



Slave Laws of Georgia, 1755-1860



- Law is interpreted differently across the state.
- Portions of Georgia remained frontier until 1830s.
 - More primitive conditions, judges, clerks, lawyers, jurors with different qualifications and priorities.
- There is no centralized judicial review until 1846.
 - Superior Courts are court of appeal for lower court decisions, but there are multiple superior court districts.
 - Supreme Court authorized in 1845, first cases heard in 1846.
- Laws passed by the legislature are repetitious, duplicated.



Colonial Slave Law, 1755

- Passed after slavery was allowed in Georgia in 1750 and after Georgia became a Royal Colony in 1754.
- Based on South Carolina Slave Code of 1740.
- Renewed in 1765.
- Revised in 1770.
- “Revived” after Statehood along with other Colonial Acts by Revival Act of 1784.



Legislative Intent

WHEREAS, from the encreasing number of slaves in this province, it is necessary, as well to make proper regulations for the future ordering and governing such slaves, and to ascertain and prescribe the punishment of crimes by them committed, as to settle and limit, by positive laws, the extent of the power of the owners of such slaves over them, so that they may be kept in due subjection and obedience, and owners, or persons having the care and management of such slaves, may be restrained from exercising unnecessary rigor or wanton cruelty over them,



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Legal Status

Therefore be it enacted, That all negroes, Indians, mulattoes, or mestizoes, who now are, or hereafter shall be in this province, (free Indians in amity with this government, and negroes, mulattoes, or mestizoes, who now are or hereafter shall become free, excepted) and all their issue and offspring born, or to be born, shall be, and they are hereby declared to be and remain for ever hereafter absolute slaves, and shall follow



Legal Status

- “All Negroes, Indians, Mulattoes or Mestizos (except those already free) who now are or shall hereafter be in this province and their issue or offspring born or to be born are hereby declared to be and remain for ever after absolute slaves.”
- Follow the legal condition of the mother (not the father).
- Deemed in law personal chattels.
- Can sue for freedom.
 - Guardian must file suit, as property slaves (and free people of color) have no legal standing.
 - Burden of proof is on the plaintiff (slave).



Legal Status

- *Legal responsibility* for enslaved persons includes master (owner) and persons “having charge or government of slave” (overseer, white family member, white employee).
- Under colonial law, penalties for white offenders usually consist of fines, whipping or corporal punishment for slaves.
- After statehood and establishment of county jails and State Penitentiary in 1817, penalties for white offenders include imprisonment.
- In language of the law, a person is a white person (and usually male). Qualified by “person of color.”



Passes, Permits or Tickets

- A slave cannot go alone out of the town or plantation where they live unaccompanied by a white person, or without a letter or ticket signed by the master or person in charge.
- Any white person can apprehend and moderately correct a slave who is without a ticket or pass.
- Any white person who forges a ticket for another person's slave (property) is fined.
- No more than 7 men slaves can travel high roads together unaccompanied by a white person.



Passes, Permits or Tickets

- Every owner of a plantation with 25 slaves over the age of 16 must retain one white man capable of bearing arms—fine, £5 per month. (1770)
- Modified, every owner who keeps 10 or more slaves over 16 must keep a white man capable of bearing arms as an overseer, manager or superintendent, same fine. (1823)



Crimes of Masters and White Persons Regarding Slaves

- Beating, maiming, disabling a slave employed in the lawful service of his master.
- Concealing or conveying away a slave accused of crime to avoid trial. Master is fined up to £200 for capital crimes.
- Employing slaves to work on the Sabbath.
- A retailer giving or selling beer or liquor to slave.
- Hiring slaves without ticket from master, per diem fine.
- Working slaves more than 16 hours per day.



Crimes of Masters and White Persons Regarding Slaves

- Denying sufficient clothing, shelter, food
- Harboring or entertaining a runaway slave.
- Slave stealing, inveigling.
- Allowing persons of color or slaves to beat drums, blow horns or allow public meeting or feastings of strange slaves.
- Teaching slaves to write or employing them as scribes.
 - Teaching slaves to read outlawed 1770, re-enacted 1829 along with free persons of color.



Crimes of Masters and White Persons Regarding Slaves

- 1798 Constitution: Article IV, Section 12. *Any person who shall maliciously dismember or deprive a slave of life shall suffer such punishment as would be inflicted in case the like offence had been committed on a free white person, and on the like proof, except in case of insurrection by such slave, and unless such death should happen by accident in giving such slave moderate correction.*
- Prior to 1799, killing a slave, punished with progressive fines. After 1799, charged with same offense and punishment as killing a white person.
- Manslaughter, the penalty is branding. (1799)



Crimes (Penal Code)

- Cruel treatment, including excessive beating or whipping, withholding food or clothing, overworking, was incorporated into the Penal Code. (1817)
- Extended to include employers (1833), overseers, biting or tearing with dogs. (1852)
- Employing (using) a slave in store, bar or shop selling spirituous liquors. (1835)



Assembly

- Justice of Peace may empower Constable (Sheriff) to disperse any assembly or meeting of slaves which may disturb the peace.
 - Sheriff authorized to search for arms, ammunition, stolen goods.
- Owners fined for allowing public meeting or feastings of strange slaves or strange persons of color.
- “No congregation or company of negroes shall under any pretense of Divine worship, assemble themselves, contrary to the act for regulating patrols.” (1792)



Assembly

- No person of color, free or slave, shall be allowed to preach or join in any religious exercise with any person of color, free or slave, where more than 7 persons of color are present.
 - Must have written certificate from 3 ordained ministers of their order (denomination).
 - Must have written permission of county justices of Inferior Court.
 - Must have written permission of mayor or chief officer.
- (1833)



Working

- Unlawful for a white person to buy, sell, trade, barter, etc., for any goods or commodities from a slave. Slaves are not allowed to keep boat or canoe or raise horses or cattle. (1770)
 - Any person can seize goods or articles and take to Justice of the Peace, goods sold at public auction.
 - Owners or persons in charge of slaves living within a town's limits can give slaves a license to sell, with quantity and quality of goods specified in signed license.
- Unlawful to allow a slave to work outside their respective houses or families without ticket. Both owner and employer fined. (1770)



Working

- No white person shall buy or sell from a slave without a ticket authorizing him to do so cotton, tobacco, wheat, rye, oats, corn, rice, or other article. (1816)
- Amended to except such articles that are known to be usually vended and manufactured by slaves. (1824)
- Amended in Penal Code of 1833 to specify articles vended and manufactured by slaves: “brooms, baskets, foot and bed mats, shuck collars, and such other thing.”



Runaway or Fugitive Slaves

- Lawful for any person to apprehend and secure any runaway or fugitive slave.
 - Required to send slave to master OR
 - Deliver to District Constable (Sheriff).
- Sheriff to advertise (by 1860, in newspaper advertising county's sheriff's sales).
- Schedule of fees for food, lodging, travel paid by owner/agent to Constable/Sheriff.
 - Constable (sheriff) can detain slave until fees are paid. If fees remain unpaid, he can sell slave at auction.
- If slave not claimed in 18 months, sold at auction.
- By 1860, time to claim runaway slaves reduced to 3 months.



1802

Five Dollars Reward.

RUN AWAY from the subscriber, on Thursday the 20th inst. a negro woman named MIRABELLE in French, but in English FANNY, about thirty years of age, short and thin, well known in Augusta and its vicinity, branded on the breast VERDER St. MARC. It is very probable she will make for Mr. John Fox's or Mr. Milledge's plantation, or to Mr. Ananias Cooper's mills, having a husband at each of the above places. As I am told some person wished to purchase her, any person may have her for five hundred dollars.

M. VERDERY.

May 28.

RUN-AWAY from the subscriber Four Negroes, to wit: **GEORGE**, a country born fellow, of a yellow complexion, about thirty five years old, 5 feet 8 or 9 inches high, rather slender made, and has one of his toes off.

NANNY his wife, about 40 years old, much of the same complexion and height, some of her fore teeth out, and very thick lips.

JUNE, a small fellow, about 27—8 years old, his right hand has been burnt and his fingers stick together.

AMEY, a young wench, very black, she has a mulatto child, a boy about a year old.

A Reward of **FORTY DOLLARS** will be paid for them to any person that will deliver them to the subscriber, or lodge them in goal in Burke county.

MATT. CLARK.

May 23.



Georgia
Chronicle
(Augusta),
June 5, 1802

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A Reward of FORTY DOLLARS will be paid for them to any person that will deliver them to the subscriber, or lodge them in goal [gaol/jail] in Burke county.

Matt. Clark.

May 23.



Crimes of Slaves

- Striking a white person, successive punishments by number of offenses. (1770)
 - Third offense death penalty.
- Carrying or using firearms or other weapons unless in the presence of a white person without ticket or license from master to hunt. No firearms on the Sabbath, expanded to weekend. White person can seize firearms and give to Justice of Peace, forfeited by owner.
- Selling or exchanging goods, wares, grains, provisions, commodities.



Crimes of Slaves

- Not permitted to rent or hire out any house, room, store or plantation on his own account. White person permitting this is fined.
- Not permitted to administer medicine to any other slave except on direction of some white person. (1770)
- Employing (using) a slave in an apothecary shop (druggist) to compound or sell drugs is a crime. Does not prevent druggists or apothecaries from employing a slave to perform the laborious part of their work under supervision. (1835)
- Slave committing crime (except felony) by command of master, owner or employer is not guilty, but master etc. is. (1811)



Crimes of Slaves

- Capital Crimes (1755)
 - Homicide of white person except by misadventure or in defense of master or other person in authority.
 - Willfully burning or destroying a stack of rice, corn or other grain.
 - Willfully burning or destroying any tar kiln or barrels of pitch, turpentine or rosin.
 - Stealing any goods or chattels whatsoever.
 - Deluding or enticing any slave or slaves to run away.
 - Willfully poisoning any person.
 - Instructing another slave in the knowledge of poisons.



Crimes of Slaves

- Additional Capital Crimes (Act of 1770)
 - Insurrection or an attempt to incite insurrection.
 - Rape or attempted rape on a free white female.
 - Assault of a free white person with attempt to murder.
 - Maiming a free white person.
 - Arson of any kind.
 - Murder of another slave or free person of color.
- All other offenses committed by slaves or free persons of color punished at discretion of the court; in no cases shall the same extend to life and limb. (1816)



Georgia
Telegraph
(Macon),
November 23,
1858

Conviction of Jacob.—Judge LA- MAIR'S SENTENCE

The negro slave Jacob, property of H. New-
son, Esq., was on Monday, the 18th instant, con-
victed in 11th Superior Court, of the murder of
Thomas Hagby, Jr. The circumstances attend-
ing this sad catastrophe are doubtless fresh in
the minds of most of our readers. The deceased,
an exemplary young man, while endeavoring to
dispose of this negro Jacob of some liquor which
he was in the act of conveying into the Camp-
ground for the purpose of vending it contrary
to law and the regulations of the ground, was
fatally stabbed by the prisoner, and died in a
few hours after. The Jury were but a few mo-
ments in making up the verdict, and the prison-
er was brought into Court and sentenced last
Friday. We append the address of the Court:



Georgia Telegraph (Macon), November 23, 1858

“The negro slave Jacob, property of H. Newsom, Esq., was on Monday, the 15th instant, convicted in Bibb Superior Court, of the murder of Thomas Babgy, Jr. The circumstances attending this sad catastrophe are doubtless fresh in the minds of most of our readers. The deceased, an exemplary young man, while endeavoring to dispossess this negro Jacob of some liquor which he was in the act of conveying into the Campground for the purpose of vending it contrary to law and the regulations of the ground, was fatally stabbed by the prisoner, and died in a few hours after. The Jury were but a few moments in making up the verdict, and the prisoner was brought into Court and sentenced last Friday.”



Patrols --1765 Law

- Militia captains appoint 2-3 citizens annually in each district as patrol commissioners.
 - Patrol leaders make lists of persons liable for patrol duty, lay off districts in companies, select captains, 10-12 for each company.
 - All white men between 16-60 must participate.
 - Women originally ordered to participate. (repealed 1824)
 - Fined for not participating.
 - Must keep gun or pistol and rounds of ammunition.
 - Examine all plantations in their district once every 14 days (2 weeks) for slaves without passes, runaways.
 - Shall punish by whipping.
 - Have power to search slave houses for offensive weapons.



Patrols --1765 Law

- Legislature passed local patrol laws.
- No major revision until 1854, kept 1765 provisions not in conflict.
 - Inferior Court appoints patrol commissioners.
- Act of 1856 exempted persons over 45 from patrol duty.



Trials

- Laws change as court system changes and develops.
- 1755 law—there must be a trial for crimes committed.
- Evidence of slaves and Indians admitted (slaves and Native Americans not otherwise permitted in court).
- Free persons of color tried in like manner. (1755)
- Justices can summon and compel all persons to appear and give evidence upon the trial of any slave. (contempt)
- Owners compensated for executed slaves from 1755-1793.
- After 1793, owners paid expense of prosecuting non-capital offenses.
- Act of 1803 includes clause that no slave shall be tried twice for the same offense.



Trials

- Slaves tried in Justices of the Peace Court, panel of 3 justices.
- Capital crimes tried in Inferior Court, jury trial. (1811)
 - From a jury pool of 36 to 24, owner or manager could challenge 7 and State could challenge 5.
- Trials for capital crimes transferred to Superior Court. (1849)
 - County attorney or solicitor prosecuted case.
 - Grand jury heard evidence and handed down indictment.
- Law of 1829 affirmed review of decisions of Justices of the Peace and Inferior Courts to the Superior Court.
- Supreme Court established, first trials in 1846.
 - Only cases where there was a technical error in the trial.



Constitution of 1798

Article IV

- Section 11. There shall be no future importation of slaves into this State, from Africa or any foreign place, after the first day of October next. *The legislature shall have no power to pass laws for the emancipation of slaves without the consent of each of the respective owners, previous to such emancipation.* They shall have no power to prevent emigrants from either of the United States to this State from bringing with them such persons as may be deemed slaves by the laws of any one of the United States.



Importing Slaves into the State

- Importing slaves into the state prohibited (slave traders)
 - Except for personal use.
 - Anyone moving into a county with slaves must register them with the county Clerk of Superior Court. (1817)
 - Travelers through state are exempt.
 - Parents may give, hire or loan slaves to a child for one year.
 - Free persons of color from another state and seamen are prohibited from entering the state.
 - Restrictions on importation of slaves from other states removed, reinstated, and removed permanently by 1856.



Manumission

- Act of 1801
 - Outlawed except by application to the legislature. (1801)
 - Illegal for clerks of Superior Court to record deed of manumission. (same act)
- Act of 1815
 - Clerks of Inferior Court (probate) prohibited from recording any deed of manumission.



Manumission

- Act of 1818
 - Fines increased from \$200 to \$500. (1818)
 - “Manumission by will, deed, contract, agreement, stipulation in writing or by parol (word) for the purpose of manumission is null and void.” Slaves cannot work for freedom or profit from labor. Every slave so manumitted arrested and sold at auction.
 - Free persons of color required to register.
 - Free persons of color forbidden to own real estate or slave.
- Act of 1859 prohibits manumission of slaves by deed or will after Supreme Court decision declared such manumission contrary to the Acts of 1801 and 1818.



Probate

- Administrators and Executors have broad powers over assets (slaves) when settling estates.
 - Administrators of intestate estates cannot sell slaves unless the sale of the personal estate and hire of slaves for 1 year is insufficient to pay debts of estate. (1805)
 - Court can order sale of slaves for “benefit of heirs and creditors.” (1829)
- Guardians have broad discretionary powers over assets of minors.
 - Under court order, guardians can hire out the slaves belonging minors or keep them together on plantation. (1829)
- Children under 5 years of any woman slave are not to be sold separately, exposed to sale, or divided, unless a division cannot be otherwise effected. (1854)



Civil Lawsuits and Debt

- As property, slaves can be used by owner as collateral, mortgaged, or sold to satisfy claims against owner.
- Currency is scarce, promissory notes (I promise to pay \$10 at x interest), are exchanged like currency. Notes are sold to third parties and renewed like loans. Upon default, slaves sold to pay off note.
- When writ of execution from a Justice of the Peace Court upon 1 or more slaves is issued, the execution and claim is to be transferred to the Superior or Inferior Court, whichever meets first, and tried in the same manner as other claims in that court.
(1824)



Columbus Enquirer, September 11, 1840

“Lee County”

“Will be sold on the first Tuesday in October next,
at the court house in Starksville,”

Also two negros, Charlotte a girl about six years old, and Ben a boy about five years old, levied on as the property of John Turner, to satisfy a fi fa issued from the Inferior Court of Lee county, in favor of David Goff vs said John Turner. assigned over to Robert Kenady. Property pointed out by said Kenady.



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Bibliographies and Finding Aids

- Any colonial, state or county record which covers the time period 1749-1865 is a potential source of information about slavery in Georgia
- Handout: Resources for Records of Enslaved People in Georgia
- Finding Aids @ Georgia Archives (Archives main page)
- Virtual Vault → County Records on Microfilm



Sources for Laws and Georgia Codes

- Colonial Slave Code, 1755: Colonial Records of Georgia, vol. 18
- Online: <https://catalog.hathitrust.org/Record/000530729>
- Acts of the General Assembly, compilation of laws passed each legislative session
- Search online, Georgia Legislative Documents (GALILEO), 1799-1999
 - Keyword, Boolean (and, or, not), Year and Page



Sources for Laws and Georgia Codes

- Code: collection, compendium or revision of laws. Civil Code and Criminal Code. Arranged by topic, assigned numbers (title, chapter)
 - 1799 Watkins Digest of Statutes
 - 1837 Prince's Digest
 - 1845 Hotchkiss' Codification
 - 1859 Howell Cobb's Compilation
 - 1860 Code
 - All historic codes available at:

http://digitalcommons.law.uga.edu/ga_code/