

Slave Justice in Four Middle Georgia Counties

By JOHN C. EDWARDS*

SIXTEEN years ago a noted Southern Historian published a valuable study of slave justice in Elbert County, Georgia. He based his investigations on four slave trials gleaned from courthouse records. From the trial ledgers the author concluded that the bondsmen in question had received fair trials and that the more barbaric forms of punishment, such as flogging and branding, were simply reflections of a rude frontier environment.

Although Professor E. Merton Coulter's interpretation seemed convincing, the limited research material made one wonder what results additional documentation would uncover. The author correctly lamented his limited sources, for slave court records were not entered in the regular minutes and documents but were retained in separate ledgers. Too often these items were considered of secondary importance and either discarded or carelessly lost through fire. As a result, physically locating the documents handicapped the historian. Fate, however, took a positive hand in 1957, the year of the Elbert County study, when the Georgia Department of Archives and History inaugurated an eleven-year program of microfilming all Georgia county records created prior to 1900. Into this network of activity fell not only additional county records pertaining to examples of Georgia slave justice, but documents from private collections secured by public appeals through the news media. Both types of records are represented in the following accounts from DeKalb, Putnam, Lincoln, and Hancock counties.

On November 3, 1858, DeKalb County authorities hanged Henry Jackson on a make-shift gallows for the crime of attempted rape. Sometime earlier, exactly when is not certain, this slave accosted a young white girl on the road between Atlanta and

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Decatur.¹ He later paid for his crime in a public execution, and his death served as an object lesson to all bondsmen who might otherwise challenge Georgia's slave code.

Henry was the property of William Jackson, a prominent pioneer citizen of DeKalb County. His master was a middle-aged, well-to-do yeoman farmer with over \$4,000 in personal property. Although Jackson never held high political office, he chaired numerous important county commissions. In 1821, the Superior Court regularly met at his home on the McDonough Road.²

It is known from Georgia's slave code that Jackson was initially tried by three justices of the peace known as a "slave court." This body heard the charges against Henry and examined witnesses to the incident. Since Jackson had committed a capital crime he was immediately incarcerated and his case taken to a higher tribunal called the Inferior Court. Here the judge took the accused's case with the original hearing in hand, and with the clerk of court acting as a prosecutor. In the selection of a twelve-man jury William Jackson had seven challenges, and it might be assumed that he utilized them all since Henry was his only human chattel. (The state would not compensate him for this financial loss.) Once again the witnesses testified as to the defendant's guilt, but this time before a jury. Henry was found guilty and sentenced to hang within the month.³

On the appointed day of execution a sixteen-year-old girl, Catherine Hewey, waited patiently amid a large, milling crowd for Henry's appointment with the hangman. Catherine was a neighbor of the black's master and surely knew the condemned man.⁴ The subsequent events of that day so impressed this young lady that she later recorded them for posterity.

The Execution of Henry Jackson a slave of William Jackson at Decatur Ga. at an early hour this morning I dressed myself and prepared to accompany my brother and Sister to Decatur, a beautiful village an [*sic*] the County site of DeKalb county Ga. As we lived four miles south of Decatur we crossed the Georgia R Road in sight of the village, where we stopped a few moments to enquire [*sic*] where the gallows had been located and were informed that it was situated one mile north of the Court-house on the Shallow ford road.

By ten O'clock a great many people thronged the streets, and clustered around the old weather beaten jail. Our little company had become quite a respectable crowd before we reached the Public Square where we drove slowly through the immense mass of living beings. All along the way from the Court-house to the gallows Carriages, Wagons and carts were seen bearing on their living freight to the scene of execution. The high and low the rich and the poor the free and the bond alike pressing forward to the gallows their desires of seeing the law enforced and crime meet its own reward.

After a slow tedious drive we arrived at the appointed place where the rough benches had been erected in an old field whos [*sic*] surroundings were on the amphitheater order. For several hours I had been pleasantly situated and with good company which caused thime [*sic*] to pass by almost imperceptibly but when I was confronted by a "gallows," the simple construction of which was two upright posts and a cross beam from top of the posts I viewed it with horror. My reflections gushed forth when my eye took in the surroundings. On one side of the gallows were the colored people and on the other side the white people who had gathered on the little hillock. It was quite gratifying to the feelings to see the willingness of slave owners to teach their Slaves an important lesson by sending them here to day [*sic*]. The gallows, yes here on this gallows ill-fated Henry, will have to give up his life for crime and go to his long home with God in eternity. In the midst of my reflections I saw a vast crowd of people coming from Town toward the gallows It was announced that "They are a coming." and I looked and saw on Ox-cart coming on which rode the unfortunate Henry dressed in a suit of white sitting by the coffin which was to incase his lifeless form. They drove the Ox-cart near the gallows, then the driver unhitched the Sturdy oxen and proceeded to direct the cart by hand.

The Sheriff plased [*sic*] his guard and when the cart stopped under the gallows by the platform a negro man ascended the stand and sang Hymns. Many joined in singing aloud the praises of God, while I stood gazing on in amazement. At the conclusion of the Hymn he offered a very appropriate prayer which seemed to affect a great many. When he raised up from prayer he began exhorting the people from Acts 6-23 — "For the wages of sin is death, but the gift of God is eternal life through Jesus Christ our Lord." When he had ended his discourse, the Rev. Jns. W. Yarbrough got up and made a short, but very appropriate exhortation.

They closed the religious services, but the convict desired to

speak to the people. His discourse was very affecting, so much so that some of the black women shouted praises to their immortal King. The mother of Henry screamed aloud and shouted with vehemence while her son stood on the platform speaking to the auditory. At the conclusion of his remarks the Officers began to fix for his execution. The Sheriff, Capt John Jones, a capital man, was very much affected during the Scene. They first tied his feet together, then his hands, and then adjusted his clothing. The Sheriff then permitted him to look over the vast multitude which surrounded him for a few moments and then tied a white handkerchief over his face which excluded it from view.

The hangmans Knot was adjusted around his neck then the rope was passed over the cross-bar of the gallows

All things ready at 12 N the Sheriff descended the steps to the ground and with help drew the Cart on which the Convict stood from under him — leaving the dangling form of the poor victim suspended in the air by a rope. When the form dropped from the Cart, a loud groan went up from the people and then they people began to disperse.

After the untwisting of the rope and the shrugging of the shoulder had ceased the Dr. E N Calhoun (I believ [*sic*]) approached and took hold of the hand and after a few moments announced that life was extinct. We came back to town and staid [*sic*] a few hours, and while at the Old Washington Hotel Kept by Mr. Banks George, I saw the Sheriff Mr Jones bring the corps [*sic*] back and carry the coffin up a flight of rickety steps to the door of the second story of the jail and deposit it therein. Doubtlessly the Doctors will take advantage of this subject for anatomical investigation, and be found with sleeves rolled up chatting over the mortal remains of this deluded victim.⁵ We left town with Mrs Parker, masters Bob and Miss Betsy, and got home before night.

Cottage House DeKalb Ga. Catherine M. Hewey

November 3, 1858

The property loss of Henry to William Jackson was incalculable, but in the company of fellow slaveholders both large and small, he understood and probably condoned Henry's death as a necessary example to other bondsmen. Other slaves would test the slave code with varying results.

During the early years of the nineteenth century the loss of one master's slave to another man's servant was serious business in Lincoln County. John M. Dooly, in fact, considered the hi-

jacking of his chattel property a capital offense. On May 18, 1814, Dooly made a complaint before Judge Thomas Murray, of losing a slave woman, Betty, to slave, Bob, belonging to Shadrac Turner. According to the irate Dooly, Bob had "inveighed" Betty to leave with him, much to Dooly's embarrassment and financial loss. Within three days the notorious Bob had been captured, and a jury drawn. Unfortunately for the plaintiff the jury found Bob not guilty, without addressing itself to the seriousness of the offense.

A similar case appeared before the court on April 6, 1819, when a prosperous local planter, John Edwards, brought a most confusing suit before the slave court. Edwards claimed that a bondsman by the name of Pollard, the property of Ellis Graves, tried to steal his Negro woman, Beck. Four months later another attempt to "inveigle" Beck was made by Hall, a slave belonging to Nathan Bussey. Finally, on the night of February 1, 1819, Beck was "deluded" to abscond with her child, Jess, and a young girl named Kate. Edwards eventually recovered the elusive Beck and the children, but he demanded retribution for the protracted loss of their services. This final act of kidnapping was committed by the slaves Tobe and Buck, also the property of Thomas Bussey. A confused court called in Pollard, Hall, Tobe, and Buck for trial. During the preliminary proceedings Beck testified against Tobe and Buck, recounting how Tobe had come to the Edwards' kitchen and told her that there were "people yonder that wants to see you," and that the slave girl Kate must accompany her. Beck explained how Buck took her to a nearby out-building, offered her a drink of whiskey and attempted to make improper advances. Edwards' Negro Jim, much to the chagrin of the master, testified that Tobe said, "that he wished that the dogs might bite him if Kate and Beck didn't enjoy their trip." The court released the four slaves on \$5,000 bond each paid by their owners Graves and Bussey. Edwards was forced to deposit \$200 as an obligation of his intention to prosecute his neighbors. On April 27, 1819, a jury was selected from a panel of thirty men and the trial commenced. No sooner had the trial begun than

the presiding justices cut short the deliberations. These four men concluded that the offense for which Tobe and Buck had been charged was not a capital crime and that the court had no jurisdiction. They released the defendants and forced the hapless Edwards to pay court costs.

Further investigation of the Lincoln County Inferior Court Minutes reveals a multitude of trials more serious in nature. On the night of November 9, 1833, John S. Walton and William DuBose surprised a runaway, Randal, who was hiding near Walton's home. The cornered black man drew a revolver and threatened to kill them, whereupon the two men pounced upon Randal and wounded him with his own pistol. In the ensuing trial an uncertain jury found Randal guilty but recommended mercy; nevertheless, the court ordered the prisoner hanged. This dire sentence was arrested through a writ of certiorari filed by Attorney William Lawrence, presumably at the request of the runaway's owner. The Superior Court ordered a new trial at the forthcoming April term. On May 5, 1834, the Inferior Court met to hear Randal's case again. For four days Attorney Lawrence examined forty-eight men before a jury was selected. At length the lawyer objected to the impartiality of this group as well, and thirty-six additional men were empaneled for jury duty. Counsel's instinct for a favorable jury was accurate, and Randal was soon exonerated.

The crime of burglary in Lincoln County carried the death sentence for slaves, no matter how minor the theft. On January 15, 1814, Jack, the property of Barnes Holloway, broke into an Eatonton mercantile store and pilfered a penknife and ten dollars in cash. Two weeks after the offense, Jack paid with his life for this minor transgression. Daniel Shaws Eldredge forfeited his life in this court for a comparable crime on September 25, 1817. The defendant had entered a private residence and fled with a "winscoat, a pair of pantaloons, and a shirt to the great damage of him, the said Anderson Ward. . . ." The Lincolnton court later tempered its vengeance in the trial of Cato and Sophia in December, 1820. The previous October this irascible pair un-

lawfully entered the home of William Whitfield and stole two pieces of homespun, one red morocco pocketbook, and sundry valuable papers. The two defendants were found guilty as charged, but instead of death they received a flogging. On December 10, 1820, the slave George robbed the storehouse of Cooper and Riley in Lincolnton of \$300 in cash and various drygoods, even as Cato and Sophia appeared before the court. George was apprehended, tried, and ordered to hang on the same day. George had been tried without benefit of counsel, however, and the Superior Court sustained the master's writ of certiorari and awarded a new trial. He was again declared guilty before the Bar on March 26, 1821, but this time he received one hundred fifty lashes administered in three successive days.

Perhaps the most instructive case of all involved the slave, Israel, property of Jessee W. Horton of Hancock County. On January 12, 1849, Israel reportedly attempted to kill George W. Reynolds with an axe. Reynolds had been visiting the Horton farm at the time of the incident. Israel fled the scene right after the attack and remained at large for four months before his capture and return for trial. The justices found Israel guilty of attempted murder, but before sentencing could begin two gentlemen, Barbee and Thomas, demanded that the jury be charged with the following: (1) Notice should be taken that while the slave must suffer death for a crime that would not be a capital offense when committed by a white man, yet the same rules of evidence applied to both races. (2) The prosecution must prove that the instrument used by Israel could rightfully produce death. (3) The jury must believe that the assault surely would have resulted in murder otherwise they could not find Israel guilty of any offense.

The court ruled that the attack made upon Reynolds proved malice aforethought, and that if the victim had died the charge would have been outright murder. With this ruling behind them, the justices, nonetheless, withdrew from administering the death penalty. Instead, the court ordered Israel to receive fifty lashes

per day for ten successive days, and then be branded on both cheeks with the letter M, "not exceeding one and one-half inches in diameter." The brand was to be inspected by the presiding justices. Sheriff L. S. Stewart noted on May 12, 1849, that the sentence had been carried out and that Israel survived the ordeal.

This examination has surveyed ten slave trials out of twenty-one accounts uncovered in the Inferior Court records of Lincoln, Putnam, DeKalb, and Hancock counties.⁶ The arbitrary selection was based on concern for completeness of testimony and regard for factual duplication. In all twenty-one cases the slaves involved received a trial by jury, the selection of which was acceptable to both the defense and the prosecution. Also, the indictment of a bondsman was not seen as *ipso facto* proof of guilt. For example, of six slaves charged with burglary, two were put to death; two were found not guilty; one was flogged, and one was flogged and branded! Three slaves were executed, and one was exonerated in connection with the murder of white men. Two slaves were brought to trial and charged with the killing of field hands, one being released and the other man flogged and branded.

The crime that carried the greatest severity of punishment was assault with intent to murder. In this category five defendants were executed, one man freed, and one slave ordered to receive 500 lashes and the branding of the letter "M" on both cheeks. This last slave survived only because counsel and friends of his master insisted that the instrument used by the black man could not have produced death. They successfully contended that the slave could not be executed just for striking a white man, but that murderous intent must be shown.

All twenty-one trials basically substantiate the Elbert County study. Whenever the defendant was found guilty of a capital crime, he or she might be summarily executed, and this public ritual would serve as an object lesson. On other occasions the court might temper the slave code's cutting edge for reasons not revealed in the court minutes.

NOTES

¹*Atlanta Constitution*, September 22 (1, 6), 1883.

²Decatur, Georgia, Tax Digests, 1848, 1849, Drawer 11, Box No. 12, Georgia Department of Archives and History (Microfilm Library); Franklin M. Garrett, *Atlanta and Environs: A Chronicle of Its People and Events* (New York, 1954), I, 24, 53, 174, 179.

³Amanda Johnson, *Georgia as Colony and State* (Reprint Edition, Atlanta, 1970), 313-14. See also: Ida M. Martin, "Civil Liberties in Georgia Legislation: 1800-1830," in *The Georgia Historical Quarterly*, XLV (December, 1961), 329-44; E. Merton Coulter, "Four Slave Trials in Elbert County, Georgia," *Ibid.*, XLI (September, 1956), 237-46; William G. Proctor, Jr., "Slavery in Southwest Georgia," *Ibid.*, XLIX (March, 1965), 1-21; J. Ralph Jones, "Portraits of Georgia Slaves," in *The Georgia Review*, XXI (Spring, Summer, Fall, Winter, 1967), 126-32, 268-406, 407-11; Lucius Q. C. Lamar, ed. *Compilation of the Laws of the State of Georgia. . . 1810. . . 1819. . . Inclusive. . .* (Augusta, 1821), 797-800.

⁴Decatur, Georgia Tax Digests, 1848. Drawer 11, Box 12, Georgia Department of Archives and History.

⁵For the original Hewey narrative see the James Duke Collection, Manuscript Section, 6 Vault, Georgia Department of Archives and History. It was customary to utilize the bodies of executed prisoners for dissection purposes. See Garrett, *Atlanta and Environs*, I, 289.

⁶Lincoln County, Ordinary Inferior Court, Docket of Slaves Indicted for Capital Crimes 1814-1838, Reel No. 342, Drawer 81, Box 23, in Georgia Department of Archives and History, Putnam County Georgia Court of Ordinary, Inferior Court Minutes, 1843-50, Drawer 121, Reel 46.