected themselves in social life education, religion, and politics. Slavery produced aristocracy and classes of society wherever it appeared. It made for the private school in education, Whiggery in politics, and the southern division among the Protestant churches that split. East Tennessee in Andrew Jackson's time was the democratic part of the state. West Tennessee, the seat of the Black Belt, was the home of the Whig aristocracy. When the Whigs became Democrats in the decade between 1850 and 1860, the free farmers and small slaveholders, Democrats of East Tennessee, became Unionists and later Republicans. This same formula worked out over the entire state. There are Republican islands in Democratic sections, and Democratic islands in Repub-

[11]Comptroller's Report for 1856, p. 44.

[12]Martin, A. E., Tennessee Historical Magazine, I, No. 4, p. 279.

lican sections. East Tennesse remained loyal to the Methodist Church, and West Tennessee went into the Methodist Church, South. These divisions were not peculiar alone to the three grand divisions of the state, but are found in the various counties.

For instance, in the Presidential elections of 1844 between Clay and Polk, Tennessee went for Clay. The big Democratic counties of today were Whig then. Fayette's vote was 1217 to 1060 in favor of Clay; Shelby's, 1828 to 1607 in favor of Clay; Madison's, 1562 to 737 in favor of Clay; Gibson's, 1423 to 688 in favor of Clay. These counties are now the big Democratic counties of West Tennessee. They stood the same way in 1848 on the election between Taylor and Cass. They voted overwhelmingly for the Whig candidate for Governor in 1847.[13]

Present Republican counties of East Tennessee went Democratic. Washington, 1225 to 881 in favor of Polk; Sullivan, 1533 to 350 in favor of Polk; Greene, 1701 to 1031 in favor of Polk. The same line-up expressed itself in 1847 and in the Presidential election of 1848.[14]

There are certain counties in West Tennessee today that are quite as overwhelmingly Republican as any in East Tennessee. These counties are in full sympathv with the point of view of the North in politics and toward life generally. The northern branches of the churches, together with their schools, are found in these counties. They prefer school teachers from the North and send their children to northern colleges. The human response to the soil that determined their attitude toward slavery is mainly responsible for these results. It was this force that made poor whites out of some and slaveholders out of others.

II. The Management of the Plantation.

Plantation life in Tennessee was more humane than is generally supposed. Great care was taken in establishing the negro quarters. There were several reasons for this,

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[13]Whig Almanac for 1844.

[14]Whig Almanac for 1848.

not especially peculiar to Tennessee. Health is an indispensable factor in the life of an efficient laborer. It saved or reduced the expense of medical attention. Sanitary quarters for the negroes produced contentment and thus lessened the problem of government. They prevented the spread of disease, and a consequent heavy death rate. They diminished crime among the slaves and on the whole made a good reputation for the master. Respect for the master was no inconsiderable force in the proper functioning of a plantation. The slaveholders discussed these subjects in the agricultural fairs and read papers on how to build proper slave quarters.

In an issue of the Practical Farmer and Mechanic, published at Somerville, Tennessee, the county seat of the most densely slave-populated county in the state, are given the following instructions relative to the establishment of the plantation buildings:

> In the selection of his farm, he (the master) should have an eye to health, convenience of water, and a soil with such a substratum as to retain manures. His home should be neat but not costly—erected on an elevated situation—with a sufficient number of shade trees to impart health and comfort to its inmates. His negro quarters should be placed a convenient distance from his dwelling on a dry, airy ridge—raised two feet from the ground—so they can be thoroughly ventilated underneath, and placed at distances apart of at least fifty yards to ensure health. In this construction, they should be sufficiently spacious so as not to crowd the family intended to occupy them—with brick chimneys and large fire-places to impart warmth to every part of the room. More diseases and loss of time on plantations are engendered from crowded negro cabins than from almost any other cause. The successful planter should therefore have an especial eye to the comfort of his negroes, in not permitting them to be overcrowded in their sleeping quarters.[15]

[15] The Practical Farmer and Mechanic, October 6, 1857.

This was an ideal that was regarded as a model. There was pride among masters as to the character and appearance of their plantations. In a description of a plantation in Haywood County, the following elaborate set of buildings is given: dwelling-house, kitchen, washhouse, storehouse, office, smokehouse, servants' houses about the dwelling of the master, weaving, ice, and poultry houses, gin house, grist mill, flouring mill, wheat granary, stables, corn crib, overseer's house, seven double negro cabins, thirty-six feet by fourteen, with large brick chimneys, closets, and other conveniences, all of which buildings are annually whitewashed.[16] If one family was to occupy the cabin, it was usually about 16 feet by 20 feet in its dimensions.[17] An effort was made to locate cabins among shade trees. If this condition was not met, trees were planted. Comfortable housing of the slaves was one of the real problems of slave management, and it seems that an honest effort in most cases was made to solve it. Proper bedding with plenty of blankets was furnished in the winter, and close attention was given to the food of the slaves. Weekly allowances were usually made, yet some fed in common. Five pounds of good, clean bacon, one quart of molasses, a sufficiency of bread and coffee with sugar were usually distributed to each slave on some designated night each week. Family rations were put together. Single hands received their rations separately, and then united in squads and masses. Some woman was detailed to cook their meat or make their coffee. The bread was cooked in the bakery for the entire plantation.

Two suits of cotton for spring and summer; two suits of woolen for winter; four pairs of shoes, and three hats made up the clothing allowance. The slave was encouraged to be neat in his dress.

The slaves were supposed to go to work by sunrise. They rested from one to two hours at noon and then worked until night. In summer, the plan frequently was to work from

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[16]Comptroller's Report for 1855-6, p. 431.

[17]De Bow's Review, XVII, 423.

sunrise to 8:00 o'clock a.m., then breakfast, work until 12:00 o'clock at noon, rest two hours, and then work until night. They always quit work at noon on Saturday to prepare for Sunday.

Various plans were used to stimulate the slaves to work. One of the most effective was "task week." The negroes varied among themselves considerably as to the rapidity with which they could perform their labor. It was this very fact that constituted the basis of the "task" system. According to this system, a slave could work for himself or play when he had finished his assigned task. Some masters permitted the slaves to cultivate a few acres for themselves.

Prompt attention in case of sickness was a vastly important matter among slaves. Masters, mistresses, and overseers usually knew a great many home remedies which, if given in time, would suffice for a large number of complaints. A good amount of red pepper was used in the vegetables. This was supposed to stimulate the system, prevent sore throat, and render the system less liable to chills and fevers.

Good plantation management contained a number of additional interesting features. A weekly dance was an event to be looked forward to. For the master and mistress to chaperon these occasions made a strong impression on the slaves. Family prayers in which the slaves participated had a bracing effect on the negro's character. It was wise to have an employed preacher for the slaves. Religion appealed to the negro's character, and it was a psychological factor in his control.

One of the most interesting features of plantation life was the raising of poultry by the old slaves who were incapacitated for hard work. An old negro man, giving most zealous attention to his brood, his negro assistants careful to please him in every detail, and the "happy family," consisting of everything from a bob white and turkey gobbler

to a mockingbird, made one of the most beautiful pictures of plantation life.[18]

The duties of the master was a subject that was kept before the community even if economic interests were not sufficient to control such matters. J. P. Williams, in a prize essay on plantations and their management, urged that the master should give his personal attention to his negroes. He thought that such supervision would not only pay in financial returns but would largely solve the problem of discontent and insubordination frequently due to mistreatment of slaves by an overseer.[19]

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[18]The following is a description of "a master in Haywood County, who, having the Shanghai mania, raised one year over eight hundred of them, under the careful attention and supervision of an old man, who had numbered his three score years, and was very infirm, but who, after proper preparation in the several coops and houses, with suitable places as depositories for their food, took great pleasure in his charge, and, with the negroes assisting him, it was pleasing to see the delight he manifested in the care of his brood, and with what pride he would discourse on their good qualities to his respective visitors. Upwards of one hundred pair were given away, and from the sales of others at five dollars the pair, the old negro's labor contributed to the income of the farm more than two hundred dollars. To suppress the romantic suggestions that his rural pursuits in his retirement might lead to, he would exhibit his 'happy faimly' uncaged to his visitors, when he pointed to the fowl, the duck, the turkey, the pea-fowl, the pigeon, the partridge, the dove, the jaybird, the squirrel, the rabbit, the red bird, the woodpecker, the humming and mocking bird, as they occupied their respective places in the forest before his dwelling, and frequently several of them might be seen eating together, feeling instinctively conscious, from habit long indulged, that they had a protector over them, that prevented their being wantonly destroyed."

Comptroller's Report 1855-6, p. 432.

[19]"He should see," said Williams, "that their cabins are kept clean and free from all kinds of filth, and that their hours of retiring should be regular and at an early period of the night.. Their food should be nourishing and well cooked, with plenty of vegetables in heat of summer.

"He should have his negroes comfortably clad, winter and summer, and see that their persons as well as their clothing are kept clean and nice, and that they are not driven out in unsuitable weather (which is too often the case by over-bearing overseers), if he expects them to enjoy health or live to an age to be profitable to their masters. He

The master's relation to the overseer was an important factor in the management of the plantation. It was a good policy to pay any overseer well. This gave the master the right to demand his entire time, and usually ended in efficiency and satisfactory relations of overseer to both master and slaves.

"An employer," said Jas. C. Lusby, in a paper read before the Agricultural and Mechanical Society of Fayette County, September 2, 1855, "should never ask a negro any questions whatever about the business of the plantation, or the condition of the crops; nor say anything in the presence of the negroes about the overseer, for they are always ready to catch any word that may be dropped, and use it if possible to cause a disturbance between the master and the overseer."[20] It seems that there was a common practice among masters to have one or two trusties among the negroes to act as spies upon the overseer. "Negroes," said Lusby, "in two-thirds of the cases, are the cause of employers and overseers falling out."[21] The successful planter was one who gave sufficient time and thought to the management of his farm to enable him to be his own judge as to the character and efficiency of his overseer.

The overseer was the most important factor in the management of the large plantation. His indifference toward the interests of either master or slaves broke down the system, because there was perfect unity of interests inherent in the system, and the successful overseer recognized this ideal. It was the business of the overseer to be

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should attend to their morals and instruct them himself, or employ others to do so, as regards their duties and obligations to their master and their Creator—so they may thoroughly understand the full nature of vice and crime, and their consequent punishment here and hereafter. These instructions will make them better servants by teaching them their true and relative positions, and prevent cases of insubordination which so often arise from ignorance and neglect. Let their treatment be mild and humane, at the same time stern and uncompromising in the punishment of offenses."—The Practical Farmer and Mechanic, October 6, 1857.

[20]Comptroller's Report for 1855-6, p. 525.

[21]Ibid., p. 526.

present at the beginning of every important work, not merely because he was paid to do so, but because the negroes always took advantage of his absence. It was his business to ring a bell or blow a horn in the morning for breakfast, because it was unsafe to entrust this duty to a negro driver for the reason that it was almost impossible to find a negro sufficiently regular in his habits to be reliable. If the breakfast hour was a failure, the entire day's work was seriously damaged.

The overseer had to see that the negroes were up by four o'clock in the winter and about half past three in the spring and summer. This gave time to prepare victuals, arrange clothes and shoes, to see that horses and mules were properly fed, that crib doors were shut, that fires were built for the children, and that everybody was ready to go to work by daylight.[22]

The overseer accompanied the slaves to the field and saw that the day's work was properly begun. He could then return to his house for breakfast. Following breakfast, he was free to make a general inspection of the plantation. He inspected the cabins to see that they were neatly kept, that the clothes of the negroes were washed, that the negro nurses were properly looking after the children, that the common bakery, boot-and-shoe shop, carpenters, mechanics, and tailors were efficiently functioning.

He inspected fences, ditches, gates, and stock occasionally. He visited the cabins two or three times a week at night to see that the negroes were at home and that no strange negroes were on the premises. The nature of the negro was to gad about, and to keep improper hours. It was the duty of the overseer to prevent this. He had to look after the farming implements, and, after the crops were harvested, to gather up the tools of the plantation and have them repaired and properly housed during the winter.

The overseer had constantly to plan work two or three weeks in advance to have the greatest success. He had to

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[22]Comptroller's Report for 1855-6, p. 527.

keep in close touch with the master, especially concerning work after the crops were finished. "I consider it to be the duty of the overseer," said Lusby, "to do anything that the employer wishes him to do, right or wrong."[23]

Lusby advocated that an overseer should be a model of personal appearance. He should keep himself close-shaven, wear good clothes, "hold his head up equal to his employer, ride a good, sprightly horse, and have one of the hands to attend to him, and saddle him in the morning."[23] An overseer was rated by the slaves very largely according to the manner in which he conducted himself. His personal conduct was a determining factor in the degree of control that he was able to exercise. This factor either made or undid all his efforts.

An overseer who was a success in the employment of a master was usually able to buy land and negroes for himself in a few years. In an address given at an agricultural fair in Jackson, Tennessee, in 1855, an account is given of a planter in Haywood County, who had had only four overseers from 1838 to 1855. One of these in six years, with a large family, accumulated nineteen hundred dollars which he invested in lands and negroes in Texas, and was soon doing well. Another accumulated in seven years more than two thousand dollars, and was ready to go to Arkansas and invest his capital in lands and negroes. The other two had similar success.[24]

The slaves in Tennessee undoubtedly were, on the whole, humanely treated. Rev. Arthur Howard says in his history of the Episcopal Church in Tennessee that "it is impossible to deny that the negroes of the South were happier, and better cared for, physically and morally, under the system of slavery existing in the South, than they have been at any time since they obtained their freedom and were

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[23]Comptroller's Report for 1855-6, p. 527.

[24]Ibid., p. 431.

suddenly, without any training, endowed with the right of citizenship."[25]

Rev. J. N. Pendleton, of the Baptist Church, said:

> I take great pleasure in testifying that slavery in Kentucky and Tennessee, and I was not acquainted with it elsewhere, was of the mild type. When I went North, nothing surprised me more than to see laborers at work in the rain and snow. In such weather, slaves in Kentucky and Tennessee would have been under shelter.[26]

III. Was Slavery Profitable in Tennessee?

There is a great deal of evidence that slavery was profitable, and some that it was not. Slavery increased very rapidly in the first two decades of the history of the state. From 1790 to 1800 there was an increase of 297.54 per cent, and from 1800 to 1810 an increase of 229.31 per cent.[27] Slave population increased only 79.06 per cent in the next decade, and only 244.19 per cent from 1820 to 1860. This decrease in percentage from 1820 to 1860 is in face of the fact that West Tennessee, the Black Belt part of the state, was settled and populated during this period. This evidently means that slavery was not making much progress in East and Middle Tennessee.

Slaves increased in value very rapidly in Tennessee from 1790 to about 1836. They were worth only $100 each in 1790, but by 1836 they were valued at $584.[28] They decreased in value to $413.72 by 1846. They reached the 1836 mark again in 1854, and by 1860 were valued, for purposes of taxation, at $900.[29] This valuation was largely controlled by the price of cotton. The average price of cotton for the decade ending 1830 was 13.3 cents per pound; for the decade ending 1840, 12.4 cents; for the decade ending 1850,

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[25]Howard, Rev. Arthur, History of the Church in the Diocese of Tennessee, p. 177.

[26]Pendleton, J. N., Reminiscences of a Long Life, p. 127.

[27]Statistical Abstract of U. S., 1906, p. 32.

[28]Comptroller's Report for 1857-8, p. 165.

[29]Comptroller's Report for 1859-60, p. 22.

8.2 cents; and for the five years ending 1855, 9.6 cents.[30] The values and prices of Tennessee slaves and cotton only roughly corresponded to those of the United States at the same time. In 1792, the average value of a slave in the United States was $300, and in 1835 it was $900, and $600 in 1844.[31] Upland cotton was worth 17½ cents per pound in New York City in 1835 and 7½ cents in 1844. It was generally held that a difference of one cent a pound in the price of cotton made a difference of $100 in the price of slaves, but this could not apply to the above prices.

Slavery was undoubtedly very profitable in Middle and West Tennessee. F. A. Michaux in travelling from Nashville to Knoxville in 1802 says: "Between Nashville and Fort Blount (above Nashville on the Cumberland River about sixty miles) the plantations, although isolated in the woods always, are nevertheless, upon the road, within two or three miles of each other. The inhabitants live in comfortable log houses; the major part keep negroes, and appear to live happy and in abundance."[32] He says West Tennessee (Cumberland), now Middle Tennessee, produced a very fine grade of cotton and that manufacture was encouraged by the legislature.[33] "Emigrants to Tennessee," he continues, "by at least the third year have gone over to the cotton crop." He says that a man and his wife could, aside from raising sufficient Indian corn for sustenance "cultivate four acres (of cotton) with the greatest ease." This would yield a net produce of two hundred and twelve dollars. "This light sketch," he says, "demonstrates with what facility a poor family may acquire speedily, in West Tennessee, a certain degree of independence, particularly after having been settled five or six years, as they procure the means of purchasing one or two negroes, and of annually increasing this number."[34]

Lilly Buttrick, travelling in Tennessee from 1812 to 1819,

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[30]Stirling, James, Letters from the Slave States, p. 305.

[31]Political Science Quarterly, XX, p. 267.

[32]Thwaites, III, 257.

[33]Ibid., 277.

[34]Ibid., 278.

speaks of stopping with an Indian slave owner by the name of Talbot, who lived on the bank of the Tennessee. "This man," he says, "was said to be very rich, in land, cattle, and negro slaves, and also to have large sums of money in the bank."[35]

The culture of cotton was profitable from the very beginning of the state down to 1860. As early as July, 1797, Mr. Miller of the firm of Miller and Whitney, proposed to his partner that they send an agent to Knoxville, "where we were informed that cotton was valuable," and to Nashville and the Cumberland settlements to gather information concerning the culture of cotton in those parts and the mode of cleaning it.[36] As soon as the people of these frontier settlements learned that the cotton gin was a success, they held public meetings and petitioned the legislature of Tennessee to buy the patent rights of Miller and Whitney to the saw-gin within the limits of Tennessee. Andrew Jackson presided at some of these meetings.[37] In accordance with the wishes of the people, the legislature purchased the patent rights for the gin within the limits of Tennessee in 1803, and the state began to encourage the growth of cotton. "Cotton production in this state," says Hammond, "with the exception of a few years in the 40's, continued to increase at a uniform rate until the outbreak of the Civil War."[38]

A. D. Murphrey, a North Carolinian, travelling through West Tennessee in 1822, and writing to his friend, Thomas Ruffin, left the following account of the soil and the profits in farming in West Tennessee: "Since I wrote you last I have been through nearly one-half of the Chickashaw Purchase, and if I was disappointed as to old Tennessee, I was still more as to the Purchase; but my disappointment was of another kind. I have never seen such a beautiful country before, nor one where industry can be so well rewarded.

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[35]Thwaites, VIII, 73.

[36]American Historical Review, October, 1897 (Letter of Phineas Miller to Eli Whitney, July 21, 1797).

[37]Aurora and General Advertiser, September 3, 1802.

[38]Hammond, M. B., The Cotton Industry, p. 70.

It is very much like Mecklenburg and Cararrus were, I expect, a hundred years ago, in their appearance; but there is a fertility in its poorest soil that I have seen nowhere else. Except the swamp, there is really no poor land, if we are to judge from its production; for on the poorest ridges that I have seen, six and eight barrels of corn, or 1000 pounds of cotton is the ordinary crop. What is there called good land brings upon an average 10 barrels of corn or 1300 pounds of cotton to the acre; and one hand will tend more land than two in any part of North Carolina west of Raleigh. I have just left the house of a Mr. Morgan on Sandy River, who is now working his second crop and works four hands. He has prepared 80 acres of this ground since Xmas, 1821 (this was July, 1822), and his crop of corn, without severe disaster, will be 1000 barrels . . . The soil is rich, black land, varying in depth from four to ten inches; then comes a good clay—not a stone or pebble to be seen."[39]

The Nashville Banner in 1833, in a discussion on the prosperity of Tennessee, boasted that "the profits alone" on the crop of cotton, in the present year, "will pay the whole aggregate debt of Tennessee and leave a large balance in favor of the country."[40]

In the reports made to the Comptroller, and inventories given in the proceedings of the county and district fairs, there are numerous examples of individuals who, with a few slaves, purchased lands, cleared and stocked them, and made big money in farming. The following is a detailed account of what a Middle Tennessee planter did, who in 1838 had twenty-two negroes, only fifteen of whom were field hands: "He cleared nine hundred acres of land . . . made all his improvements, consisting of a dwelling house, kitchen, washhouse, storehouse, office, smokehouse, the necessary negro houses for servants' houses about his dwelling, weaving, ice and poultry houses, a gin house forty by sixty feet, a building forty feet square with driving

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[39]Publications of the North Carolina Historical Commission, I, p. 245.

[40]Nashville Banner, November 16, 1833.

power attached," from which was propelled the following machinery: a flouring mill which ground and bolted from seventy to eighty bushels of wheat per day, a corn mill which ground from ninety to one hundred bushels of corn per day, a knife that cut food for his stock, a corn sheller, a wheat thresher, with a 300-bushel capacity per day for wheat and 200 bushels for rye, a saw mill that cut from one to two thousand feet of lumber per day; "barns, stables, cribs, overseer's home, negro cabins, and outhouses."[41] This planter furnished the flour for his family and negroes and sold a surplus to cotton planters sufficient to pay the cost of his machinery and the salary of his overseer. He raised all the live stock that the plantation needed, and sold immense quantities of horses, mules, cattle, sheep, and swine.

His capital increased at the rate of 169 per cent per annum, yet "he never made a speculation of any kind whatever during all this time of prosperity, to buy and sell again. He lived generously, while some of his friends charged him with extravagance in many things. His farming interest did it all, under its own progression, and is entitled as a pursuit or business, after the support of himself and family, which under the peculiar visitations of Providence, added necessarily to his expenses, to all the credit."[42]

This planter was active in politics, and acted as administrator of the estates of several of his friends. He managed his plantation so successfully that he never gave cause for a change of overseers, nor did he have any trouble with his slaves. He was a type of the Middle Tennessee planters.

This planter was Mark C. Cockrill. He was famous for the grade of wool that he grew. He exhibited a wool at the World's Fair in London that for its texture, quality, and fineness excelled the wool from Saxony, from which the best English broadcloths have been made. He returned

[41]Comptroller's Report for 1855-6, p. 432.

[42]Ibid., p. 433.

with the premium, certificates, and medals to be still further rewarded by the legislature of his own state with a gold medal for his enterprise and the prosperity he had brought to the wool-growers of the state.[43]

There were equally famous public-spirited cotton planters of West Tennessee, Pope, Holmes, Poynor, and Bond, planters of Fayette County and Shelby County, at this same World's Fair, who changed the classification and commercial character of American cottons. They were able to place Tennessee cotton next to the Georgia Sea Island, giving it the highest grade of upland cotton. This meant considerable wealth to Tennessee. Both Pope and Holmes received medals at the fair. These planters, in coöperation with David Park, a cotton factor of Memphis, distributed among several factories of the East a large amount of Tennessee cotton to be experimented with, in order to test its superior grade. This gave Tennessee cotton a great reputation, and made Memphis a joint distributing-point for the sale of cotton. Cotton began to come up the Mississippi to Memphis to be distributed over the entire world. This was the beginning of the movement that has finally made Memphis the greatest inland cotton market in the world.

Comparing these cotton planters with the Middle Tennessee planter referred to above, James C. Coggesball, the author of this paper, says, "I must certainly be permitted to speak as to the circumstances of several whose success surpasses his in a four-fold extent."[44] "And just here," he says, "permit me to add as my opinion that there is not to be found a location in the United States where a farming community, taking them as a body, is as independent and intelligent as they are in the western district. The public days at the county seats exhibit but few scenes of impropriety emanating from them, while the sheriff's and constable's advertisements seldom have reference to their estates."[44]

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[43]Comptroller's Report for 1855-6, p. 434.

The planters of Tennessee realized that slavery was profitable, and were jealous of all forces that threatened its existence. They knew that the cotton system depended on slave labor. The slaveholding sections of the state were the strong supporters of colonization societies, not in the sense of anti-slavery, but as a protection to slavery. "The existence of colored freedom in the midst of a slave population," said their petitions, "has a tendency to impair the value and utility of that description."[45] It will cause "those who might have considered bondage as one of the decrees of Fate, or provisions of superior power, imposed upon their sable race, where all were placed in a like condition . . . to view with jealousy and discontent the elevation of some of their own family to a grade so far above their reach."[46] This memorial suggested the expediency of abolishing colored freedom, which was actually attempted in the later fifties.

"The farmer should remember," said Coggesball,[47] "that he has not merely farmers' duties to attend to, but that, as a slaveholder, and as a member of society, he has personal and political rights to watch over and protect. Will he look at the assembled combinations that are against him; at the encroachments upon his homestead, who are advancing with torch in hand and fanatic cry of freedom, even at the price of extermination of the white race of slaveholders? And see that they are headed by the pulpit, composed of its three thousand clergy, with the anti-Christ motive of a Judas Iscariot marked upon their physiognomy, and instigated by the price of thirty shekels of silver, from England's commercial schemers, swearing in their fanatical zeal that the Bible itself is not the Word of God, they recognize in the establishment and the sustaining of this relation, and reading their homilies on the other side of Mason and Dixon's line, to the mob collections from the purlieus of their cities, who, like themselves aspire to the

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[44]Comptroller's Report for 1855-6, p. 435.

[45]Memorial from the Cononization Society of Tennessee, 1832 (State Archives).

distinction given to the Beecher family, by some way, who lately discovered that in this world there were three distinct classes of people, to-wit: the saint, the sinner, and the Beecher family."

As the pressure became more intense, the planters became more intolerant of any discussion on the slavery question. The conclusion of Coggesball's discussion gives the frame of mind that most of the slaveholders had acquired by 1860. "For myself," he said, "my relation to slavery is one that I allow no man, even my neighbor, who is a non-slaveholder, to counsel me respecting. So sinister and heartless has the northern public become, they but elucidate the fact that there is no tyranny like that of the full-blooded fanatic. I have no missionary ground in my heart for them to reach; my duty is a responsible one. God and my country recognize it, and I care not what others think of me respecting it. I believe that slavery is a blessing to the slave in the largest extent, produced by the wisdom of God, and retained as such by his overruling providence, and that the Christian slaveholder is the true friend of the black man."[47]

[46]Comptroller's Report for 1855-6, p. 439.

CHAPTER IV

Anti-slavery Societies

The attitude of the people of Tennessee toward the negro expressed itself not only in legislation and judicial decision, but also in organized societies, such as manumission and colonization societies, in the churches and in an abolition literature that is unique in American history. It is the purpose of this chapter to give the organzation and work of the manumission and colonization societies.

The abolition forces made a determined effort to abolish slavery in the constitutional convention of 1796, and, failing in this, they straightway decided to establish anti-slavery societies. There is some doubt as to when the first manumission society was organized in Tennessee. It is clear that an effort was made to organize such a society in 1797. The Knoxville Gazette of January 23, 1797, published a letter from Thomas Embree in which it is stated that a number of the citizens of Washington and Greene counties were to meet in March, 1797 and organize abolition societies patterned after those of Philadelphia, Baltimore, Richmond, and Winchester.[1] The purpose of the society was to work for a more liberal basis of emancipation and for complete abolition as soon as the slaves by education could be prepared for it. Joshua W. Caldwell, author of The Constitutional History of Tennessee, claims that either a Tennessee Manumission Society was organized in 1809, or that the one mentioned above was still in existence.[2] It is not corroborated by historical evidence that there was organized a manumission society in Tennessee in either 1797 or 1809.

There was a preliminary organization of an anti-slavery society in December, 1814, at the home of Elihu Swain, the father-in-law of Charles Osborn, who was the moving spirit

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[1]The Knoxville Gazette, January 23, 1797.

[2]American Historical Review, V, 599.

of the organization.[3] Rachel Swain, later Rachel Davis, a daughter of Elihu Swain, said she was present at the organizing of the society.[3] The temporary organization was made permanent at the first session of the society, held at Lost Creek meeting house, Jefferson County, Tennessee, February 25, 1815.[4]

At this first meeting, the society was given the name of the Tennessee Society for Promoting the Manumission of Slaves, and a constitution was adopted. The constitution consisted of a preamble and four aricles.[5] The motto of the

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[3]Indiana Historical Society Publication, Vol. 12, p. 236.

[4]Publication of Vanderbilt Southern Historical Society, No. 2, p. 11.

[5]"We, whose names are hereunto subscribed, having met for the purpose of taking into consideration the case of the people of color held in bondage in an highly favored land, are of opinion that their case calls aloud for the attention and sympathy of Columbia's free born sons, and for their exertions in endeavoring, by means calculated to promote and preserve the good of government to procure for that oppressed part of the community that inestimable jewel, *freedom*, the distinguishing glory of our country; without which all other enjoyments of life must become insignificant."

"And while we highly esteem the incomparable Constitution of our country, for maintaining this great truth 'That freedom is the natural right of all men, we desire that the feelings of our countrymen may be awakened, and they stimulated to use every lawful exertion in their power to advance that glorious day wherein all may enjoy their natural birthright. As we conceive this the way to ensure to our country the blessings of heaven, we think it expedient to form into a society, to be known by the name of the "Tennessee Society for Promoting the Manumission of Slaves" and adopt the following:

CONSTITUTION

Article I

Each member to have an advertisement in the most conspicuous part of his house, in the following words, viz.: *Freedom* is the *natural* right *of all men; I therefore acknowledge myself a member of the Tennessee Society for Promoting the Manumission of Slaves.*

Article II

That no member vote for governer, or any legislator, unless we believe him to be in favor of emancipation.

society was, "That freedom is the natural right of all men," and each member displayed a placard to this effect in some conspicuous place in his home. The society went at once into politics by pledging its members to vote for only those candidates for office in the state government who favored emancipation.

There were several anti-slavery societies organized in Tennessee during this same year. They soon discovered the unity of their purpose and decided in 1815 to federate. For this purpose, these societies held a general convention at Lost Creek Meeting House of Friends[6] in Greene County, November 21, 1815, and organized the Tennessee Manumission Society on a federated basis. There were twenty-two branches of this society.[7] By 1827, there were twenty-five anti-slavery societies in Tennessee, and 130 in the United States. Of this number, one hundred and six were in the Southern States, Tennessee ranking second in the list.[8] The Tennessee society numbered one thousand members.[9] Its officers were a president, vice-president, secretary, and treasurer. At the suggestion of Mr. Elihu Embree, a com-

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Article III

That we convene twelve times a year at Lost Creek meeting-house; the first on the 11th of the 3rd month next; which meeting shall proceed to appoint a president, clerk and treasurer, who shall continue in office for twelve months.

Article IV

The requisite qualifications of our members are true republican principle, patriotic, and in favor of emancipation; and that no immoral character be admitted into the society as a member."—P. of V. S. H. S., No. 2, p. 12.

[6]The Friends were the moving spirit in the organization of these early societies.

[7]The Genius of Universal Emancipation, IV, 184.

[8]These societies were distributed as follows: 8 in Virginia; 11 in Maryland; 2 in Delaware; 2 in District of Columbia; 8 in Kentucky; 25 in Tennessee, and 50 in North Carolina. Poole, William Frederick, Anti-Slavery Opinion before 1800, p. 72.

[9]The Genius, October 13, 1827.

mittee of inspection was provided to censor the publications of the society.[10] The dues of this society were 12½ cents per year.[11]

The qualifications for membership were republicanism, patriotism, abolitionism, and morality. The society held its annual meetings at Lost Creek Meeting House. Its work consisted in memorializing legislatures and congresses, protecting runaway negroes, fostering the spirit of manumission, addressing the churches on slaveholding and opposing the domestic and foreign slave trade.[12]

The society repeatedly memorialized Congress on the subject of slavery. These memorials prayed the abolition of slavery in the District of Columbia, the prohibition of the interstate slave trade and separation of families, the proscription of slavery in the territories, and finally the abolition of slavery in the United States.[13] These petitions were presented by Tennessee congressmen, and referred to the judiciary committee, which never reported on them.[14]

In 1821, the society petitioned the state legislature to grant easier terms for manumission, to establish a plan of gradual emancipation, to urge upon those owning slaves to teach them the Scriptures, and to prohibit "the inhuman practice of separating husbands and wives, within the limits of this state."[15]

The legislative committee to which this memorial was referred dealt with it frankly. It advocated easier terms for manumission, but desired to restrict them to the emancipation of the young, healthy slave in order to prevent avaricious masters from freeing the aged slaves who would become a charge to society. It believed that the state should devise a policy for freeing the slaves unborn, and recommended the passing of a law, prohibiting the separation of

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[10]P. of V. S. H. S., No. 2, p. 13.

[11]Article 2, Constitution of the Tennessee Manumission Society.

[12]Temple, O. P., East Tennessee and the Civil War, 109ff.

[13]Annals of Congress, 17th Congress, 1st Session, pp. 642 and 709; the 18th Congress, 1st Session, p. 931.

[14]The Genius, I, 142; Ibid., IV, 66.

[15]Ibid., I, 173-4.

husband and wife. The committee reported unanimously, but the senate laid its report on the table.[16]

James Jones, president of the society, stated at its eighth

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[16]This is one of the most important documents in the history of slavery in Tennessee. The committee reported, "that they have had that subject (slavery) under examination, and on the first proposition contained in said petition, to-wit: allowing masters, convinced of the impropriety of holding the man of color in slavery, to emancipate such, on terms not involving masters or their estates, provided such slave offered for emancipation is in a situation to provide for him or herself, express it as their opinion that it is consistent with the rights of freemen, guaranteed by the Constitution, to have, and exercise the power of yielding obedience to the dictates of conscience and humanity.

"That in all cases where chance or fortune has given the citizen dominion over any part of the human race, no matter of what hue and whose reflection has taught him to consider an exercise of that dominion inhuman, unconstitutional, or against the religion of his country, ought to be permitted to remove that yoke without the trammels at present imposed by law.

"Your committee beg leave to state that, while they feel disposed to amend the law and guarantee the right, they wish it not to be perverted to the use of the unfeeling and avaricious, who, to rid themselves of the burden of supporting the aged slave whose life has been devoted to the service of such a master would seize the opportunity of casting such on the public for support.

"Your committee beg leave further to state that very few cases have occurred where slaves freed in the State of Tennessee have become a county charge.

"Your committee, therefore, recommend an amendment, granting the prayer of the petition, so far as respects the young healthy slave, not likely to become a county charge.

"On the second point, your committee are of opinion that it is worthy the consideration of the legislature, to examine into the policy of providing for the emancipation of those yet unborn... Liberty to the slave has occupied the research of the moral and philosophical statesmen of our own and other countries; a research into this principle extends wide into the evil, whose root is perhaps dangerously entwined with the liberty of the only free governments. On a subject so interesting, it cannot be improper to inquire; therefore, as a question of policy, it is recommended to the sober consideration of the General Assembly.

"Your committee also advise a provision by law, if the same be practicable, to prevent, as far as possible, the separating husband and wife."—The Genius, I, 71-2.

annual meeting that the objects of the society should be: First, to obtain the support of the people to the abolition propaganda because the people rule; second, to establish as many branches as possible to obtain this end; third, to recommend to all friends of humanity to use their suffrage to place men in the legislature who would support gradual emancipation.[17]

At the tenth annual meeting of the society, a memorial was addressed to the churches of Tennessee which showed the inconsistency of religion and slavery and bitterly arraigned society for the crime of slavery. This criticism of the church, society, and government in this petition was the strongest condemnation of slavery made by the society during its existence.[18]

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[17]The Genius, II, 24.

[18]This memorial was as follows:

"The Manumission Society of Tennessee wish to address you again on the important subject of slavery. In calling your attention to this subject, in which we feel a most serious concern, we wish to use that sincerity and candor which become friends travelling through a world of error and sin, in which they are to make preparation for eternity. We therefore beg you to pause a moment, and let us compare the principles of slavery, as it exists among us, with the holy religion we profess, and the divine precepts of our common Lord. What is our religion? Our Divine Master has told us, that the most prominent features were, to love the Lord our God, with all our heart, mind, soul, and strength, and to love our neighbors as ourselves. And it is also written in His holy book, as a rule of duty, to honor all and to abound in love one to another. We are also there taught to consider the whole human race as one family, descended from the same original parent; and that God made of one blood all nations who dwell upon the earth. We are also taught, that as all mankind are equally free, for one man to deprive another of liberty and to keep him in that condition, is an enormous crime. And he that stealeth a man and selleth him, or if he be found in his hand, he shall surely be put to death. Exodus, XXI, 16. The man stealer is enrolled by the apostle amongst the other notorious criminals.. Tim., I, 10.

"Now let us ask what slavery is, as it stands between Africa, America, and the Supreme Judge of Nations. Is it not injustice, cruelty, robbery, and murder, reduced to a practical system? The dreadful answer is, that hosts of the disembodied spirits of unoffending Africans have taken their flight to eternity from the dark holds of American slave ships, and their last quivering groans have

The minutes of the eleventh annual meeting in 1825 show that the society was still active. There were at this time twenty-two branches, eleven of which reported a membership of 570.[19] This meeting was well attended and appointed a committee, consisting of James Jones, Thomas Hodge, Jr., and Thomas Doane to begin the publication of a quarterly journal to be called the manumission journal.[20] Thomas Hodge, Jr. was made editor of the journal, which was to be published at Greenville, Tennessee. The society drafted memorials to Congress and to the churches of the United States, and appointed James Lundy as delegate to the Annual Convention of the American Abolition Societies in Philadelphia.[20]

Interest in the society seems to have begun to wane after 1825. The convention in 1826 was not well attended. Only ten branches were represented at this meeting.[21] The state was beginning to be alarmed at the increased number of free negroes resulting from emancipation and immigration.

The thirteenth meeting in 1827 was a rather important one. It sent the usual memorials to Congress, legislature of Tennessee, and to the churches of the country.[22] It made expulsion a penalty for aiding slaves to escape. The branch organizations were to try those accused of misconduct. This

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descended on high to call for vengeance on the murderous deed, that stained the earth and ocean with their blood. When we ask what slavery is, we are answered by the civil wars existing in Africa—by the thousands slain by the bands of their brethren—by the captive's last look of anguish at his native shore—and by the blood and groans of the sufferers on the seas—by the sighs of men driven like herds of cattle to market—by the tears that furrow the woe-worn cheek of sorrow, as oppression moulders down the African's system." The Genius, IV, 73-4.

[19]The branches were: The Greene Branch, Maryville, Bethesda, Hickory Valley, Nolachucky, Washington, French Broad, Dumplin Creek, Jefferson Creek, Holston, Sullivan, Powell Valley, Knoxville, Colter's Station, Turkey Creek, Chestoody. The Genius, IV, 204.

[20]The Genius, IV, 185.

[21]Ibid., VI, 160.

[22]Ibid., VII, 194.

regulation indicates pernicious activities on the part of some members of the society.

This meeting was noted for an address made by Thomas Doane in which he made a very serious criticism of slavery. He said:

> Slavery is unfriendly to a genuine course of agriculture, turning in most cases the fair and fertile face of nature into barren sterility. It is the bane of manufacturing enterprise and internal improvements; injurious to mechanical prosperity; oppressive and degrading to the poor and laboring classes of the white population that live in its vicinity; the death of religion; and finally, it is a volcano in disguise, and dangerous to the safety and happiness of any government on earth when it is tolerated.[23]

This convention also appointed a committee of which James Jones was chairman to prepare a report to the American Convention. Jones, in this report, expressed primarily his own feelings and showed his earnestness as one of the greatest anti-slavery leaders of his time. He urged religious and benevolent societies and all friends of freedom throughout the Union to join in petitioning Congress to abolish slavery in the District of Columbia and to use its power of regulating interstate commerce to suppress the interstate slave traffic. "It is time," he said, "for people to be aroused to their duty, and ask their rulers to abolish such things in plain, explicit terms."[24]

Jones not only saw the injury that slavery was causing to society, socially, economically, and politically, but he also foresaw what the final catastrophe would be unless some constructive policy of abolition was instituted for the nation. He said in a letter in 1830 to Benjamin Lundy: "For if Congress will not listen to the voice of humanity until destruction cometh, I wish posterity to know that some among us now are desirous to have justice done."[25]

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[23]The Genius, VIII, 93.

[24]Minutes of American Convention for 1828, p. 27.

[25]The Genius, XI, 3.

Several branches of the society were active in creating sentiment for emancipation by means of public meetings, addresses, and memorials to various organizations. The Jefferson Branch, located in Jefferson County, the seat of the state society, led the work in the local societies. In 1821, in an address delivered before the Jefferson Society, the speaker took the following optimistic attitude toward manumission:

> When we compare the public sentiment relative to slavery at this period, with what it was, even a few years ago, have we not reason to hope that a propitious epoch is now at hand for benevolent humanity to exert itself in the cause of the afflicted innocence? Is not the evil which avarice and cupidity have drawn around our senses, gradually vanishing? Is not the monster of cruelty beheld more generally in his native form? We hail the increase of this sentiment as the beginning of auspicious consequence both to ourselves and the unfortunate sons of Africa. We hope that the sentiment will spread until we become a willing people to forsake our iniquity, and let the sufferers go; not by a miraculous interposition do we look for it to be accomplished with precipitation; but by such means as deliberate counsel and the direction of Providence may dictate, to be conformable with Justice to those who claim their services, and to the circumstances of those in servitude, by alleviating their wretched condition, and instilling into their minds such instruction as may prepare them for assuming their proper rank and station among rational beings, when the universal principles of propriety, justce, and equity, shall sanction it.[26]

It has already been pointed out that interest in manumission began to wane in 1825. In 1827, the annual convention of the state society was poorly attended. No records of its life and activities after 1830 have been found.[27] A definite change of policy toward the free negro was being

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[26]The Genius, I, 173.

[27]Tennessee History Magazine, I, 272.

formulated during this period and it found expression in the Exclusion Act of 1831. This change of policy of the state meant the death of manumission as an organized movement.

There were also some independent anti-slavery societies in the state. November 21, 1920, the Humane Protecting Society was organized in Greene County. Its purpose was to extend the rights of man to all, irrespective of race and color, and protect those "unlawfully oppressed." The qualifications for membership were good moral character, friendship toward the government of the United States, and agreement to pay ten cents on the hundred dollar's worth of one's unencumbered estate as dues.[28]

In 1826, there was organized at Nashoba, Shelby County, West Tennessee, the Emancipating Labor Society, by Miss Frances Wright of Scotland. In 1825, she bought eight tracts of land, aggregating 1,940 acres, lying on both sides of Wolf River, in the vicinity of Germantown and Ridgeway, paying $6,000 for the land.[29] The society was managed by a board of trustees under certain restrictions.[31]

Admission to the society was to be strictly individual, except in case of children under fourteen years of age, who might be admitted with one or both parents, reared and educated until twenty years of age, and emancipated at twenty-one. The society planned to buy slaves from those people

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[28]The Genius, IV, 69.

[29]Goodspeed, 802. Cf. The Genius, VI, 177, which gives the following trustees: George Flower, James Richardson, Frances Wright, Camilla Wright, and Richardson Whitbey.

[30]Goodspeed, 802. The trustees consisted of General Lafayette, William McClure, Robert Owen, Camille Wright, Cadwallader, D. Flanary, and James Richardson, who, together with their successors were to hold these lands in perpetual trust for the negro race, and were subject to the following limitations:

(1) A school for colored children was always to be maintained.

(2) All slaves emancipated from the society were to be sent out of the United States.

(3) The Trustees were never to let their number fall below five, three of whom should constitute a quorum.

(4) Coadjutors, with unanimous consent of trustees, might be appointed, if they had lived six months on the lands of Nashoba.

who wished to emancipate their slaves but who felt that they could not sustain such expense. The society did not buy old men, women, and children; but would take them and support them. In 1827, Miss Wright presented the society with eight slaves and the work of a family of females.[31]

The economics of the scheme were typical of the communistic philosophers of the period. The slaves were charged with the capital invested on which they were expected to pay six per cent interest; the farm equipment, consisting of farming implements and live stock, was loaned them on the condition that they constantly replace the same from their earnings. One-half of the produce of the plantation was placed to their credit, and purchased by the society at the market price. They shared equally with the society the proceeds derived from the sale of all live stock raised on the plantation. By a system of weekly accounts of income and expenses, they knew their financial status at the end of each week. As soon as any slave had a credit equal to what the society had paid for him, he was emancipated. If he wanted to leave the state for Hayti or Liberia, he was given the privilege of remaining in the society until he had sufficient means to pay his transportation to one of these colonies.[32]

The character of the management of this society is very interesting. The slaves were not put under an overseer and lashed to work, but were directed in their work as if they were free laborers. The idea was to make men and women who would voluntarily develop habitual industry under advice and encouragement, rather than to exact labor from them by a decree of force. They were to be fitted for a state of freedom by being developed into self-governing men and women, and responsibility was substituted for discipline just as rapidly as self-initiative could be developed.

The negroes were fed, clothed, and housed. Those who showed any interest in acquiring information were taught. A constant aim of the organization was to improve their

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[31]Goodspeed, 803.

[32]The Genius, VI, 177.

habits and conduct. The organization's chief purpose was to develop humanity, rather than to net the society any pecuniary gain.[33] The society was not a success because of Miss Wright's absence in Europe and the impracticability of the plan. The trustees resigned in 1831. Miss Wright emancipated the slaves and sent them to Hayti. The trustees redeeded the plantation to Miss Wright in 1832. The estate became involved in court and some minor points remained in controversy as late as 1886.[34]

A fourth anti-slavery society was the Moral Religious, Manumission Society of West Tennessee, which was organized December 18, 1824, at Columbia, Maury County, Tennessee.[35] The spirit of this society is well known in the following extract from the preamble of its constitution:

> We, the undersigned, having fully considered the subject of Tyranny and Slavery as practiced by individuals on their brethren in our neighborhood, and elsewhere in America; and being fully convinced that it exceeds any other crime in magnitude:
>
> 1st. In motive—being moved thereto by the "world, flesh and the devil," or with pride and laziness.
>
> 2nd. In the execution, it is cruel and unjust.
>
> 3rd. In the consequences, ignorance, hardness of heart and inhumanity are produced. This ignorance of right and wrong is manifested in the words and actions of tyrant and slave and all of those who approve of the practice in others. They go forth in practical infidelity and irreligion, which tend to destroy the blessings of Christianity and republicanism as they exist in this otherwise happly land.[36]

This society limited its membership to fifteen, none of whom could be slaveholders.[37] Any additional membership constituted a branch society. The officers of the society

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[33]The Genius, V, 366.

[34]Goodspeed, 821.

[35]The Genius, IV, 77.

[36]Ibid., 76.

[37]Ibid., 77.

consisted of a board of directors, one of whom was designated as chairman. Majority vote of the membership determined the policy of the society on any question. No levy for funds was made on the membership, but its revenues consisted of contributions and donations. The directors were trustees of such funds. The society met quarterly at the Republican Meeting House about six miles from Columbia, Maury County, Tennessee.[38] One of these quarterly meetings was held on the Fourth of July, and was regarded as the annual meeting of the society. The constitution was rather elaborate, consisting of twelve articles, and could be amended by the consent of two-thirds of its members.[39] The policy of the society was not so radical in method as might have been expected from the general tenor of its documents. The constitution in articles 6 and 7 states that the acceptance of Christianity would destroy in the tyrant "the will to enslave" and would therefore eliminate personal slavery. It was the will of "men of talents" to tyrannize that had to be controlled, and argument was the leading means to use to accomplish this purpose. The society, therefore, proposed to circulate copies of "The Genius of Universal Emancipation" through their several communities, the state, and the nation, to issue addresses, to petition churches and legislative bodies, and to preach the Gospel of humanity to slaveholders.

This society issued in 1824 a memorial to the Methodist Episcopal Conference which met that year at Columbia, Tennessee. The conference agreed to the anti-slavery spirit of the memorial and to a coöperation with the society in the realization of its aims.[40] March 22, 1825, the society at its thirtieth quarterly meeting sent an address to the Manumission Societies of America, making suggestions for the celebration of Fourth of July, 1826, as Jubilee Day.[41]

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[38]The Genius, IV, 143.

[39]Ibid., 77.

[40]Goodspeed, 670.

[41]The following recommendations were made in substance:

1. That all the manumission societies in the United States proclaim it as the Christian American Jubilee.

2. That the different societies encourage the keeping of the day,

The Moral, Religious Manumission Society sent an address to the American Convention in 1826 that was too radical for publication.[42] The society seems to have been dissolved about 1827.[43]

The manumission societies came to realize that the state would not tolerate a large element of free negroes within its borders. They saw that their success was conditioned on the colonization of the free negroes as rapidly as they were emancipated. The Tennessee Manumission Society in its memorial of 1816 to the churches of the United States advocated in regard to free negroes, "that a colony be laid off for their reception as they became free."[44] The Presbyterian Synod of Tennessee in session at the Nashville church the following year, adopted resolutions favoring colonization, and congratulated the society for its efforts in this direction.[45] A colonization society seems to have been or-

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as a Jubilee, by publishing essays, songs, etc., showing the utility thereof.

3. That those societies celebrate the Fourth of July, next, with preaching, prayer, and singing as a Christian Jubilee.

4. That those who are sensible of the evil of slavery, form themselves into Christian Manumission Societies, excluding slaveholders from their number.

5. That they send forth missionaries to preach the acceptable year of the Lord to slaveholders.

6. That all these societies establish a correspondence with each other through the Genius of Universal Emancipation. The Genius, IV, 143.

[42]Minutes of the American Convention for 1826, p. 48.

[43]Tennessee History Magazine, I, 276.

[44]Niles Register, XIV, 321.

[45]"We wish you, therefore, to know, that within our bounds the public sentiment appears clearly and decidedly in your favor, and that the more vigorously and perseveringly you combine and extend your exertions on the plan you have adopted, the more you are likely to be crowned with the approbation of the people as well as with the higher rewards of doing good. While, then the heralds of salvation go forth in the name and strength of their Divine Master, to preach the Gospel to every creature, we ardently wish that your exertions and the best influence of all philanthropists may be united, to ameliorate the condition of human society, and especially of its most degraded classes, till liberty, religion, and happiness shall be the enjoyment of the whole family of man." Tenth Annual Report of American Colonization Society, 67-8.

ganized in 1822, but there is no evidence of its continued existence.[46] The Tennessee Manumission Society, in its report to the American Convention for the year 1823, suggested that Congress make an appropriation for the purchase of a parcel of land on the American continent for the colonization of free negroes.[47] In 1825, the legislature of Tennessee advised its senators and representatives in Congress to use their influence in promoting a scheme of colonization of the free people of color.[48] In this same year, James Jones, president of the Tennessee Manumission Society, wrote Benjamin Lundy that he was much gratified at the progress being made to colonize the free people of color in the Haytian Republic,[49] and he quotes the resolution of the Tennessee Manumission Society, favoring the Haytian Republic as a rendezvous for free negroes.[50] Two years later, the legislature of Tennessee, in response to memorials and petitions of manumission societies and churches again instructed the Tennessee representatives in Congress to give their aid to the government of the United States in carrying into effect a plan of colonizing the free people of color.[51] From 1816 to 1829, there was constant agitation in Tennessee for a colonization society.

In 1829 the American Colonization Society worked out a plan for state societies. The state societies were to be auxiliaries to the national society, and were themselves to be a confederacy of county societies which in turn were to be composed of town and district societies. The town and district societies were to hold regular annual meetings and send delegates to the annual meeting of the state society, which was to be represented at the annual meeting of the

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[46]Fifth Annual Report of American Colonization Society, 119.

[47]Minutes of the American Convention for 1825, p. 18; Eighth Annual Report of American Society for Colonization of the Free People of Color, p. 39.

[48]Eighth Annual Report of American Society for Colonization of the Free People of Color, p. 29.

[49]The Genius, IV, 66.

[50]Ibid., 67.

[51]Tenth Annual Report of American Colonization Society of the Free People of Color, 1827, 61-2.

national society.[52] In accordance with this plan Mr. Josiah F. Polk, agent for the American Colonization Society for the states of Indiana, Illinois, Tennessee, and Alabama, on December 21, 1829, organized, at Nashville, the Tennessee Colonization Society, consisting of sixteen members. A president and one vice-president were elected. The membership soon increased to seventy-three and a fund of one hundred dollars was collected.[53]

The society held its first meeting on January 1, 1830, and elected a complete set of officers. Rev. Philip Lindsley, D.D., president of the University of Nashville, was made president of the society; R. H. McEwen, recording secretary; Henry A. Wise, corresponding secretary; and Orville Ewing, treasurer. Six vice-presidents and a board of six managers, consisting of prominent citizens, were elected.[54] The society at this time numbered about one hundred and twenty members[55] and contained twenty auxiliaries.[56] These auxiliaries had a large membership, and a list of strong officers of the most prominent people of the state. Andrew Jackson was much interested in colonization. He was vice-president of the American Colonization Society from 1819 to 1822.[57] Polk, in reporting on his work to the American Colonization Society, in 1829, said that much might be expected from the Tennessee Society.[58] Henry A. Wise, who was secretary of the Tennessee Colonization Society, made a very flattering report of its work to the national society in 1830.[59] "We may expect," said the African Repository, "benefits of the most important character, from the energy

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[52]Twelfth Annual Meeting of American Colonization Society, 1829, 65.

[53]African Repository, VI, 75.

[54]American Colonization Society Report, VI, 178.

[55]African Repository, VI, 75; Ibid., V, 378.

[56]American Colonization Society Report, VI, 178; Auxiliaries at Bolivar, Somerville, Memphis, Covington, Jackson, Paris, Clarksville, Columbia, Shelbyville, Winchester, Murfreesboro, Gallatin, Knoxville, Marysville, New Market, Jonesboro, and Kingsport.

[57]Tenth Annual Report for American Society for Colonizing the Free People of Color, 1829, p. 61.

[58]African Repository, VI, 76.

and liberality of the citizens of Tennessee. It cannot be forgotten that the legislature of this state was among the first to express its approbation of our scheme, as meriting the countenance and aid of the National Government."[59] "Believing as I do," said a Tennessee correspondent of the African Repository, "that under Providence it is the only feasible and judicious plan to ameliorate the condition of the free people of color in these states, and that it is a cause in which patriotism and humanity, are largely embarked, I shall do all I can to aid its progress; and I hear, with pleasure, of its continued prosperity."[60] Polk, in his report of 1830, states that "The colored population is considered by the people of Tennessee and Alabama in general, as an immense evil to the country—but the free part of it, by all, as the greatest of all evils."[61] A correspondent of the African Repository from Tennessee stated in 1831 that "the colonization movement had many friends in Tennessee and that they were determined to make every possible effort to aid the good cause."[62]

The society at its meeting on November 8, 1831, appointed a committee of seven to solicit funds to defray the expenses of sending free negroes to Liberia. A committee of three was appointed to memorialize the legislature of Tennessee to make an appropriation for the aid of the society.[63] The legislature appointed a committee on colonization to consider the petition of the society, and, on September 30, 1833, passed two resolutions, requesting this committee to investigate the expediency of asking Congress for an annual appropriation of $100,000 and the general assembly for $5,000 to aid in colonizing free negroes in Liberia.[64] In response to this request, the legislature in 1833 passed a law, giving ten dollars to the state society for every free negro sent to

[59]African Repository, V, 378.
[60]Ibid., 379.
[61]Ibid., VI, 276.
[62]Ibid., VII, 145.
[63]Ibid., 313.
[64]Ibid., IX, 282; Niles Register, Vol. 45, p. 182.

Liberia, provided that not more than $500 was expended in any one year.[65]

The society held its annual meeting in the Hall of Representatives at the State Capitol, October 14, 1833, and was addressed by James G. Birney, of Alabama, agent of the American Colonization Society. "We admire this institution," said the Nashville Banner, "and feel the utmost veneration and respect for the humane motives of its founders, and for those who are engaged in promoting its objects. It would afford us unfeigned pleasure to see all its generous designs crowned with complete success."[66]

The petitions received by the legislature in 1832 and 1833 from the State Colonization Society and its auxiliaries contain the leading reasons advanced by these societies for colonization. The memorialists said:

> We take it to be self-evident general proposition, that the benefits of government, should be extended alike to all its citizens; we are compelled, however, by our peculiar circumstances, to violate this general principle, by withholding from that class of citizens, the exercise of many political rights. They are excluded from the ordinary means of education, on the ground of prejudices which are quite natural, and which will probably never be removed. Nor is it at all likely for the same reasons, that they will be suffered to participate to any great extent if at all, in the benefits of an enlarged system of common schools, when carried into effect in our State; they must therefore of necessity remain ignorant, and by consequence vicious.
>
> Their intercourse, and association with certain classes of our white population is calculated to produce, and does produce, in the estimation of your memorialists, serious evils to the country. But the preceding considerations are light, and trivial, when compared with the injury sustained by the slaveholder, from this class of persons, as must be obvious to every member of your honorable body; Nor should the eminent danger to our

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[65] Acts of 1833, Ch. 64, Sec. 1.

[66] The Nashville Banner, October 15, 1833.

> social and political condition, by their presence, be overlooked, which arises from the fact, that there neither does, or can exist, between them, and our white population, any common bond of patriotism or private regard.[67]

The Colonization Society had an intermittent career. A sentiment for colonization, however, persisted in Tennessee to 1860, but it did not remain organized. "'There is something in this position of the cause of Tennessee," said the African Repository in 1846, "which we cannot understand. There are many friends of colonization in the state. We have applications from many of the colored people for transportation to Liberia. Many slaves have been manumitted for the purpose of being sent there, and yet little or no money can be raised for the advancement of the enterprise."[68] The next year the Repository stated that "We are gratified to perceive that Tennessee is beginning to awake on the subject of African colonization. Between eighty and one hundred free people of color are now preparing to emigrate from that state to Liberia. They wish to go in the vessel that leaves New Orleans in December next; and the means to take them will probably be raised in the state. A writer in the Record proposes to be one of fifty who will give one hundred dollars each to purchase territory to be called Tennessee in Africa."[69] The average expense of sending a free negro to Liberia and supporting him for six months was $50. Shortly after the meeting of 1846, the "Rothschild" sailed from New Orleans with emigrants from Tennessee for Liberia.

A minister of the Gospel in Tennessee, writing to the Repository in 1847, advocated colonization for substantially the following reasons:

> 1. It means ultimately the complete removal of the negro.

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[67]Petitions to the Legislature, 1832-33. State Archives.

[68]African Repository, XXII, 39.

[69]Ibid., XXV, 28.

2. It benefits the negro by placing him in an environment that erects no barriers to his development.

3. It affords the Christian an opportunity to give up his slaves.

4. It lays claim to the noblest feelings of the patriot, and of the whole-souled philanthropist. Its tendency is good, only good, and that continually. If it has not accomplished all that its friends desire, what agency has?

West Tennessee was more interested in colonization than either East or Middle Tennessee. In fact, colonization was largely anti-free-negro rather than anti-slavery, especially so in West Tennessee, where it was regarded as a means of eliminating the free negro from among the slaves. West Tennessee was not nearly so anti-slavery in sentiment as East Tennessee. There was organized a separate colonization society at Memphis, June 12, 1848, largely through the efforts of the Presbyterian Church. It adopted a constitution of six articles, and elected a president, vice-president, secretary, treasurer, and twelve directors who constituted a board of managers.[70] It was an auxiliary of the American Colonization Society. It was to accomplish its object "by the contribution of money to the Parent Society by the dissemination of intelligence concerning the operations, objects, and prosperity of the colonization enterprise."[70] A campaign was waged in Memphis for funds to support the society.[71]

The Tennessee Colonization Society was incorporated on February 8, 1850.[72] Philip Lindsey, president of the University of Nashville, was made its president. It now became a corporation and a body politic. It could sue and be sued, and was permitted to receive gifts of money, goods, and real estate, provided the total value of such gifts did not exceed $10,000 in any one year. It used its own seal.[72]

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[70]Constitution of the Society, Art. 2; African Repository, XXIV, 272.

[71]African Repositary, XXIV, 288.

[72]Acts of 1850, Ch. 130, Secs. 5 and 8.

In 1852, Frederick P. Stanton, of Tennessee, in an address before the American Colonization Society, advocated the removal of the free negroes to Africa. He believed this step would eliminate sectionalism and largely solve the problem of the runaway which, he thought, was mainly due to the influence of the free negro over the slave. He was also apprehensive of the political influence which the free negroes might come to have.[73] He maintained that the national government could remove the negroes as well as the Indians.[74]

Senator John Bell, of Tennessee, in a letter to James R. Doolittle, October 18, 1859, advocated the acquisition by Congress of some territory south of the United States to be set aside as an asylum for emancipated negroes. He believed that such a settlement of the problem would be a "concordant" between the North and the South.[75]

In 1860, Hon. N. G. Taylor, of Tennessee, in an address before the American Colonization Society, advocated the colonization of the free blacks for moral and commercial reasons. He believed that the negro should be returned to his native home and that Africa colonized by American

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[73]He quoted from "the celebrated Texas letter of Robt. J. Walker published in 1844," which estimated "that according to the rate of increase from 1790 to 1840, there would be in the six states of New York, Pennsylvania, New Jersey, Ohio, Indiana, and Illinois alone, no less than 400,000 free blacks in 1853; 800,000 in 1865; and 1,600,000 in 1890. The number of free blacks in the slave states is even greater than in the free states." This great number of free blacks will have a powerful moral influence for good or evil upon every interest in the country.

"I refrain from pursuing the subject further. I will not look to that dark but not distant future, when in some of the largest of the free states, this population shall have grown powerful in numbers, demanding the elective franchise, and when perhaps political parties, in the frenzy of their excitement shall bid for their influence and make them a power in the State. They may hold the balance of power in these larger States, and through them in the Union. With all their capacity for mischief, through the mistaken sympathy they are calculated to inspire for the slave of the South, it is impossible to estimate the amount of discord and of injury they must inevitably produce among the states."

[74]Annual Report of American Colonization Society for 1852, 62-65.

[75]American Historical Magazine, IX, 275.

negroes would naturally become a great commercial ally of the United States.[76]

It is seen from the arguments of these distinguished Tennesseans that colonization of the free blacks was to them a pro-slavery, rather than an anti-slavery, movement. It was pro-slavery in that it made for the security of slavery, but it was anti-slavery in that, in Tennessee after 1831, emancipation could take place only on the condition of removal from the state. The prophecy that the negroes would receive the franchise is interesting in the light of what actually happened. Undoubtedly, the removal of the free blacks from the United States would have lessened friction between the North and the South.

The colonization movement in Tennessee was a failure either as an abolition or as a colonizing agency. There were only 287 free negroes sent to Liberia from Tennessee from 1820 to 1866.[77] A few went to Hayti. Manumission was able to number only 7,300 free negroes in the state in 1860. Of course, free negroes were constantly leaving the state, especially after 1831, but not in any considerable number. The greatest good that came from these movements was the fostering of a humanitarian spirit toward the negro.

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[76]"For, sir," said he, "the day is not far distant, when, instead of scores of tons, there will be hundreds and thousands of tons, floating from the shores of Africa to every country upon the face of the habitable globe. Your report tells us that the agriculture of Liberia is already in a flourishing condition, and that manufactures, to some extent, are springing up in the country." Annual Report of American Colonization Society for 1860, 28-9.

[77]Annual Report of the American Colonization Society for 1867, p. 56.

CHAPTER V

RELIGIOUS AND SOCIAL ASPECTS OF SLAVERY

The Protestant churches in America approached the question of Christianizing the negro very cautiously. There were several reasons for this attitude.[1] It was generally believed that paganism was the basis of slavery, that a Christian slave was a paradox, that Christianizing the slave would destroy his humble qualities and lessen his economic value, that it would add an element in the cost of maintaining the institution, that an idea of equality prevailed in the slave's attending church and participating in communion with the master, and that this idea would add to the difficulty of governing him. Of course, there was the social relation that came into the problem that was very obnoxious. It was unpleasant to commune with a freshly imported brother from Africa; even a Stowe, or a Garrison would likely have hesitated.

The church, being a human institution, could not disregard its environment. It worked its way out of all the complexities of the situation, its position varying somewhat as to section and as to sect. With the exception of the Friends, there was very little difference in the attitude of the Protestants toward slavery, until after the Revolution. They were, in general, anti-slavery in sentiment, were willing to baptize slaves and receive them into the church. The Friends in this early period were the only religious body in America that saw any inconsistency in Christians holding slaves.[2] There were a great many slave communicants in all the churches prior to the Revolution.[3]

The general background can be made a bit more specific for Tennessee by particular reference to the relation of the churches to slavery in Colonial North Carolina since this

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[1]Jernegan, M. W., Slavery and Conversion in the Colonies, pp. 516-7.

[2]Ibid., p. 576.

[3]Ibid., p. 514.

was the parent state of Tennessee. The Lord Proprietors in the Fundamental Constitution of 1663 declared that conversion did not free nor enfranchise the negro.[4] This provision was kept in the new constitution of 1698.[5] It is noticeable here that this was primarily a political question—a question of freedom and suffrage—a question of state, not of church. The state was declaring its right to state the effect of conversion on the slave. It is well to note this point in the beginning, because the splits and schisms in the various churches in the period immediately preceding the Civil War came up over this point. James Adams, a clergyman, of the Episcopal Church of North Carolina, declared in 1709 that the masters would "by no means permit (their slaves) to be baptized, having a false notion that a Christian slave is by law free."[6]

This attitude of the slaveholders did not last long in North Carolina, because Rev. Marsden in 1735 speaks of baptizing at Cape Fear "about 1300 men, women, and children, besides some negro slaves."[7] In 1742 a missionary speaks of baptizing nine negro slaves.[8] Through a series of missionary reports, it is noticeable that, as the idea becomes fixed, that baptism does not free the slaves nor give them the suffrage, the number of baptized blacks increases. In 1765, a report speaks of 40 blacks that were baptized[9]; another report, 46;[10] and a third, 51.[11] In 1771 a report states that 65 were taken into the church and in 1772 a Rev. Taylor states that in thirteen months he had baptized 174 whites and 168 blacks.

The attitude of the Protestant churches on slavery depended very largely on the strength of their organic connection with the South. All the churches that were strong in

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[4]Col. Recs., I, 204.
[5]Ibid., 857.
[6]Ibid., 720.
[7]Ibid., IV, 13.
[8]Ibid., 794.
[9]Ibid., VII, 126.
[10]Ibid., 424.
[11]Ibid., 705.

the South preserved a compromise policy so long as it was possible. The Congregational and Unitarian churches, being Northern only, could without friction readily become anti-slavery. The Episcopal church was primarily a Southern church and was made up of the slaveocracy of the South. It remained more indifferent toward slavery than any of the other churches.[12] It is my purpose now to make a study of the anti-slavery activities of these churches in Tennessee in the order of the effectiveness of their work.

I. The Methodists.

Methodism came to America in 1766.[31] There were two wings of it from the beginning. Wesleyan Methodism in Maryland and New York was anti-slavery, while Whitefield Methodism in Georgia was pro-slavery.[14] Methodism spread rapidly from these centers and became national in its organization by 1773, when the first General Conference was held at Philadelphia.[15]

The anti-slavery history of Methodism may be divided into the following periods: 1766-1784, a period in which there was a growth of anti-slavery feeling in the church that reached a high water mark in 1784; from 1784 to 1816, a period of reaction, culminating in the compromise law of 1816; from 1816 to 1836, a period of practically no change in legislation, although the church in the North was becoming more anti-slavery in sentiment, and in the South, more pro-slavery; from 1836 to 1844, a period of conflict with 1840 as the date of the greatest compromise; from 1844 to 1860, the period of two branches of Methodism.

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[12]Matlock, L. C., The Anti-slavery Struggle and Triumph in the Methodist Episcopal Church, 17.

[13]American Church History, XI, 1.

[14]Tyerman, L., Life of Whitefield, II, 272. Whitefield is reported as having said: "I should think myself highly favored if I could purchase a good number of slaves in order to make their lives more comfortable and lay a foundation for bringing up their posterity in the nature and admonition of the Lord." He died owning 75 slaves. American Church History, XI, 5.

[15]Jernegan, op. cit., 515.

A brief characterization of these periods forms a fitting background for the anti-slavery history of Tennessee Methodists:

A. From 1776 to 1784. This was a period of little dissension on the slavery question.[16] It was characterized by an increasing anti-slavery feeling, expressing itself first in 1780[17] and more effectively in 1784, when the Baltimore Conference enacted a general code of regulations for both laymen and preachers, prohibiting "'the buying or selling the bodies and souls of men, women or children with the intention of enslaving them,"[18] and requiring abolition of the slaves of its members within one or two years. This was to be done, however, conformably to the laws of the various states. This was the high water mark of anti-slavery Methodism.

B. From 1784 to 1816. This period is marked by concession to slaveholders, finally ending in the adoption in 1808 of the policy of letting the annual conferences regulate slavery.[19] The church here definitely recognized that it could

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[16]Matlock, op. cit., 17.

[17]Minutes of the Methodist Episcopal Conferences, 1773-1813, I, 5-6.

[18]The first paragraph of this law shows the general tenor of these regulations:

1. Every member of our society who has slaves in his possession shall, within twelve months after notice given to him by the Assistant (which the assistants are required immediately, and without any delay, to give to their respective circuits), legally execute and record an instrument whereby he emancipates and sets free every slave in his possession who is between the ages of forty and forty-five immediately, or at farthest when they arrive at the age of forty-five; and every slave who is between the ages of twenty-five and forty immediately, or at farthest at the expiration of five years from the date of said instrument; every slave who is between the ages of twenty-one and twenty-five immediately or at farthest when they arrive at the age of thirty; and every slave under the age of twenty as soon as they arrive at the age of twenty-five at farthest; and every infant born in slavery after the above-mentioned rules are complied with immediately on its birth. McTyeire, Holland M., History of Methodism, II, pp. 375-378.

[19]Minutes of the General Conferences, 1796-1844, pp. 40-1; Journal of the General Conference of 1800, pp. 37-44; American Church History, XI, 7.

not enforce requirements upon its members in violation of the civil laws of the states. This really amounted to a split in the church on this question, because it meant the establishment of two policies, one conformable to the free states of the North, and the other to the slave states of the South. This change in the policy of the church was a victory for the slaveholders.

C. From 1816 to 1836. The conference of 1816 adopted the famous compromise law by which slaveholders in free states could not be officers in the church. This prohibition did not apply to the slave states.[20] The conference of 1836 with absolutely no dissent expressed a determined opposition to abolition.[21]

D. From 1836 to 1844. During this period the anti-slavery forces were organizing to break the grip of the slavocracy of the church. In 1840, the pro-slavery forces registered their greatest victory in the history of the struggle. The result was the secession of 1842 and the formation of the Wesleyan Methodist Church of America at Utica, New York in 1843, with a non-slave-holding membership.[22] It was now seen that the church could no longer pursue a compromise policy. The annual conferences began to adopt resolutions condemning either anti-slavery fanatics or slave-holding thieves. It was now impossible for officers of the church to be administrators in sections of the country with which their views on slavery did not agree.

E. From 1845 to 1860. It was early seen that the General Conference of 1844 would likely divide on the question of slavery. The contest of 1844 related to Bishop Andrews, whose wife was a slaveholder, and ended in the passing of

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[20]Journal of the General Conference of 1816, p. 170.

[21]"Resolved, by the delegates of the Annual Conferences in General Conference assembled, That they are decidedly opposed to modern abolition, and wholly disclaim any right, wish, or intention, to interfere in the civil and political relation between master and slave as it exists in the slave-holding states of this Union." Journal of the General Conference of 1836, pp. 446-7.

[22]Journal of the General Conference of 1840, pp. 136-6.

the Finley Resolution by the decisive vote of 110 to 68, deposing Bishop Andrews from the Episcopacy,[23] although he had violated no law of the church.[24] The Southern delegates attempted in vain to have this action of the conference interpreted as merely advisory in character.[25]

The general conference of the church finally agreed to its reorganization under two general conferences. This plan was accepted almost unanimously, and led to the organization of the Methodist Episcopal Church, South, at the convention of the delegates of the Southern Methodist churches in Louisville, Kentucky, in 1845.[26]

The purpose of this brief sketch of the anti-slavery history of Methodism in general is, first, to give a reflection of Tennessee Methodism, which, like that in the nation generally, was divided on the slavery question; and, secondly, to form a background for a comparative study of Tennessee Methodists in particular.

The Methodists were among the pioneers of Tennessee, when it was customary to attend church with the shot-pouch well filled and the rifle in trim. Among their pioneer preachers were Jeremiah Lambert, who came to Holston circuit in 1783, Rev. Benjamin Ogden, who in 1786 carried Methodism to John Donelson's settlement on the Cumberland, and Rev. John McGee, who arrived in Tennessee in

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[23]The Finley Resolution was: "Whereas, the discipline of one church forbids the doing anything calculated to destroy an itinerant general superintendency; and, whereas, Bishop Andrew has become connected with slavery by marriage and otherwise, and this having drawn after it circumstances which, in the estimation of the General Conference, will greatly embarrass the exercise of his office as an itinerant general superintendent, if not in some places entirely prevent it; therefore, Resolved that it is the sense of this General Conference that he desist from the exercise of this office so long as this impediment exists." Journal of General Conference of 1844, p. 85.

[24]Bedford, A. H., History of the Organization of the Methodist Episcopal Church, South, p. 207.

[25]Journal of the General Conference of 1844, p. 85.

[26]Bedford, pp. 418-503; see also Wightman, W. M., Life of William Capers, pp. 398-425; Smith, G. G., Life and Letters of James Osgood Andrew, pp. 336-385.

1798.[27] The Methodists were leaders in the famous revivals from 1800 to 1810.[28]

In 1797, one-fourth of the membership of the Methodist church was negroes.[29] Of the 11,280 negroes in the church in 1797, 10,824 were in the Southern States. There were 42 slaves in the Methodist church in Tennessee in 1797.[29]

The Tennessee Methodists were a part of the Kentucky conference until 1801, and were strongly anti-slavery, because only the mountainous portion of these states was settled at this time. In 1801, Tennessee became a part of the Western Conference, and remained so until 1812. It was in the first meeting of this conference in 1808 that Tennessee Methodists first expressed themselves on the question of slavery.[30]

It will be remembered that the General Conference of 1808 gave the annual conference the power to legislate on the question of slavery.[31] In accordance with this plan, the Western Conference, which met at Liberty Hill, near Nashville, Tennessee, in 1808, took the most drastic action against slaveholding to be found in the annals of Methodism. This conference instructed the Quarterly Conference to summon before them all persons speculating in slaves and expel from the church those found guilty. It further declared that any member of the church "who should buy or sell a slave unjustly, inhumanly, or covetously," was subject to excom-

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[27]Garrett and Goodpasture, p. 156; Goodspeed, p. 647.

[28]Ibid., p. 157.

[29]Harrison, W. P., The Gospel Among the Slaves, p. 61.

[30]McFerrin, J. B., History of Methodism in Tennessee, I, pp. 26, 470, 523; Vol. II, pp. 132, 159, 262; see also McTyeire, p. 462; and Goodspeed, pp. 664, 667.

Note: The minutes of the Annual Conference of the Methodists in Tennessee were burned with the Methodist Publishing House in Nashville, February, 1872. The publishing house has never been able to find another copy. McFerrin's History of Methodism in Tennessee, which contains copious quotations from these minutes, is the only available source.

[31]Supra, p. 105.

munication.[32] This rule of the conference prevailed until 1812.[33] Some of the presiding elders and circuit riders were even more strongly anti-slavery than was the conference. Rev. James Axley and Rev. Enoch Moore refused to license slaveholders to preach, or even to grant them the privilege of exhorting or leading in prayer. They denounced slaveholders as thieves and robbers.

The Tennessee Conference, which was a division of the Western Conference, held its first annual meeting at Fountain Head, Tennessee, in 1812. This conference made some interesting changes in the regulations for slaveholders that remind one of the compromise policy of the general conferences.[34] The phrase, "unjustly, inhumanly, and covetously," used by the conference of 1808 with reference to the buying and selling of slaves, was changed to "justice and mercy." The slaves of officers of the church were to be emancipated when practicable.[35]

An elaborate system of trial for violations was established. The quarterly conference was made the court of first instance. If the president of this conference differed from the majority, he could refer the case to the annual conference, or the accused could appeal his case to the annual conference. At this conference, a slaveholder made application to preach, but he was not admitted to the ministry until he had given security that he would emancipate his slaves as soon as it was practicable.[36]

The conferences of 1813 and 1814 did not raise the question of slavery, but in 1815, the conference held at Bethlehem Meeting House in Wilson County, Tennessee, adopted a policy with the laws of the states. This was simply a

[32]Asbury, Thomas, Journal of Rev. Francis Asbury, Vol. 3, p. 290; Cartwright, Peter, Fifty Years as a Presiding Elder, pp. 53ff.; Goodspeed, pp. 663-667; Temple, O. P., East Tennessee and Civil War, pp. 97ff.

[33]Goodspeed, p. 667.

[34]Supra, p. 106.

[35]McFerrin, II, 261, 283; Goodspeed, pp. 667, 668.

[36]McFerrin, II, 261.

recognition of the fact that the church should not undertake to control civil matters. The committee on slavery made the following report:

> We most sincerely believe, and declare it as our opinion, that slavery is a moral evil. But as the laws of our country do not admit of emancipation without a special act of the Legislature, in some places, nor admit of the slave so liberated to enjoy freedom, we cannot adopt any rule by which we can compel our members to liberate their slaves; and as the nature of cases in buying and selling are various and complex, we do not think it possible to devise any rule sufficiently specific to meet them. But to go as far as we can, consistent with the laws of our country and the nature of things, to do away with the evil, and remove the curse from the Church of God, it is the resolution of this conference that the following resolutions shall be adopted:
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> "1. If any member of our Society shall buy or sell a slave or slaves in order to make gain, or shall sell to any person who buys to sell again for that purpose, such member shall be called to an account as the Discipline directs, and expelled from our Church; nevertheless, the above rule does not affect any person in our Society, if he or she make it appear that they bought or sold to keep man and wife, parents and children, together.
>
> "2. No person, traveling or local, shall be eligible to the office of a deacon in our church, unless he assures us sentimentally, in person or by letter, that he disapproves slavery and declares his willingness and intention to execute, whenever it is practicable, a legal emancipation of such slave or slaves, conformably to the laws of the State in which he lives.[37]

This report was adopted and ordered to be copied into the Steward's Book of the Circuit.

[37]McFerrin, II, 401.

The Conference of 1817 dealt very extensively with slavery.[38] It made provision for the buying and selling of

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[38] The Code of 1817 is as follows:

"If a local elder, deacon, or preacher, in our Church, shall purchase a slave or slaves, he shall lay his case before the Quarterly-Meeting Conference of his circuit as soon as practicable, which Quarterly-Meeting Conference shall say how long such slave or slaves serve as a remuneration to the purchaser; and on the decision of the Quarterly-Meeting Conference, touching the time the slave or slaves shall serve, the purchaser shall, without delay, enter into a written obligation to the Quarterly-Meeting Conference to emancipate such slave or slaves at the expiration of the term of servitude, *if the law of the State* will admit; and such obligation shall be entered on the Journals of the Quarterly-Meeting Conference. But should the laws of the State continue rigidly to oppose the emancipation of slaves, so that their freedom, as above contemplated, should prove impracticable, during the term and at the end of the slave's or slaves' servitude, as determined by the Quarterly-Meeting Conference, he, the said elder, deacon, or preacher, shall, at the end of the time of servitude, again lay his case before the Quarterly-Meeting Conference, which Quarterly-Meeting Conference shall determine it according to the then existing slave rule of the Annual Conference to which he belongs; and should the said elder, deacon, or preacher, be dissatisfied with the decision of the Quarterly-Meeting Conference, he shall be allowed an appeal to the ensuing Annual Conference, provided he then signifies his intention of so appealing.

"2. If a private member in our society buy a slave or slaves, the preacher who has charge of the circuit shall summon a committee, of which he shall be president, or at least three disinterested male members from the class of which he or she is a member; and if a committee cannot be elected from the class to which the slave purchaser belongs, in such case the preacher may make up the committee from a neighboring class or classes, which committee shall determine the length of time such slave or slaves shall serve as a compensation to the purchaser, and immediately on the determination of the committee, touching the slave's or slaves' time of servitude, he or she, the purchaser, shall bind himself or herself in a written obligation to the church to have the emancipation of such slave or slaves, at the expiration of the given time, recorded as soon as practicable, *if the laws of the States in which he or she live will admit of emancipation;* and such obligation shall be filed among the papers of the Quarterley-Meeting Conference of the circuit in which he or she lives. *But should the laws of the State in which the purchaser lives render it impracticable to emancipate said slave or slaves*, during the time of servitude fixed by the committee for said slave or slaves, the

slaves. It prohibited the selling of slaves into perpetual bondage on penalty of forfeiture of membership in the church. The quarterly conference was given the power to regulate the term of slavery for which a member of the church could sell his slave. The preacher of each congregation was empowered to appoint a committee of three to

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preacher having charge of the circuit or station shall call a second committee at the end of the time of servitude who shall determine the case according to the then existing slave rule of the Annual Conference to which he or she belongs; and if he or she feel him or herself aggrieved, he or she shall be allowed an appeal to the ensuing Quarterly-Meeting Conference of his or her circuit. In all cases relative either to preachers or private members, the colored or bond-children born of slaves purchased, after their purchase and during the time of their bondage, male and female, shall be free at the age of twenty-five, *if the law admit of emancipation; and if not, the case of those born of purchased slaves in bondage to said elder, deacon, or preacher,* shall be *cognizable* by the Quarterly-Meeting Conference, and in the case of those born of purchased slaves in bondage to private members, shall be cognizable by a committee of the above-mentioned kind, which Quarterly-Meeting Conference and committee shall decide in such case as the then existing slave rule shall or may direct; *provided,* nevertheless, the above rules be not so construed as to oblige an elder, deacon, preacher, or private member, to give security for the good behaviour and maintenance of the slave or slaves emancipated, should the court require it. If an elder, deacon, preacher, or private member, among us, shall sell a slave or slaves *into perpetual bondage, they shall thereby forfeit their membership* in our church. Therefore, in case an elder, deacon, or preacher sell a slave or slaves, *he shall first submit the case to the Quarterly-Meeting Conference* of which he is a member, and said Quarterly-Meeting Conference shall say for what term of years he shall sell his slave, or slaves, which term being fixed, the seller shall immediately record his, her, or their emancipation in the county court; and a private member selling a slave or slaves shall first acquaint the preacher having the charge of the circuit with his design, who shall summon a committee of the above-mentioned kind, of which he, the said preacher, shall be President. Said Committee shall say, for what term of years, he, she, or they shall sell his, her or their slave or slaves, and the seller shall be required immediately to record the emancipation of such slave or slaves in the county court. An elder, deacon, preacher, or private member among us, refusing to comply with the above rules, shall be dealt with as in other cases of immorality, and expelled." McFerrin, II 462-466.

judge of the length of service that slaves purchased by members could be required to render. All of these requirements were conditioned on practicability, the consent of the state, violation of justice and mercy, and assumption of financial responsibility against charge of emancipated slaves. The conditions of the execution of these regulations show what a travesty the whole procedure was.

The case of Hardy M. Cryer, which came before the conference of 1817, illustrates the difficulty that the church faced in trying to enforce its policy. Mr. Cryer was secretary of the conference of 1817. He had failed to emancipate his slaves according to a promise made the previous conference. He had in the meantime bought a negro boy. He was able to make satisfactory explanation of his conduct to the conference, and was appointed elder. In other words, he was able to show the conference that his conduct had been consistent with "justice and mercy" and that its requirements as to emancipation were "impracticable."[39]

One of the most eminent of Tennessee historians made the following comment on the action of the church in the conference of 1817:

> Such was the legislation of a body of ministers with reference to a subject over which they had no control, provided the laws themselves did not admit of emancipation, which they themselves assumed to be the fact. Hence, the adoption of a proviso which in every case, taking things as they were, either nullified the rule or made it easy for a member or a minister to retain his slaves; for whenever he determined to own slaves it was easy to make it appear that it was in accordance with justice and mercy to retain those already in possession, or that under the law it was impracticable to set them free. Such legislation would seem to be sufficiently absurd, but it is amazing that an intelligent body of men should gravely attempt to compel a preacher or member to emancipate a slave at an expiration of a term of years after having surrendered ownership and control of

[39]McFerrin, II, p. 467.

> same. The only theory conceivable that can relieve the conference of the accomplishment of a solemn mockery is the supposition that they, having confidence in the justice of the future, must have believed themselves to be anticipating civil legislation—that the legal emancipation of the slave was an event which the immediate future must produce. However, the attitude of the conference on this subject is of great historical value, bringing into clear relief, as it does, the strong conviction of the Methodist body of Christians that slavery was a great moral evil, the existence of which was deplorable, and to be opposed by every means attached to which there was any hope of its gradual abolishment.[40]

The conference of 1818, which met at Nashville, repealed the regulations of the conference of 1817, and decided that the "printed rules on slavery, in the form of discipline" was full and sufficient on that subject.[41]

The conference of 1819 also met at Nashville and decided "that no man who is known to hold slaves is to be admitted to the office of deacon or elder."[42] Peter Burum and Gilbert D. Taylor, who were recommended for admission to the ministry, were rejected by this conference because they were slaveholders.[43] Several applicants for deacon's orders were rejected for the same reason.

The conference of 1819 witnessed a determined contest between the pro-slavery and anti-slavery forces, caused by an accusation made by Peter Cartwright,[44] that a number of ministers in the state were "living in constant violation of the discipline of the church."[45] Felix Grundy and Andrew Jackson represented the two factions. "The discussion of the subject of slavery," said Peter Cartwright,

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[40]Goodspeed, p. 669.

[41]McFerrin, III, 19-20.

[42]Ibid., p. 161.

[43]Goodspeed, p. 670.

[44]Ibid., p. 669; Autobiography of Peter Cartwright, the Backwoods Preacher, p. 195.

[45]Autobiography of Peter Cartwright, p. 195.

"worked up some bad feeling, and as we had at this conference to elect our delegates to the general conference which was to hold its session in Baltimore in May, 1820, these slaveholding preachers determined to form a ticket to exclude every one of us who were for the Methodist Discipline as it was, and is to this day. As soon as we found out their plans we formed an opposite ticket, excluding all advocates of slavery, and we elected every man on the ticket."[46]

Sixteen local preachers filed the following protest against the action of the conference in refusing to admit slaveholders to the office of deacon or elder:

> We deprecate the course taken as oppressively severe in itself and ruinous in its consequences, and we disapprove of the principle as contrary to and in violation of the order and discipline of our church. We, therefore, do most solemnly, and in the fear of God, as members of this conference, enter our protest against the proceedings of the conference as it related to the above-mentioned course and principle.[47]

This protest was supported by the slaveholders, and laid before the general conference in 1820, but no definite action was ever taken on it.[48]

The period from 1819 to 1824 was a transition period to some extent. There was no important action by any of the conferences during this period. Rev. John Johnson in 1820 proposed that the church recognize slavery as a municipal institution and try to humanize it.[49] This was the position

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[46]Autobiography of Peter Cartwright, p. 196.

[47]Goodspeed, pp. 669-670.

[48]McFerrin, II, 195.

[49]He proposed the following program for the church on slavery:

1. That every householder in our church shall provide a comfortable house, with sufficient bed and bedding, for every slave in his possession.

2. That each slave shall be clothed in decent apparel in summer and warm clothing in winter, and shall have plenty of good and wholesome food, and time to eat it.

3. That every slave over....years of age shall be taught to read the Holy Scriptures.

that most of the churches had already taken on slavery. The struggle over slavery in Missouri revealed the earnestness of the forces on both sides. Anti-slavery leaders began to leave the state. Among the Methodists were Wesley Harrison, an influential layman, who went to Ohio; James Axley, a presiding elder; and Enoch Moore, a strong anti-slavery preacher.[50] It was in this period, says McFerrin, that "the church came to a standstill, and was in a measure paralyzed and powerless for good. As a means of averting greater evils, and saving the church if possible, colonization and emancipation societies were formed, and it was believed by many that such organizations did a great deal to prevent a serious rupture in the church till the storm passed over."[51]

The conference of 1824, in response to a memorial on slavery presented by the Moral and Religious Manumission Society of West Tennessee, declared "that slavery is an evil to be deplored and that it should be counteracted by every judicious and religious exertion."[52] It is noticed that while slavery was condemned as an evil, it was to be handled "judiciously." What did "judiciously" mean in the eyes of the slaveholders? "This resolution," says McFerrin, "was

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4. That every slave over....years of age shall be permitted to attend the worship of God....times in every.....

5. That every slave shall attend family worship twice a day.

6. That every slave shall be allowed one hour for reading in every.....

7. That no master shall inflict more than....stripes for any one offense, nor any stripes on any one who is over....years of age.

8. That no slave shall be compelled to marry against his will.

9. No master shall suffer man and wife, parent and child, to be parted without their consent when it is in his power—he being the owner of one—to prevent it by buying or selling at a fair price.

10. On any complaint being made against a member for violation of these rules let the preacher appoint a committee of....to investigate the facts and report to the society.

11. Any member violating or refusing to comply with the above rules shall be dealt with as in other cases of immorality.—Recollections of Rev. John Johnson and His House, An Autobiography, 305-6.

[50]McFerrin, II, 95.

[51]Ibid., 494.

[52]Ibid., 261; Goodspeed, 668.

proposed by two members, who themselves or their parents were slaveholders."[53] Evidently, this was a modified attitude of the church. "What a misfortune," says McFerrin, "that this sentiment had not always obtained, treating the matter in a religious manner, and not intermeddling with it as a civil question."[53]

From 1824 to 1834 was a period of growth of pro-slavery sentiment in Tennessee. Anti-slavery workers from all denominations left the state. Manumission societies died. The colonization movement was a failure. Abolition literature was discontinued. Exclusion policy was adopted in 1831.[54] Slaveholders began to advocate preaching to the slaves, and made heavy contributions for this purpose. Separate negro churches were established after the master ceased to be suspicious of the preachers, and missions were established among the slaves at the expense of the masters. "Owners of large plantations," says Harrison, "coming to the knowledge of this change in the disposition of the Methodist preachers, and finding many of them following the example of the illustrious bishop, then Mr. Capers, and seeing the good effects produced by the preaching to the negroes on the plantations of their neighbors, ultimately gave their consent to permit their slaves to hear the gospel from the lips of capable white missionaries."[55]

The Methodist Church had always had slave members in it. In 1791, there were 12,844; in 1803, there were 22,453, most of whom were in the South.[56] In 1824, there were 1749 negro members in the Methodist church in Tennessee; in 1840, there were 8,820; and in 1846, there were 18,122.[57] Following the lead of the missionary movement to slaves begun by Bishop Capers in 1829,[58] the Tennessee annual conference of 1832 established two missions to which were

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[53]McFerrin, III, 271.

[54]Infra, pp. 153-5.

[55]Harrison, p. 151.

[56]Ibid., pp. 61-2; Wightman, pp. 288-302.

[57]Goodspeed, p. 676.

[58]Harrison, p. 155.

[59]Ibid., p. 161.

sent Thomas M. King and Gilbert D. Taylor. By the close of 1832 these missions numbered 190 members.[60] Missionary work among the slaves in Tennessee expanded conservatively until 1844. By 1839, Tennessee had nine missions with 2,316 members and ten missionaries, and was paying $2,700 to missions among the slaves.[61]

Some very strong preachers developed among the slaves. Probably the greatest negro preacher in all Methodism, if not in all Christendom, was Pompey. He was probably a native of Africa, and in his youth was a slave of Rev. N. Moore, brother-in-law of Bishop McKendree. He traveled as a servant with Rev. Moore, and at one of his revivals was converted. He then became interested in the Gospel, and soon learned to read. He gave close attention to his master's sermons and sometimes suggested improvements. "He ventured to tell his master one day," says Rev. H. H. Montgomery, "that he felt, or believed, he could have made a better sermon than he did the day before. 'Pomp, do you think you could preach?' 'Yes, master, I have felt and thought a great deal about it.' 'Then, Pompey, you shall preach tomorrow.' He preached the next day and his master thought so well of the sermon that he set Pompey free."[62]

Pompey studied the Scriptures very closely, and became able to quote freely from them. He was a very popular preacher to both whites and blacks. He preached in both Tennessee and Mississippi. Rev. Montgomery gives the following account of his preaching:

> The first time I remember to have seen him was in the Christmas holidays of 1832. The weather was very cold, but the congregation was so large that old "Center" church could not hold the people by one-half. So they adjourned to the campground, where the vast congregation listened attentively to an evangelical and powerful sermon for an hour from him. I was a boy of thirteen years, but a very deep impression was made on my

[60]Harrison, p. 194.

[61]Ibid., p. 195.

[62]McFerrin, III, 387.

> mind. He related the circumstances of his awakening, repentance, and conversion. There seemed to be scarcely one that was not weeping. And when he described the simplicity of that faith by which he received pardon and salvation, and the great change of heart and feeling which he realized, and everything was new—so new that he could hardly realize that it was Pompey, till he looked at his hands and felt of his wool, and found it was Pompey's skin and Pompey's wool, but it was Pompey with a new heart—there was a burst of glory and praise that went up from many of that congregation.[63]

There were, in the state, other negro preachers of unusual ability, among them Emanuel Mark of Fayette County. He was given a pass by his master to preach anywhere. He preached to both white and black. Silas Phillips of La Grange, Tennessee, was another remarkable negro preacher. Simeon Hunt was also a negro preacher of wonderful eloquence.[64]

After the defeat of the anti-slavery forces in 1834, it was recognized that slavery was a fixed institution in society, and that it would require violence to overthrow it. The Methodists had gradually been reaching this conclusion. It was easy for them, therefore, to adopt a slightly different attitude toward it. Their position was well phrased by Dr. A. L. P. Green, who said he favored the institution, "when it was properly controlled, and regarded it as a blessing to the slave. He believed the negro incompetent and unfitted for self-government, and hence a wise, good master was a necessity."[65] The Methodists were forced either to adopt this attitude or see the slaveholders withdraw their slaves to churches whose attitude toward slavery was more favorable. The missionary spirit of the church saw that the slaves offered a great field for domestic missions, and the Christian slaveholder came to be regarded as a blessing.[66]

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[63]McFerrin, III, 389-90.

[64]Harrison, 338-343.

[65]Green, Wm. M., Life of A. L. P. Green, 167.

[66]Bedford, pp. 214-5; 301.

The eleven delegates from the three conferences in Tennessee—Holston, Tennessee, and Memphis—to the general conference in 1844, sharing the above feeling, voted solidly against the Finley Resolution. These annual conferences at their next meeting sustained the action of their delegates. The Holston conference said, "That our delegates to the last General convention merit the warmest expression of our thanks, for their prudent, yet firm, course in sustaining the interests of our beloved Methodism in the South."[67] The Tennessee conference said, "That we do most cordially approve the course of our delegates, in the late general conference."[68] The Memphis conference said, "That we do heartily approve the entire course pursued by our delegates at the late general conference."[69] These resolutions also demanded that the convention at Louisville establish a coördinate branch of Methodism under a general conference in accordance with the plan adopted by the conference of 1844, "and, in so doing," they said, "we positively disavow secession, but declare ourselves, by the act of the general conference, a coördinate branch of the Methodist Episcopal Church."[70]

Tennessee Methodists sent twenty-two delegates to the Louisville convention of 1845.[71] They voted for the following resolution, which the conference adopted without a dissenting vote, as its interpretation of the law of the church on slavery:

> That under the provisional exception of the general rule (or law) of the church, on the subject of slavery, the simple holding of slaves, or mere ownership of slave property in states or territories where the laws do not admit of emancipation and permit the liberated slave to enjoy freedom, constitutes no legal barrier to the election or ordination of ministers to the various grades of office known in the ministry of the Methodist Episcopal

[67]Bedford, p. 601.
[68]Ibid., p. 603.
[69]Ibid., p. 605.
[70]Ibid., p. 600.

> Church, and cannot, therefore, be considered as operating any forfeiture of rights, in view of such election and ordination.[72]

After the organization of the Southern branch of Methodism, strong efforts were made along the border conferences to induce them to go with the Northern branch. The Holston Conference, which included East Tennessee, with only one dissenting vote, resolved to cast its lot with the new organization. This one dissenter later joined the M. E. Church, South.[73] There was no question of loyalty in the

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[71]Bedford, p. 423.

[72]Ibid., p. 449.

[73]These resolutions show the frame of mind of these people: "Whereas, the long-continued agitation on the subject of slavery and abolition in the Methodist Episcopal Church did, at the General Conference of said church, held in the city of New York, in May, 1844, result in the adoption of certain measures by that body which seriously threatened a disruption of the Church; and to avert this calamity, said General Conference did devise and adopt a plan contemplating the peaceful separation of the South and the North; and constituting the conferences in the slaveholding States, the sole judges of the necessity for such separation; and, whereas, the conferences in the slaveholding States, in the exercise of the right accorded to them by the General Conference, did, by their representatives in convention at Louisville, Ky., in May last, decide that separation was necessary, and proceeded to organize themselves into a separate and distinct ecclesiastical connection, under the style and title of the Methodist Episcopal Church, South, basing their claim to a legitimate relation to the Methodist Episcopal Church in the United States upon their unwavering adherence to the Plan of Separation adopted by the General Conference of said church in 1844, and their devotion to the doctrines, discipline, and usages of the church as they received them from their fathers.

And as the Plan of Separation provides that the conferences bordering on the geographical lines of separation shall decide their relation by the votes of the majority . . . and also that ministers of every grade shall make their election North or South without censure —therefore,

1. Resolved, That we now proceed to determine the question of our eccleciastical relation by the vote of the conference.

2. That we, the members of the Holston Annual Conference, claiming all the rights, powers, and privileges of an Annual Conference of the Methodist Church in the United States, do hereby make an election with, and adhere to, the Methodist Episcopal Church, South.

other conferences. There were Methodists throughout the state who still adhered to the "Old Church." Even in West Tennessee, in certain counties there were strong organizations of the "Old Church" that still persist.

The Southern Methodists increased their activities among the slaves after 1845. The slaveholders were now assured that no insurrectionary doctrines would be taught to their slaves. "Masters and mistresses, even little children," says Harrison, "helped with the work."[74] In 1846, the Southern Methodists had 29 missions in Tennessee with 7,100 members in charge of 34 missionaries who received $7,762;[75] in 1863 there were 41 missions with 5,947 mem-

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3. That while we thus declare our adherence to the Methodist Episcopal Church, South, we repudiate the idea of secession in any schismatic or offensive sense of the phrase, as we neither give up nor surrender anything which we have received as constituting any part of Methodism, and adhere to the Southern ecclesiastical organization. Plan of Separation, adopted by the General Conference of the Methodist Episcopal Church at its session in New York in May, 1844.

4. That we are satisfied with our Book of Discipline as it is on the subject of slavery, as recorded in that book; and that we will not tolerate any change whatever, except such verbal and unimportant alterations as may, in the judgment of the General Conference, facilitate the work in which we are engaged, and promote uniformity and harmony in our administration.

5. That the journals of our present session, as well as all our official business, be henceforth conformed in style and title to our ecclesiastical relation.

6. That it is our desire to cultivate and maintain fraternal relations with our brethren of the North. And we do most sincerely deprecate the continuance of paper warfare either by editors or correspondents, in our official church papers, and devoutly pray for the speedy return of peace and harmony in the Church, both North and South.

7. That the Holston Annual Conference most heartily commend the course of our beloved Bishops, Saule and Andrew, during the recent agitations which have resulted in the territorial and jurisdictional separation of the Methodist Episcopal Church, and that we tender them our thanks for their steady adherence to principle and the best interests of the slave population.—Bedford, pp. 500-503.

[74]Harrison, 302.

[75]Ibid., 318.

bers in charge of 39 missionaries receiving $11,748.46.[76] The difference in the attitude of the Methodist slaveholders after the organization of the Southern church is shown by the fact that from 1829 to 1844 Tennessee Methodist spent $23,208.01 on slave missions, but from 1844 to 1864 they spent $213,736.62.[77]. The Southern Methodists numbered 18,122 negro members in 1846;[78] 18,045 in 1848;[79] 18,940 in 1850;[80] 18,748 in 1842;[81] 19,239 in 1860.[81] From 1860 to 1864 there was a gradual loss of negro membership, due, of course, to the various influences and tendencies of the war period.[82] Some of the conferences did not meet regularly during the war, and some met in other states. The statistics are incomplete and inaccurate.[83]

The interpretation of the laws of the church on slavery remained unchanged to 1858. In that year, the General Conference of the M. E. Church, South, met in the House of Representatives at Nashville, with 151 accredited delegates. This conference declared "that slavery is not a subject of ecclesiastical legislation. It is not the province of the church to deal with civil institutions in her legislative capacity. . . . We have surrendered to Caesar the things that are Caesar's, and holding ourselves to be debtors to the wise and the unwise, the bond and the free. We can now preach Christ alike to master and the servant, secure in the confidence and affection of the one and the other . . . The salvation of the colored race in our midst, as far as human instrumentality can secure it, is the primary duty of the southern church."[84] They struck from their Discipline at

[76]Harrison, 324.

[77]Ibid., 326.

[78]Minutes of the Annual Conferences of M. E. Church, South, I, 1845-1859, 16-25.

[79]Ibid., 167, 172, 181.

[80]Ibid., 273, 290, 295.

[81]Ibid., 385, 392, 403.

[82]Ibid., II, 214, 218, 223.

[83]Minutes of the Annual Conference of M. E. Church, South. II, 1845-1859, 214, 218, 203.

[84]American Church History, XI, pp. 66-7.

this meeting by a vote of 140 to 8 the rule forbidding "the buying and selling of men, women, and children, with intention to enslave them."[85]

The social side of the relations of the two races in their religious life is very interesting. The two races came very close together. The negroes were called together by a horn or a bell once a day for family prayer in which the master, mistress, and the children participated. Sometimes the master conducted the services, and sometimes a slave would do it. Slaves sang at these services, and frequently became so religious as to embrace their master and mistress before the close of service. In their religious life, slaves became little children indeed.

On Sunday as a rule, the slaves attended church with the white folks. They either sat in the galleries or had a special portion of the church set apart for them. They were given the communion after the white people had been served. There was usually in the afternoon on Sunday a special service for the slaves, conducted by the pastor of the church, and there was generally a separate business meeting for the slaves. At these separate services, the slaves practically had charge. Their own leaders, exhorters, and preachers were merely directed by the white pastor. It was in these meetings that they received their greatest training and had their truest religious experience.[86]

Few men knew the negro so well as the Methodist preacher, or did so much to elevate his character. He presided at their church trials, of which one of their number was secretary. He was the general umpire to whom all their church difficulties were referred. He baptized them, married them, visited them in their cabins, comforted them in their distress, prayed with them when on beds of sickness, was their counsellor, friend, and spiritual guide, and he preached their funerals when they died.[87]

The Methodist people did more for the negro than any

[85] 26th Annual Report of American Anti-slavery Society, 1859, 115.
[86] McTyeire, III, 536.
[87] Milburn. W. H., Ten Years of a Preacher's Life, 337.

other denomination, whether for abolition or for their general improvement. Peter Cartwright once said that the Methodist Episcopal Church had "been the cause of the emancipation of more slaves in these United States than all other religious denominations put together."[88] "It is a notorious fact," said Cartwright, "that all the preachers from the slaveholding states denounced slavery as a moral evil; but asked of the General Conference mercy and forbearance on account of the civil disabilities they labored under so that we got along tolerably smooth. I do not recollect a single Methodist preacher at that day that justified slavery. . . . Methodist preachers in those days made it a matter of conscience not to hold their fellow creatures in bondage, if it was practicable to emancipate them, conformably to the laws of the state in which they lived. Methodism increased and spread, and many Methodist preachers, taken from comparative poverty, not able to own a negro, and who preached loudly against it, improved and became popular among slaveholding families, and became personally interested in slave property. They then began to apologize for the evil; then to justify it, on legal principles; then on Bible principles."[89]

II. The Baptists.

The Baptists were among the original settlers in Tennessee. They were strong in North Carolina by 1750,[90] and by 1780 were coming into Tennessee from both Virginia and North Carolina in great numbers.[91] They settled in the Holston country and on Boone's Creek, but they were not so numerous in these early days as the Presbyterians and Methodists.[92] In 1784 there were 400 Baptists in Tennessee; 900 in 1792, and 11,325 in 1812[93]

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[88]Cartwright, Fifty Years a Presiding Elder, p. 24.

[89]Cartwright, Autobiography, p. 157.

[90]Col. Recs., III, p. 48.

[91]Garrett and Goodpasture, p. 156.

[92]Newman, A. H., History of Baptist Churches in United States, p. 338.

[93]Briggs, Charles A., American Presbyterianism, pp. 59-60.

The Baptists were anti-slavery in the early period of American history, just as were the Methodists. 1783 the Baptists said:

> It is the duty of every master of a family to give his slaves liberty to attend the worship of God in his family, and likewise it is his duty to convince them of their duty; and then to leave them to their own choice.[93]

In 1789 John Leland proposed the following resolution in the Triennial Convention, which was adopted:

> Resolved, That slavery is a violent deprivation of the rights of nature, and inconsistent with a republican government, and therefore recommend it to our brethren, to make use of every legal measure to extirpate this horrid evil from the land; and pray Almighty God that our honorable legislature may have it in their power to proclaim the great Jubilee consistent with the principles of good policy.[94]

This protest, while very strong in its declaration, was ineffective. The Baptists were no exception to mankind as to slaveholding. The Baptists became slaveholders in large numbers, and adopted the policy that it was the work of the church to mitigate slavery into a humane institution.[95]

The Baptists were more successful in adding negroes to the church than any other denomination. There are more negroes in the Baptist church today than in all other churches combined. One out of every five Southern negroes is a Baptist.[96] In 1813, there were 40,000 negro Baptists, mostly in the South, among whom were a great many negro preachers and exhorters.[97]

Among the attractive features of the Baptist faith to the negroes were immersion, the congregational form of gov-

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[94]Newman, p. 305.

[95]Ibid., p. 338.

[96]Pius, N. H., An Outline of Baptist History, p. 131.

[97]Harrison, pp. 65, 91.

ernment. which gave them participation in church meetings, the liberality of the Baptists in permitting them to preach, and the Baptist method of communion, which did not discriminate against them.[98] These advantages of Baptism[99] caused negroes to withdraw from other churches.[100]

The Baptists despite the advantages that a form of local church government gave them in handling the slavery question, were not able to prevent its frequent discussion. It was not so difficult for the individual congregations to settle the matter by a majority vote and select a preacher whose views agreed with the majority. But it was inevitable that the forces that finally united the Southern Methodists would produce the same effect upon the Southern Baptists. The Southern Baptists were among the largest slaveholders of the South, and in due time came to be defenders of slavery, while Northern Baptists became increasingly anti-slavery.[101]

That separation was inevitable was evident to many of the leaders, although both Northern and Southern Baptists tried to relegate slavery to the background. Rev. Richard Fuller was one of the first to see this impending division in the church, and he hastened to take steps to prevent it. He tried to distinguish between the church as an organization and its membership. In the Triennial Convention of 1844 he secured the adoption of a resolution to the effect that as a church they should disclaim all sanction of slavery or anti-slavery, either expressed or implied, but that as individuals they should have the freedom both to express and to promote their views on these subjects in a Christian manner and spirit.[102]

This was apparently a happy solution of the question, a philosophical way to handle the problem, but slavery would not down. The incident that most of all precipitated the organization of the Southern Baptist Convention was the

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[98]Col. Recs. VIII, 164.

[99]Buckley, James M., History of Methodism, I, 373, 375.

[100]Harrison, 58.

[101]Riley, B. F., History of the Baptists in Southern States East of the Mississippi, p. 199.

[102]Ibid., p. 201.

attitude of the Board of Foreign Missions of the church. This board, apparently on its own initiative, adopted in 1844 a resolution to the effect that,

> In the thirty years in which the board has existed, no slaveholder, to our knowledge, has applied to be a missionary. And as we send out no domestics, or servants, such an event as a missionary taking slaves with him, were it morally right, could not, in accordance with all our past arrangements and present plans, possibly occur. If, however, anyone should offer himself as a missionary, having slaves, and should insist on retaining them as his property, we can never be a party to any arrangements which would imply approbation of slavery.[103]

The American Baptist Home Missionary Society in April, 1845, found itself in the same predicament that the Foreign Missionary Society was facing. This board said: "We declare it expedient that members shall hereafter act in separate organizations, at the South and at the North, in promoting the objects which were originally contemplated by the society."[103]

This announcement of policy was regarded by the Southern Baptists as a violation of the rights of the convention of the church. This policy was soon put into effect by the rejection of Rev. James E. Reeves, a slaveholder and applicant to become a missionary.[103] This was a challenge that was immediately accepted. The Southern Baptists said: "This is forbidding us to speak to the Gentiles . . . We will never interfere with what is Caesar's. We will not compromise what is God's."[104]

The Southern Baptist Convention was organized at Augusta, Georgia, in the summer of 1845. There were 377 delegates present. They said that "a painful division has taken place in the missionary operations of the American Baptists . . . They differ in no article of the faith. They are guided by the same principles of gospel order."[105]

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[103]Riley, p. 205.
[104]Proceedings of the Southern Baptist Convention, 1845, pp. 18, 19.
[105]Riley, p. 211.

The Tennessee Baptists were, like the Baptists as a whole, divided on the question of slavery. In general, the attitude of the National Triennial Convention down to 1845 reflects the opinion of Tennessee Baptists. There are no local histories nor any minutes of local bodies that give us any insight into the particular feelings of different groups of Baptists in Tennessee. Tennessee Baptists went with the Southern Convention in 1845, but there were anti-slavery Baptists scattered throughout the state.

One of the most noted of the anti-slavery Baptists in Tennessee was Professor J. M. Pendleton, of Union University, Murfreesboro, Tennessee (now at Jackson, Tennessee). Professor Pendleton was born in Virginia in 1811. He moved to Kentúcky in 1817 and to Tennessee in 1857. He was in 1858 professor of theology at Union, and joint editor with Rev. A. C. Dayton of the Tennessee Baptist, published at Nashville, and was one of the editors of the Southern Baptist Review.[106]

In 1858, Dr. Dawson, editor of the Alabama Baptist, accused him of being an abolitionist. He was brought before the board of trustees of Union. Professor Pendleton explained the charge in the following way: "I suppose he (Dawson) made no distinction between an 'Abolitionist' and 'Emancipationist.' The latter was in favor of doing away with slavery gradually, according to state constitution and law; the former believed slavery to be a sin in itself, calling for immediate abolition without regard to consequences. I was an Emancipationist . . . but I was never for a moment an Abolitionist."[107] He frankly stated his views before the board, and was acquitted.[108]

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[106]Pendleton, J. M., Reminiscenes of a Long Life, p. 112.

[107]Ibid., 113.

[108]Professor Pendleton remained at Union University during the war and was a loyal unionist. He preached on Sunday and worked on the farm during the week. He constantly expected to be taken from his home and hanged. He always prepared at night a method of escape, yet he, despite proposals by the citizens of the community to hang him, never had to execute his plans. He lived in constant fear untill the Army of the Cumberland occupied Murfreesboro in 1863.—Pendleton, op. cit., 127.

The Southern Baptists made special effort to evangelize the slaves after their separate organization was accomplished. "This department of our labor," says the report of 1845, "is increasing in interest every year. Whenever it is practicable, the missionaries of the board hold separate services for the special benefit of the slaves. And all bear favorable testimony to the happy influence of the Gospel upon the hearts and lives of that people. Their owners are becoming more and more awake to their special wants. Some are erecting houses of worship on their plantations, others are making liberal donations to sustain the ministry among them."[109] The general proposition of the convention to any local church was that it would pay half the expense of a mission among the negroes if the church would pay the other half. In 1855, the Baptists had missions at Rogersville, Knoxville, Chattanooga, Cumberland Mountains, Huntingdon, and Memphis.[110]

The convention of 1859 said:

> Our slaves, too, demand our attention. They form part of our families, speak our language, are easy of access, and are impressible beyond any other people. They number more than three and a half million, and out of this multitude scarcely more than three or four hundred thousand are professed Christians.[111]

The character of the slave converts as given by Rev. Pendleton, seemed to justify the efforts of the church. He said, "I saw among them in the days of slavery as pious Christians as I ever saw anywhere. They attended church, occupied the place assigned them in the meeting-house, and partook of the Lord's Supper with their white brethren."[112]

The special training that the negroes received in the Baptist church largely prepared them to establish and manage their own churches. "The first negro Baptist church in

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[109]Proceedings of Southern Baptist Convention, 1845, p. 35.

[110]Ibid., p. 28.

[111]Proceedings of Southern Baptist Convention, 1859-60, p. 89.

[112]Pendleton, p. 127.

Tennessee," says Pius, "was the Mt. Lebanon Baptist Church, organized at Columbia, October 20, 1843."[113] This church now has a membership of 200 and property worth $15,000. In 1853, Spruce Street Baptist Church was built at Nashville. Beal Street Church at Memphis was also one of the early negro churches.

III. CUMBERLAND PRESBYTERIANS.

The Cumberland Presbyterians present the interesting situation of a church originating in a slave state after slavery was rather substantially established. This church was organized in Tennessee in 1810 in the log cabin of Samuel McAdoo. Samuel McAdoo, Finis Ewing, and Samuel King, all ordained ministers of the Presbyterian church, were the constituent founders of the first Presbytery.[114] Of these three cofounders, Ewing was a slaveholder, but he soon emancipated his slaves.[115]

One would expect this church, born of the environment of slavery, to be rather mild in its opposition to slavery, if, indeed, not pro-slavery, but, as a matter of fact, it was strongly anti-slavery. Ewing, after freeing his slaves, boldly preached against "the traffic in human flesh." He said:

> But where shall we begin? Oh! is it indeed true that in this enlightened age, there are so many palpable evils in the church that it is difficult to know where to commence enumerating them? The first evil which I shall mention is a traffic in human flesh and human souls. It is true that many professors of religion, and, I fear, some of my Cumberland brethren, do not scruple to sell for life their fellow-beings, some of whom are brethren in the Lord. And what is worse, they are not scrupulous to whom they sell, provided they can obtain a better price. Sometimes husbands and wives, parents and children, are thus separated,

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[113] Pius, p. 61.

[114] Garrett and Goodpasture, 160.

[115] McDonald, B. W., History of Cumberland Presbyterian Church, p. 411.

> and I doubt not their cries reach the ears of the Lord of Sabbath . . . Others who constitute a part of the visible Church half feed, half clothe, and oppress the servants. Indeed, they seem by their conduct toward them, not to consider them fellow-beings. And it is to be feared that many of them are taking no pains at all to give their servants religious instruction of any kind, and especially are they making no efforts to teach them or cause them to be taught to read that Book which testifies of Jesus, whilst others permit, perhaps require, their servants to work, cook, etc., while the white people are praying around the family altar.[116]

He says again, "I have determined not to hold, nor to give, nor to sell, nor to buy any slave for life. Mainly from the influence of that passage of God's word which says, 'Masters, give unto your servants that which is just and equal.' "[117]

Samuel McAdoo, one of the three founders of the church, and a Cumberland preacher, was a most outspoken opponent of slavery. He did not want his family through marriage or inheritance or otherwise to become connected with it. To accomplish this he joined the contingent of anti-slavery leaders that Tennessee contributed to the North-west. He moved to Illinois, where he could preach his convictions without fear and trembling.[117]

Some of the early Cumberland preachers, who were very conscientious on the subject of slavery, wanted to free their slaves, but they did not believe they could be self-sustaining and independent members of society. Rev. Ephriam McLean was one of these who decided that he would perform the experiment of giving his slaves a chance to demonstrate that they could be self-supporting. He gave his slaves the use of a farm, farming implements, and live stock adequate for their purposes, and set them free to work for themselves. In a few years idleness and drunkenness brought

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[116]Cossitt, Franceway Ranna, The Life of Rev. Finis Ewing, p. 273.
[117]McDonald, p. 411.

them to suffering, and they begged him to take them back. He did so.[118]

Rev. Robert Donnel, a Cumberland minister, inherited slaves. He taught his slaves the Scriptures and called them to family prayer daily. He wanted to free his slaves, but they did not wish freedom, because they did not want to go to Liberia.[119] The free states at the North did not want them. He could not drive them to Africa. The state would not let him free them unless he sent them outside of it, so he did not know how to dispose of them.[119]

Southern anti-slavery men would buy the slaves of their own brothers to keep them from being sold separately to pay their debts. Such men would intend to emancipate these slaves, but they would soon discover that the slaves had rather die than be sent to Canada or Africa. They remained slaveholders because they had a real interest in negroes. In 1855, Dr. Beard, a leading Cumberland Presbyterian minister, said, "the longer I live the more deeply I regret that I ever became involved in it. My heart always hated it, and now loathes it more and more every day."[120]

Not only were the leading ministers in the Church anti-slavery, but the literature of the Church denounced slavery, and the legislation of the Southern States. The Revivalist, a Cumberland paper published at Nashville from 1830 to 1836, speaking of legislation of South Carolina upon slavery, said: "Such acts are foul blots upon the records of a free people, which our posterity will blush to behold. They are not only unjust and cruel but actually impolitic."

"The extensive slaveholder," said the Revivalist, "is at too great a remove from the slave to learn the workings of his mind and the feelings of his heart. There is no contact of feeling, no interchange of sympathies between most Southern planters and their servants. They govern, control, and direct their slaves by proxy; and too many masters

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[118]Letters furnished by Hon. F. E. McLean (Quoted by McDonald, 412).

[119]McDonald, p. 412.

[120]Diary of Beard, A. J., July 11, 1855.

are dependent upon their representatives of heartless overseers for a knowledge of the character and disposition of their own slaves. Southern planters, who govern by proxy, are, therefore, unprepared to do justice to the African character."[121]

The Revivalist exhorted slaveholders to teach their slaves to read and to give them moral and religious instruction. This, it said, "will not only make better men of them but better servants."[122]

The Cumberland Presbyterian, of Nashville, mother organ of the Church, said in 1835: "We proclaim it abroad we do not own slaves. We never shall. We long to see the black man free and happy, and thousands of Christians who now hold them in bondage entertain the same sentiments."[123]

It will be shown in the chapter on abolition that a change of attitude toward slavery followed the action of the Convention of 1834. The Cumberland Presbyterian Church was no exception to this rule. The action of a Pennsylvania Synod in 1847 precipitated the issue. This Synod met and rescinded its action at a previous session declaring that the relation between it and American slavery to be such as to require "no action thereon," and adopted the resolution, "That the system of slavery in the United States is contrary to the principles of the Gospel, hinders the progress thereof, and ought to be abolished."[124]

The General Assembly of the Church of 1848, which met at Memphis, appointed a committee to review the action of the Pennsylvania Synod. This committee in its report regretted the action of the Synod and disapproved "any attempt by jurisdiction of the church to agitate the exciting subject of slavery," closing with the observation that "the tendency of such resolutions, if persisted in, we believe is to gender strife, produce distraction in the church, and thereby hinder the progress of the Gospel."[125]

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[121]McDonald, p. 414.

[122]Ibid., 415.

[123]The Cumberland Presbyterian, August 19, 1835.

[124]McDonald, p. 417.

[125]Minutes of the Assembly of 1848, pp. 12, 13.

The General Assembly of 1851, which met at Pittsburg, received six memorials on slavery from Ohio and Pennsylvania with about one hundred and fifty signatures.[126] The committee to whom these memorials were referred made the following report, which was adopted:

> The Church of God is a spiritual body, whose jurisdiction extends only to matters of faith and morals. She has no power to legislate upon subjects on which Christ and his apostles did not legislate, nor to establish terms of union, where they have given no express warrant. Your committee, therefore, believe that this question on which you are asked by the memorialists to take action, is one which belongs rather to civil than ecclesiastical legislation; and we are all fully persuaded that legislation on that subject in any of the judicatories of the church, instead of mitigating the evils connected with slavery, will only have a tendency to alienate feeling between brethren; to engender strife and animosities in your church; and tend, ultimately to a separation between brethren who hold a common faith, an event leading to the most disastrous results, and one which we believe ought to be deprecated by every true patriot and Christian.
>
> But your committee believe that members of the church holding slaves should regard them as rational and accountable beings, and treat them as such, affording them as far as possible the means of grace.
>
> Finally, your committee would recommend the adoption of the following resolutions:
>
> 1. That inasmuch as the Cumberland Presbyterian Church was originally organized and has since existed and prospered under the conceded principle that slavery was not and should not be regarded as a bar to communion; we, therefore, believe that it should not now be so regarded.
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> 2. That, having entire confidence in the honesty and sincerity of the memorialists and cherishing the tenderest regard for their feelings and opinions, it is the conviction of this General As-

[126] Minutes of the Assembly of 1851, p. 16.

> sembly that the agitation of this question which has already torn asunder other branches of the church, can be productive of no real benefit to master or slave. We would, therefore, in the fear of God, and with the utmost solicitude for the peace and welfare of the churches under our care, advise a spirit of mutual forbearance and brotherly love; and, instead of censure and proscription, that we endeavor to cultivate a fraternal feeling one toward another.[127]

This platform remained the orthodox position of the Church to the abolition of slavery. The Cumberland Church was primarily a Southern church, and, therefore, never divided on the question. It would have suffered very little loss of either membership or property by a division.

The Cumberland Church, it appears, took the most sensible position on the slavery question of any of the churches in Tennessee. It always preached abolition and ultimate freedom as the final solution of the problem, but, at no time did it overlook the entire set of facts connected with the institution. It recognized that slavery had been forced on the forefathers, that it had become the central institution of Southern society, that, therefore, it would be violent revolution to abolish the institution at one stroke of the pen. It appreciated the fact that only a small part of the slave population was ready for freedom and a responsible place in the body politic. The Cumberland Presbyterians believed that slavery was an evil, but denied responsibility for it. They thought that slavery was an educating insttution, that the rights of the slave should be restored to him as fast as his evolution would permit, but that in this process the welfare of society as a whole was the major consideration.

IV. The Friends.

The Quakers led decidedly in the movement of abolition. As early as 1770 in their annual meeting attention was

[127]Minutes of the Assembly of 1851, pp. 56, 57. This committee consisted of LeRoy Woods, Ind., A. J. Beard, Ky., J. J. Meek, Miss., N. P. Modrall, Tenn., J. H. Coulter, Ohio, S. E. Hudson, Penn., and J. C. Henson, Ind.

called to the treatment of the slave and to "the iniquitous practice of importing negroes."[128] In 1772 it was decided in their annual meeting that no Friend should buy a slave of any other person than a Friend in unity. This regulation might be violated if it was to unite husband and wife or mother and children, or for other reasons if approved by monthly meeting.[129] Advance was made again in 1774 and in 1775 when the yearly meeting decided "That Friends in unity shall neither buy nor sell a negro without the consent of the monthly meeting to which they belong."[130] In 1776 the Friends reached complete abolition.[131] The yearly meeting advised with unanimity that the members of the Friends' Society "clear their hands" of the slaves as rapidly as possible. By the close of the Revolution the Friends were practically rid of slaves. In the year 1787 there was not a slave in the possession of an acknowledged Quaker.[132] They never recanted on this proposition.

The attitude of the Southern Quakers was at first amelioration of the condition of the slave. They were interested in the physical condition of the negro, possibly as much for economic reasons as for altruistic motives.[133] In North Carolina, where the immediate background of Tennessee Quakerism is found, the question of slavery was slow in rising, but soon thereafter became a very stubborn question.[134] The yearly meetings of 1758 and 1770 took decidedly hostile attitude toward the buying and selling of slaves, and demanded that those that were inherited be treated well.[135]

The Quakers in North Carolina worked personally among the Friends for abolition and as an organization they petitioned the Legislature of the State to modify its laws in the

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[128]Weeks, S. B., Southern Quakers and Slavery, p. 199 (Baltimore, 1896).

[129]Ibid., p. 207.

[130]Ibid., 207-8.

[131]Ibid., 208.

[132]American Church History, XII, 245.

[133]Weeks, 201.

[134]Ibid., 206.

[135]Ibid., 207.

direction of justice and mercy. They protested bitterly against free negroes, who had been given their freedom by conscientious masters, being taken to other states and sold into slavery.[136]

The harshness of North Carolina law created a modified Quakerism not to be found elsewhere. The yearly meeting created agents to take charge of slaves that masters wanted to manumit, and look after them. By this method they proposed to give virtual freedom to the slaves when legal freedom was not recognized by the state.[137] This practice continued to the Civil War.

The Friends in Tennessee not only refrained from owning slaves themselves, but by manumission societies, by petitions to legislatures, and by abolition literature, sought to abolish slavery. Reference is made in a previous chapter to the work of such men as Embree, Osborn, and Lundy, who, if they had remained in Tenessee with all the Friends, instead of going to Ohio, Indiana, and Illinois, might have helped to bring about a different result. Charles Osborn, who was the leader in organizing the Tennessee Manumission Society, and who moved to Ohio and began publishing the Philanthropist, an anti-slavery paper, later moved to Indiana, whither he was followed by Jesse Wills and John Underhill, Friends who had helped to organize manumission societies in Tennessee. The Emancipator, Embree's publication, referring to these emigrations to the North, said:

> Thousands of first-rate citizens, men remarkable for their piety and virtue, have within twenty years past removed from this and other slave states, to Ohio, Indiana, and Illinois, that their eyes may be hid from seeing the cruel oppressor lacerate the back of his slaves, and that their ears may not hear the bitter cries of the oppressed. I have often regretted the loss of so much virtue from these slave states, which held too little before. Could all those who have removed from slave states on that account, to even the single state of Ohio, have

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[136]Weeks, 221.

[137]Ibid., 225.

> been induced to remove to, and settle in Tennessee with their high toned love for universal liberty and aversion to slavery, I think that Tennessee would ere this have begun to sparkle among the true stars of liberty.[138]

From about 1809 to 1834, the Friends in Tennessee were regularly petitioning the Legislature of the State. Their petitions usually asked for the abolition of slavery, if possible; if not, to mitigate the evil "of separating husbands, wives, and children."[139] They believed that the elimination of this practice would make the slaves more virtuous and increase their respect for the marriage relation. They petitioned against the domestic slave trade as they saw this was increasing the grip of slavery on the state.

The Friends were the most vigilant anti-slavery workers in the State. If all the Protestant churches had been as devoted to the cause of freedom in the early days of the State before there were many slaves in the state and before West Tennessee was settled, the story of the Convention of 1834 would likely be different. The Friends like the other religionists had to succumb to the superior pro-slavery forces that always controlled the state government.

V. The Presbyterians.

The Presbyterians were the first denomination to cross the frontier line into Tennessee. Rev. Charles Cummings and Rev. John Rhea, both of this church, were the first preachers in Tennessee.[140] "It was the custom of Mr. Cummings on Sunday morning," says Goodspeed, "to dress himself neatly, put on his shot pouch, shoulder his rifle, mount his horse, and ride to church, where he would meet his congregation, each man with his rifle in his hand." In 1778 Samuel Doak was called to the congregations, Concord and Hopewell, in what is now Sullivan County. Rev. Doak

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[138] Hoss, E. E., Elihu Embree, Abolitionist, p. 11.

[139] Petition of Society of Friends, 1817 (Archives of State). This petition was signed by Elihu Embree and nine other Friends.

[140] Goodspeed, p. 645.

in 1785 chartered Martin Academy, first educational institution west of the Alleghanies. In 1775 Abingdon Presbytery was founded, and it became the gateway of Presbyterianism to the other portions of the State. Thos. B. Craighead and Rev. William McGee, brother of the Methodist John McGee, were also among the early ministers of this denomination.[141]

The Presbyterians, like all the denominations that were national, could not in the very nature of things remain a unit on the slavery question. The question came up in various synods in 1774, 1780, and 1787, when the synods of New York and Philadelphia declared in favor of training the slaves for freedom.[142]

The question reached the General Assembly in 1793 and 1795, when it was decided that as there were differences of opinion relative to slavery among the members of the church, "notwithstanding which they live in charity and peace according to the doctrine and practice of the apostles, it is

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[141]Goodspeed, p. 646.

[142]Gillet, E. H., History of Presbyterian Church in United States of America, I, 201. These synods said:

"We do highly approve of the general principles in favor of universal liberty that prevail in America, and of the interest which many of the states have taken in promoting the abolition of slavery. Yet, inasmuch as men, introduced from a servile state to a participation of all the privileges of civil society, without a proper education, and without previous habits of industry, may be, in some respects, dangerous to the community; therefore, they earnestly recommend it to all the members belonging to their communion to give those persons, who are at present held in servitude, such good education as may prepare them for the better enjoyment of freedom. And they moreover recommend that masters, whenever they find servants disposed to make a proper improvement of that privilege, would give them some share of property to begin with, or grant them sufficient time and sufficient means of procuring, by industry, their own liberty; and at a moderate rate, that they may thereby be brought into society with those habits of industry that may render them useful citizens; and, finally, they recommend it to all the people under their care, to use the most prudent measures consistent with the interest and the state of civil society in the parts where they live, to procure eventually the final abolition of slavery in America."

hereby recommended to all conscientious persons, and especially to those whom it immediately respects, to do the same."[143]

At this same assembly, a committee made a strong recommendation, urging religious education of the slave. The assembly rejected the report of the committee, and said they "have taken every step which they deem expedient or wise to encourage emancipation, and to render the state of those who are in slavery as mild and tolerable as possible."[144] The assembly referred the members of the church to its action of 1787 and 1793 for its position on slavery.

This action settled the question for 20 years. It came before the assembly again in 1815, due to the action of the Synod of Ohio.[145] This assembly urged religious education and the use of prudent measures to prevent the slave traffic.[145] The assembly of 1816 asked that masters who were members of the church present the children of parents in servitude for baptism.[146]

The sale of a slave member of the church provoked rather

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[143]Minutes of the Assembly of 1795, Quoted by Gillet, I, 284.

[144]Ibid., p. 285. The committee reported that "a neglect of this (religious education) is inconsistent with the character of a Christian master, but the observance might prevent, in great part, what is really the moral evil attending slavery—namely, allowing precious souls under the charge of masters to perish for lack of knowledge."

[145]Gillett, I, 453. The assembly urged religious education on the slaves "that they may be prepared for the exercise and enjoyment of liberty when God in his providence may open a door for their emancipation." As to buying and selling of slaves, it recommended "Presbyteries and Sessions under their care to make use of all prudent measures to prevent such shameful and unrighteous conduct."

[146]Ibid., II, pp. 239-41. The assembly said: "We consider the voluntary enslaving of one part of the human race by another, as a gross violation of the most precious and sacred rights of human nature, as utterly inconsistent with the laws of God, which requires us to love our neighbors as ourselves, and as totally irreconcilable with the spirit and principles of the gospel of Christ, which enjoins that all things whatsoever ye would that men should do to you, do ye even so to them."

drastic action by the Assembly of 1818,[147] but in the same proceedings it expressed its sympathy for those upon whom slavery had been entailed as "a great and most virtuous part of the community abhor slavery, and wish its extermination as sincerely as any others."[148]
The Assembly of 1825 said:

> We notice with pleasure the enlightened attention which has been paid to the religious instruction and evangelization of the unhappy slaves and free people of color of our country in some regions of our church . . . No more honored name can be conferred on a minister of Jesus Christ than that of Apostle to the American Slaves; and no service can be more pleasing to the God of Heaven or more useful to our beloved country than that which this title designates.[148]

The slavery question came up again in 1836 when the church was pretty well divided. There was a majority report which recommended taking no action, and a minority report which strongly opposed slavery. The majority report was accepted by the assembly.[148] Twenty-eight members protested this action of the assembly. The Presbyterians had an anti-slavery element all along that they could not control. This element separated from the church in 1821 and called itself the Associated Reformed Presbyterian Church.[149] There was a second element, calling itself the New School, that based its action very largely on slavery. This element kept up an anti-slavery propaganda, repeating in 1846 and in 1849, the slavery declaration of 1818. The southern and more conservative element was able to control the assembly, and in 1853 the New School element withdrew

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[147] Gillett, II, 241.

[148] Ibid., 242. See also Fourth Annual Report of American Anti-slavery Society, 1837, p. 62; and Patton, Jacob Harris, Popular History of the Presbyterian Church, p. 444.

[149] Thompson, R. E., History of Presbyterian Churches in the United States, p. 123.

from the church.[150] This was the last division in the church until the guns fired on Fort Sumpter.

The attitude of the Tennessee Presbyterians on slavery was well expressed by the Synod of Tennessee in 1817, in an address to the American Colonization Society. This memorial, after congratulating the society upon its purpose, said:

> We wish you, therefore, to know, that within our bounds the public sentiment appears clearly and decidedly in your favor . . . We ardently wish that your exertions and the best influence of all philanthropists may be united, to meliorate the condition of human society, and especially of its most degraded classes, till liberty, religion, and happiness shall be the enjoyment o f the whole family of man.[151]

There were several very prominent anti-slavery Presbyterian leaders in Tennessee, among both the laymen and the clergymen. Judge S. J. W. Lucky was a prominent example of a layman who was an active anti-slavery worker. Hon. John Blair, who was a ruling elder and representative of his district in Congress for twelve years, became convinced that slavery was wrong, and offered to give a bill of sale of his slaves to Dr. David Nelson. He was unable to see any practical way out of slavery.[152]

Among the ministers were three who did valuable service in the cause of freedom. Rev. John Rankin's work as an anti-slavery leader has been noticed in another connection. He was one of the pioneers in the cause. Rev. Dr. David Nelson, a native of Washington County, and brother-in-law of Chief Justice James W. Frederick, was one of the most determined anti-slavery men in the country.[153] He had to

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[150]Thirteenth Annual Report of American and Foreign Anti-slavery Society, 1827, pp. 67-8.

[151]Tenth Annual Report of American Colonization Society, 1827, pp. 67-8.

[152]Quarterly Review of the M. E. Church, South, April, 1892, 119-120.

[153]Methodist Quarterly Review, lxiii, 132.

be saved from a mob for proposing to his congregation to take a subscription with which to buy and colonize slaves. He was eloquent in promoting colonization.[154] Rev. E. T. Brantley, a West Tennessee Presbyterian minister, said of him: "He cordially disapproved of slavery. He found no justification of it anywhere. All look forward to the extinction of slavery . . . If the North could be aware of the progress of anti-slavery sentiment at the South, particularly among Christians, they would think the day of emancipation had already dawned."[155] Rev. Dr. Ross, of Tennessee, was one of the most able leaders in Presbyterianism in the South. He was the spokesman of Southern Presbyterianism in the general assembly, which met at Buffalo in May, 1853. It was in this assembly that the committee on slavery recommended that a committee consisting of one member from each of the synods of Kentucky, Tennessee, Missouri, and Virginia, be appointed to investigate the slaveholding members of the church on the following points, and report to the next general assembly:

> 1. The number of slaveholders in connection with the churches, and the number of slaves held by them.
> 2. The extent to which slaves are held, from an unavoidable necessity imposed by the laws of the States, the obligation of guardianship, and the demands of humanity.
> 3. Whether the Southern churches regard the sacredness of the marriage relation as it exists among the slaves; whether baptism is duly administered to the children of the slaves professing Christianity; and, in general, to what extent, and in what manner, provision is made for the religious well-being of the enslaved.[156]

Dr. Ross warmly opposed this action, asserting emphatically that the South never submitted to a scrutiny. He pro-

[154]Quarterly Review of the M. E. Church, South, April, 1892, 120.

[155]Thirteenth Annual Report of the American and Foreign Anti-slavery Society, 1853, p. 80.

[156]Ibid., p. 71.

posed a substitute motion to the effect that "a commitee from each of the Northern synods . . . be appointed to report to the next general assembly on the following points:

> 1. The number of Northern church members who traffic with slaveholders, and are seeking to make money by selling them negro clothing, handcuffs, and cowhides.
> 2. How many Northern church members are concerned, directly or indirectly, in building and fitting out ships for the African slave trade, and the slave-trade between the States?
> 3. How many Northern church members have sent orders to New Orleans and other Southern cities, to have slaves sold, to pay debts coming to them from the South? (See Uncle Tom's Cabin.)
> 4. How many Northern church members buy the cotton, sugar, rice, tobacco, oranges, pineapple, figs, ginger, cocoa, melons, and a thousand other things, raised by slave labor?
> 5. How many Northern church members have intermarried with slaveholders, and have become slaveholders themselves, or enjoy the wealth made by the blood of the slaves, especially if there be any Northern ministers of the Gospel in such a predicament?
> 6. How many Northern church members are descendants of the men who kidnapped negroes in Africa, and brought them to Virginia and New England, in former years?
> 7. What is the aggregate and individual wealth of church members thus decended, and what action is best to compel them to disgorge this blood-stained wealth, or to make them give dollar for dollar in equalizing the loss of the South by emancipation?
> 8. How many Northern church members, ministers especially, have advocated *murder* in resistance to the laws of the land.
> 9. How many Northern church members own stock in underground railroads, running off fugitive slaves, and Sabbath-breaking railroads and canals?
> 10. That a special committee be sent up Red River, to ascertain whether Legree, who whipped Uncle Tom to death (and a Northern gentleman).

be not still in connection with some Northern church, in good and regular standing.

11. How many Northern church members attend meetings of Spiritual Roppers, are Bloomers, or Woman's Rights Conventionalists?

12. How many are cruel husbands?

13. How many are henpecked husbands?[157]

Dr. Ross said: "He did not desire discussion on this subject, but still he had no opposition to make if others wished to discuss it. As a citizen of the state of Tennessee, a state which partakes of the fire of the South and the prudence of the North, he was perfectly calm on the subject.[158] He said again, "If anyone would present him with a handsome copy of Uncle Tom's Cabin, he would keep it on his center-table, and show it to all his visitors."[159]

The Presbyterians had a large number of slaves as members, but in their reports there is no distinction made between whites and blacks. "In many places," says Rev. James H. McNeilly, "separate houses of worship were provided for them, and in a great many churches large galleries with comfortable seats were assigned to them. Often the planters on large plantations built neat and commodious chapels for them, and in these chapels the planter and his family frequently worshipped with their servants. In the cities and towns the white people gave up their churches to the negroes for afternoon service." Dr. McNeilly says: "I remember that in 1855 the Presbyterian General Assembly met in the First Presbyterian Church at Nashville, Tenn. Dr. Edgar, the pastor, gave some of the Northern commissioners opportunity to see and preach to some of the negro congregations. These ministers were surprised to see the the fine dressing, the happy faces, the apparent devotion of the people, and were much gratified to find the evidence of the interest of the churches in the spiritual welfare of the slaves."[160]

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[157]Thirteenth Annual Report of American and Foreign Anti-slavery Society, 1853, pp. 73-4.

[158]Ibid., pp. 67-8.

[159]Ibid., p. 82.

[160]McNeilly, James H., Religion and Slavery, p. 42.

"In the spring of 1860," says Dr. McNeilly, "I was licensed to preach by the Presbytery of Nashville and spent nearly six months in preaching in two counties of Middle Tennessee. The members of my congregation owned a considerable number of slaves, to whom I preached regularly every Sabbath afternoon, although most of them were members of Methodist and Baptist churches."[160]

The Presbyterians were profoundly interested in the welfare of the slaves. In the Synods of Kentucky, Virginia, North Carolina, Tennessee, and West Tennessee, "it is," says Harrison, "the practice of a number of ministers to preach to the negroes separately once on the Sabbath or during the week."[161] There were Sabbath Schools also, and, with few exceptions, a number of negroes formed a portion of every Sabbath congregation.

The Presbyterians did not let the negroes preach as much as the Baptists and Methodists did. These denominations had real preachers with their congregations, but the Presbyterian conception of the character of a preacher practically excluded the negro. They had, however, negro exhorters. In fact, the negroes did not want a preacher they could understand. Even a white preacher, if he tried to simplify his language to suit them, would become unpopular with them. They liked big words, and would always praise the Lord when a high-sounding word was used. Rev. McNeilly tells of a young theologian who began his sermon to the negroes thus, "Primarily we must postulate the existence of a duty." After a short pause, some old colored patriarch fervently responded, "Yaas, Lord, dat's so. Bless de Lord."[162]

The Tennessee Presbyterians voted against the Spring Resolutions in the general assembly at Philadelphia, and participated in the convention at Atlanta in August, 1861, which adopted among other resolutions, the following: "Our connection with the non-slaveholding states, it cannot be denied, was a great hindrance to the systematic performance of the work of evangelization of the slave population.

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[162]Harrison, p. 91.

[162]Ibid., p. 92.

Is is true that the northern portion of the Presbyterian Church professed to be conservative, but their opposition to our social economy was constantly increasing."[163] The synods of Memphis and Nashville, together with various Presbyteries, participated in the convention at Augusta, Georgia, in December, 1861, which organized the Southern Presbyterian Church. Tennessee has remained a strong center of Southern Presbyterianism to the present.

VI. The Episcopalians.

The Episcopal Church from the beginning of its work in America stressed the improvement of the condition of the slaves. The Society for the Propagation of the Gospel in Foreign Parts was incorporated under William III, in 1701, and on investigation it was decided that the work in America "consisted of three great homilies: the care and instruction of our people settled in the colonies, the conversion of the Indian savages, and the conversion of the negroes."[164] Rev. Samuel Thomas, the first missionary, who was sent to North Carolina in 1702, reported that "he had taken much pains also in instructing the negroes and learned twenty of them to read."[164] The Episcopal Church, like the Presbyterian, did not report as a rule separate statistics for colored members of the church. In 1817 there were 828 colored members in the Episcopal churches at Charleston.[165] In 1822 there were 200 colored children in their Sunday Schools.[166]

The Episcopal Church had a sort of philosophical attitude toward the negroes. It was never the church of feeling, like the Methodists and Baptists. In 1823 Rev. Dr. Dalcho of the Episcopal Church at Charleston issued a pamphlet entitled, "Practical Considerations, Founded on the Scriptures, Relative to the Slave Population of South Carolina." The church was vitally interested in the welfare of the slave throughout the South.

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[163]Goodspeed, p. 683.

[164]Harrison, p. 40.

[165]Ibid., 67.

[166]Ibid., 73.

The Episcopal Church did not establish itself in Tennessee until anti-slavery feeling was on the wane. The first Episcopal Church in Tennessee was established at Franklin, Williamson County, August 25, 1827, by Rev. James H. Otey.[167] He began to preach occasionally at Columbia and Nashville, and by 1830 there were two additional clergy. In this same year, on July 1, the first convention of the church was held at Nashville, and in this year the Diocese of Tennessee was formed. There were about fifty communicants at this time in Tennessee.[168]

The church grew very slowly. The state was still in a frontier condition. The inhabitants were democratic, and were already members for the most part of the Methodist and Baptist churches. What aristocracy there was belonged to the Presbyterian Church. There was no American bishop in the Episcopal Church to consecrate candidates for the ministry. They were forced to go to England for the laying-on of hands. Again, the War of 1812 had further intensified the prejudice against the English church.

Rev. Otey was a persistent worker, and after his consecration in 1834 he began to lay the foundation for educational and religious expansion of this church. Mercer Hall, a school for boys, was opened in his home in 1836.[170] Columbia Female Institute was founded in the same year, and preparations were begun to found a university the same year, but were not successful until 1857, when the University of the South was established in the Cumberland Mountains about ten miles from Winchester at Sewanee, Tenn. Bishop Otey became its first president.

By 1844 there were thirteen resident clergymen in the state besides Rev. Otey. The number of communicants had grown from 117 in 1834 to 400.[169] In 1860, the last year of the Journal of the Convention for the South until after the war, there were 27 members of the clergy, 26 parishes, and 1500 communicants.

[167]Goodspeed, p. 694.

[168]Ibid., p. 697.

[169]Ibid., p. 698.

The Episcopal Church in Tennessee was practically synonomous with Bishop Otey, who directed and controlled its policy. He owned a plantation out from Memphis and a number of slaves. He was a typical Southern, Christian slaveholder. He believed that patriarchal slavery was a great institution for the negro. He felt that the North misunderstood the institution, and was in its agitation doing irreparable damage to the nation and the South. Writing to the Northern clergymen, May 17, 1861, he said:

> As to your coming South, let me just here state, for all, that you wholly misapprehend the spirit of our people. We ask not one thing of the North which has not been secured to us by the Constitution and laws since they were established and enacted, and which has been granted to us until within a few years past. We demand no sacrifice nor the surrender of Northern rights and privileges. The party that elected Mr. Lincoln proclaimed uncompromising hostility to the institution of slavery—an institution which existed here, and has done so from its beginning, in its patriarchial character. We feel ourselves under the most solemn obligations to take care of, and to provide for, these people who cannot provide for themselves. Nearly every free-soil state has prohibited them from settling in their territory. Where are they to go?

Here the bishop is seen as a defender of Southern institutions and ideals, yet he was loyal to the Union as an old Whig just as long as he could be. He wrote letters to members of the cabinet, begging caution and consideration. But when he felt that the South had been unnecessarily attacked, he fully identified himself and the Tennessee Episcopalians with the cause of the South. Writing to his daughter, May 24, 1861, he said, "And now, my dear child, you ask me if I think the cause of the South just, and that God will favor us and defends us. I answer, in very deed, I do."[170]

When his slaves were set free in 1862, he called them into his parlor and gave them a father's advice. He said: "I do

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[170]Memoirs of Rt. James H. Otey, p. 94.

not regret the departure of my servants, except Lavinia and Nora (children of eight and seven years of age); I pity them—I have endeavored to treat them always humanely. They had as comfortable rooms, and as many necessary comforts as myself. If they can do better by leaving me, they are free to do so."[171]

It is undoubtedly true that the general spirit of frontier life was against slavery. It was always opposed to convention and privilege. In the early period of Tennessee politics when the anti-slavery feeling was strongest, frontier conditions prevailed. These pioneers, in the period from 1790 to 1834, were fighting for the suffrage, representation, and the right to hold office. These privileges were enjoyed only by property holders. Under such conditions, opposition to slaveholders, who primarily stood for privilege, was inevitable. The anti-slavery attitude of the churches was partly a result of these conditions as well as of religious sentiment. These people could express themselves through churches and independent societies more freely than through politics, which was generally dominated by slaveholders.

In estimating the work of the churches as a whole, one is compelled to acknowledge the value of their services to the negro. Practically all of the outstanding anti-slavery leaders were prominent churchmen. The anti-slavery literature of the early period was published under the inspiration of the church. The churches constantly advocated manumission to the masters, and sought easier terms from the legislature for emancipation. They preached against the slave traffic and the inhuman practice of separating families. Their influence also softened the character of the slave code in both its make-up and administration. In the later forties and fifties when the negroes came into the churches in increased numbers, their field of service was increased. There was almost as large a percentage of slaves belonging to the churches in 1860 as there is of negroes in the church today.[172]

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[171]*Memoirs of Rt. James H. Otey*, p. 93.

[172]Harrison, 304.

The church was given a freer hand with the slaves, missions were established, church houses were built, and many of the slaves learned to read under the guidance of the church. Their characters were improved. The influence of the churches was always directed toward better living conditions, better food and clothing, and better treatment generally. Their influences were felt directly by the negroes as well as indirectly through Christian masters.

The individual churches in Tennessee differed considerably in their attitude toward slavery in the early period. In the order of their degree of hostility to slavery, the Friends should have first place, the Methodists second, Cumberland Presbyterians third, Baptists fourth, Presbyterians fifth, and Episcopalians sixth. From point of service, the Methodists should rank first, and the Baptists second. These two churches represented the masses of the slaveholders and contained the majority of the slaves that belonged to the church. It is difficult to estimate the work of the Baptists because there are no records of their local associations or their individual congregations. Through biographies and actions of Tennessee delegations to the Southern Convention after 1845, one can find convincing evidence that Tennessee Baptists did a valuable work for the negro. The sources for the study of the Methodists are much more abundant. It appears, therefore, that their work assumed larger proportions than that of any other denomination. "High and low alike," says Harrison, "entered into this noble work. There was no phase of it too humble, no duty connected with it too unpleasant to deter the most earnest and painstaking effort. Bishop McTyeire, of the Methodist Episcopal Church, South, declared that during a long ministerial life there was nothing connected with it in which he took more pride and satisfaction than the remembrance of the more than three hundred services he had preached to negro congregations."[173]

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[173]Harrison, 304.

CHAPTER VI

LEGAL STATUS OF THE FREE NEGRO

I. The Establishment of a Policy.

A. *The Policy of North Carolina.* The original policy of North Carolina towards manumission was that the owner of slaves could free them by deed, will, or contract. He was at liberty to renounce his title to them absolutely or in a modified manner, if he thought proper.[1] In 1777, the state asserted its control over emancipation by conferring on the county courts the power to grant petitions for freedom on a basis of meritorious services.[2] The reasons for this change were that it was thought necessary to protect the public against being charged for the maintenance of manumitted slaves, and that free negroes were a menace to the body politic.

B. *The Policy of Tennessee to 1831.* This policy worked a hardship in practice because it limited the courts to cases of meritorious services. It frequently separated families because all members were seldom entitled to freedom at the same time. In 1801, Tennessee removed the limited jurisdiction of the courts by giving them practically plenary power over manumission.[3] The only restriction on the courts was that they sustain the policy of the state. Of course, the legislature could by special act grant freedom in any particular case. This was the policy of Tennessee to 1831.

C. *Changes in the Policy.* There were several factors that produced the change of 1831. The number of free negroes had increased from 361 in 1801 to 4,555 in 1831.[4] Since free negroes voted at this time, this meant that they were a factor in politics. Manumission societies had been active during this period, and had created opposition to free negroes. Abolition literature had flourished. The cotton

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[1]Wheeler, p. 279.

[2]Acts of North Carolina, 1777, Ch. 6, Sec. 2.

[3]Acts of 1801, Ch. 27, Sec. 1.

industry had developed by virtue of the settlement of West Tennessee, a portion of the Black Belt. Fear of servile insurrections had increased. There had been Gabriel's insurrection in Virginia in 1800; the Vessey insurrection in South Carolina in 1822; the Nat Turner insurrection in Virginia in 1831; and an attempt at insurrection in Tennessee at the same time.[5] The liberal policy of the state prior to 1831 had caused an influx of free negroes from other states. The governor, in a message to the legislature in 1815, stated that fifty free negroes had come into the state that year from Virginia and as many more were expected the next year.[6]

In 1831, the legislature forbade "any free person of color (whether he be born free, or emancipated, agreeably to the laws in force and use, either now, or at any other time, in any state within the United States or elsewhere), to remove himself to this state and to reside therein, and remain therein twenty days."[7]

If a free negro was convicted of entering the state in violation of this act, he was subject to a fine of not less than ten nor more than fifty dollars and an imprisonment of one or two years, at the discretion of the judge. If he did not remove from the state within thirty days after the expiration of the term of imprisonment, he was again subject to indictment as before, and upon conviction was imprisoned for double the maximum time for first offense. No pecuniary fine was attached in the second instance.

There were only two ways by which a free negro could legally enter the state after 1831. This, of course, is barring special act of the legislature. If a free negro and a slave of another state were married, and the owner of the slave decided to move to Tennessee, he was permitted to bring the free negro along with the slave, by giving a bond of $500 to the county in which he chose to reside, guaranteeing that the free negro would keep the peace and would not

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[4]U. S. Census, 1870, I, Population, 62.

[5]The Genius, II, 136; The Western Freeman, Shelbyville, Tennessee, Sept. 6, 1831.

[6]Hale and Merrit, II, 296.

[7]Acts of 1831, Ch. 102, Sec. 1.

become a charge to the county.[8] If a free negro of another state married a slave of Tennessee with the master's consent, he was permitted to come into the state if the master of the slave would make bond to the county for his good conduct.[9] The state, however, reserved the right to order such free negroes to remove, if their conduct proved unsatisfactory. If they refused to do so, they were subject to the punishment provided by the Act of 1831.[10]

Emancipation was prohibited except on the express condition that such slave or slaves shall be immediately removed from the state.[11] The owner was required to give bond with good security in value equal to that of the emancipated slave, guaranteeing to send the negro out of the state and to provide sufficient funds to pay his transportation charges to Africa and support him for six months. Only age and disease exempted slaves from the operation of this act.[12]

Chief Justice Nicholson in discussing this change of policy said:

> The policy of the state on the subject of emancipation was marked by great liberality until the year 1831, when the public mind began first to be agitated by discussions in the Northern states of the question of abolishing slavery . . . A more rigid policy commenced in 1831, when it was enacted, that no slaves should be emancipated except upon the condition of removal from the State. This policy was based upon the belief that the peace of the State would be endangered by an increase of the number of free colored persons.[13]

Judge Catron said: "The policy of the act of 1831 is not to permit a free negro to come into the state from abroad; and secondly not to permit a slave, freed by our laws, to be manumitted upon any other condition than that of being

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[8]M. & C., Sec. 2711.

[9]Ibid., Sec. 2712.

[10]Ibid., Sec. 2703.

[11]Acts of 1831, Ch. 102, Sec. 2.

[12]M. & C., Secs. 2704-6.

[13]Jameson v. McCoy, 5 Humphrey, 118 (1871).

forthwith transported from the state, to which, by the first section, he dare not return."[14]

He justified the restrictions on emancipation by saying it meant "adopting into the body politic a new member; a vastly important measure in every community, and especially in ours, where the majority of free men over twenty-one years of age govern the balance of the people together with themselves; where the free negro's vote at the polls is as of high value as that of any man . . . The highest act of sovereignty a government can perform is to adopt a new member, with all the privileges and duties of citizenship. To permit an individual to do this at pleasure would be wholly inadmissible."[14]

Judge Catron said the reasons for the policy of exclusion were fear of rebellion among the slaves incited by free negroes, the immoral influence of free negroes among slaves, the injustice of forcing free negroes upon either the slave or free states, and, finally, justice to the negro. He said:

> All the slaveholding states, it is believed, as well as many non-slaveholding, like ourselves, have adopted the policy of exclusion. The consequence is the free negro cannot find a home that promises even safety in the United States and assuredly none that promises comfort.[15]

Judge Nelson, speaking of this change in policy, said:

> Before the unjust, unwarrantable, unconstitutional, and impertinent interference of enthusiasts and intermeddlers in other states with this domestic relation, rendered it necessary for the State to guard against the effect of their incendiary publications, and to tighten the bonds of slavery by defensive legislation, against persistent and untiring efforts to produce insurrection, the uniform course of decision in the State was shaped with a view to ameliorate the condition of the slave, and

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[14]Fisher's Negroes v. Dabbs, 6 Yerger, 129 (1834).

[15]Ibid., 130.

> to protect him against the tyranny and cruelty of the master and other persons.[16]

The act of 1831 did not accomplish its intended purpose. It was passed largely in the interest of colonization. It also failed to consider those slaves who had made contracts for their freedom prior to its passage, but who had not obtained the consent of the state, and those who had been freed by will, but whose masters were not yet deceased. The disabilities were removed from these two classes of slaves by the act of 1833, which excepted them from the operation of the act of 1831.[17] This policy was further modified in 1842, when the state again placed the problem of emancpaton entrely n the hands of the county courts.[18] Judge McKinney held that this act empowered the county court "to adjudge whether or not it would be consistent with the interest and policy of the state to permit any manumitted slave or free persons of color to reside in this state," and that their decisions were "not subject to the supervison and control of the superior judicial tribunals."[19] He maintained that the courts were acting as administrative agents of the state and that the matter was wholly political and not judicial.[20]

This meant that the policy of exclusion was considerably modified. Any slave on manumission had the privilege of petitioning the county court to be permitted to remain in the state. The conditions that had to be met by the slaves were: "First, proof of good character; second, that it would violate the feelings of humanity to remove the applicant; third, a bond with satisfactory security for good behavior."[21]

This liberal change in the policy adopted in 1831 was soon eliminated. In 1849, the state reverted to the policy of exclusion. The discretionary power granted to the county courts in 1842 was taken away and emancipation was pro-

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[16]Andrews v. Page, 3 Heiskell, 660 (1870).

[17]Acts of 1833, Ch. 81, Secs. 1-2.

[18]Acts of 1842, Ch. 191, Sec. 1.

[19]The Case of F. Gray, 9 Humphrey, 515 (1848).

[20]Ibid., 516.

[21]Ibid., 515.

hibited "except upon the terms and conditions imposed by the act of 1831, Ch. 102."[22] Judge Caruthers, explaining this shifting policy of the legislature, said:

> It is a vexed and perplexing question, upon which public opinion, acting upon the representatives of the people, has been subject to much vibration between sympathy and humanity for the slave and the safety and well-being of society. Hence, the frequent changes in our legislation on the subject.[23]

Masters continued to emancipate their slaves regardless of this prohibition. A class of negroes grew up that were neither slave nor free. They were free from their masters, but the state had not consented to their emancipation and continued residence within its borders. In 1852, the county courts were instructed to appoint trustees for these negroes. These trustees hired them out, and used their wages to support the negroes.[24] The negroes preferred to remain in a state of semi-slavery than to go to Africa. This act was really an admission that the policy of exclusion was failing and it also made provision for continued evasion.

The weaknesses of the measure were remedied in 1854 and a more rigid policy of exclusion was adopted. If the masters did not provide the means to send the manumitted slaves to Africa, such slaves were hired out by the clerks of the county courts until sufficient funds were raised and turned into the state treasury. The governor was then required to provide for their transportation to Africa.[25] This act abolished the exclusive jurisdiction of the county courts over emancipation, and permitted the slave to file his petition for freedom in any court. He could appeal his case to a higher court if he desired.

This act established the policy pursued by the state until the Civil War. Judge Caruthers, speaking of the difficulty of establishing a satisfactory policy, said:

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[22]Acts of 1849, Ch. 107, Sec. 1.

[23]Bridge Water v. Pride, 1 Sneed, 197 (1863).

[24]Acts of 1852, Ch. 300, Sec. 3.

[25]Acts of 1854, Ch. 50, Sec. 1.

> The struggle has been to devise some plan which would be just to the slave, and not inconsistent with the interests of society—that would sustain his right to liberty, and at the same time save the community from the evils of a free negro population.
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> This, it is believed, has been more effectually accomplished by the late act than at any time before . . . We regard this as the most wise and judicious plan which has been yet devised; and, with some amendments, it should become the settled policy of the state.[26]

The free negro continued to be regarded as a menace to society. In 1858, a bill was introduced into the legislature to banish all free negroes from the state, but the better element of the state defeated its passage. Judge Catron, who had been a member of the Supreme Court of Tennessee, and who was now a member of the Supreme Court of the United States, speaking of this measure, said:

> This bill proposes to commit an outrage, to perpetrate an oppression and cruelty, and it is idle to mince words to soften the fact. This people who were born free and lived as free persons, will preach rebellion everywhere that they may be driven to by this unjust law, whether it be amongst us here in Tennessee or South of us on the cotton and sugar plantations, or in the abolition meetings of the free states. Nor will the women be the least effective in preaching a crusade, when begging money in the North, to relieve their children, left behind in this State, in bondage. We are told it is a popular measure. Where is it popular? In what nook or corner of the State are the principles of humanity so deplorably deficient that a majority of the whole inhabitants would commit an outrage not committed in a Christian country of which history gives any account . . . Numbers of the people sought to be enslaved or driven out are members of our various churches, and in full communion. That these great bodies of Christian men and women will quietly stand by and see their humble coworkers sold on the block to the negro-trader is

[26]Boon v. Lancaster, 1 Sneed, 583-4 (1854).

> not to be expected; nor will any set of men be supported, morally, or politically, who are the authors of such a law.[27]

Since colonization had failed, and efforts at banishment had been defeated, the only remaining alternative that would dispose of the free negro was re-enslavement. In this same year, provision was made for the voluntary re-enslavement of the free negro. Any free negro eighteen years of age might convey himself into slavery by filing a petition to this effect in the circuit or chancery court, signed by himself and witnessed by two persons. The petition named the master selected. After due publication, the petitioner and the master appeared in court and asked the granting of the petition. If the court granted the petition, it named a commission of three men to value the slave. The future master paid one-tenth of this value to the county to be added to the public school fund. The master by giving bond to the court, guaranteeing that the negro would never become a charge to any county in the state, received title to the slave.[28]

Voluntary re-enslavement did not accomplish the results desired by its friends. So in the session of 1859-60, an attempt was made to force free negroes into slavery. This measure was known as the "Free Negro Bill." It provided that all free negroes, except certain minors, who did not leave the state by May 1, 1861, would be sold into slavery, the supporters of this bill contending that the free negro had no rights except those given him by statutes, which could be repealed. The opponents of the bill maintained that the vested "rights of the negro could not be taken from him because it would be an impairment of contract and that the legislature could not touch his natural rights."[29] The bill was finally defeated after a prolonged contest.

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[27]Twenty-seventh Annual Report of the American Anti-Slavery Society, 1861, pp. 215-6.

[28]Acts of 1858, Ch. 45, Secs. 1-4.

[29]Hale and Merritt, II, 300-301.

II. Registration of Free Negroes.

In the first decade of the history of the state, there was no notice taken of the movements of free negroes. They enjoyed complete freedom in their going and coming in the community. But as their numbers and importance increased the state began to want to know about their movements. In 1806, provision was made for the registration of the free negroes of the state by the county court clerks. This was a sort of Dooms Day Book of free negroes. A minute description, including age, name, color, and record of any scars on hand, face, or head, was made of them. It was also noted by what court of authority they were emancipated, or whether they were born free. Two copies of each registration were made, certified by the county court clerk and attested by a justice of the peace.[30] One of these was filed in the clerk's office, and the other was given the free negro.

In 1807, this registration certificate was made the passport for the free negro in changing counties. If he chose permanently to reside in a new county, he was required to have this certificate duplicated. If he were caught without it, he was arrested and put in jail unless he made bond. If he lost it, and could not find record of his registration, he was required to produce evidence of his emancipation or free birth. If he failed in this, he was sold as a runaway by the county court.[31] As poorly as county records were kept, as difficult as it was for the negro to preserve such a record, and as abundant as kidnappers and slave-stealers were, the free negro constantly faced the possibility of losing his freedom.

By act of 1825, free negroes coming from other states were required to bring their registration papers with them and have them recorded in some court of record in the county in which they chose to reside.[32]

The registration policy was given further significance in

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[30]Acts of 1806, Ch. 32, Sec. 1.

[31]Acts of 1807, Ch. 100, Sec. 1.

[32]Acts of 1825, Ch. 79, Sec. 3.

1842 by an act which required all registration certificates to be renewed every three years.[33] At the time of each renewal, an inquistion was made into the negro's character and conduct. If the county court saw fit, it could refuse to renew the registration certificate. This compelled the free negro to leave the state within twenty days, except for sickness or unavoidable hindrance. If he refused to leave the state, within twenty days, he became subject to the penalties of the act of 1831.[34] This system of registration was not only a severe restriction upon the travel of the free negro, but it gave chances in its workings for considerable collusion of corrupt officials with agents of the slave traders.

III. PROTECTION OF FREE NEGROES.

It was a $500 fine to bring into the state a free negro convict and sell him as a slave. Such a person was also subject to an imprisonment for not exceeding six months.[35] Knowingly to steal and sell any free negro was a penitentiary offense and was punishable by not less than five nor more than fifteen years in the state prison.[36]

The children of free negroes were not permitted to remain destitute and suffer. The county courts engaged their services to suitable persons in the best and wisest terms, if their parents did not support them.[37]

IV. THE SUFFRAGE FOR FREE NEGROES.

A. *The Suffrage for Free Negroes in North Carolina.* The historical background for negro suffrage in Tennessee is found in the laws and practices of colonial North Carolina. The charter that established the Assembly in North Carolina empowered the proprietors to govern the province "with the advice, assent and approbation of the Freemen of the said Province.[38] The next paragraph of this charter

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[33]Acts of 1842, Ch. 191, Sec. 5.

[34]Acts of 1831, Ch. 102, Sec. 1.

[35]Acts of 1826, Ch. 22, Sec. 6.

[36]Acts of 1829, Ch. 23, Sec. 21.

[37]Acts of 1852, Ch. 158, Sec. 1.

[38]McDonald, William, Select Charters Illustrative of American History, 1606-1775, 122, S. 5.

refefrs to the "assemblies of free holders."[39] There is no exclusion on the basis of color in either of these references. "In 1703, servants, negroes, aliens, Jews and common sailors voted for members of the General Assembly."[40] The act of 1715 made it lawful for "the inhabitants and free men in each precinct . . . to choose two freeholders . . . to sit and vote in the said Assembly."[40] It is noticed here that the terms, inhabitants, free men, and freeholders, included free negroes. Hence, to exclude them, the act specifically stated that no negro, mulatto, or Indian could vote for members of the Assembly.[42] This act remained the basis of suffrage to 1835.

Efforts were made by the royal governors to restrict the suffrage to freeholders. They repeatedly received royal instructions to this effect, but the law of 1715 prevailed, and freemen continued to vote.[41]

In 1735, a new basis for the suffrage was established. Freemen were disfranchised, but the suffrage was indiscriminately given to freeholders who owned fifty acres of land.[42] The exclusion of negroes, mulattoes, and Indians prevalent in the act of 1715, was abolished. Land-holding and not color was the basis of the suffrage. The only additional change in the suffrage qualification before the Revolution was made by the act of 1751, which required freeholders to be twenty-one years of age in order to vote.[43]

The North Carolina constitution of 1776 granted the franchise to all free men without regard to race or color with the single limitation of residence.[44] This was the franchise law that was extended to the Southwest Territory by the Act of Cession of 1790, which stated, "that the laws in force

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[39]McDonald, Op Cit., 123, Sec. 6.

[40]Col. Recs. of North Carolina, I, 639; State Recs. of N. C., XXIV, 14.

[41]Ibid., III, 93, 560.

[42]Ibid., IV, 106; Davis, James, Laws of North Carolina, 79.

[43]Davis, 177-180.

[44]North Carolina Constitution of 1776, Secs, 7, 8, and 9; Col. Recs., XXIII, 881.

and use in the state of North Carolina at the time of passing the act, shall be, and continue in full force until the same shall be repealed, or otherwise altered by the legislative authority of the said Territory."[45] Congress accepted the Territory on the above condition.[46] The suffrage was not changed by the legislature of the Southwest Territory.

The basis of the suffrage remained unchanged from the establishment of the Constitution of North Carolina in 1776 to the establishment of the Constitution of Tennessee in 1796. However, the Revolutionary State of Franklin, which flourished in western North Carolina from 1784 to 1788, proposed a constitution that gave the suffrage "to every free male inhabitant" who was twenty-one years old.[47] This is significant because it was an independent expression of the people in the territory that later became Tennessee.

B. *Suffrage in the Convention of 1796.* Several propositions relative to suffrage were made in the Convention of 1796. February 1, Mr. Henderson, delegate from Hawkins County, moved that the first section in Article III be made to read, "All citizens of this state, possessing of a freehold in their own right, and all persons who have done duty in the militia, shall be entitled to vote at any election, in the county where the freehold lies, or where he resides."[48] This motion failed but it is noticed that the suffrage is not based on color. If the motion had prevailed, it would have disfranchised all freemen, both white and black, who had not done miltary service. Mr. Outlaw, of Jefferson County, moved that "all persons liable by law to militia duty should be allowed to vote."[50] If this motion had prevailed, it would have given all freemen the suffrage with no limitation, because by Section 26, the freemen were liable to militia duty. The Convention finally gave the suffrage to all freemen. Article III, Section 1, of the Constitution of

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[45]U. S. Statutes at Large, I, 108.

[46]Ibid., First Congress, 1790; Chap. VI, Sec. II, pp. 106-9.

[47]Constitution of Frankland, Sec. 4; Ramsey, J. G. M., Annals of Tennessee, p. 327.

[48]Journal of the Convention of 1796, p. 21.

[49]Ibid., p. 22.

1796, declared that "all freemen of the age of twenty-one years and upwards, possessing a freehold in the county where they may vote, and being inhabitants of this state, and all freemen who have been inhabitants of any one county within the state for a period of six months immediately preceding the date of election, shall be entitled to vote for members of the general assembly, for the county in which they respectively reside.[50]

It is worth noticing in this connection that, while the suffrage was given to all freemen, representation in the legislature was based on the number of free whites. The constitution declared that "representation shall be regulated according to numbers, to be apportioned to each county by law, upon such ratio, as that the number of senators and representatives . . . shall not exceed thirty-nine until the number of free white persons shall be two hundred thousand."[51] The convention in its various discussions used the terms, "freemen," "freeholders," "all citizens," "all persons," and "free white persons." This clearly shows that the convention was carefully discriminating between these terms when it used them. Why did the convention use "free white persons" as the basis of representation? It knew that the term, "freemen," would give representation to free negroes. The Constitution of the United States gave representation to three-fifths of the slaves. The Kentucky constitution of 1799 stated that, "In all elections for representatives every free male citizen (negroes, mulattoes and Indians excepted) shall enjoy the right of election."[52] It is distinctly shown here that it was understood that "free male citizen" included "free negro." Hence, if he is not to be enfranchised, he must be excepted. Why would this term be so well understood in Kentucky and not in Tennessee?

Again, it must not be overlooked that the onstitution of 1796 in Tennessee was drafted by a committee of very able

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[50]Constitution of 1796, Art. III, Sec. 1; see also Journal of the Convention of 1796, p. 16.

[51]Ibid., Art. I, Sec. 1.

[52]Kentucky Constitution of 1799, Art. 2, Sec. 8.

statesmen, among whom were such distinguished men as Andrew Jackson, William Cocke, Joseph Anderson, William Blount, W. C. C. Claiborne, and John Rhea.[53] Andrew Jackson was a very prominent leader in the Convention; William Cocke had participated in founding the Franklin State, and was, also, one of the founders of the Transylvania Republic, twice a Senator of the United States from Tennessee, and a leader in the Mississippi Territory. Joseph Anderson was one of the territorial Judges for sixteen years, United States Senator and Comptroller of the Treasury of the United States. William Blount had been governor of the Southwest Territory. William C. C. Claiborne was Judge of the Superior Court of the State, the successor of Andrew Jackson in Congress, first Governor of the territory of Mississippi, Governor of Louisiana, and United States senator-elect at the time of his death. John Rhea was for eighteen years a member of Congress. It is unreasonable to suppose that these men together with their colleagues did not know the meaning of the word "freemen" in the Constitution of 1796.[54] They certainly knew that the free negro had been voting in Colonial North Carolina, that he continued to vote under her constitution of 1776, and that he would vote in Tennessee as he had been doing before the separation from North Carolina unless he was disfranchised.

The contention of this thesis is that the free negro was intentionally and deliberately enfranchised by the Convention of 1796. The proof may be summarized as follows: 1st, that the terms "freemen" and "freeholders" were the subject of discussion throughout Colonial North Carolina with thorough understanding as to their meaning; 2nd, that the act of 1715 specifically excepted the negro from the term "freemen," thus disfranchising him; 4th, that the act of 1735 re-enfranchised him; 5th, that the North Carolina constitution of 1776 enfranchised him; 6th, that the convention of 1796 in Tennessee used the terms "freemen,"

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[53]Journal of the Convention of 1796, pp. 5-6.

[54]Caldwell, Joshua W., Constitutional History of Tennessee, 132.

"freeholders," and "free white persons," showing that it must have knowingly used these terms; 7th, that these terms were carefully used in contemporary constitutions; and 8th, that it is inconceivable that the able and experienced statesmen that framed the Tennessee Constitution were not conversant with these terms.

C. *Suffrage from 1796 to 1834.* From 1796 to 1834 there was a complete revolution in the attitude of Tennessee people toward the negro. This has already been pointed out in the discussion of the churches, manumission societies, and the policy of exclusion adopted in 1831. Attention has already been called to the growing economic importance of slavery in the period and the consequent opposition to the free negro.

The political influence of the free negro was also a factor in this change. From 1810 to 1820 there was an increase of 108 per cent in free negroes and 266 per cent increase in the period from 1820 to 1830. In 1830, there were twenty counties containing almost one hundred free negroes each; five, two hundred each; four, two hundred and fifty each; three, three hundred each; two, four hundred each; and one containing about five hundred. The greatest number of free negroes in any one county was in Davidson County, and it was a delegate from this county that made the motion in the convention of 1834 to disfranchise the free negro. There were at this time about six hundred free negroes in Davidson County, and there were 471 in 1830 and 794 in 1840.[55]

Hon. John Petit, United States Senator from Indiana, said on the floor of the Senate, May 25, 1854, in the debate on the Kansas-Nebraska Bill, that "Old Cave Johnson, an honored and respectable gentleman, formerly Postmaster-General, and for a long time a member of the other house, told me, with his own lips, that the first time he was elected to Congress from Tennessee, it was by the vote of free negroes, and he was an iron manufacturer, and had a large number of free negroes, as well as slaves, in his employ.

[55]U. S. Census, 1870, I, Population, p. 12.

I well recollect the number he stated. One hundred and forty-five free negroes in his employ, went to the ballot box, and elected him to Congress the first time he was elected."[56] Charles Sumner said he heard John Bell make the same confession with regard to his election.[57] It is further claimed that, during political campaigns in Tennessee, "The opposing candidates for the nonce, oblivious of social distinction and intent only on catching votes, hobnobbed with the men and swung corners all with dusky damsels at election balls."[58] The fact that the Constitutional Convention of 1834 by resolution excluded the free negro from voting on ratification of the constitution shows that his vote was a factor in close elections. Judge Catron in the case of Fisher's Negroes v. Dabbs said: "The free negro's vote at the polls is of as high value as that of any man."[59]

D. *Suffrage in the Convention of 1834.* The contest over disfranchising the free negro in the convention of 1834 presents the final phase of the suffrage problem. Amendments to the constitution of 1796, favoring and opposing negro suffrage, were introduced in the convention and by June 26 were being debated in the committee of the whole. One of the strongest advocates of suffrage for the negro was Mr. Cahall, who said he was "unwilling to disfranchise any man black or white, who had enjoyed the right of suffrage under the present constitution."[60]

Mr. Cahall's position was as follows: first, he would let the free negroes then in the state continue to vote; second, he believed that an unqualified suffrage for free negroes would make the state an asylum for free negroes; third, he contended that the suffrage was a conventional and not a natural right. He said that our government was a "constitutional and not a natural one."[61]

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[56]Congressional Globe, 1st Session, 33d Congress, 1805; 2nd Session, 38th Congress, 284.

[57]The Works of Charles Sumner, X, 192.

[58]Buxton, Rev. Jarvis Bury, Reminiscences of the Bench and Fayetteville Bar, p. 93.

[59]Fisher's Negroes v. Dabbs, 6 Yerger, 126 (1834).

[60]Nashville Republican, July 10, 1834.

[61]Nashville Republican and State Gazette, July 1, 1834.

Mr. Allen, June 27, speaking of the third article of the constitution, in the committee of the whole, said: "I am against inserting the word white before the word freeman, in this clause of the constitution, because it goes to exclude a description of persons from the right of voting, that has exercised it for thirty-eight years under the present constitution, without any evil ever having grown out of it."[62]

On June 27, the following resolution was introduced into the committee of the whole:

> That every free male person of color, being an inhabitant six months previous to the day of election, of any county in this State six months immediately preceding the election, shall be entitled to vote in said county in which he has so resided, for Governor, members of Congress, members of General Assembly, and other officers.[62]

Mr. Purdy introduced the following amendment to the above motion:

> That every free man of color possessing in his own right in the county in which he may reside and propose to vote, a freehold or personal property of $200, on which he has paid a tax that has been assessed at least six months previous to the day of election, and being an inhabitant of this State at least twelve months previous to the day of election, shall be entitled to vote for members to the General Assembly for the county or district in which he shall reside provided no free person emigrating to this State after the adoption of this Constitution, shall be entitled to exercise the right of suffrage.[62]

This amendment was rejected.

Mr. Marr offered the following amendment to the motion:

> That no person, who is not a citizen of the United States and of this State, has a right in any election in this State.[65]

This motion was laid on the table, and the original resolution was adopted by the committee of the whole. June the

[62]Nashville Republican and State Gazette, June 28, 1834.

28th, Mr. Marr, delegate from Weakley and Obion counties, introduced the following resolutions:

> Resolved, that free persons of color, including mulattoes, mustees, and Indians were not parties to our political compact, nor were they represented in the Convention which formed the evidence of the compact, under which the free people of the State, and of the United States, are associated for civil government. Nor, are they recognized by our political fabrics as subjects of our naturalization laws; but on the contrary, are, by the Constitution and laws of the United States, prohibited from being brought to the United States, either as property, or as being within the scope and meaning of our provision relating to naturalization and citizenship and hence their supposed claim to the exercise of the great right of free suffrage is and, shall be, not only not recognized, but prohibited. Resolved that all free white men of the age of twenty-one and upwards, who are natural born citizens of this State, or of any one of the United States, and all who have been naturalized and admitted to the rights and privileges as citizens of the United States by our laws, and who, being inhabitants of this State, and who have a fixed or known residence in the county or election district, six months immediately preceding the day of election, shall be entitled to vote for members of either house of the General Assembly, in and for the county or district in which they may reside.[63]

These resolutions were referred to the committee of the whole.

July 1, Mr. Loving, in the committee of the whole, said:

> That when this question was first taken up by the committee he then believed he should content himself with giving his silent vote, and he remained of that opinion until he ascertained that the friends of free persons of color, were much more numerous than he had first supposed; he was truly astonished and regretted to see old members, yes, Mr. Chairman, old gray headed gentlemen in

[63]Journal of the Convention of 1834, p. 107.

> plaintive and importuning language, contending for a proposition to let free negroes, mulattoes, etc., exercise the highest right and privilege in a free government—that of the right of suffrage. He would have supposed that those old members could ere this have seen the impolicy of such a course as he was gratified to see that there were some, who had long since condemned that feature on our constitution and who were now ready and even ably contending with him to expunge that odious and very objectionable feature from the constitution.[64]

Mr. Loving's arguments against the suffrage for free negroes were about as follows:

> 1. He objected to making the suffrage a natural right, an inalienable and inherent right. He said it did not belong to the state of society, but grew out of the body politic.
> 2. He said that he knew of free colored men of respectability, probity, and merit, but that particular cases of merit did not justify a policy of letting free negroes vote.
> 3. He said some gentlemen contended that Tennessee should let them vote because North Carolina did. He pointed out in this connection that North Carolina and Tennessee were the only states in the Union that let the negroes vote, and that North Carolina was calling a convention that would disfranchise them.
> 4. He thought that the suffrage, being a conventional right, should be in the hands of those who possess the greatest degree of moral and intellectual cultivation.
> 5. He pointed out that the same argument that was being made in behalf of the free negroes would give the suffrage to women and children.
> 6. He did not think that because some negroes fought for American Independence in 1776, they were entitled to the suffrage.[64]

July 15, Mr. Marr opposed giving the free negro the suffrage for the following reasons:

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[64]Nashville Republican and State Gazette, July 5, 1834.

> 1. He did not think the convention of 1796 intended to give him the suffrage, and he opposed it now for that reason.
> 2. He maintained that black and white men could not live together on terms of equality; they must separate or one rule the other.
> 3. He contended that Tennessee did not have the power to emancipate her slaves; the Constitution of the United States prevented it.
> 4. He concluded that the voice of the people, the admonitions of prudence and the want of power, all directed that this convention should not give, nor attempt to give, negroes, mulattoes, or Indians the suffrage.[65]

Mr. Newton Cannon of Williamson County, who was chairman of the committee of the whole, reported the constitution in its first form to the convention, July 25, 1834.[66] Article II, Section 1, said:

> Every free man of the age of twenty-one years and upwards, being a citizen of the United States, and an inhabitant of the county of this state wherein he may offer his vote, six months immediately preceding the day of election, shall be entitled to vote for members of the General Assembly and other civil officers, for the county in which he may reside.[66]

It is noticed that at this time the forces for suffrage for the free negro had won.

The constitution was now reported as a whole to the convention, which began to consider in in detail. By July 31, Article III, Section 1, was reached. Mr. Robert Weakley, delegate from Davidson County, moved that the word, "white," be inserted after the word "free" in Article III, Section 1. This motion was carried by a vote of 33 to 23.[67] Mr. Mathew Stephenson of Washington County moved "that no freeman who is now a resident of this state and who has heretofore exercised the right of voting shall hereafter be

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[65]Nashville Republican and State Gazette, July 15, 1834.

[66]Journal of the Convention of 1834, p. 171.

[67]Ibid., p. 28.

debarred from that privilege." This motion failed by a vote of 34 to 22.[68] A change of six votes on the first motion would have given the free negro the suffrage. The liberal forces in Tennessee politics at this date were stronger than history has usually acknowledged.

V. Limitations Upon the Freedom of Free Negroes.

The free negro was forbidden to entertain a slave in his home at night or during the Sabbath. For violation of this restriction, he was fined $2.50 for the first and $5.00 for each succeeding offense.[69] This fine was increased to $20 in 1806.[70] If he could not pay these fines, he was hired out by the constable of his district until his wages amounted to the fines and all costs.

There was no restriction on marriage between free negroes, but a free negro could not marry a slave without the master's consent, given in writing and attested by two justices of the peace. He was fined $25 for an illegal marriage with a slave, and, if he could not pay the fine, he was forced to serve the master of the slave for one year.[71]

It was a misdemeanor for a free negro to keep a tippling house, and subjected him to not less than a fifty dollar fine. He was also forbidden to sell, give, or loan a slave a gun, pistol, or sword without the consent of the owner of the slave.[72] He could not associate with slaves except with the permission of their owners.[73]

The free negro was required to carry a copy of his registration with him wherever he went. He could be suspected at any time or might be stolen. His registration certificate was his surest guarantee of personal freedom. In the mere matter of travelling in the community, he was constantly subject to this limitation. If he crossed county lines, the certificate was absolutely required.[74]

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[68]Ibid., p. 209.

[69]Acts of 1787, Ch. 6, Sec. 2.

[70]Acts of 1806, Ch. 32, Sec. 4.

[71]Acts of 1787, Ch. 6, Sec. 3.

[72]Acts of 1835, Ch. 58, Sec. 2.

[73]Acts of 1806, Ch. 32, Sec. 4.

[74]Acts of 1807, Ch. 100, Sec. 1.

VI. THE LEGAL STATUS OF THE FREE NEGRO.

What, then, was the legal status of the free negro? He was only a quasi-free man. He could sue and be sued. He could make a contract and inherit property. He enjoyed legal marriage. He could buy and sell. He could not be a witness against a white man. He could not vote after 1834. He was ineligible for office. He was a sort of inmate on parole. His conduct was frequently guaranteed by bond. He enjoyed certain privileges and immunities, which the state might take away from him if it saw fit. He was not a citizen in the sense in which the term is used in the Constitution of the United States, and, therefore, was not entitled to all the privileges and immunities of the several states. Judge Green, speaking of the free negro's rights in the case of the State v. Claiborne, said: "The laws have never allowed the enjoyment of equal rights, or the immunities of the free white citizen."[75]

He had no place in society, socially or economically. He could not associate with the whites. He could keep the company of slaves only by permission. His own class was so small that his opportunities were very limited there. Poverty, ignorance, oppression, discrimination, and hostility of both slave and white man made his position in actual life much worse than his legal status. In the industrial world there was no place for him. The labor was done by slaves. There was no factory work for him. He could farm if he could rent or buy land. He was usually not wanted in the community.

> The black man, in the United States, said Judge Catron, is degraded by his color, and sinks into vice and worthlessness from want of motive to virtuous and elevated conduct. The black man in these states may have the power of volition. He may go and come when it pleases him, without a domestic master to control the actions of his person; but to be politically free, to be the peer and equal to the white man, to enjoy the offices, trusts, and privileges our institutions confer on the white

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[75]State v. Claiborne, 1 Meigs, 337 (1858).

men, is hopeless now and ever. The slave who receives the protection and care of a tolerable master holds a condition here superior to the negro who is freed from domestic slavery. He is a reproach and a by-word with the slave himself, who taunts his fellow slave by telling him "he is as worthless as a free negro." The consequence is inevitable. The free black man lives amongst us without motive and without hope. He seeks no avocation; is surrounded with necessities, is sunk in degredation; crime can sink him no deeper, and he commits it, of course. This is not only true of the free negro residing in the slaveholding states of the Union. In non-slaveholding states of this Union the people are less accustomed to the squalid and disgusting wretchedness of the negro, have less sympathy for him, earn their means of subsistence with their own hands, and are more economical in parting with them than he for whom the slave labors, for which he is entitled the proceeds and of which the free negro is generally the participant, and but too often in the character of the receiver of stolen goods. Nothing can be more untrue than that the free negro is more respectable as a member of society in the non-slaveholding states than in the slaveholding states. In each he is a degraded outcast, and his fancied freedom a delusion. With us the slave ranks him in character and comfort, nor is there a fair motive to absolve him from his duties incident to domestic slavery if he is to continue amongst us. Generally, and almost universally, society suffers and the negro suffers by manumission."[76]

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[76]Fisher's Negroes v. Dabbs, 6 Yerger. 131 (1834).

CHAPTER VII

ABOLITION

There was throughout the period of slavery in Tennessee a determined minority that favored its abolition. This minority was not confined to the non-slaveholders, but as late as 1834 slave-holders hoped that some method of abolition would finally be devised. This abolition sentiment expressed itself in various ways.

I. PRIVATE ABOLITION.

A. METHODS. (1) *By Deed.* There were three steps in the process of emancipation by any method. Two of these were taken by the owner and one by the state. The owner renounced his right of property in the slave and then gave bond with good security for his conduct and maintenance. To complete the process of emancipation, the state's consent was necessary. This was given exclusively by the county courts until 1829,[1] when the Legislature gave the chancery courts jurisdiction of cases involving wills.[2] After 1854, a petition for emancipation could be filed in any court of record.[3] Of course, the legislature by virtue of its plenary power could and did grant petitions for freedom throughout the period of slavery.[4] The county court could not consider a petition for emancipation unless nine or a

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[1]Acts of 1777, Ch. 6, Sec. 2.

[2]Acts of 1829, Ch. 29, Sec. 1. A special legislative grant was requisite for a valid emancipation in Georgia, South Carolina, Alabama, and Mississippi. See James' Dig., 398, Act of 1820; Prince's Dig., 456, Act of 1801; Toulman's Dig., 632; Mississippi Rev. Code, 386. In North Carolina and Tennessee, the courts granted emancipation—Haywood's Manual, 525; Act of 1801, Ch. 27. In Kentucky, Missouri, Virginia, and Maryland, the master exercised this power under rules and regulations established by the statutes of these states. 2 Litt. and Swi., 1155; 2 Missouri Laws, 744; 1 Rev. Code of Virginia, 433; Maryland Laws, Act of 1809, Ch. 171.

[3]Acts of 1854, Ch. 50, Sec. 1.

[4]Petitions in State Archives.

majority of the court were present and the consent of two-thirds of those present was necessary to grant the petition.[5] The clerk of the court made a record of the emancipation and gave the slave a copy.[6]

One way by which the master could relinquish his property rights in the slave was by deed. A deed of freedom to a slave was valid only between him and the owner or his representatives. It did not operate against the claim of creditors. A deed of emancipation had to be witnessed and recorded before it was binding upon the master.[7] Judge Catron, speaking of a deed of manumission, in the case of Fisher's Negroes v. Dabbs, said:

> It is binding on the representatives of the divisor in the one case, and the grantor in the other, and communicates a right to the slave; but it is an imperfect right, until the state, the community of which such emancipated person is to become a member, assents to the contract between the master and the slave.[8]

(2) *By Will.* A bequest of freedom by will was binding between the master or his representative and the slave, but, until 1829, the slave could not institute suit to complete the process of freedom in case the representative of the master failed to take such action. Administrators of estates took advantage of this weakness of the law. The result was that either such a negro, being helpless, was reduced to slavery again, or was left in a state of semi-freedom. In 1829, the state gave the chancery courts jurisdiction of such cases and gave such a negro the privilege of bringing suit for his freedom through his next friend.[9] Children born of a mother who had been emancipated by will but who did not receive her freedom until the expiration of a term of years

[5] Acts of 1801, Ch. 27, Sec. 3.
[6] Ibid., Sec. 4.
[7] Acts of 1784, Ch. 10, Sec. 7.
[8] Fisher's Negroes v. Dabbs, 6 Yerger, 119 (1834).
[9] Acts of 1829, Ch. 29, Sec. 1.

received their freedom at the same time the mother received hers.[10]

(3) *By Contract.* The slave could enter into a contract with his master for his freedom and the courts would enforce such a contract.[11] This contract might be by parol.[12] A contract between purchaser and seller to the effect that a slave be emancipated at a certain date was binding between the owner and the slave, and invested the slave with the right to complete the process of freedom after 1829. Such a contract did not weaken the claim of creditors, nor did it compel the state to grant the freedom of the slave. The obtaining of the state's consent, while conditioned on the initiate step of the master, was entirely a separate procedure.

(4) *By Bill of Sale.* The owner could sell a slave to an individual or a society, who wanted to emancipate him. Slaves frequently bought themselves. A free negro sometimes bought husband or wife and children, and then petitioned the state to free them. All bills of the sale of slaves had to be in writing and attested by at least one creditable witness. If the bill of sale was contested, two witnesses were required.[13] Philanthropic individuals and societies could have emancipated a great many slaves, if the state had not made its consent a necessary part of such manumission. When one considers how the benevolence of slave owners or the generosity of societies might have flooded a community with stupid, ignorant, and vicious negroes, he can easily see why society asserted the right to regulate the ownership of this kind of property.

(5) *By Implication.* If the master by his acts or treatment of a slave, or in conversation with another, indicated that he meant to give a slave his freedom, the courts would recognize this as a basis for a suit for freedom.[14] The insti-

[10]Harris v. Clarissa, 6 Yerger, 227 (1834).

[11]Acts of 1833, Ch. 81, Sec. 2.

[12]Lewis v. Simonton, 8 Humphrey, 189 (1847).

[13]Acts of 1784, Ch. 10, Sec. 7.

[14]Lewis v. Simonton, 8 Humphrey, 189 (1847).

tution of a suit against a slave was an implication of his freedom, otherwise the bequest had no effect.[15]

(6) *By the Effect of Foreign Laws.* If a slave owner of Tennessee moved to a free state with his slaves to reside permanently, this would indicate his intention to free them. If on entering such a state with his slaves, he agreed to free them at a certain future date, this would give the slaves a cause for a suit of freedom if he should later decide to return to Tennessee before the expiration of the time set for their emanicpation.[16] Of course, Tennessee laws permitted a free negro to adopt a master and convey himself into slavery, but this was voluntary on his part.[17]

B. THE EXTENT OF EMANCIPATION IN TENNESSEE.

It is seldom credited to southern slaveholders that they gave up as much property as the records show that they did. The slaveholding states practiced real abolition while New England and the other great abolition sections of the country were agitators of abolition rather than practitioners of it. None of their legislation shook the shackles from a single slave, according to eminent authority,[16] but merely abolished slavery that did not exist; that is, these acts said slaves yet unborn would be free at birth, or at certain age. This was not abolishing slavery by freeing those actually held in slavery. As a matter of fact, those held in slavery at the time of the passing of these acts were retained as slaves until they died, or were sold to Southerners. Of course, all over the country there was abolition by private individuals, but the point is, the Southern slaveholders were the real abolitionists. They actually gave up their property, and turned loose their slaves. There were 7,300 free negroes in Tennessee in 1860. Considering the fact that hundreds of free negroes went to Liberia, Haiti, Canada, and the free states, from Tennessee, and that hundreds of free negroes died in the period from 1796 to 1860, it is safe to say that, at $1000 each, more than ten million dollars'

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[15]Wheeler, p. 385.

[16]Ibid., p. 335.

[17]Supra, p. 160.

[18]Phillips, Ulrich Bonnel, American Negro Slavery, p. 120.

worth of property was surrendered by the abolitionists of Tennessee. It was largely the small farmer slave-holders that made this sacrifice for their convictions.

II. Anti-slavery Leaders.

Tennessee made a substantial contribution to the anti-slavery leadership of the nation. There were two groups of these men. One of them left the state for a larger field of activity, and might be called Separatists, while the members of the other group remained at home and fought in the ranks. These might be called Puritans. Jesse Mills, Elihu Swain, John Underhill, Jesse Lockhart, Rev. John Roy, Peter Cartwright, Charles Osborn, and Rev. John Rankin are examples of those who left the state for abolition centers.[19]

Rev. John Roy was a Methodist preacher who rode Green circuit in Tennessee. He was a man of considerable ability, strong feeling, full of courage, with an iron will. He was strongly anti-slavery in his sentiment, and for this reason moved to Indiana, where he died in 1837 in his 69th year.[20]

Peter Cartwright was one of the greatest preachers of Methodism. He was a native Virginian, but entered the Western Conference in 1804. He gave a great part of his life to the services of the church in Tennessee. He was a man of great humor and wit, and was a fighter against slavery. He finally decided that his labors would be more appreciated in an anti-slavery state, and moved to Illinois in 1824. He became increasingly bitter against slave-holders in his old age, and as a delegate from Illinois to the Methodist Conference in 1844, he voted for the division of the church.

Charles Osborn was one of the greatest of these leaders who left the state. He was born in North Carolina, August 21, 1795. At the age of 19, he moved with his parents to Tennessee, where he became a Quaker minister. In December, 1814 he organized the manumission movement in Tennessee, and was its leader until 1816, when he moved

[19]Nile's Weekly Register, Vol. 14, pp. 321ff.

[20]McFerrin, I, 150.

to Ohio, where he did his greatest work.[21] George Washington Julian makes Osborn the undoubted leader in the abolition movement of the Northwest, of which Ohio was the center and one of the two centers of the abolition movement in the nation. Osborn laid the foundation for his work in his new field, for which Tennessee had prepared him by environment and previous service, by establishing at Mount Pleasant, Ohio, in 1817, the Philanthropist, which Julian regards as the first anti-slavery publication in the United States.[22] In 1818, Osborn removed to Indiana, where he lived the remainder of his life.

Rev. John Rankin was possibly the greatest of those leaders who saw fit to leave the State to find an environment more in harmony with his attitude toward slavery. He was a Presbyterian minister, "who was destined, during the three decades preceding the Civil War, to occupy a position of first importance among the anti-slavery workers of the United States. In 1825, he published his famous *Letters on Slavery,* which went through many editions and exerted a very great influence. Many western men have called him the 'father of abolition,' and it was not an uncommon thing in the thirties to hear him spoken of as 'the Martin Luther of the Cause'."[23] Rev. Rankin said that in his early boyhood a majority of the people of East Tennessee were abolitionists.[24] The first issue of the Emancipator, referring to the loss of anti-slavery leadership in Tennessee, said,

> Thousands of first-rate citizens, men remarkable for their piety and virtue, have within twenty years past, removed from this and other slave states to Ohio, Indiana and Illinois, that their eyes may be hid from seeing the cruel oppressor lacerate the back of his slaves, and that their ears may not hear the bitter cries of the oppressed. I have often regretted the loss of so much virtue

[21]Southern History Association Publications, II, 108.

[22]Indiana Historical Society Publications, Vol. 2, pp. 233ff.

[23]Tennessee History Magazine, Vol. 1, p. 264.

[24]Indiana Historical Society Publications, Vol. 2, p. 246.

> from these slave states, which held too little before. Could all those who have removed from slave states on that account, to even the single state of Ohio, have been induced to remove to, and settle in Tennessee, with their high-toned love for universal liberty and aversion to slavery, I think that Tennessee would ere this have begun to sparkle among the true stars of liberty.[25]

James Jones, Samuel Doak, Mr. R. G. Williams, Rev. Phillip Lindsey, and Elihu Embree were the most eminent of the group of leaders in abolition who chose to stand their ground and fight straight from the shoulder. James Jones was another member of the Society of Friends, who were really the leaders in the anti-slavery movement in Tennessee. Jones was thoroughly devoted to the cause of abolition, wrote several addresses for the Tennessee Manumission Society, and was for several years its president.[26] His untimely death in 1830 was a serious loss to the cause of humanity and undoubtedly was the death of the Tennessee Manumission Society. Benjamin Lundy paid the following tribute to him at his death:

> A great man has fallen, one of the brightest stars in the galaxy of American philanthropists has set, has set to rise no more, James Jones, President of the Manumission Society of Tennessee—the steady, ardent and persevering friend of universal emancipation, is numbered among the dead . . . No language can impress upon the mind an adequate idea of his many virtues. Suffice it to say that few men living can fill the station that he held, with equal honor and usefulness. Long shall the poor oppressed African mourn for his irreparable loss.[26]

Rev. Samuel Doak was the leader of that strong and able Presbyterian contingent that came from North Carolina into Tennessee in the last quarter of the eighteenth century. "He was also the leading educator of the State in his day.[27]

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[25]Hoss, E. E., P. of V. S. H. S., No. 2, p. 11.

[26]The Genius, II, 2.

[27]Southern History Association Publication, II, 103.

He was a graduate of Princeton, and founded in Tennessee the first institution of learning in the Mississippi Valley.[28] He was a prominent abolitionist from 1800 to 1830, and from 1818 he taught immediate abolition. Among his pupils was Sam Houston, who opposed secession, John Rankin, and Rev. Jesse Lockhart, who preached and lectured on abolition in Southern Ohio.[29]

Dr. Philip Lindsey, who was President of the University of Nashville from 1825 to 1850, was the leader in organizing the Tennessee Colonization Society. He was its president for a number of years and was connected with it until his death. His educational leadership gave the colonization movement a prestige and influence that could not have come through any other channel. The University of Nashville in this period was the leading educational institution of the State, if not of the South.[30]

Mr. R. G. Williams was one of the anti-slavery leaders who helped to make Maryville, in East Tennessee, the seat of Maryville Seminary, now Maryville College, one of the great anti-slavery centers of the nation, a forerunner of Oberlin in Ohio. "We are rejoiced to know," said The Emancipator of New York, "that in East Tennessee and directly in the very centter of the slave-holding country, among the fastnesses of the American Alps, God has secured a little Spartan band of devoted abolitionists of the best stamp, whom neither death nor danger can turn,"[31] and a later issue of The Emancipator, quoting the letter of a student of Maryville College, said, "We take the liberty to uphold and defend our sentiments, whether it is agreeable or not to the selfishness of the slave-holder. We would thankfully receive any communication on the subject. We have some friends in the country around, among whom we have the privilege of distributing without fear a considerable number of pamphlets. About thirty students in the Theological Seminary at this place are preparing for the minstry, of whom

[28]Phelan, p. 233.
[29]Southern History Association Publications, II, 104.
[30]The Emancipator, March 8, 1838, p. 175.
[31]Ibid., March 16, 1838, p. 178.

twelve are abolitionists."[32] This same issue, quoting a letter of Mr. R. G. Williams, said: "We could form a good Anti-slavery Society in this part of the state, but we choose to work in an unorganized manner a while yet, before we set ourselves up as a target, notwithstanding the strict laws of Tennessee. We meet through the country and discuss the merits of abolition and colonization; the former is ably defended by Rev. T. S. Kendall, pastor of the Seceder Church in this county (Blount), and several others."[32]

The most eminent anti-slavery leader in the state was Elihu Embree. He was a Quaker, son of Thomas and Esther Embree, of Pennsylvania, born November 11, 1782. He moved to Tennessee at an early age, and became an iron manufacturer in East Tennessee. He early espoused the cause of freedom, and began at Jonesboro, Tennessee, in 1819, the publication of the Manumission Intelligencer as the mouth-piece of the manumission societies of Tennessee. He continued this publication until his untimely death in 1820.

Embree was a radical, outspoken, and uncompromising abolitionist. He was the leader of the Society of Friends in their work for abolition in Tennessee. Embree's writing and lecturing on abolition did more to advertise the state as an abolition center in the twenties than the work of all the others combined. In Garrison's Life, by his children, there is an account of the work of Embree, "to whom," it says, "must be accorded the honor of publishing the first periodical in America of which the one avowed object was opposition to slavery."[33] Mr. Embree said he "spent several thousand dollars . . . in some small degree abolishing, and in endeavoring to facilitate the general abolition of slavery."[34]

Embree had owned seven or eight slaves, but in discussing his connection with slavery, he said:

> I repent that I ever owned one. And indeed the crime is of such a hue, that the time may yet come, that a man who has, in a single instance, gone

[32]The Emancipator, March 16, 1838, p. 178.
[33]Garrison's Garrison, I, 88.
[34]P. of V. S. H. S., No. 2, p. 8.

> astray thus far, may never be able in his life time to regain public confidence; and should this change of public sentiment take place in my day, and render me disqualified to act in the promotion of this glorious cause, I hope to acquiesce in, and be resigned to suffer the just judgment, and be more humble under a sense of my past misconduct; meanwhile I shall doubtless have the pleasure of rejoicing at seeing this stigma on our religious professions, and scar upon our national escutcheon, eradicated by men of clean hands.[35]

III. Abolition Literature.

The first issue of the Manumission Intelligencer was published in March, 1819, at Jonesboro, Tennessee. It was a weekly at first, and, in this form, about fifty issues were published, eight or ten copies of which are in the possession of various individuals in Washington County.[36] In 1820, Embree changed the paper to a monthly octavo and called it The Emancipator.[36] Due to Embree's death, December 12, 1820, The Emancipator was forced to discontinue, after a very prosperous existence of eight months, during which time a subscription list of 2000 had been secured.[37] The numbers issued were bound in one volume of one hundred and twenty pages, a copy of which is in the possession of Esq. Thomas J. Wilson, who married Mr. Embree's daughter.

Embree said that the purpose of "This paper is especially designed by the editor to advocate the *abolition of slavery,* and to be a repository of tracts on that interesting and important subject. It will contain all the necessary information that the editor can obtain of the progress of the abolition of slavery of the descendants of Africa, together with a concise history of their introduction into slavery, collected from the best authority."[38]

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[35]P. of V. S. H. S., No. 2, p. 22.

[36]Temple, O. P., p. 91.

[37]Weeks, S. R., Southern Quakers and Slavery, p. 239; see also Martin, A. E., Tennessee History Magazine, Vol. I, p. 267.

[38]Hoss, E. E., P. of V. S. H. S., No. 2, p. 7.

Mr. Embree, in discussing the progress of abolition in Tennessee and his publication, said:

> Twenty years ago, the cause of abolition was so unpopular in Tennessee that it was at the risk of a man's life that he interfered or assisted in establishing the liberty of a person of color that was held in slavery, though held contrary to law. The lives of some of my intimate acquaintances, I well recollect to have been threatened, who had felt it their duty to aid some out of their unlawful thralldom. And it was sufficient in those times to procure a man the general hatred of his neighbors, although he never even succeeded, and the case made plain that the poor negro was not lawfully a slave. But by little and little, times are much changed here, until societies of respectable citizens have arisen to plead the cause of abolition; and instead of it being a disgrace to a man to be a member of these societies, it is rather a mark of the goodness of his heart, and redounds to his honor. I have no hestitation in believing that less than twenty years ago a man would have been mobbed, and the printing office torn down for printing and publishing anything like the Emancipator; whereas it now meets the approbation of thousands, and is patronized perhaps at least equal to any other paper in the State.[39]

There was a very close connection between Embree's publication and those of Lundy and Garrison. Lundy was a contributor to Osborn's Philanthropist, published at Mount-Pleasant, Ohio, and made two trips to see Osborn about becoming connected with his publication. The contest over the admission of Missouri attracted Lundy's interest, and before this matter was settled, Osborn had sold his paper. Meanwhile, Embree had established at Jonesboro, Tennessee, The Emancipator. Lundy now abandoned the idea of an anti-slavery journal, but, on learning of Embree's death in 1820, he decided that the anti-slavery forces must have an organ. In July, 1821, at Mount Pleasant, Ohio, he issued the first number of The Genius of Universal Emancipation.

[39]S. H. A. P., II, p. 104.

Lindsay Swift, in his life of Garrison, said: "It was the legitimate successor in spirit of Elihu Embree's Emancipator, started the year previous in Tennessee."[40] Lundy published only eight numbers of The Genius in Ohio, when he was persuaded by Embree's friends to remove The Genius to Tennessee and publish it on Embree's press.[41] He, accordingly, bought Embree's press and the subscription list to his Emancipator, and published The Genius in Tennessee for nearly three years.[42] Lundy in a letter, dated March 16, 1823, said: "My paper circulates well. If any person had told me when I commenced that I should be as successful under all my disadvantages as I have been, I could not have believed him."[43]

Tennessee is really the mother of abolition literature in the United States. She was the original home of The Manumission Intelligencer and The Emancipator, became the seat of The Genius of Universal Emancipation, and sent out Osborn who established The Philanthropist in Ohio. Of course, Lundy was the inspiration of Garrison, who decided to establish The Liberator after his association with Lundy, and this publication is just as truly a continuation of The Genius as it was the prolonged life of The Emancipator. Instead of assigning first place to the work of Garrison, as Johnson's Life of Garrison, Greeley's History of American Conflict, Wilson's History of the Rise and Fall of the Slave Power, and Von Holst's Constitutional and Political History of the United States do, it seems that this pioneer work of Embree really made possible the work of Lunday and Garrison.

IV. Petitions to the Legisature for Abolition.

From 1815 to 1834, the legislature was constantly petitioned by the abolitionists of the state. These petitions prayed for easier conditions of emancipation, better treatment of slaves, prevention of separation of husband and

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[40]Swift, Lindsay, Life of Garrison, p. 60.

[41]Earl, Thomas, Life of Benjamin Lundy, pp. 16-20.

[42]Temple, p. 91.

[43]Earl, p. 21.

wife, prohibition of the entrance of slaves into the state, and some plan of disestablishment of slavery. The Scriptures, the Constitution of the United States, the Bill of Rights, Declaration of Independence, and the laws of nature were usually made the basis of these petitions.

In 1817, one of the most suggestive of these petitions was presented. This petition proposed that the courts be empowered in granting petitions for freedom to require the master to "give to those he is discharging a lease on lands for years, free of rent, charge and taxes, with provisions adequate for the first year, with a limited portion of stock and articles of husbandry."[44] "For years," it states, "we have seen monied aristocracies rising in our land; and wealth attaching reverence, and creating distinction; in proportion as these evils shall increase, will men's consciences be seared and their minds turned against the rights and liberties of those, who constitute an essential part of their wealth." It also called attention to the need for additional protection for free negroes, and suggested that it be made a felony to steal and sell a free negro into slavery. It also pointed out that the young free negroes with neither father nor mother alive or free should be attached to suitable persons, preferably their emancipators, to be "reared to habits of industry, and prepared for the duties of life."[45] This petition was signed by eighty-eight citizens, among whom was Jno. H. Eaton, later Andrew Jackson's Secretary of War.

In 1815, there was a petition presented to the legislature, signed by four hundred and four citizens, of whom twenty-two were slaveholders, asking that a general plan for disestablishing slavery be enacted.[46] There were thirty-six petitions, signed by 2153 persons, presented to the legislature in 1817,[46] and twenty-one petitions signed by 2253 persons in 1819.[47] The Manumission Society of Tennessee presented a petition to the legislature in 1819, asking that the

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[44]Petitions of 1817, State Archives.

[45]Petitions of 1815, State Archives.

[46]Petitions of 1817, State Archives.

[47]Petitions of 1819, State Archives.

children of slaves be emancipated at a certain age, that slaves capable of supporting themselves be manumitted without the assumption of heavy obligations by their masters, and that the "inhuman and barbarous practice of trading in slaves be prohibited."

These petitions became more numerous in the later twenties. In 1825, there were 497 petitions presented to the legislature; in 1827, there were 2818, and 1328 in 1829. These petitions were signed by hundreds. In addition to these circulated petitions, there were many individual requests for the permission to emancipate entire families without security, or with permission for the negroes to remain in the state.

V. Abolition in the Convention of 1834.

"It is supposed," said the Nashville Republican, February 20, 1834, "that efforts will be made to insert a provision for the gradual abolition of slavery, and perhaps the colonization of our colored population. Upon the propriety of this step we shall not at present decide. Much would depend upon the nature of the provision, whether well adapted to our present and future condition. The legislature of Tennessee has already taken up the cause of colonization, and made, perhaps, as liberal provision for it as our finances permitted. The nature of things, the march of public opinion, the voice of religion, all have said that American slavery must have an end. What shall be the legislative measures to that effect, and where they shall begin, are questions for prudence to determine."[48]

In accordance with this prophecy, as soon as the convention was organized, petitions were presented, proposing the following amendment to the constitution:

> All slaves born within the limits of the state of Tennessee from and after the first day of January, 1835, shall be free, together with their issue, upon the said slaves, so born, as aforesaid, arriving at the age of twenty-one years, and upon condition that within one year after their so arriving at the

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[48]The Nashville Republican, February 20, 1834.

> age of twenty-one years, they, together with their issue, remove without the limits of the state of Tennessee, and never return to reside therein—and that any slave or slaves who reside without the limits of the state of Tennessee, on or after the first day of January, 1835, and who may afterwards be brought within the limit of the said state to reside, or who remain within the said limits for a term of more than sixty days under any pretence whatever, such slave or slaves shall be free, and all slaves who shall have attained the said age of twenty-one years, and who shall not have removed without the limits of said state within 12 months thereafter, shall be hired out by some authority, prescribed by the legislature for one, two, or three years, and the proceeds of their labor, appropriated for defraying the expense of removing them to Liberia, in Africa, or to such places without the limits of the United States as may be considered suitable for their reception, and for providing for their substance for twelve months after their arrival at their new home.[49]

The convention, despite the efforts of a determined minority, well backed by its constituency, steadily refused to consider these memorials on slavery. They were at first merely read and laid on the table. On May 30, Mr. Stephenson, of Washington County, moved the appointment of a committee of thirteen, one from each congressional district, to whom the memorials should be referred, and who should report to the convention a plan for the disestablishment of slavery. This motion was lost on June 2.[50] June 6, Mr. Allen, of Sumner County, moved the appointment of a committee of three, one from each division of the state, to draft resolutions, giving reasons why the convention refused to consider the petitions of the memorialists. After vain attempts to amend the motion, it prevailed. The president of the convention appointed a committee of three, consisting of Messrs. Allen, John A. McKinney, and Huntsman.[51] Mr. Fogg of Davidson County, was substituted on the commit-

[49]Petitions of 1834, State Archives.

[50]Journal of the Convention, p. 72.

[51]Ibid., p. 89.

tee for Mr. Allen, and Mr. McKinney was made chairman. On motion of Mr. McKinney, the memorial on slavery was turned over to the committee.

June 19, the committee reported through its chairman, Mr. John A. McKinney. The report is very clever in its arguments and significant for its admissions and professions. It was really a polite apology for slavery. It gave the following as the main reasons that the convention refused to consider the memorials on slavery:

> 1. That if Tennessee were to say that the children of all slaves born after a specified time would become free at a certain age, it would mean either that these slaves would be sold to other slave states before they became free, or that their masters would go there with them.[52]
> 2. That such congregating of slaves would aggravate their situation and tend toward a servile war.[53]
> 3. "That in Tennessee, slaves are treated with as much humanity as in any part of the world, where slavery exists. Here they are well clothed and fed, and the labor they have to perform is not grievous nor burdensome."[54]
> 4. That the slaves of Tennessee do not want to leave the state and that, if their wishes are respected, the prayers of the memorialists will not be granted.

This report admits that slavery is a great evil and utters the following prophecy of its abolition: "The ministers of our holy religion will knock at the door of the hearts of the owners of slaves, telling every one of them to let his bondsman and his bondswoman go free, and to send them back to the land of their forefathers, and the voice of these holy men will be heard and obeyed, and even those who lend a deaf ear to the admonitions in the hour of death, will, on a bed of sickness and at the approach of death, make provision for the emancipation of their slaves, and for their

[52]Journal of the Convention, p. 89.

[53]Ibid., p. 90.

[54]Ibid., p. 91.

transportation to their home on the coast of Africa."[55] This report was adopted by the convention by a vote of 44 to 10.

Mathew Stephenson, of Washington County, supported by John McGoughey, Richard Bradshaw, and James Gillespey, prepared a protest to the committee's report in which they said:

> We believe that the importance of the subject, deeply involving the interest and safety of the State, both in a political and moral point of view, together with the number and respectability of the memorialists, merited from this convention a more respectful notice and consideration, than merely to appoint a committee of three, with instructions to give reasons why the convention would not take up and consider the matter.[56]

This protest from members of the Convention was supported by petitions from the anti-slavery forces in the state. A petition from the citizens of Jefferson called attention to some of the weaknesses of the report of the committee of three, such as the admission of the great evil of slavery, its subversiveness of republican institutions, the selling of slaves to the more southern slave-holding states, the pitiable condition of the free negroes, which was equally applicable to white men, and the fallacy of the argument that Tennessee would ever be more favorable to emancipation.

The protest of this committee, re-enforced by these "loud and reiterated calls, for at least some prospective relief from the evils" of slavery, persuaded the convention to make a more detailed analysis of the memorials of slavery in order to make its position clear to the people of the state. On July 9, a motion was adopted to re-commit the memorials on slavery to the committee of three for a second report.

The second report of the Committee of three showed that there were 1804 signatures to the memorials and that only 105 of these were designated as slave-holders.[57] The report

[55]Journal of the Convention, p. 93.

[56]Ibid., p. 102.

[57]Ibid., p. 125.

admitted that there might be some signatures of slave-holders not so designated, but that such a number was likely inconsiderable. The report showed that the slave-holding petitioners did not represent the "owners of five hundred slaves, and probably not of half that number,[58] while the owners of one hundred and fifty thousand slaves were unrepresented by the memorialists.

The memorialists represented the counties of Washington, Greene, Jefferson, Cocke, Sevier, Blount, McMinn, Monroe, Knox, Rhea, Roane, Overton, Bedford, Lincoln, Maury, and Robertson, distributed as follows: two hundred and seventy-three in Washington; three hundred and seventy-eight in Greene; thirty-three in Maury; sixty-seven in Overton; twenty-four in Robertson; one hundred and five in Lincoln; one hundred and thirty-nine in Bedford; and smaller numbers in the other nine counties from which the petitions were presented.[58] The number of memorialists was rather small as compared with the five hundred and fifty thousand population of the state, and was almost entirely unrepresentative of the slavocracy of the state.

The committee further showed that almost all the petitions presented a plan of emancipation. About one-half of the memorialists asked that all slave children born after 1835 be made free, and that all slaves in the state be made free by 1855. They asked that all negroes be sent out of the state. The other memorials asked that all the slaves be emancipated by 1866 and colonized.

The committee thought, "to assert that the hundred and fifty thousand slaves now in this state, together with their increase, could be emanicpated and colonized in the short term of twenty-one or even thirty-two years, with the aid of means at the command of the State, is a proposition so full of absurdity, that no person in his sober senses, who had taken any time to reffect on the subject, would possibly maintain."[59]

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[58]Journal of the Convention, p. 126.

[59]Ibid., p. 127.

This report was followed by another protest, July 21. made by a committee consisting of Mathew Stephenson, Richard Bradshaw, and John McGoughey, to the effect that the memorialists were not fairly treated by the convention, and that the committee of three rather labored in its report to ridicule their petitions instead of answering them by proposing some constructive plan of abolition.

Mr. Joseph Kincaid protested against the reference made in the second report of the committee to the free negro. The report stated that, "Unenviable as is the condition of the slave,unlovely as is slavery in all its aspects, bitter as the draught may be that the slave is doomed to drink, nevertheless, his condition is better than the condition of the free man of color, in the midst of a community of white men with whom he has no common interest, no fellow-feeling, no equality."[60] "From the above conclusions, which the committee arrived at in their report, it would seem," said Mr. Kincaid, "that they hold slavery to be a more enviable situation, than that of freedom under the above circumstances: Therefore, it would seem to follow, that those colored people, who are now free, should be subjected to slavery, in order to better their condition—and that slavery should be rendered perpetual."[61]

Despite the persistent efforts of a small though respectable minority in behalf of abolition, it cannot be said that the convention at any stage of its proceedings evinced any pronounced anti-slavery attitude. It was more anti-negro than anti-slavery. It deplored the existence of slavery, and indicated that in the course of time colonization might eliminate slavery. In anticipation of a possible conpensated emancipation, the convention inserted a clause in the constitution by a vote of 30 to 27, forbidding the legislature to abolish slavery without the consent of the owners and without paying them a money equivalent for the slaves emancipated.[62] It was later attempted to place a constitutional

[60]Journal of the Convention, p. 89.

[61]Ibid., p. 225.

[62]Ibid., p. 201; Constitution of 1834, Art. II, Sec. 31.
Sec. 31.

prohibition on compensated emancipation, but it failed by a vote of 3 to 20.[62]

VI. Abolition Sentiment After 1834.

There continued to be anti-slavery forces in the state as long as slavery existed. In 1835, there was organized at Rock Creek, in East Tennessee, an abolition society that advocated immediate abolition. It was one of three abolition societies at this time in the entire South, the other two being in Virginia and Kentucky. This society lasted only two years.[63] In 1836, fifty-five citizens of Rhea County sent a petition to the legislature, protesting against a law that the legislature had passed making it a penitentiary offence to receive abolition literature. This protest states, "that said law is too bloody, too tyrannical and too despotic to govern a free people which we profess to be in practice and should be in theory." The petitioners further state that they are "opposed to the manner in which such law has curtailed our most sacred privileges, the free communication of thought upon any subject provided we tell the truth."[64] The Maryville Intelligencer, issued at the seat of Maryville College, published reports of the synods of the Presbyterian Church, yet the editor remarked that "this publication, we must remember, is after a law making it penal in Tennessee to receive any anti-slavery paper or pamphlet, yes, making it a penitentiary offense to receive this very report of the Kentucky Synod."[65] Hon. John M. Lea made one of the last anti-slavery addresses in Tennessee before the Apprentices' Union at Nashville in 1841.[66] In 1849, the Jonesboro Whig said: "In Tennessee, the residence of James K. Polk, especially in East Tennessee, anti-slavery sentiments are strong and decided."[67] The Knoxville Tribune at this same time was publishing a series of papers on

[63]The Liberator, July 25, 1835; American Anti-Slavery Almanac, December, 1836, p. 47.

[64]Petitions of 1836, State Archives.

[65]Quarterly Anti-slavery Magazine, II, 364.

[66]Hale and Merritt, II, 300.

[67]Ninth Annual Report of American and Foreign Anti-slavery Society, 1849, p. 52.

abolition, advocating the calling of a constitutional convention to amend the constitution to "open the way for the full and final redemption of the state."[67]

A correspondent from Tennessee in the New York Observer, writing on abolition in the state, said in 1849:

> The question is being a good deal agitated, and fully discussed. Many who own slaves oppose the institution, and non-slaveholders almost to a man. In my neighborhood of some five miles square, there are about eighty families, and a number of them own slaves, and there is but one advocate of slavery. A slaveholder said, "It is of no use to avoid the question any longer. The sooner it is settled the better, for God has declared that right shall prevail, and slavery must end." Another individual who occupies a high station in society said, "Agitate the question and anti-slavery will prevail." I might produce hundreds, yes, thousands of expressions of opinion equally strong and decisive. The great difficulty seems to be as to the means of getting rid of the evil.[68]

While there was this anti-slavery minority expressing itself in an intermittent way after 1834, the great majority of the state was thoroughly pro-slavery. In 1835, Rev. Amos Dresser, an active member of the Abolition Society of Ohio, was arrested in Nashville for publishing and circulating pamphlets among the slaves to incite them to insurrection. The Committee of Vigilance and Safety, consisting of sixty-two citizens, tried him and found him guilty. He was sentenced to receive twenty stripes on his bare back and to leave the city within twenty-four hours. He received the flogging, and did not wait for the expiration of the twenty-four hours.[69]

Public meetings were generally held, denouncing such insurrectionists and their accomplices. It was reported that Arthur Tappan and others of New York City had furnished funds to aid the circulation of abolition literature

[68]Hale and Merritt, II, 299.

[69]Ibid., p. 300.

in the state.[70] At one of these meetings held by the Committee of Vigilance and Safety, the merchants of Tennessee were requested to boycott Arthur Tappan and Company and all other abolitionists. These incidents were largely responsible for the Act of 1836 mentioned above and the Gag Resolution in Andrew Jackson's administration. In the debate in the Senate on the Calhoun Resolution, both of the senators from Tennessee, Hugh Lawson White and Felix Grundy, defended the flogging of Rev. Dresser. Senator Grundy advocated a "summary disposal of such abolitionists."[70]

Tennessee was never a unit on the slavery question. There were scattered groups of abolitionists throughout the state as long as slavery existed, while East Tennessee was almost solidly anti-slavery. The contest over slavery in the convention of 1834, in the churches, and in politics created divisions among the people of the state that have had a permanent influence upon the life of the state.

It is singularly true, however, that Tennessee did finally abolish slavery by popular vote. She was the only one of the Confederate States that was excepted from President Lincoln's Emancipation Proclamation of 1863[71] and that abolished slavery by its own act. There was an attempt to hold a convention of Union men in Nashville in the fall of 1864, but the Confederate army in the vicinity of Nashville made it unsafe for the convention to meet. It did meet January 8, 1865, and on the ninth recommended that Article II, Section 31, of the Constitution of 1834, to the effect that "the General Assembly shall have no power to pass laws for the emancipation of slaves without the consent of their owner or owners," be abrogated and that slavery be abolished forever, and the legislature be forbidden to re-establish property in man. These proposed constitutional changes were submitted to popular vote of the Union men, February

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[70]Fifth Annual Report of American Anti-slavery Society, 1838, pp. 72-73.

[71]Andrews v. Page, 3 Heiskell, 658 (1870).

22, 1865, and Andrew Johnson as military governor of Tennessee announced that the amendments had been adopted and that "the shackles have been formally stricken from the limbs of more than 275,000 slaves in the state."[72]

"The amended constitution of the State of Tennessee adopted on the 22nd of February, 1865," said Judge Shackelford in 1865, "prohibits slavery or voluntary servitude, in the State of Tennessee, and it has forever ceased to exist."[73] It is clear, then, that his amendment was not the ratification of President Lincoln's Proclamation, which did not apply to Tennessee, but was itself the act of emancipation by which the slaves of Tennessee ceased to be property and became free men.

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[72]Acts of 1865, pp. IX-XIII.

[73]Nelson v. Smithfeter, 2 Caldwell, 14 (1865). See also Graves v. Keaton, 3 Caldwell, 14 (1866); Wharton v. The State, 5 Caldwell, 3 (1867); Bedford v. Williams, 3 Caldwell, 210 (1867).

CHAPTER VIII

CONCLUSIONS

The periods in the development of slavery in Tennessee are rather well defined. The institution made no remarkable progress before 1790. Its growth was slow and gradual. There were no special forces contributing to its development. Only the mountainous part of the state was being settled, and the cotton industry had not developed. The pioneers were not in thought or manner of living favorable to slavery. They either did their work single-handed, or combined with their neighbors in the performance of the heavier phases of it. Slavery was not a controlling factor, in a pioneer life characterized largely by hunting, fishing, trading, and small farming. It was more or less a useless luxury, which only the more fortunately situated could afford. Whatever progress slavery made during this period was due to purely natural forces and conditions. There were only 3,417 slaves in the state in 1790, and their value was less than $100 each.

From 1790 to 1835, slavery expanded very rapidly. In the first decade of this period, the slave population increased 297.54 per cent; in the second, 227.84 per cent; in the third, 79.87 per cent; and in the fourth, 76.76 per cent. There were 183,059 slaves in the state in 1840. Frontier conditions were largely supplanted by a more prosperous society. Cotton became the chief agricultural product of the state. West Tennessee, the part of the state especially adapted to the production of cotton, was settled during this period. Tobacco was profitably grown in Middle Tennessee, with the aid of slave labor. The river valleys of East Tennessee became cotton producing areas. Slavery in this period proved to be a profitable labor system in by far the larger portion of the state. This period is especially characterized by the growing economic importance of slavery and the weakening of the abolition sentiment. The slave was worth about $550 in 1835. The state reversed its

policy toward the free negro in 1831, disfranchised him in 1834, and refused in the convention of 1834 even to consider abolition.

From 1835 to 1855, there was practically one opinion in the state on the slavery question. There was a dissenting minority, but it was so inconsiderable as to be almost negligible. The prevailing opinion was that abolition was impracticable. The slaves were not regarded as being able to sustain themselves. They were not prepared for the duties of citizenship. The state was not financially able to purchase them and colonize them. It was held that any policy the state might adopt would in its execution require the coöperation of the other slaveholding states. The more seriously the problem was attacked, the larger the proportions which it assumed. Slavery appeared from every angle to be a permanent institution. This conclusion led to a policy of safeguarding its interests, and improving the condition of the slaves. Legislation restricting emancipation, preventing influx of free negroes, and establishing voluntary enslavement was enacted. The change in the attitude of the churches during this period enabled them to have more influence over the slaveholders and to establish closer relations with the slaves. The churches constantly insisted upon a humane treatment of the slaves.

There are several outstanding features of Tennessee slavery that deserve special emphasis. The state, until the early thirties, may be ranked along with Ohio and New England as an abolition center. Tennessee had more abolition societies in 1825 than any other state in the Union except North Carolina. In 1840, there were 5,524 free negroes in the state. Maryville College, at Maryville, Tennessee, was a center of abolition propaganda. Union University, at Murfreesboro, Tennessee, numbered active abolitionists in its faculty. The state was the birth-place of the first out-right abolition paper published in the United States, and it became the connecting-link between Lundy and Garrison. The state sent a number of anti-slavery leaders into Ohio, Indiana, and Illinois. The Tennessee churches were uniformly anti-slavery until they saw they

were losing their membership and were being ostracized from the proper contact with the slaves. As long as slavery existed in the state, manumission continued, despite legal restriction, as an expression of an active anti-slavery sentiment.

The slave's legal status in Tennessee was exceptionably favorable. The law guaranteed to him shelter, food, clothing, and medical attention. It protected him against the violence of his master and of society. It prevented avaricious masters from emancipating him when he ceased to be productive and gave him the right to institute suit for his freedom. It permitted him to contract for his freedom against administrators of estates who were seeking to hold him in slavery. It furnished free counsel for his defense when his interests were in jeopardy. It also gave him trial by the same jury that the white man had.

The patrol system was an elaborate system of government for a non-citizen class. It was, however, a government of law. Its administrative agents included searchers, patrols, magistrates, sheriffs, constables, masters and mistresses. Every citizen was subject to patrol duty. These agents enforced a code that reduced almost every activity and relation of the slave to a basis of law. The patrol system was characterized by a careful consideration of the slave's weaknesses and, with its patriarchal supervision, gave him a respect for authority that partially prepared him to be a citizen in a government of law. It is singularly true that Tennessee negroes today enjoy a greater participation in politics than any other Southern negroes. The background for this status and friendly attitude is to be found in the ante-bellum politics of the state.

The finest expression of Tennessee's attitude toward the negro slave is found in the genuinely humane treatment accorded him. He was well fed, clothed, and housed. The evils of the absentee landlord system with its overseer and slave-driver were never prevalent. The small farmer was considerate of his welfare. The churches constantly sought to improve his condition. They reached him indirectly through their services. Their influence manifested itself

in charity, in marriage ceremonies, at the sick-bed, in manumission societies, in the halls of legislation, and in the benevolent philosophy of the Christian judge. Efforts at harsh legislation were either defeated at the time or modified later by more considered enactments. It has been abundantly shown, however, that it was the courts of Tennessee that constituted the bulwark of protection for the slave. They dealt with him not as a chattel but as a man. The slave code became in their hands an opportunity and a means to humanize the institution. They could not annul the law of slavery, but they did largely abolish it in fact by their interpretation of it.

The condition of the free negro was never promising. He was largely always subject to certain legal restrictions. The system of registration adopted in 1806, the exclusion act of 1831, and his disfranchisement in 1834 were expressions of an increasing hostility toward him. He was always a possible avenue through which the abolitionists might reach the slave. This made him a menace to society. His association, therefore, with slaves was forbidden by law. He was practically a social outcast. The slaves regarded him as worthless. Finally, provision was made for his re-enslavement.

BIBLIOGRAPHY

A. Sources.

I. Records.

1. Colonial Papers 1661.
2. Colonial Entry Book No. 73.
3. Colonial Records of North Carolina, I-X (1662-1776).
4. State Records of North Carolina, XI-XXVI (1776-1790).
5. Journal of the Legislative Council of the Southwest Territory (1794-1796).
6. Journal of the House of Representatives of the Southwest Territory (1794-1795).
7. Annals of Congress, 17th Congress, 1st Session.
8. Annals of Tennessee, Ramsey, J. G. M., Philadelphia, 1860.
9. Whig Almanac for the years 1836, 1844, and 1848.
10. American Anti-slavery Almanac for 1836.
11. Congressional Globe, 1st Session, 33rd Congress; and 2nd Session, 38th Congress.

II. Documents.

1. The Constitution of North Carolina, 1776.
2. The Constitution of Franklin, 1785.
3. The Constitution of the United States, 1787.
4. The Constitution of Kentucky, 1799.
5. The Constitution of Tennessee, 1796.
6. The Constitution of Tennessee, 1834.
7. The Constitution of Tennessee, 1870.
8. Thorpe, Francis Newton, Federal and State Constitutions, 7 vols., Washington, 1909.
9. MacDonald, William, Select Charters Illustrative of American History, New York, 1904.
10. United States Census of 1850, I, Population.
11. Statistical Abstract of United States, 1906.
12. United States Statutes at Large, I.
13. United States Census of 1870, I, Population.
14. Colonial and State Statutes of North Carolina, Colonial Records, Vols. XXIII-XXV (1715-1790).
15. Statutes of the Southwest Territory, 1790-1795.
16. Acts of Tennessee.
    a. Public Acts.
       1st Sess. (1799), 1st Sess. (1801), 1st Sess. (1803), 1st Sess. (1806), 1st Sess. (1807), 1st Sess. (1813), 1st Sess. (1815), 1st Sess. (1817), 1st Sess. (1819), 1st Sess. (1821), 1st Sess. (1823), 1st Sess. (1825), Extra Sess. (1826), 1st Sess. (1827), 1st Sess. (1829), 1st Sess. (1831), 1st Sess. (1832), 1st Sess. (1833), 1st Sess. (1835-6), 1st Sess. (1837-8), 1st Sess. (1839), 1st Sess. (1839), 1st Sess. (1842), 1st Sess. (1843-4), 1st Sess. (1846), 1st Sess. (1847-8), 1st Sess. (1849-50), 1st Sess. (1851-2), 1st Sess. (1853-4), 1st Sess. (1855-6), 1st Sess. (1857-8), 1st Sess. (1861), 1st Sess. (1865).
    b. Private Acts.
       Called Sess. (1824), 1st Sess. (1833).

III. General Slave Treatises.

1. Dobb, T. R. R., Inquiry into the Law of Negro Slavery in the United States, Philadelphia, 1858.
2. Goodell, William, The American Slave Code in Theory and Practice, New York, 1853.
3. Hurd, John Codman, Laws of Freedom and Bondage, 2 Vols., Boston, 1858-1862.
4. Straud, George M., Sketch of the Laws Relating to Slavery, Philadelphia, 1856.
5. Wheeler, Jacob D., A Practical Treatise on the Law of Slavery, New York, 1837.

IV. North Carolina Codes.

1. Davis, James, Laws of North Carolina (this is really an edition of Swann's Laws), New Berne, 1752.
2. Iredell, James, Laws of North Carolina, Edenton, 1791.
3. Swann, Samuel, Laws of North Carolina, New Berne, 1752.

V. Codes of Tennessee.

1. Caruthers, R. L., Laws of Tennessee, Nashville, 1810.
2. Caruthers, R. L., and Nicholson, A. O. P., Statutes of Tennessee (1786-1836).
3. Haywood, John, Laws of Tennessee, Nashville, 1810.
4. Haywood, John, and Cobb, Robt. L., Laws of Tennessee, Nashville, 1831.
5. Meigs, Return J., and Cooper, William F., Code of Tennessee, Nashville, 1858.
6. Nicholson, A. O. P., Laws of Tennessee, Nashville, 1846.
7. Scott, Edward, Laws of Tennessee (1715-1820).

VI. Court Reports of North Carolina and Tennessee.

1. Caldwell, Thomas H., 7 Vols. (1860-1870), Columbia, Mo., 1906.
2. Hawks, Francis L., 3 Vols. (1821-1825), Winston, N. C., 1897.
3. Head, John W., 3 Vols. (1858-1859), Columbia, Mo., 1906.
4. Heiskell, Joseph B., 12 Vols. (1870-1874), Louisville, Ky., 1903.
5. Humphrey, West H., 11 Vols. (1839-1851), Louisville, Ky., 1903.
6. Lea, Benjamin J., 16 Vols. (1878-1886), Louisville, Ky., 1902.
7. Martin, John H., and Yerger, George S., 1 Vol. (1827-1828), Louisville, Ky., 1903.
8. Meigs, Return J., 1 Vol. (1838-1839), Louisville, Ky., 1903.
9. Sneed, John L. T., 5 Vols. (1853-1858), Columbia, Mo., 1906.
10. Yerger, George S., 10 Vols. (1818-1837), Columbia, Mo., 1912.

VII. Reports of the Comptroller to the General Assembly for the years 1850, 1855-6, 1856, 1857-8, and 1859-60.

VIII. Reports, Proceedings, and Minutes.

1. Minutes of the American Convention for the years 1822, 1823, 1825, 1827, 1829, 1830, 1848, 1852, 1860, and 1867 (1818-1867).
2. Minutes of the General Methodist Conferences, 1773-1844.
3. Minutes of the General Conferences of the Methodist Church South, 1845-1865.
4. Minutes of the Annual Conferences of the Methodists in Tennessee, 1813-1865 (Quoted in McFerrin, History of Methodism in Tennessee).
5. Proceedings of the Southern Baptist Convention, 1845-1865.
6. Minutes of the Cumberland Presbyterian Assembly, 1811-1865.
7. Minutes of the General Assembly of the Presbyterian Church, 1795-1865.
8. The Fifth and Twenty-seventh Annual Reports of the American Anti-slavery Society.
9. The Ninth and Thirteenth Annual Reports of the American and Foreign Anti-slavery Society for the years 1849 ad 1853.

IX. Periodicals.

The Genius of Universal Emancipation, Vols. I, II, IV, V, VI, VII, VIII.

American Historical Magazine, II, IX, XXI.

Publications of Vanderbilt Southern Historical Society, No. 2.

Indiana Historical Society Publications, Vol. 2.

The Tennessee History Magazine, Vols. 1, 2, and 4.

Quarterly Anti-Slavery Magazine, Vols. 1, 2, and 4.

Niles Register, Vols. 1-75 (1811-1849), Washington, Baltimore, and Philadelphia.

De Bow, J. D. B., Commercial Review of the South and West, 39 Vols. (1846-1870), New Orleans.

African Repository, Vols. V, VI, VII, IX, XXII, XXIII, XXIV, XXV.

American Historical Review, Vols. III, V.

Publications of North Carolina Historical Commission, I.

Political Science Quarterly, Vols. IX, XX.

Southern History Association Publications, II.

Quarterly Review of the M. E. Church, South, April, 1892.

Methodist Quarterly Review, Vols. LVII and LXIII.

The Liberator, July 25, 1835.

The Emancipator (New York), March 8 and 16, 1838.

X. Newspapers.

The Aurora and General Advertiser, Memphis, September 3, 1802.

Nashville Banner, Nashville, October 15 and November 16, 1833.

The Knoxville Gazette, Knoxville, January 23, 1797.

Christian Advocate and Journal, Bolivar, 1831.

Tennessee Gazette and Mero District, Nashville, November 22, 1805.

The Practical Farmer and Mechanic, Somerville, 1857.

Nashville Republican and State Gazette, Nashville, July 1, 5, 10, 15, 28, 1834.

The Western Freeman, Shelbyville, September 6, 1831.

The Charleston Mercury, Charleston, S. C., April 30, 1861.

Memphis Avalanche and Memphis Appeal, Memphis, May 9, 10, and 11, 1861.

Randolph Recorder, Vol. I, Covington, 1834.

Memphis Equirer, Vols. I and II, Memphis, 1836-1837.

The Weekly American Eagle, Vols. 11-V, Memphis, 1843-1847.

The Memphis Daily Eagle, Vols. III-VII, 1846-1850. Memphis.

The Tri-Weekly Memphis Enquirer, IV, 1846, Memphis.

Memphis Daily Appeal, V, 1855, Memphis.

XI. Petitions in the State Archives at Nashville in Manuscript covering period 1809-1834.

XII. Personal Writings and Reminiscences.

1. Cartwright, Peter, Autobiography, Edited by W. P. Strickland, New York, 1892-1897.
2. Jefferson, Thomas, Writings, Edited by P. L. Ford, 10 Vols., New York, 1892-1897.
3. Johnson, Rev. John and His House, Recollections, An Autobiography, Edited by Mrs. Susannah Johnson, Nashville, 1869.
4. Otey, Rt. Rev. James H., Memoirs, Edited by W. M. Green, New York, 1885
5. Pendleton, James Madison. Reminiscences of a Long Life, Louisville, 1891.
6. Sumner, Charles, Works, 15 Vols., Boston, 1874-1883.
7. Stirling, James, Letters from the Slave States, London, 1857.
8. Thomas, Thomas Ebenezer, Correspondence Mainly Relative to the Anti-slavery Conflict in Ohio, especially in the Presbyterian Church, Dayton, 1909.

B. Secondary Works.

I. State Histories.

1. Caldwell, Joshua W., Constitutional History of Tennessee, Cincinnati, 1895.
2. Caldwell, Joshua W., The Bench and Bar of Tennessee, Knoxville, 1898.
3. Garret, W. R., and Goodpasture, A. V., History of Tennessee, Nashville, 1900.
4. Goodspeed, History of Tennessee, Nashville, 1886.
5. Hale, William T. and Merrit, Dixon L., History of Tennessee, Vol. 2, Chicago and New York, 1913.
6. Phelan, James, History of Tennessee, Boston, 1888.
7. Putnam, A. W., History of Middle Tennessee, Nashville, 1859.
8. Temple, Oliver P., East Tennessee and the Civil War, Cincinnati, 1899.

II. General Histories.

1. Adams, Alice D., Neglected Period of Anti-slavery in America, 1808-1831, Boston, 1908.
2. Brickell, John, Natural History of North Carolina. Dublin, 1911.
3. Doyle, J. A., The English Colonies in America, 5 Vols., New York, 1888.
4. Hammond, M. B., The Cotton Industry, New York, 1897.
5. Ingraham, J. H., The Sunny South, Philadelphia. 1860.
6. Lecky, W. E. H., History of England in the Eighteenth Century, 8 Vols., London, 1878-1890.
7. May, Sir Thomas Erskine, Constitutional History of England, 3 Vols., New York, 1910.
8. Phillips, Ulrich Bonnel, American Negro Slavery, New York, 1918.
9. Poole, William Frederick, Anti-slavery Opinions before 1800, Cincinnati, 1873.
10. Rhodes, James Ford, History of the United States, 8 Vols., New York, 1900-1919.
11. Roosevelt, Theodore, The Winning of the West, 4 Vols. (Statesman Edition), New York, 1904.

III. Biography.

1. Cartwright, Peter, Fifty Years a Presiding Elder, Cincinnati, 1871.
2. Cossit, Franceway Ranna, The Life and Times of Rev. Finis Ewing, Louisville, 1853.
3. Du Bose, Horace M., Life of Francis Asbury, Nashville, 1909.

4. Earl, Thomas, Life of Benjamin Lundy, Philadelphia, 1847.
5. Garrison, Wendell Phillips and J. F., The Life of William Loyd Garrison, New York, 1885.
6. Green, Wm., Life and Letters of Rev. A. L. P. Green, Nashville, 1877.
7. Milburn, W. H., Ten Years of a Preacher's Life, Nashville, 1859.
8. Paine, Robert, Life and Times of William McKendree, Nashville, 1869.
9. Parton, James, Life and Times of Benjamin Franklin, 2 Vols., Boston, 1867.
10. Smith, G. G., The Life and Letters of James Osgood Andrew, Nashville, 1883.
11. Swift, Lindsay, Life of Garrison, Philadelphia, 1911.
12. Tyerman, L., Life of Whitefield, New York, 1873.
13. Wightman, W. M., Life of William Capers, Nashville, 1859.

IV. Church History.

1. American Church History Series, XI, XII, New York, 1894.
2. Bedford, A. H., History of the Organization of the Methodist Episcopal Church, South, Nashville, 1871.
3. Briggs, Charles A., American Presbyterianism, New York, 1885.
4. Buckley, James M., History of Methodism, 2 Vols., New York and London, 1898.
5. Curtis, George L., Manual of Methodist Episcopal Church History, New York, 1840.
6. Emory, John, History of the Discipline of the Methodist Episcopal Church, New York, 1840.
7. Finley, J. B., Sketch of Western Methodism, Cincinnati, 1854.
8. Gillet, E. H., History of Presbyterian Church in the United States of America, Philadelphia, I and II, no date.
9. Harrison, W. P., The Gospel among the Slaves, Nashville, 1893.
10. Matlock, L. C., The Anti-slavery Struggle and Triumph in the Methodist Episcopal Church, New York, 1881.
11. Matlock, L. C., The History of American Slavery and Methodism, 1780-1849, New York, 1849.
12. McConnell, S. D., History of American Episcopal Church, New York, 1897.

13. McDonald, B. W., History of Cumberland Presbyterian Church, Nashville, 1888.
14. McFerrin, J. B., History of Methodism in Tennessee, 3 Vols., Nashville, 1869.
15. McNeilly, James H., Religion and Slavery, Nashville, 1911.
16. McTyeire, H. N., History of Methodism, Nashville, 1904.
17. Newman, A. H., History of Baptist Churches in the United States, New York, 1894.
18. Patton, Jacob Harris, Popular History of the Presbyterian Church, New York, 1900.
19. Pius, N. H., An Outline of Baptist History, Nashville, 1911.
20. Price, R. N., Holston Methodism, 5 Vols., Nashville, 1912.
21. Riley, B. F., History of the Baptists in Southern States East of the Mississippi, Philadelphia, 1898.
22. Thompson, Robert Ellis, History of Presbyterian Churches in the United States, New York, 1895.
23. Weeks, S. B., Southern Quakers and Slavery, Baltimore, 1896.

APPENDICES

A. Anti-slavery Societies of Tennessee.

I. Tennessee Manumission Society 1815.

County Branches: Blount, Greene, Washington, Jefferson, Knox.

Local Branches: Bethesda, Beaver Creek, Carter's Station, Chestooy, Dumplin Creek, French Broad, Hickory Creek, Holston, Knoxville, Little River, Maryville, Middle Creek, Mount Gilead, Nolichucky, Powell's Valley, Stock Creek, Turkey Creek, and Rock Creek.

II. Humane Protection Society of Tennessee, 1821.

III. Moral, Religious Manumission Society of Tennessee, 1821.

IV. Emancipating Labor Society, 1826.

B. Tennessee Colonization Society, 1829.

Branches: Boliver, Somerville, Memphis, Covington, Jackson, Paris, Clarksville, Columbia, Shelbyville, Winchester, Murfreesboro, Gallatin, Knoxville, Marysville, New Market, Jonesboro, Kingsport, Rutherford, Franklin.

C. Anti-slavery Leaders in Tennessee.

Anderson, Robert
Brazelton, Santy
Boyd, James
Brooks, Stephen
Buckhart, George
Caldwell, James
Cain, Joseph
Callen, Archibald
Campbell, Alexander
Canaday, John
Cartwright, Peter
Coppock, Aaron
Coulson, John
Cowan, Andrew
Criswell, Andrew
Cummings, James
Daily, Hiram
Dalzel, David
Earnest, Lawrence
Earnest, Wesley
Embree, Elihu
Embree, Elijah
Frazier, Abner
Galbraith, James
Garrett, William
Gray, Asa
Hackney, Aaron
Hammer, Aaron
Hammer, Isaac
Hammer, Elisha
Harrison, Isaiah
Harris, John
Hodge, Thomas
Hooks, John
Houston, James
Huffaker, Justice
Kerr, John
Kendall, T. S.
Kennedy, James
Lee, William
Lee, Ephriam
Leeper, Allen
Lindsey, Philip
Lockhart, Jesse
Logan, Alexander
Lundy, Benjamin
Malcum, William
Mainess, Samuel
Marshall, John
Maulsby, David
McCampbell, James
McClellan, James
McCarkle, Francis
McKeen, Thomas H.
Deadrick, David
Doak, Samuel
Dean, Thomas
Eggleston, Elijah
Newman, Joseph
Osborn, Charles
Osborn, J.
Pardae, John
Pickering, Ellis
Pickering, Enos
Rankin, John
Rencan, Thomas
Roberts, William
Roy, Rev. John
Jones, James
Jones, Isaac
Jones, Isaiah
Jones, Thomas
Johnson, Josiah
Smith, Isaac
Snoddy, William
Stanfield, David
Swain, Elihu
Swain, John
Swan, John
Tuckers, Joseph
Underhill, Richard
Undehill, Jesse
McNees, Samuel
Milliken, William
Moore, John
Morgan, John
Wilkins, J. H.
Williams, John
Williams, Richard
Willis, Jesse
Wills, George
Wilson, P. N.
Woods, W. W.
Yerkley, Henry

D. List of Emigrants to Liberia from Tennessee, 1820-1866.

Ship	Date	No. of Emigrants
Ship Harriet	January, 1829	2
Brig Liberia	December, 1823	13
Ship Roanoke	December, 1832	1
Brig Ajax	May, 1833	5
Schooner Oriental	May, 1837	34
Brig Rudolph Gronning	February, 1841	10
Barque Union	May, 1841	10
Ship Mariposa	June, 1842	84
Barque Rothschild	January, 1846	25
Schooner D. C. Foster	March, 1850	35

Liberia Packet	December, 1850	15
Brig Alida	February, 1851	18
Liberia Packet	December, 1851	25
Brig Julia Ford	January, 1852	13
Brig Zebra	December, 1852	28
Bark Adeline	June, 1853	96
Brig General Pierce	December, 1853	85
Ship Sophia Walker	May, 1854	28
Brig Harp	June, 1854	21
Brig General Pierce	December, 1854	17
Bark Cora	May, 1855	13
Bark Cora	November, 1855	31
Ship Elvira Owen	May, 1856	42
Ship M. C. Stephens	December, 1856	13
Ship M. C. Stephens	May, 1857	23
Ship M. C. Stephens	November, 1859	21
Ship M. C. Stephens	May, 1860	8
Golconda	November, 1866	144

E. Vice-Presidents of American Colonization Society from Tennessee.

Andrew Jackson	1819-1822
Rt. Rev. Bishop Otey	1840-1863
Rev. Dr. Edgar	1845-1861
Rev. P. Lindsley, D.D.	1845-1854
Bishop Soule, D.D.	1848-1867
Hon. Frederick P. Stanton	1851-1858
Hon. John Bell	1861-1868

F. Comparative List of Manumission Societies and Members in United States.

Massachusetts, Rhode Island and New York	4	300
Pennsylvania (East)	4	400
Pennsylvania (West)	12	500
Delaware	2	100
Maryland	11	500
District of Columbia	2	100
Virginia	8	250
Ohio	4	300
Kentucky	8	200
Tennessee	25	1,000
North Carolina	50	3,000
	130*	6,625

*Exclusive of ten or twelve societies in Illinois. Observe that 106 of these societies were in slaveholding states.

G. Slave and Free Negro Population in Tennessee from 1790-1860.

1790.	3,417	361
1800.	13,584	309
1810.	44,734	1,318
1820.	80,105	2,739
1830.	141,647	4,511
1840.	183,059	5,524
1850.	239,439	6,442
1860.	275,719	7,300

H. Comparative Value of Land and Slaves in the Three Divisions of Tennessee, 1859.

	Land	Town Lots	Slaves	Other Property	Aggregate
East Tennessee	$ 46,127,012	$ 3,044,802	$ 10,470,926	$ 4,333,845	$ 64,186,514
Mid. Tennessee	114,053,549	5,832,718	55,850,579	13,229,968	188,867,004
West Tennessee	52,640,432	20,893,338	44,638,752	5,030,225	124,155,123
	212,820,993	29,770,858	110,960,257	22,594,038	377,208,641

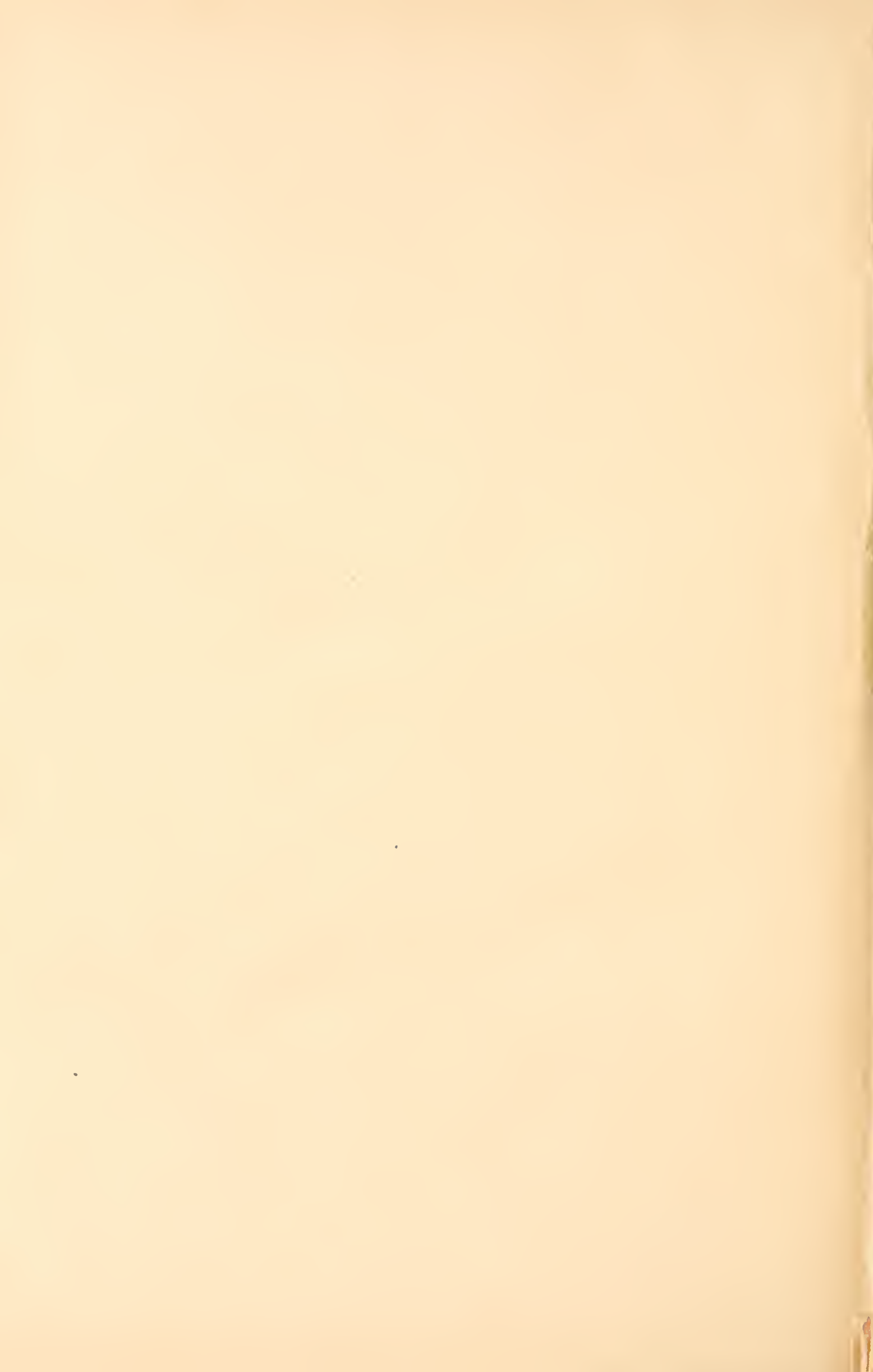
I. Approximate Value of Property, Slaves, Land, and Cotton in Tennessee.

Year	Property	Slaves	Per Acre Land	Per Lb. Cotton
1836.	$117,845,136	$584.00	$4.00	$.17½
1838.	125,013,756	540.00	3.82	.13½
1840.	122,957,624	543.00	3.84	.09
1842.	118,847,672	509.00	3.56	.08
1844.	109,178,121	420.00	3.35	.07½
1846.	113,176,959	413.72	3.03	.05½
1848.	129,510,043	467.44	3.06	.09½
1850.	159,558,183	506.93	3.25	.12
1852.	186,621,119	547.26	3.84	.11
1854.	219,011,047	605.52	4.60	.12
1856.	260,319,611	689.00	5,49	.12½
1858.	320,398,012	792.23	7.04	.14
1859.	377,208,641	854.65	8.19	.15

J. CLASSIFICATION OF SLAVE HOLDERS IN TENNESSEE AND THE UNITED STATES, 1860.*

Holders of	Tennessee	United States
1	7,820	76,670
2	4,738	45,934
3	3,609	34,747
4	3,012	28,907
5	2,536	24,225
6	2,066	20,600
7	1,783	17,235
8	1,565	14,852
9	1,260	12,511
10 to 15	3,779	40,367
15 to 20	1,744	21,315
20 to 30	1,623	20,789
30 to 40	643	9,648
40 to 50	284	5,179
50 to 70	219	5,217
70 to 100	116	3,149
100 to 200	40	1,980
200 to 300	6	224
300 to 500	1	74
500 to 1000	0	13
1000 and over	0	1

*These figures are for the United States, exclusive of territories and District of Columbia.



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