

Slavery, Freedom, and Social Claims to Property among African Americans in Liberty County, Georgia, 1850–1880

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“My name is Pompey Bacon. I was born in Liberty County, Georgia, I am 70 years of age I am farming and the claimant in this case.” With this statement Bacon, a former slave of plantation owner Thomas Mallard, claimed compensation for property he had owned as a slave, property Union soldiers had taken for “forage” on a raid during the Civil War. With him on this late summer day in 1873 were Bacon’s wife, Bellu, his older brother, Joseph, and three other freed people from farms near the one he worked; all intended to serve as his witnesses.¹ Except for Mrs. Bacon each had a petition before the Southern Claims Commission.

Under oath, Bacon unfolded his story of the raid in response to a long list of standardized questions read by Virgil Hillyer, a special commissioner of the federal commission. During the siege of Savannah in December 1864, Judson Kilpatrick’s cavalry, part of Gen. William T. Sherman’s army, was ordered to forage supplies. Most white people had fled from the countryside near Savannah, with Sherman’s westerners hard on their heels. The troops arrived at Thomas Mallard’s plantation just after harvest, when mornings turned the earth “white with frost.” Liberty County was a rich agricultural area, and 1864 had been a good year for food crops. Hogs were “in good flesh” in December when the business of butchering and salting began in earnest. Pompey Bacon remembered that the marauding Union soldiers “said they never got provision until they got to Liberty Co. among the

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This article is part of a dissertation in progress. For helpful comments on earlier versions of this paper I would like to thank the members of the Johns Hopkins Seminar on Nineteenth-Century America, Herman Bennett, Sara Berry, Pete Daniel, Max Edelson, Joseph Miller, Philip Morgan, Theresa Singleton, David Thelen, Jennifer Tucker, and the anonymous reviewers for the *Journal of American History*. The staff of the National Archives in Washington, D.C., offered valuable guidance. A ten-week Graduate Student Fellowship from the Smithsonian National Museum of American History provided timely financial assistance. An earlier version of this paper was presented before the Johns Hopkins History Department on April 12, 1995. I am especially grateful to Michael Johnson for expert advice and unstinting support.

¹ Claim of Pompey Bacon, p. 1, Liberty County, Georgia, Case Files, Southern Claims Commission, Records of the 3rd Auditor, Allowed Case Files, Records of the U.S. General Accounting Office, RG 217 (National Archives, Washington, D.C.).



FORAGERS "STARTING OUT" IN THE MORNING.

During the last year of the Civil War, *Harper's* published numerous accounts of foraging by Union and Confederate soldiers, including this drawing of Union Gen. Judson Kilpatrick's operations in Georgia. *Harper's Illustrated Weekly*, April 1, 1865, p. 204.

colored people." Bacon gladly welcomed them; he later told the claims agent that "after the Union Army came into the county I did all I could in the way of cooking and feeding the poor soldiers. One poor fellow came to me almost naked. I gave him my own hat, clothed and fed him." Bacon reported that such generosity "was a common thing at that time for the Colored people to do; we thought of nothing then but our own freedom and those who made us free." Bacon's brother Joseph, who had watched cavalrymen feed his bountiful 1864 crop to their worn-out horses, told Hillyer that "it seemed to us as if the 'Lord has blessed the earth on purpose to help our deliverer.'"²

But the foraging parties turned deliverance into a plague of confiscation. A claimant recalled that the soldiers descended "like a hungry wolf & thick as sand-flies" on the grand mansions and slave cabins alike. The "poor soldiers" who freed Pompey Bacon also stripped him of nearly everything he owned. "The soldiers did not say anything," Bacon recalled of the men who crowded into his yard in Riceboro, "only [that] they were in need of the property & would have it." They stuffed his corn into sacks made out of his bed sheets and his wife's underclothing. They took his wagon, shot down his hogs in his yard and carried them off slung across his horse. "We all rushed there to see what was done," said another ex-slave who witnessed the raid on the Mallard plantation, "& we were so scared we went in gangs." All across Liberty County black people rushed to and fro watching gangs of soldiers take property from their friends and relatives, then from their own homes.

² Claim of Prince Maxwell, p. 4, *ibid.*; testimony of Gideon Jackson in claim of Prince Maxwell, p. 6, *ibid.*; claim of Pompey Bacon, p. 1, *ibid.*; claim of Joseph Bacon, p. 5, *ibid.*



FORAGERS RETURNING TO CAMP AT NIGHT.

This engraving, which accompanied the one on the facing page, suggests that not all confiscated items were “army supplies” and hints that such property circulated among the troops and perhaps among local whites.

Harper's Illustrated Weekly, April 1, 1865, p. 204.

Kilpatrick's men “were all over the plantation,” an ex-slave from the nearby Winn plantation concluded; “every niggers house was full of them.”³

Some slaves found an officer in the crowd and made a futile protest. “‘Massa’ you going to take all, & leave me nothing to live on,” pleaded Samuel Elliott. The soldiers replied: “we are obliged to, we come to set you free, & we must have something to eat, but you must go to ‘Uncle Sam.’ Uncle Sam’s pockets drag on the ground.” Soldiers told Paris James “that they had the law to take meat & bread & wherever they saw it.” James complained and got a receipt from an officer, but other troopers tore it up in his face and went on taking what they wanted. Where the army went there were no laws—regarding property or anything else. James recalled the soldiers telling the slaves that “wherever we saw them & wherever their horses made their track that was free ground & that they had to eat as they went along.” After three weeks Kilpatrick's cavalry marched away, but then, said Bacon, “the rebels came in and took every little thing the Yankees left.” Bacon found himself “naked as a bird” after two huge and barely disciplined armies had rampaged through the plantations and villages of Liberty County. He and many other slaves entered freedom ruined as property owners.⁴

By 1873, when Bacon met Hillyer in Riceboro, ex-slaves had been waiting nine

³ Claim of Pompey Bacon, p. 3, *ibid.*; claim of Ned Quarterman, p. 2, *ibid.*; testimony of Moses Quarterman in claim of Toney Elliott, pp. 5–6, *ibid.*; claim of Peter Winn, p. 3, *ibid.*

⁴ Claim of Samuel Elliott, p. 3, *ibid.*; testimony of Clarissa Monroe in claim of Samuel Elliott, p. 3, *ibid.*; claim of Paris James, p. 2, *ibid.*; claim of Pompey Bacon, pp. 1–6, *ibid.*

years for the government to award them compensation for the property they had lost. During the raid, many had asked Union officers for vouchers, clearly intending to request reimbursement once they had an opportunity. The opportunity they had waited for came in 1871, when Congress created the Southern Claims Commission under the Treasury Department to hear claims from Unionist southerners who had lost "stores or supplies . . . taken or furnished for the use of the [Union] army" during the Civil War. Virgil Hillyer was one of 106 special commissioners sent to towns across the South to gather information and to hold formal compensation hearings. Between 1873 and 1880 the special commissioners forwarded more than 22,000 claims, testimony from some 220,000 witnesses, and their official recommendations to Washington, D.C., where the three commissioners of claims passed final judgment.⁵

The commission originally sought to compensate white Unionist southerners. President Ulysses S. Grant signed into law the bill establishing the commission amid stormy debate over whether the government should help people whom many northerners saw as rebels. Therefore, nearly half of the "standing interrogatories" posed to each claimant concerned loyalty during the war.⁶

Much confusion stemmed from the assumption, widespread in the North, that slaves knew nothing about property and personal responsibility and that they would have to learn such concepts from northerners. Groups of teachers, missionaries, and energetic capitalists had been coming to the nearby South Carolina Sea Islands since 1863, offering the black residents an odd mixture of schooling, moralistic preachments, and profit-seeking exploitation. They had found, however, that Low Country blacks did not need to be taught to respect and "regard the rights of property among themselves." Among Sea Island blacks, reported one early observer, "If a man has a claim upon a horse or sow he maintains his right and his neighbors recognize it." Those whites who had come to educate and inculcate were pleased but puzzled to find ex-slaves who already exhibited "a passion for ownership," who "delight[ed] in accumulating" property. To most northerners, however, it still seemed obvious that property could not own property; logically, only free people could own things. As a result, neither the commission's founders nor its representatives expected many claims from former slaves.⁷

Yet despite its seeming illogic and its lack of legal standing, property ownership

⁵ Ex-slaves also pursued lost property through the Freedmen's Bureau. See testimony of Isaac Robinson, June 25, 1866, Affidavits and Papers Relating to Complaints, 1865-1867, Subassistant Commissioner for Savannah District, Georgia, Records of the Bureau of Refugees, Freedmen, and Abandoned Lands, RG 105 (National Archives); testimony of William Boisfeuillet, Nov. 16, 1865, *ibid.*; testimony of Dennis Mitchell, Nov. 16, 1865, *ibid.*; and testimony of Georgia Boisfeuillet, Nov. 16, 1865, *ibid.* Frank W. Klingberg, *The Southern Claims Commission* (Berkeley, 1955), 65-72, 76-84.

⁶ Klingberg, *Southern Claims Commission*, 50-56.

⁷ Willie Lee Rose, *Rehearsal for Reconstruction: The Port Royal Experiment* (1964; New York, 1976); testimony of Brig. Gen. Rufus Saxton (1863) and of Henry G. Judd (1863) in Philip D. Morgan, "Work and Culture: The Task System and the World of Lowcountry Blacks, 1700 to 1880," *William and Mary Quarterly*, 39 (Oct. 1982), 593. Assumptions about slaves' inability to hold property persisted into the twentieth century; the definitive work on the Southern Claims Commission states that only "[a] very small number of claims were filed by former slaves, for the obvious reason that during the war years they were virtually a propertyless class. Most of their claims, therefore, were disallowed for lack of a clear title, or for fraudulent transfer of title by former masters on the approach of the Federal army." Klingberg, *Southern Claims Commission*, 100.

among Low Country slaves had been widespread and stable. Hundreds of ex-slave claimants came forward to testify to that fact, some backed by their former masters. The officers of the Southern Claims Commission struggled to reconcile the traditional northern viewpoint—that slaves had been systematically deprived of all the fruits of their labor—with the reality of slaves who had had their property confiscated by Union soldiers. “I know it is hard for some to realize or imagine how it was possible for slaves to own property,” wrote Hillyer to the commissioners after months of hearing testimony. “You would be astonished to get through the external crust of Southern society and see the inside working of the almost entire business of the Southern States.” Although some northerners believed that they were giving black people the first “portion of their rightful earnings which had ever been allowed,” by the 1870s representatives of the Treasury Department realized that such confident statements belied what they were finding in Low Country Georgia.⁸ Although southern laws did not recognize them as owners, slaves had owned property with the tacit consent of masters and other whites. Testimony by ex-slaves about cows, corn, wagons, and other possessions revealed a complicated world of social relationships among slaves, one that overlapped but was largely apart from their relationships with their masters and the formal institutions of the Low Country.

Unlike the claims officials, most historians today would not be surprised to find slaves who owned property. Studies of property ownership by slaves have proliferated in the last fifteen years, documenting its existence across the American South and the Caribbean. Philip D. Morgan, Sidney Mintz, Betty Wood, and others have demonstrated that a significant “informal economy” existed within the formal institution of slavery, one that allowed slaves to accumulate, own, and trade property among themselves and with white people. These scholars have tried to create an analytical framework that can encompass both slaves’ internal economic strategies and slaves’ family relationships, culture, and community. Property ownership and the particular labor system that flourished in the Low Country allowed slaves to carve out “a measure of autonomy,” as Morgan puts it. Within this semiautonomous internal economy, slaves drew on their family and community relationships for help in accumulating and protecting property. This independent economic activity fostered a sense of pride, “communal solidarity, and personal responsibility” that helped blacks resist the oppression of slavery and foreshadowed their responses to emancipation.⁹

Some scholars, convinced that concepts of ownership were “alien” to African so-

⁸ Virgil Hillyer to J. B. Howell, commissioner of claims, March 22, 1873, Miscellaneous Letters Received (microfilm: reel 3), General Records of the Department of the Treasury, RG 56 (National Archives); *First Annual Report of the Boston Educational Commission for Freedmen* (Boston, 1863), 12–13.

⁹ Morgan, “Work and Culture,” 592; Philip D. Morgan, “The Ownership of Property by Slaves in the Mid-Nineteenth-Century Low Country,” *Journal of Southern History*, 49 (Aug. 1983), 399–420; Ira Berlin and Philip D. Morgan, “Introduction,” in *Cultivation and Culture: Labor and the Shaping of Slave Life in the Americas*, ed. Ira Berlin and Philip D. Morgan (Charlottesville, 1993), 45. For an extended discussion of “protopeasants,” see Sidney Mintz, *Caribbean Transformations* (Chicago, 1974), 146–55. See also Betty Wood, *Women’s Work, Men’s Work: The Informal Slave Economies of Lowcountry Georgia* (Athens, Ga., 1995); Ira Berlin and Philip D. Morgan, eds., *The Slaves’ Economy: Independent Production by Slaves in the Americas* (Portland, Oreg., 1991); and Loren Schwenger, *Black Property Owners in the South, 1790–1915* (Urbana, 1990), 29–60.

cieties, argue that slaves' independent economic activity was also part of the acculturation process by which Africans became African Americans. Slaves came from "societies where everything had been held in common," writes Loren Schweninger, for example. "Nothing in their African heritage prepared them for the New World emphasis on land ownership and economic individualism." Property ownership brought African Americans' values and cultural practices closer to the individualism and nuclear family structure of European Americans, values that better prepared blacks for the new modalities of freedom than did the old "community" of the slave quarters. Yet Schweninger's argument rests on four questionable but not uncommon assumptions: that Africans had a clear system of values about property; that this system was "communal" rather than individually oriented; that slaves brought it to the Americas; and that their values shifted, over time, to an ethos of acquisitive individualism. This logic reflects twentieth-century Western thought about Africa, not eighteenth-century African values about work and property. Studies of various parts of Africa from the seventeenth through the twentieth centuries also suggest caution in using a single characterization of property and social organization in Africa as a baseline for sketching changes in cultural values among African Americans. Historical and anthropological work on Africa has argued that descriptions of "communal" property ownership made by European visitors in the eighteenth and nineteenth centuries were inaccurate. Such descriptions must be seen as part of a broad cross-cultural interaction that helped shape Europeans' conceptions of property ownership in both Africa and Europe. Over the last 150 years, people in both Africa and the Americas have made their claims to property and mobilized productive labor through a continuous negotiation of social relationships and have not relied solely, or even primarily, on formal institutions such as laws, courts, or agencies such as the Southern Claims Commission.¹⁰

¹⁰ Schweninger, *Black Property Owners in the South*, 9–11, 235–36. Already by 1973, A. G. Hopkins was criticizing misconceptions about African economic activity, misconceptions that he called the "myth of Merrie Africa." A. G. Hopkins, *An Economic History of West Africa* (New York, 1973), 9–10. On property in Africa, see Polly Hill, *The Migrant Cocoa-Farmers of Southern Ghana: A Study in Rural Capitalism* (Cambridge, Eng., 1963); Kwame Arhin, "Rank and Class among the Asante and Fante in the Nineteenth Century," *Africa*, 53 (no. 1, 1983), 2–22; Thomas McCaskie, "Accumulation, Wealth, and Belief in Asante History, I," *ibid.*, 23–43; Jane Guyer, ed., *Money Matters: Instability, Values, and Social Payments in the Modern History of West African Communities* (Portsmouth, 1995); Barbara Cooper, "Women's Worth and Wedding Gift Exchange in Maradi, Niger, 1907–89," *Journal of African History*, 36 (no. 1, 1995), 121–40; Charles Piot, "Of Slaves and the Gift: Kabre Sale of Kin during the Era of the Slave Trade," *ibid.*, 37 (no. 1, 1996), 31–49; Jane Guyer, "Wealth in People and Self-Realization in Equatorial Africa," *Man*, 28 (June 1993), 243–65; Jane Guyer and Samuel M. Eno Belinga, "Wealth in People as Wealth in Knowledge: Accumulation and Composition in Equatorial Africa," *Journal of African History*, 36 (no. 1, 1995), 91–120; Martin Chanock, "A Peculiar Sharpness: An Essay on Property in the History of Customary Law in Colonial Africa," *ibid.*, 32 (no. 1, 1991), 65–88; Thomas Bassett and Donald Crummey, eds., *Land in African Agrarian Systems* (Madison, 1993), 80–81; Sally Falk Moore, *Social Facts and Fabrications: "Customary" Law on Kilimanjaro, 1880–1980* (Cambridge, Eng., 1986); and Sara Berry, *No Condition Is Permanent: The Social Dynamics of Agrarian Change in Sub-Saharan Africa* (Madison, 1993), 101–66. See also Penelope Roberts, "Rural Women's Access to Labor in West Africa," in *Patriarchy and Class: African Women in the Home and the Workforce*, ed. Jane L. Parpart and Sharon Stichter (Boulder, 1988), 97–115; Sara Berry, "Oil and the Disappearing Peasantry: Accumulation, Differentiation, and Underdevelopment in Western Nigeria," in *State, Oil, and Agriculture in Nigeria*, ed. Michael J. Watts (Berkeley, 1987), 212–13, 216–22; Michael J. Watts, "Idioms of Land and Labor: Producing Politics and Rice in Senegambia," in *Land in African Agrarian Systems*, ed. Bassett and Crummey, 157–93; Mintz, *Caribbean Transformations*, 225–50; and Kate Porter Young, *Notes on Sisterhood, Kinship, and Marriage in an African-American South Carolina Sea Island Community* (Memphis, 1992).

If historians now agree *that* some slaves in the American South owned property, it is still not clear *how* slaves owned property. Few studies have departed substantially from two long-standing themes in African American history—the “dialectic” of accommodation and resistance and the debate over cultural “survivals” and acculturation, sometimes fused into a framework of “cultural adaptation and resistance.” Neither of those interpretive themes adequately explains the significance that property ownership by slaves had for slaves’ interactions with their masters and with non-slave-owning whites. Most important, although studies of economic activity among African Americans emphasize autonomy, solidarity based on family, community, or the common experience of oppression, we do not know how slaves’ property-related efforts shaped and were influenced by their relationships with one another. Julie Saville hints at a promising approach when she briefly discusses the deeper implications of “cooperation” within black families in postwar South Carolina, where elderly ex-slaves used their “networks of accountable kin” to command labor from younger freed people. Studying how slaves acquired and held property opens new possibilities for African American history because it can not only illuminate the power relationships between black people and white people but also reveal how black people negotiated over power and resources *among themselves*.¹¹

This essay reconstructs the network of social relationships among Liberty County slaves that enabled them to accumulate property. It then moves outward to analyze how those relationships enabled the slaves to assert property claims that even their masters respected. Finally, the essay explores what it meant for these African Americans when they and their property gained legal recognition in the years following emancipation. While federal officials had to evaluate unexpected claims, ex-slaves like Pompey Bacon had to convince the commissioners that, regardless of the law, slaves did own property and that the foraging soldiers had taken property that belonged to the slaves, not their masters. In their testimony, ex-slaves revealed a good deal about how they understood “ownership” and knew who owned what. Since no law protected a slave’s property from other slaves or from his or her master, slaves

¹¹ Julie Saville, *The Work of Reconstruction: From Slave to Wage Laborer in South Carolina, 1860–1870* (New York, 1994), 53–56, 103–4. For other studies of black resistance to postwar oppression, see Eric Foner, *Nothing but Freedom: Emancipation and Its Legacy* (Baton Rouge, 1983); Eric Foner, *Reconstruction: America’s Unfinished Revolution, 1863–1877* (New York, 1988); Joseph Reidy, *From Slavery to Agrarian Capitalism in the Cotton Plantation South: Central Georgia, 1800–1880* (Chapel Hill, 1992); and Edward Magdol, *A Right to the Land: Essays on the Freedmen’s Community* (Westport, 1977). Kenneth Stampp was the first to frame slaves’ culture in terms of “resistance,” an idea that Eugene Genovese later elaborated and reshaped into a thesis about slavery as a dialectic of accommodation and resistance. See Kenneth Stampp, *The Peculiar Institution: Slavery in the Ante-bellum South* (New York, 1956); and Eugene Genovese, *Roll, Jordan, Roll: The World the Slaves Made* (New York, 1972). For a recent synthesis of these arguments, see Peter Kolchin, *American Slavery, 1619–1877* (New York, 1993). Recent works on a variety of topics in African American history stress the notion of “cultural resistance.” See Margaret W. Creel, *A Peculiar People: Slave Religion and Community Culture among the Gullahs* (New York, 1988); Sylvia Frey, *Water from the Rock: Black Resistance in a Revolutionary Age* (Princeton, 1991); and Gwendolyn Midlo Hall, *Africans in Colonial Louisiana: The Development of Afro-Creole Culture in the Eighteenth Century* (Baton Rouge, 1992). Some black economic activity that does not fit the framework of resistance is characterized as a destructive force against the black community. See Lawrence McDonnell, “Money Knows No Master: Market Relations and the American Slave Community,” in *Developing Dixie: Modernization in a Traditional Society*, ed. Winfred B. Moore Jr., Joseph F. Trapp, and Lyon G. Tyler Jr. (Westport, 1988), 38; and Berlin and Morgan, “Introduction,” in *Cultivation and Culture*, ed. Berlin and Morgan, 38–39.

depended on an informal system of display and acknowledgment to mark the boundaries of ownership. Their ability to transform mere possession into ownership depended on their ability to substitute informal public recognition for public law as the anchor of their title. The affirmation of a slave's property was not a single act but a series of demonstrations over time. In the claims process, such demonstrations were recalled by former slaves and became valuable as a way of proving ownership to the commission. Making a claim to the Southern Claims Commission involved reenacting in a formal, legal, institutional setting the slaves' informal system of display and acknowledgment.

Studying negotiations over labor and property among slaves makes possible a richer understanding of slavery, and of the changes that freedom brought. Drawing on concepts advanced in recent scholarship on the Caribbean and Africa, this paper proposes a new framework for analyzing the connection between people's social relationships and their interests in property. Rather than assess American blacks' claims to property as examples of cultural change or of resistance to political and legal institutions, this paper concentrates on those informal understandings and practices themselves: how they were created, how they worked, and how they changed between 1850 and 1880. A whole world of social relationships and negotiations lay behind the fact that slaves owned property. That world begins to come into focus if, instead of asking, "Whose corn was it?," we pose the more fruitful question, "How did people know whose corn it was?"

Liberty County, Georgia, in the Low Country, is a rectangular band of land stretching northwest from the Atlantic seacoast. In 1860 some of the nation's largest plantations were in the Low Country, which included parts of North Carolina, South Carolina, Florida, and Georgia. Over the 128 years between Georgia's founding and the start of the Civil War, slave-owning families such as the Joneses, the Quartermans, and the Mallards intermarried, engrossing land and slaves into ever larger plantations. By 1860 black people outnumbered white people by three to one in Liberty County, and nearly all of them were slaves. They spent most of their lives cultivating rice, the region's reigning cash crop.¹²

Working by tasks defined the everyday life of slaves in Liberty County. Unlike the gang system that prevailed in most other areas of the South, the task system assigned each slave a certain amount of work each day—a quarter acre to hoe, for example, or a hundred wooden rails to split. The system permitted slaves to help one another in their work and allowed them to use as they wished the time left after finishing the task. By working on their own time to raise more than they needed to eat, slaves accumulated property and created traditions of property ownership and trade. Once they had their start, many slaves invested in a succession

¹² United States Census Office, *Population of the United States in 1860; Compiled from the Original Returns of the Eighth Census* (Washington, 1864), 66–67, 73; United States Census Office, *Agriculture of the United States in 1860; Compiled from the Original Returns of the Eighth Census* (Washington, 1864), 22–27. Only four other Georgia counties produced more rice in 1860.

of animals, beginning with poultry and moving to larger and more valuable hogs, cattle, and, finally, horses. Jacob Quarterman, who claimed livestock, a wagon, corn, and rice, told the claims agent: "I bought mine sir by taking care of what little I could get."¹³ This practice of organizing labor by task rather than by time was the taproot of property ownership by Low Country slaves.

Slave-owned property and the arrangements of land and labor from which it came were part of an important regional informal economy within the more formal economies of the plantation and the city. The former slaveowner Edward DeLegal testified:

I never interfered with my people, they bought & sold these things at there own prices & spent the money as they pleased & this was customary in Liberty County & I suppose it was in other seaboard counties. . . . I know Mr Cay's people and mine used to raise cattle, horses, and & more [illegible] than there were any use for.

Relatively free to trade the property they had, slaves marketed their goods to Liberty County residents as well as to the urban consumers in Savannah, twenty miles away. "I bought poultry to retail in Savannah the place where I always go," testified Jacob Quarterman. "I carried it in my wagon." Another slave raised rice and "shipped it to town by Capt Charley . . . who runs a vessel to Riceboro." Slaves were sufficiently versed in market practices to handle adroitly the currency instability that plagued the region during the war. When Confederate money became, as one witness put it, "no better than a newspaper after it is read," some slaves began to insist when they could on "silver and United States banknotes." Tony Axon and Pompey Bacon accepted payment in salt, another wartime currency substitute. Salt was an essential resource. Slaves on nearby Edisto Island, South Carolina, consumed one pint every two weeks working under the hot sun. It was crucial to the war effort, especially for preserving meat. Salt thus made a solid investment and a stable currency substitute.¹⁴

The formal economy of the plantation also depended on slaves' ability to earn, own, and trade property. As historians of the Low Country and the Caribbean have argued, production costs fell when planters were able to shift "part or all of the burden of subsisting their slaves onto the slaves themselves." Moreover, planters

¹³ Morgan, "Work and Culture," 565–71; claim of Jacob Quarterman, p. 1, Liberty County, Georgia, Case Files, Southern Claims Commission, Records of the 3rd Auditor, Allowed Case Files, Records of the U.S. General Accounting Office. For a comparison of the task system with slave labor organization on the Upper Guinea Coast in the eighteenth century, see Judith Carney, "From Hands to Tutors: African Expertise in the South Carolina Rice Economy," *Agricultural History*, 67 (Summer 1993), 26.

¹⁴ For discussion of the "informal economy," see Morgan, "Ownership of Property by Slaves in the Mid-Nineteenth-Century Low Country," 414; and Wood, *Women's Work, Men's Work*. Testimony of Edward DeLegal in claim of Tony Axon, p. 7, Liberty County, Georgia, Case Files, Southern Claims Commission, Records of the 3rd Auditor, Allowed Case Files, Records of the U.S. General Accounting Office; claim of Jacob Quarterman, p. 2, *ibid.*; testimony of Tony Law in claim of Linda Roberts, p. 12, *ibid.* On currency and its substitutes, see the testimony of William Bacon in claim of Patsey Campbell, p. 3, *ibid.*; and claim of Jacob Dyer, supplemental testimony, *ibid.* See also Schwenger, *Black Property Owners in the South*, 34–35. Claim of Tony Axon, p. 5, Liberty County, Georgia, Case Files, Southern Claims Commission, Records of the 3rd Auditor, Allowed Case Files, Records of the U.S. General Accounting Office; claim of Pompey Bacon, *ibid.*; *First Annual Report of the Boston Educational Commission for Freedmen*, 22.

could discipline slaves into a reliable work force by threatening to take away their access to land or time.¹⁵

For many slaves, the task system provided relatively easy access to land but not necessarily time to work the land. While in a sense “the slaves’ ‘time’ became sacrosanct” as the task system became “institutionaliz[ed]” during the late eighteenth century, task requirements and the time needed to finish them changed with the rise of new crops and technologies. With each development, masters and slaves fought to redefine the boundary between “the master’s time” and “the slaves’ time.” Relative to these struggles over time, masters and slaves devoted little attention to land. Generally, Low Country slaves “were allowed all the land they could tend without rent,” an average of perhaps four to five acres, far more than any one person could tend. Testimony from task system areas across the Caribbean and North America shows that masters restricted slaves’ access to time much more than they restricted their access to land.¹⁶

Within this economy of time, slaves used three avenues to accumulate property. First, by working faster at their tasks, they could save time and use it to earn property. Some claimants testified that they could finish a task by noon or one o’clock or that they could “save . . . a whole day” by doing several tasks in a single day. However, archaeologists report that “even under the task system the work day might be 15 or 16 hours long during the peak of the harvest season.” Planting a personal crop meant committing to long hours of work after a hard day’s task, “till the fowls crow for day, by moonlight & firelight.” Second, for some slaves, a skill was a valuable and portable kind of “property” that could itself generate more property. Of the 91 ex-slave claimants, 12 worked as carpenters or coopers. Field hands who knew cooping could make small wooden pails called “piggins” and sell them to both slave and free. “I don’t think any body ought object to a man going into the woods and cutting the wood for pails and tubs and piggins and selling them,” testified William McIver. “This was the way I got my start.”¹⁷

Slaves’ third option was to find someone else to labor for them. Slaves negotiated for access to others’ time through kin and communal relationships, hiring, and plantation privileges. Because drivers had less after-task time than other slaves, masters often granted them the right to have other slaves work their personal plots for

¹⁵ On planters’ stake in the informal economy, see Berlin and Morgan, “Introduction,” in *Slaves’ Economy*, ed. Berlin and Morgan, 19.

¹⁶ Morgan, “Work and Culture,” 578–79; Berlin and Morgan, “Introduction,” in *Cultivation and Culture*, ed. Berlin and Morgan, 14–16, 41–43; testimony of Richard Cummings in claim of Lafayette DeLegal, in Morgan, “Ownership of Property by Slaves in the Mid-Nineteenth-Century Low Country,” 415; Schweninger, *Black Property Owners in the South*, 30–33. Woodville K. Marshall writes that in the Windward Islands there was a “scramble” among slaves “for labor services,” one that “was probably more intense than the competition for land, because labor was the slaves’ scarcest resource.” See Woodville K. Marshall, “Provision Ground and Plantation Labor in Four Windward Islands,” in *Cultivation and Culture*, ed. Berlin and Morgan, 218.

¹⁷ Testimony of Richard Cummings (1873) and Scipio King (1873) in Morgan, “Work and Culture,” 586; Elizabeth J. Reitz, Tyson Gibbs, and Ted A. Rathbun, “Evidence for Subsistence on Coastal Plantations,” in *The Archaeology of Slavery and Plantation Life*, ed. Theresa Singleton (Orlando, 1985), 166; claim of Joseph James, p. 2, Liberty County, Georgia, Case Files, Southern Claims Commission, Records of the 3rd Auditor, Allowed Case Files, Records of the U.S. General Accounting Office; claim of William Cassels [Cassell], p. 3, *ibid.*; claim of William McIver, p. 3, *ibid.*

them. Of the 17 claims by Liberty County ex-slaves for over \$500, ex-drivers filed 5, even though they made up less than 1 percent of the slave population in the cotton belt in 1860. One white overseer complained in 1828 that drivers used the authority bestowed by masters to attach labor to their own crops and that drivers punished more “from private pique than from a neglect of duty.” In measuring out tasks the driver could “screen favorites” and “apply their time to his own purposes.” Years later, when witnesses stood before the special commissioner, such tactics could make for lukewarm testimony. Drivers were by no means universally respected, much less loved, for earning their property from the sweat of other slaves. “Some big headed drivers were not always Union,” grumbled one former field hand in a statement guaranteed to undercut some unlucky ex-driver’s claim.¹⁸

Slaves who had resources but lacked standing in the hierarchy defined by masters could mobilize labor in other ways. Pompey Bacon, whose master allowed him to plant for himself “all the land I could work,” said, “I used to hire men to work it for me some time.” But more than hiring or plantation prerogative, slaves drew on their social relationships with other slaves. Husbands and wives expected their partners to work and contribute to the family. Special Agent Robert B. Avery wrote that claimant Josephine James had been “unlucky” in her new marriage to a man named Jones, for “the fellow would not work, and she drove him off.” Although several claimants said they brought property to their marriages, it is not clear whether property was a prerequisite or even an incentive for marriage. Some slaves may have married with an eye toward gaining property, and property-owning slaves may have had more marriage proposals. Similar dynamics may have influenced child-bearing since slaves also used children as a source of labor. Most claimants who mentioned children not old enough to marry said that their children worked right alongside them on after-task work. Toney Elliott “had a son that helped him—worked only for his father & mother” up to the age of fifteen. Children could also help their parents by tending the smaller animals. About her father’s claim for 24 chickens, Annetta Stewart testified: “Most of them was mine. I raised them all.” Even after they went to work in their masters’ fields, young slaves contributed labor to older slaves. Joshua Cassell reported that “there was a fine lot of young people & they were jealous of one another & tried to see which would get their days work done first.” Their master, Thomas Mallard, “used to come in the field, & tell the overseer not to balk we, if we got done soon to let us alone & do our own work as we pleased.” Clearly, Mallard benefited from this competition, but parents also may have encouraged it, for those young slaves would probably have gone to their

¹⁸ Testimony of William Golding in claim of Linda Roberts, p. 10, Liberty County, Georgia, Case Files, Southern Claims Commission, Records of the 3rd Auditor, Allowed Case Files, Records of the U.S. General Accounting Office; Michael P. Johnson, “Work, Culture, and the Slave Community: Slave Occupations in the Cotton Belt in 1860,” *Labor History*, 27 (Summer 1986), 333; Roswell King, “On the Management of the Butler Estate” (1828), quoted in Julia Floyd Smith, *Slavery and Rice Culture in Low Country Georgia, 1750–1860* (Knoxville, 1985), 69; testimony of Simon Harris in claim of Thomas Irving, p. 2, Liberty County, Georgia, Case Files, Southern Claims Commission, Records of the 3rd Auditor, Allowed Case Files, Records of the U.S. General Accounting Office. Three field hands, four skilled slaves, three house servants, one free black, and one white man filed the other claims over \$500.

parents' gardens after finishing their tasks. Children thus helped to create family wealth and learned the importance of gathering property. Such arrangements were part of the constant negotiation that had characterized relations between Low Country masters and slaves since the 1710s, and no one underestimated the value of children as workers. Under the task system, more children meant more property. "We could have all the land we could cultivate," remembered George Gould, and lucky was the man who had as large a family as he did. He, his four children, and his wife all worked by the task, and when they finished, they "all worked the rice" in the family plot. His claim totaled a remarkable \$580. Slaves were acutely aware of the value they placed on children's labor. "I was 30 years old before I married," testified Henry Stevens, "my children didn't help me much. I did most of it [accumulating property] myself." Some families continued to pool their labor and resources after emancipation. When freedom came, William Cassels said, "I and my wife and 2 boys worked land together."¹⁹

Not all cooperation occurred within slaves' immediate families. Twenty-three-year-old Benjamin Hines, a brickmason who had lived with his stepgrandfather at the time of the raid ten years before, said he knew exactly how many turkeys, geese, and ducks the older man had owned because "I had the care of these—that was my business." Whether his parents had sent him there or had themselves been sold away, the boy and his stepgrandfather shared obligations much like those binding immediate family members. Another case involved distant cousins. When Nancy Bacon's husband died in 1863, leaving all of their property at his place on another plantation, she enlisted her second cousin, Andrew Stacy, "to go there & bring them home & take care of them" and, it seems, move into her house. When Bacon's master took her to Walthourville, twelve miles away, she left her hogs and cattle again with Stacy.²⁰ These slaves called on their kin, however distant or indeterminate by blood, for help in caring for their property.

A range of social relationships among people who were not related by blood at all helped slaves overcome the difficulties involved in acquiring and keeping property in the close living arrangements of the quarters. Slaves unrelated by blood frequently provided labor and material aid to those who needed it. Slaves who lost spouses or were disabled by age or disease often got by on the strength of hale, younger arms. "I had a boy to help me," said Eliza James of the crop she made in 1864 after her husband died. Another slave, Joshua Cassels, also helped her by measuring the grain into bushels, and when the army came through, yet a third slave followed the army to its camp and saw the soldiers dispose of Mrs. James's belongings. Such affective ties could be intense, and slaves often felt them as kin-

¹⁹ Claim of Pompey Bacon, p. 2, Liberty County, Georgia, Case Files, Southern Claims Commission, Records of the 3rd Auditor, Allowed Case Files, Records of the U.S. General Accounting Office; claim of Josephine James, supplemental testimony, *ibid.*; testimony of Peter Stevens in claim of Toney Elliott, p. 9, *ibid.*; testimony of Annetta Stewart in claim of Prince Stewart, supplemental testimony, *ibid.*; testimony of Joshua Cassels [Cassell] in claim of George Gould, p. 9, *ibid.*; claim of George Gould, p. 3, *ibid.*; claim of Henry Stevens, p. 4, *ibid.*; claim of William Cassels, p. 2, *ibid.*

²⁰ Testimony of Benjamin Hines in claim of Paris James, p. 9, *ibid.*; testimony of Andrew Stacy in claim of Nancy Bacon, pp. 1–2, *ibid.*

ship, but these ties provided economic as well as emotional support. Claimant John Wilson named, in addition to his wife and children, a “Sister Thompson” as one of the people who had seen his property taken. This turned out to be Charlotte Thompson, an elderly resident of Savannah and a former slave. “I have always been intimate with Mr. Wilson as a neighbor & friend,” she testified. Prodded to state whether she had any “interest” in Wilson’s claim, she went on, “we are no relation, but he often visited the house as a friend until my sister died then he seemed like a brother.” Some adults took young children into their care. “She raised me” was the proof one witness gave that he knew the claimant. York Stevens, who received both property and his name from his adoptive grandfather, was so completely integrated into his adoptive family that in their testimony he and other ex-slaves often neglected to mention that he was not related by blood. Confused, the claims agent eventually took the following testimony from the claimant’s former master:

Claimant was the son, or adopted son, of old York Stevens, a faithful old driver, of Capt. Winn, this old driver, owned horses, cattle and hogs; and Witness understood that old York Stevens gave some of his property to claimant—Witness heard Capt. Winn say so.²¹

Slaves who took in children or worked for elderly neighbors were manifesting more than kindness or solidarity based on a common experience of oppression. Kinship and property were interrelated among Liberty County slaves, but property did not merely follow lines of “blood” and marriage. Slaves’ efforts to raise and keep property relied largely on their relationships with one another, especially with family members. At the same time, social relationships were flexible and negotiable, influenced by many factors other than kinship, including people’s interests in property.

If the labor of children accrued to adults, inheritance represented the other side of this relationship. Inheritance was one of the most important ways slaves got their start as property owners. “When my Father died he had 20 head of cattle,” said Samuel Elliott, “about 70 head of hogs. Turkeys Geese Ducks and Chicken a plenty—he was foreman for his master . . . and had been raising such things for years. When he died the property was divided among his children and we continued to raise thing[s] just as he had.” Many claimants mentioned inheriting chickens, one or two hogs or cows, or sometimes a horse from their parents. Mothers bequeathed property sometimes, fathers more frequently, to both their boys and their girls. Generally, however, far fewer women than men mentioned inheriting horses or cattle.²² Inheritance implies rules that were recognized among the slaves. It was the arena in which slaves decided how property should move among family members, and the paths that bequeathed wealth traveled outlined and strengthened the obligations slaves felt toward each other, obligations that stretched across

²¹ Claim of Eliza James, p. 2, *ibid.*; testimony of Charlotte Thompson in claim of John Wilson, *ibid.*; testimony of Robert Winn in claim of Jane Holmes, supplemental testimony, *ibid.*; testimony of Raymond Cay Sr. in claim of York Stevens, supplemental testimony, *ibid.*

²² Claim of Samuel Elliot, p. 2, *ibid.* See also claim of William Cassels, p. 2, *ibid.*; claim of Sandy Austin, p. 3, *ibid.*; and claim of Rachel Norman, p. 2, *ibid.*

past and future generations. Part of property's value for slaves, apart from its capacity to be used or consumed, lay in the social relationships it embodied, ready to be called into action. By bequeathing property, slaves defined the boundaries of what and who belonged to them.

There were three significant threats to the security of slave-owned property: theft, masters' legal prerogatives, and the persistence of shared property interests among slaves. Slaves certainly stole from one another, and some former slaves continued to do so after emancipation. However, there is little evidence of theft in the claims testimony. The commission asked only about the large-scale theft by Union soldiers. Claimants and witnesses had little reason to volunteer stories of what other people stole, since they might have weakened their cases by giving the impression that property ownership among slaves had been fraught or unstable.²³

Masters, who maintained legal rights over everything their slaves possessed, posed a more serious threat. Some ex-slaves reported that their former masters would ask before taking anything belonging to a slave. However, no slave could easily refuse such a "request." Behind the veneer of custom and good faith, said former house slave William Gilmore, the masters "were not any of them too good, they would not allow you to talk of your rights." According to one white witness, "every planter had his own rule" regarding slaves' owning property, and a single master could change the rules capriciously. Perhaps in order to protect themselves, many slaves constantly sought "advice" and "would hardly ever do anything" with their property until they had consulted with their masters. Nevertheless, few masters seem to have taken advantage of their legal rights. Most claimants stressed that their masters never meddled with their property even during the vulnerable period of its transfer to heirs. Joseph Bacon understood that "legally" slaves had no right to property, but he insisted that "a master who would take property from his slaves would have a hard time." His own master, he said, "never interfered with me and my property at all."²⁴ Why not?

Slaves protected their claims to property by using public occasions and public spaces to display their possessions and to secure acknowledgment from their masters and fellow slaves. The physical arrangement of the plantation was essential to this practice. According to Robert Quarterman Mallard, a son of Thomas Mallard, the

²³ Freedmen's Bureau records contain far more evidence of theft among blacks than do the Southern Claims Commission records. See Registers of Complaints, 1866–1868, Subassistant Commissioner for Savannah District, Georgia, Records of the Bureau of Refugees, Freedmen, and Abandoned Lands. Among Liberty County ex-slaves making claims before the Southern Claims Commission, only Prince Cummings mentioned theft. Some historians have discussed theft among slaves as part of a "moral economy" that sanctioned stealing from masters but punished stealing from fellow slaves. Such analysis treats theft as a form of resistance, a different framework than is emphasized here. See Creel, *Peculiar People*, 181–82, 207, 239; Alex Lichtenstein, "'That Disposition to Theft, with Which They Have Been Branded': Moral Economy, Slave Management, and the Law," *Journal of Social History*, 21 (Spring 1988), 413–40; and Genovese, *Roll, Jordan, Roll*, 599–609.

²⁴ Claim of William Gilmore, p. 9, Liberty County, Georgia, Case Files, Southern Claims Commission, Records of the 3rd Auditor, Allowed Case Files, Records of the U.S. General Accounting Office; testimony of William Winn in claim of David Stevens, *ibid.*; claim of Joseph Bacon (1873) in Morgan, "Ownership of Property by Slaves in the Mid-Nineteenth-Century Low Country," 411.



The “quarter” provided slaves with a space to negotiate and alter their economic and social ties. Slaves did their chores in the same place where they socialized and kept most of their movable property: outdoors, in their yards. Clearly visible here are kinds of property, such as livestock, wagons, and a washtub, that former slaves in Liberty County, Georgia, later claimed. G. N. Barnard, *Slave Quarters on an Old South Carolina Plantation*.
Courtesy New-York Historical Society.

slave quarters on his father’s plantation stood in “single and double rows of cottages” for easy monitoring by the master. Slaves stored their belongings separately; attached to each cabin were “vegetable gardens, chicken coops, pig pens, rice ricks, and little store houses,” under the control of individuals and families. Ex-slaves’ testimony substantiates this picture and carefully distinguishes what belonged to whom. Larger animals were particularly easy to recognize since there were few of them relative to smaller stock. Claimants generally described them individually in great detail in their testimony. One woman testified that when the raid came her

husband “counted off his cattle from the rest as they went by. From the white people’s cattle & the other col’d people’s cattle.”²⁵

Most of the items that ex-slaves claimed—chicken coops, beehives, hogs, small gardens—were stored in their yards, where they were visible to other people. Cabins and storehouses closely adjoined, and, with three or four slaves living in each cabin, people could see from their own yards what their neighbors had. Often the display of property was more intentional. “We staid door to door to each other,” testified Clarinda Lowe about her neighbor James Anderson, “& when we got any thing new we always showed one another.” It is also likely that slaves gathered in their yards to socialize. If slaves frequently visited one another, the property that was cooped, penned, or stacked there would have been more or less public knowledge. Samson Bacon testified: “I know it was his because every man on one place know every other man’s property. . . . he can’t help from knowing it. All go in his yard before his door.”²⁶ Although their master designed the slave quarters with his own interests in mind, slaves used the layout to display and distinguish their property.

Slaves also strengthened their possession of property through display in other circumstances. Robert Quarterman Mallard recorded the social importance of certain kinds of property on Sundays in Liberty County. The roads to Midway Church filled with wagons driven by both planters and slaves, all dressed in their Sunday clothes, “those on foot carrying their shoes and stockings in their hands, to be resumed after they shall have washed in the waters at the causeway near the church; for they believe in treading the Lord’s courts with clean feet!” Slaves and planters alike, he wrote, were deaf to the familiar lament of the preacher that “on Sunday many *garnish* themselves and go to church for show; they hear but do not attend.” Although the practice may have seemed a petty distraction to white preachers, slaves “showed” their property on Sundays for practical, social, and deeply spiritual reasons. For example, Pompey Bacon, who gladly “clothed and fed” the Union soldiers, refused to part with his “nice” overcoat and shirts but later reported that the soldiers “hustled me round till they carried” off even those items. Bacon took especially hard the loss of “some nice linen shirts I used to go to communion in & they took *them* and I grieved . . . I wanted them to meet the ‘Lord.’” The spiri-

²⁵ R. Q. Mallard, *Plantation Life before Emancipation* (Richmond, 1892), 18; claim of Linda Roberts, for estate of Caesar Roberts, deceased, p. 4, Liberty County, Georgia, Case Files, Southern Claims Commission, Records of the 3rd Auditor, Allowed Case Files, Records of the U.S. General Accounting Office. See also Smith, *Slavery and Rice Culture in Low Country Georgia*, 122.

²⁶ Average for cabin occupancy calculated from entries of 33 identifiable slave owners, Liberty County, Georgia, 1860 Census (microfilm: M653, reel 129), Records of the Bureau of the Census, RG 29 (National Archives). Testimony of Clarinda Lowe in claim of James Anderson, p. 6, Liberty County, Georgia, Case Files, Southern Claims Commission, Records of the 3rd Auditor, Allowed Case Files, Records of the U.S. General Accounting Office; testimony of Samson Bacon in claim of Prince Stevens, p. 11, *ibid.* African Americans continued certain practices into the 1940s; they socialized and performed domestic chores in yards that were dirt rather than grass and were carefully swept with bundled sticks each day. Mary Baskerville, telephone interviews by Dylan Penningroth, Nov. 15, 1994, April 23, 1995, notes (in Dylan Penningroth’s possession). See also Richard Noble Westmacott, *African-American Gardens and Yards in the Rural South* (Knoxville, 1992); Mintz, *Caribbean Transformations*, 239–49; Young, *Notes on Sisterhood, Kinship, and Marriage in an African-American South Carolina Sea Island Community*, 8–10; and Lydia Mihelic Pulsipher and LaVerne Wells-Bowie, “The Domestic Spaces of Daufuskie and Monserat: A Cross-Cultural Comparison,” in *Cross-Cultural Studies of Traditional Dwellings*, ed. Nezar AlSayyad and Jean-Paul Bourdier (Berkeley, 1989), 1–24.

tual and practical meanings that individual slaves associated with their belongings took on additional, social significance in the context of public worship. Slaves who could afford to do so kept certain possessions apart to use less frequently. They wore their “common everyday coarse clothes” during the week and saved the “finery” they bought in Savannah to wear on Sundays. William Gilmore, who owned a “spring wagon,” said that he “only used it to go to Church on Sunday.” This practice not only eased wear on less durable possessions but also visibly marked the day as different from the rest of the week. Although neighbors and friends frequently visited one another in their yards, Sunday services were one of the few occasions for slaves to socialize in large groups. As the slaves did so, they brought their best clothes, driving buggies, and quilted leather saddles into public view.²⁷ Recognition of the Sabbath was intertwined with the informal system of display and acknowledgment that secured slaves’ ownership of property.

People in Liberty County interacted socially in their yards, on the roads between plantations, at church services, and at marriage ceremonies. These social interactions did not simply give psychological satisfaction or a sense of community. They also played an important role in securing slaves’ ownership of property.

Slaves sought recognition of their claims to property not just from masters nor from the people who gathered on Sundays but also from spouses and kin. Marriage among slaves called for careful attention to the public dimension of personal property ownership because it rearranged the property interests of two people and their families and often split property between two households. According to Robert Quarterman Mallard, Liberty County slaves were allowed “to marry wherever they chose; and their almost universal choice was of husbands and wives at a distance of from one to fifteen miles.” But most masters did not let these couples live together. A slave who lived with his or her spouse at another plantation was thought to enjoy “rather an unusual privilege,” one that was probably granted most often to male slaves who hired themselves out. Most slaves who married off the plantation were obliged to maintain two households, more or less complete with gardens, utensils, and all the other necessities of life. Property flowed back and forth between the households as spouses, usually husbands, shuttled between them. “Saturday nights,” wrote Mallard, “the roads were . . . filled with men on their way to ‘wife house,’ each pedestrian, or horseman, bearing in a bag his soiled clothes and all the good things he could collect during the week, for the delectation of his household.” The bulk of a couple’s property usually remained at the wife’s house. Prince Stevens was known to have “lived with his wife—nights—and she took care of his property that was the custom generally.” “Sometimes he would have some things

²⁷ Mallard, *Plantation Life before Emancipation*, 83, 133; claim of Pompey Bacon, p. 1, Liberty County, Georgia, Case Files, Southern Claims Commission, Records of the 3rd Auditor, Allowed Case Files, Records of the U.S. General Accounting Office; claim of William Gilmore, p. 4, *ibid.*; claim of Paris James, p. 3, *ibid.*; testimony of Edward Miller in claim of James Miller, p. 9, *ibid.* See also Genovese, *Roll, Jordan, Roll*, 555–57; and A. J. H. Duganne, *Twenty Months in the Department of the Gulf* (New York, 1865), 79–80. The shoes the slaves owned often pinched terribly; going barefoot was probably the least painful way to get to church for those without wagons. Charles Joyner, *Down by the Riverside: A South Carolina Slave Community* (Urbana, 1984), 115–16.

at his home," said a witness in Stevens's case, but only "to use up the slops of [his wife's] house." Slaves viewed the wife's house as the husband's primary residence. Eliza James testified that before her husband died in June 1864, "his home was with me on my master's place."²⁸ In spite of the masters' intentions, the flow of slave-owned property signaled that slave couples considered themselves to have one "home," though they had two residences, with property at each. Faced with these restrictions on their mobility, slaves made the home—that is, the slave cabin, the multifunctional yard, and the garden—a locus of authority over property.

Uniting possessions under one roof helped secure them against threats from outside the household, but it also sparked negotiation within the household over who owned those possessions. Spouses contributed jointly the labor needed to earn property and then shared custodial responsibilities. Yet joint effort did not rule out the possibility that in some situations slaves had an interest in asserting individual claims over property. Many of them distinguished items on the basis of who had "made" them, that is, who had contributed the labor that earned those items. However, custody could carry just as much weight in negotiations between husbands and wives who lived apart. Women were not allowed to travel as much as men and could not have controlled property that was stored elsewhere, but a woman may have been able to control and claim her husband's belongings because they were stored at her house. Men, however, could visit their wives frequently and were more familiar with the property stored at the wives' residences and more often proclaimed themselves owners of it. William Cassels walked the half mile to see his wife most nights and "knew as much about my things there as at my own home." The property belonged to them both but under his expansive aegis: "She doesn't claim anything separate from me we are all one." During slavery, the prevalence of split-residence households and the importance of display and acknowledgment meant that custody and knowledge were likely to override other factors in determining which spouse controlled property and in turning control into claims of ownership. After the war, men's tendency to claim household property was aggravated both by the physical consolidation of households and by the Southern Claims Commission's requirement that women prove separate ownership from their husbands. Male claimants faced no such requirement. Thus Prince Stewart testified that, although some of the things he claimed had "belonged to, and were taken from, my wife . . . 'wesm' are all one now so I put them into my claim."²⁹ Married people's joint efforts to raise property and their common interest in safeguarding household property did not stop their negotiations over the control and ownership of it.

²⁸ Mallard, *Plantation Life before Emancipation*, 50–51; claim of Samuel Harris, p. 2, Liberty County, Georgia, Case Files, Southern Claims Commission, Records of the 3rd Auditor, Allowed Case Files, Records of the U.S. General Accounting Office; testimony of Samson Bacon in claim of Prince Stevens, p. 9, *ibid.*; claim of Eliza James, p. 1, *ibid.*

²⁹ Schweninger, *Black Property Owners in the South*, 51, 84–87; claim of Paris James, pp. 2–3, Liberty County, Georgia, Case Files, Southern Claims Commission, Records of the 3rd Auditor, Allowed Case Files, Records of the U.S. General Accounting Office; claim of William Cassels, p. 4, *ibid.*; claim of Prince Stewart, p. 2., *ibid.*

To ensure that the property interests of their children, nieces, and nephews stayed secure after marriage, some slave parents relied on the public character of marriage. Slaves treasured the public rituals surrounding marriage because these rituals legitimized both social and economic connections that the law did not recognize. Giving property as part of the marriage ceremony publicly affirmed the bonds between newlyweds and their relatives. Public giving also permitted the new couple to avoid confusion or hard feelings in the future by spreading knowledge about how each piece of property had come into the marriage. In this way, women may have retained some control over property. Susan Bennett explained that, although she and her late husband had earned some property together, not all of the property she claimed was jointly earned. "We both had pigs when we married," she remembered. Thomas Irving did not forget that some items he claimed came into the marriage from his wife's relatives. "I got the steer by my wife," Irving testified, "her uncle made her a present of him." Jane Holmes took care to distinguish between her things and those that had belonged to her two husbands: "I did not get any property by either one of my husband's," she testified, "I kept the property my husband had when the raid came for his son to attend to. I had no children by him so when he died his property went to his son."³⁰ This careful attention to the ways property came into the marriage made each spouse's claim to ownership stronger and, to some extent, offset the tendency men had to claim all household property as their own. Each spouse's relatives retained an interest in the property they gave to the couple. Because slave families provided so much of the labor that raised property, the knowledge that protected it, and the rules of inheritance that passed it down, they were sites of constant negotiation.

In the absence of legal protection, the claim a slave had to property seems to have depended on his or her long association with a thing, an association that had to be visible to as many eyes as possible. Testifying in the case of Prince Stevens, ex-slave Samson Bacon explained that he "never heard [Stevens's] master claim his horse. No sir no such thing as that, he had been riding the horse too long back & forth between there & his master's." What from a legal perspective seem to have been merely rights of use or possession translated over time into real rights over property. As another witness put it, "I know it was his because it was right there under his 'controlment' & no one else claimed it."³¹ Much of property's public visibility—through the multipurpose slave yards, inheritance practices, transfers at

³⁰ Claim of Susan Bennett, p. 2, Liberty County, Georgia, Case Files, Southern Claims Commission, Records of the 3rd Auditor, Allowed Case Files, Records of the U.S. General Accounting Office; claim of Thomas Irving, p. 2, *ibid.*; claim of Jane Holmes, p. 2, *ibid.* See Herbert G. Gutman, *The Black Family in Slavery and Freedom, 1750–1925* (New York, 1976), 270–77.

³¹ Testimony of Samson Bacon in claim of Prince Stevens, p. 11, Liberty County, Georgia, Case Files, Southern Claims Commission, Records of the 3rd Auditor, Allowed Case Files, Records of the U.S. General Accounting Office; testimony of Brister Fleming in claim of Prince Stevens, p. 18, *ibid.* It is unlikely that masters respected the social ties that property helped create among slaves as much as they respected the ties between slaves and their property. Some planters tried to ease the wartime process of evacuating slaves by offering to accommodate "to their little matters of property." Clarence Mohr, *On the Threshold of Freedom: Masters and Slaves in Civil War Georgia* (Athens, 1986), 102. See also letter from Lt. Charles C. Jones Jr. to Rev. C. C. Jones (1862), in *The Children of Pride: A True Story of Georgia and the Civil War*, ed. Robert Manson Myers (New Haven, 1972), 987.

marriage, showy dress and buggies at church—performed an important function. In effect, by dragging their personal property into public view, the slaves cemented their claims to own property in a society whose laws did not admit that possibility.

Kilpatrick's raid and the establishment of the Southern Claims Commission meant that ex-slaves would have to extend their claims of ownership beyond their masters, spouses, and kin to agents of the federal government. The law had not recognized property ownership among slaves, but after emancipation institutional protection of property was extended to former slaves only through a complex process of adjustment. It appears unlikely that all or even most of the county's property-owning former slaves came forward to participate in and benefit from that process. The 91 claimants compensated by the commission represented only a tiny segment of the 6,083 slaves living in Liberty County in 1860. Witnesses frequently mentioned in passing that they, too, had lost property but had not reported it. Some of those witnesses said they had not known about the commission until after the deadline for filing. Others simply doubted that anything would come of it. When asked why he had not filed to recover his own property, Tony Law replied, "I have not put in my claim against the Government yet because I haven't seen those who put in get any money. I heard that some in 'Hilton Head' had got some money but I am afraid that there won't any ever come here in my lifetime." The expense of filing probably discouraged some people as well. Both Special Commissioner Hillyer and Raymond Cay Jr., the local lawyer who filed for most of the county's ex-slaves, received fees and percentages that left some successful claimants with as little as \$15 of an official award of \$130. Cay, the son of a planter who had owned many of the claimants, came under fire from federal officials in both Liberty County and Washington, D.C., for his excessive fees. He defended his actions, saying that he assumed a great risk by advancing the fees and expenses needed to pursue a claim. Some of the ex-slave claimants, who may have drawn attention to Cay's unscrupulous conduct, induced a local minister to send several letters to Washington on their behalf asking that their payments be sent directly to them rather than in care of their lawyer.³²

For those ex-slaves who did file claims, success depended on changes in the assumptions that both they and the claims officials brought to the compensation process. Agents, and especially the three commissioners of claims, came to their tasks with highly legalistic conceptions of property and ownership, conceptions that were strikingly different from those held by the former slaves of Liberty County or even

³² Testimony of Tony Law in claim of Linda Roberts, p. 12, Liberty County, Georgia, Case Files, Southern Claims Commission, Records of the 3rd Auditor, Allowed Case Files, Records of the U.S. General Accounting Office; letter from Rev. J. T. H. Waite to Charles F. Benjamin, clerk, Office of Commissioners of Claims, Feb. 1, 1877, in claim of Tony Axon, *ibid.*; James Atkins, Collector, Savannah Customs House, to Hon. H. F. French, Assistant Secretary of the Treasury, April 5, 1877, in claim of Tony Axon, *ibid.* On ex-slave claimants' attempts to prevent abuses, see claim of John Wilson, *ibid.*; and claim of Pompey Bacon, *ibid.* Klingberg notes that attorneys were charging "exorbitant fees," frequently amounting to half the award, all across the South. Klingberg, *Southern Claims Commission*, 88.

by the former masters. Northern officials expected that ownership was consolidated around one person (though it could be delegated), that property's value could be calculated in money, that law validated ownership, and that property could not logically own property. Northern officials were prepared to evaluate the evidence found in contracts, to hear testimony about the clear, disinterested transfer of ownership from one person to the next. Instead, they heard witnesses tell of neighbors who helped one another keep animals and offer as proof of ownership the simple fact that they had seen the claimants use their possessions. Federal agents found such detailed anecdotal testimony useful for investigating claims brought by Unionist whites but problematic for those of former slaves. One agent wrote that he relied heavily on blacks' testimony to corroborate the claims of whites. "I go to negroes because I find I can really get *detailed* information out of them," the agent explained. They always know if a man was *really* loyal, they know if the cribs were full or not, often remember the names of the mules [and] the oxen." By contrast, "the rich white neighbors of the claimants" tended to "assert with a careless generality that 'so and so had between 50 and 100 head of whatnots, and the Federals took'm all sir; they took everything in the county, they robbed me, and broke me up . . . so and so lost ten times what he has charged the government.'"³³ Yet if some agents considered blacks reliable witnesses in proving the property claims of whites, blacks' testimony was immediately suspect when given in defense of claims by ex-slaves, because agents harbored powerful assumptions about the character of property in a slave society. Ex-slave claims posed a problem, not because agents mistrusted ex-slaves' ability to remember, but because claims officials believed that anything a slave may have *possessed* actually *belonged* to his master.

Former slaves, on the other hand, believed that they *had* owned property and that their ownership of property was not merely an extension of their masters' legal title to their bodies. Ex-slaves thought that an object became property not by being removed completely from the public sphere into the private sphere of a single person but by being associated publicly with people. These associations arose through cooperative labor and custody and the ongoing interchange of display and acknowledgment. Each piece of property embodied the interests of several people, including the master. Those multiple interests and associations made it difficult to calculate property's value strictly in individual and monetary terms as the commission required. Claims officials had to evaluate claims without written evidence of ownership in a county where people who transferred property did not necessarily relinquish all interest in that property. Indeed, it was precisely the fact that property was enmeshed in several overlapping, sometimes competing, social relationships that made ownership possible for slaves and that made possessions into property.

³³ After the Civil War, northern states enacted laws that enshrined "liberty of contract" between independent agents as the basis for labor negotiation. See Amy Dru Stanley, "Beggars Can't Be Choosers: Compulsion and Contract in Postbellum America," *Journal of American History*, 78 (March 1992), 1265-93; and Charles Sellers, *The Market Revolution: Jacksonian America, 1815-1846* (New York, 1991), 33-34, 100-105. Report of John D. Edwards (1874), in Klingberg, *Southern Claims Commission*, 84-85.

Many of the relationships that shaped and marked property also fit poorly with agents' assumptions about family structure, and even less with the rules of the commission, which required that witnesses state clearly what "interest" they had in the claim on which they testified. Ex-slaves who could discount blood family ties as a biasing motive were unusually persuasive witnesses. "I have done what I have out of neighborly kindness," said one, "& because he was a fellow servant in slavery times." Agents usually accepted such statements at face value, perhaps because they did not expect that people who were neither linked by formal business mechanisms of debt and credit nor related by blood might share a "beneficial interest" in property. According to the rules of the Southern Claims Commission, however, the very strength of these social relationships could have undercut the credibility of ex-slaves as witnesses. After all, slaves' claims to property intertwined with their social relationships in ways that belied their statements of disinterestedness. Linda Roberts, for example, was "not related to" William Golding and had "no beneficial interest in his claim," but she had "known him since he was a little boy," had lived in his father's house, and had contributed labor to the accumulation of the livestock, beehives, tea, and other property that Golding listed in his claim. In Roberts's words, Golding "made it there with 'we.'"³⁴ Observing the variety and flexibility of such personal relationships among slaves, with kinship, friendship, and economic connections mutually influencing one another, scholars today might conclude that many ex-slave witnesses did have an interest in the claims on which they testified, but claims agents accepted the avowals of disinterest. The arrival of the commission thus set in motion a complex process of adjustment. Successful claims had to resolve the conflict of expectations between ex-slaves and federal officials.

To a great extent, they did. Of 208 claims filed in Liberty County, the commissioners allowed 91 by ex-slaves (including 12 by women), 2 by free people of color, and 1 by a white man. These claims met the stringent loyalty test, and the claimants received at least partial compensation on at least one item. A claim could be wholly disallowed over questions of loyalty. However, because each item claimed was examined separately, nearly all claims were disallowed at least in part. Claims by Liberty County ex-slaves succeeded at a higher rate (44 percent) than the national average (33 percent). These successful ex-slaves claimed an average of \$332 and received an average of \$133, about 40 percent of the amount they claimed. By comparison, the top bracket of successful claimants nationwide (those who claimed over \$10,000) received an average of 23 percent of the amount they claimed. The highest claim by a Liberty County ex-slave was for \$2,290 by William Golding, a former house slave of John B. Mallard, husband of a free black woman, and in 1873 a member of the Georgia legislature. The lowest claim was for \$49. The highest and lowest amounts awarded to Liberty County ex-slaves were \$450 and \$20.³⁵

³⁴ Testimony of Ceasar Jones in claim of Joseph James, p. 11, Liberty County, Georgia, Case Files, Southern Claims Commission, Records of the 3rd Auditor, Allowed Case Files, Records of the U.S. General Accounting Office; testimony of Linda Roberts in claim of William Golding, pp. 3, 7, *ibid.* See also testimony of William Golding in claim of Linda Roberts, p. 10, *ibid.*

³⁵ Liberty County average calculated from allowed claims, *ibid.*; national average calculated from Klingberg, *Southern Claims Commission*, 175. Testimony of William Golding in claim of Linda Roberts, p. 10, Liberty



Artists such as Winslow Homer, Thomas Eakins, and Thomas P. Anshutz captured patterns of daily life among African Americans after the Civil War, including the mobilization of young people's labor. Thomas P. Anshutz, *Cabbages* (1879).
Courtesy Metropolitan Museum of Art, Morris K. Jesup Fund, 1940. (40.40)

Several factors contributed to the relative success of these ex-slave claimants. Although no nationwide study of ordinary claimants exists, former slaves probably received higher percentages of their claims than successful claimants in general. This occurred in part because they claimed much smaller sums than most whites. They also won more cases because they faced fewer doubts about their loyalty. The government assumed that slaves had been loyal to the Union, whereas it presumed that white southern claimants had been disloyal until they proved otherwise. Claimants such as Pompey Bacon, who testified that local whites “used to threaten me all the time and often very hard during the war because I was a friend to the Yankees,” justified the government’s assumption that slaves were loyal. For their part, the ex-slaves felt that their property and their dangerous wartime loyalty to the Union deserved compensation. “I was on the side of the United States there was no *oder* way for me,” replied David Stevens to the standard questions on loyalty.³⁶

As they pursued claims, ex-slaves modified their expectations about property and freedom in order to convince the federal agents. Postwar events show that slaves also felt entitled to the land they lived on, but ex-slaves did not list land among their possessions because the commission would compensate only “army supplies” and did not allow claims for things that soldiers could not carry off. The rules also disqualified many items that had been taken — such as buggies, chickens, beehives, clothing, and kitchenware, even peanuts, syrup, butter, sugar, and tea — but had no legitimate army use. Even when they adhered to the eligible categories, ex-slaves sometimes had to change their conceptions of value. Soldiers confiscated some items that slaves valued primarily for their cultural or religious significance, items that were “owned” but whose worth as property was difficult to translate into dollars. Liberty County claimants understood that the Southern Claims Commission would reject arguments that not only “the product of their taskwork” but also the rations their masters gave them and the land, buildings, and stock of the entire plantation all rightfully belonged to them. They purposefully limited themselves to the definition specified in the commission rules: movable property taken by Union troops for legitimate army use.³⁷

County, Georgia, Case Files, Southern Claims Commission, Records of the 3rd Auditor, Allowed Case Files, Records of the U.S. General Accounting Office; report of Special Agent Robert B. Avery, March 10, 1879, *ibid.* An additional 114 claims by ex-slaves were barred or disallowed. Such claims went to the War Claims Commission of the House of Representatives, and persistent claimants could have them reconsidered before the United States Court of Claims. In 1991 dollars, \$332 would be approximately \$4,288 and \$133 would be roughly \$1,720. Amounts converted from 1877 dollars using John J. McCusker, *How Much Is That in Real Money? A Historical Price Index for Use as a Deflator of Money Values in the Economy of the United States* (Worcester, 1992).

³⁶ Klingberg, *Southern Claims Commission*, 89, 100; claim of Pompey Bacon, p. 1, Liberty County, Georgia, Case Files, Southern Claims Commission, Records of the 3rd Auditor, Allowed Case Files, Records of the U.S. General Accounting Office; claim of David Stevens, p. 1, *ibid.* Klingberg’s study focuses on the top bracket of claimants; as yet, the only published information on ordinary claimants appears in two indexes compiled by Gary B. Mills. See Gary B. Mills, *Southern Loyalists in the Civil War: The Southern Claims Commission* (Baltimore, 1994); and Gary B. Mills, *Civil War Claims in the South: An Index of Civil War Damage Claims Filed before the Southern Claims Commission, 1871–1880* (Laguna Hills, 1980).

³⁷ Motgan, “Ownership of Property by Slaves in the Mid-Nineteenth-Century Low Country,” 409–10; Magdol, *Right to the Land*. For examples of disqualified items, see claim of William Golding, judgment, Liberty County, Georgia, Case Files, Southern Claims Commission, Records of the 3rd Auditor, Allowed Case Files, Records of the U.S. General Accounting Office; and claim of Paris James, judgment, *ibid.*

Still, even movable property was subject to many different interpretations. When they could, claimants carefully conformed their testimony to the rules of the commission and the expectations of its agents. Some items clearly had been bought, used, and cared for by groups of slaves but were claimed by individuals. Linda Jones claimed a corn mill taken from beside her house that the plantation slaves had bought collectively “for their own use.” Other movables had been possessed and used by slaves but had been bought and given to them by masters. Indeed, the issue of rations had the potential to undermine all of the ex-slaves’ claims. On this delicate issue, agents and ex-slaves moved carefully. Many claimants referred to storage practices, distinguishing between “my corn-house” and that of the master. Others emphasized function or quality. Sam Harris insisted that he used “his” wagon only for driving to church and for trips with his wife, while “my master’s wagon was used for the farm work.” Another ex-slave, Jacob Dyer, summarized: “I had a good sum of clothes that master bought for me,” including twelve yards of “white cob cloth” used “to dress the family with.” He also had a new “suit of black, that I paid ten dollars for in Savannah.” In all he owned “five or six suits,” but, he added, “all the good ones I bought for myself.”³⁸

Lawyers representing the ex-slave claimants found themselves in the odd position of arguing that the law was irrelevant to deciding ex-slaves’ claims of ownership. “If it was right they should have had these supplies from the hands of their masters,” insisted one lawyer, “no one will dispute their right of property & wish to evade responsibility by technical distinctions, arising out of abstruse questions of legal right.” Another lawyer chastised the commissioners for their skepticism: “To say that this property belonged to the *master* & that therefore it should not be paid for does not look very well from the high moral anti-slavery standpoint.” Anything the slave possessed, he went on, was “to all intents his property” because “he would have had the profit and enjoyment of it.”³⁹

For their part, agents and commissioners modified their presumptive logic about slavery and property by drawing a line between “rations” and things that slaves bought or produced on their own. They began to base their awards on “what [slaves] would have on the average at that season of the year, as the product of their task work.” Thus, when William Cassels claimed 140 bushels of corn “because it was given to me before my master left . . . to feed my family and the rest of the people on the place,” the commissioners compensated him only for the 60 bushels he had grown himself.⁴⁰

³⁸ Testimony of Joseph James in claim of Linda Jones, p. 6, Liberty County, Georgia, Case Files, Southern Claims Commission, Records of the 3rd Auditor, Allowed Case Files, Records of the U.S. General Accounting Office; claim of Sam Harris, p. 4, *ibid.*; claim of Jacob Dyer, supplemental testimony, *ibid.*

³⁹ C. W. Dudley to Commissioners of Claims, June 3, 1874, Miscellaneous Letters Received (microfilm: reel 4), General Records of the Department of the Treasury, RG 56 (National Archives); Gilmore & Richards [illegible], attorneys, to Commissioners of Claims, Sept. 5, 1878, in claim of Jacob Dyer, Liberty County, Georgia, Case Files, Southern Claims Commission, Records of the 3rd Auditor, Allowed Case Files, Records of the U.S. General Accounting Office.

⁴⁰ Claim of James Mifflin, judgment, Liberty County, Georgia, Case Files, Southern Claims Commission, Records of the 3rd Auditor, Allowed Case Files, Records of the U.S. General Accounting Office; claim of William Cassels, p. 1, *ibid.*

In drawing such distinctions, the commission was essentially tracing the genealogy of slaves' possessions back to the last transaction it could recognize as "legitimate." By the standards of the North in the mid-nineteenth century this meant a cash sale from a free white to a slave or, failing that, a transaction between two slaves. In most cases it excluded objects whose last involvement in a transaction had been a nonreciprocal transfer from master to slave. Awards for drivers and plowmen were an exception that proved the rule. The commissioners viewed objects given to these slaves by their masters as a legitimate compensation for not having access to their own after-task labor. Of course, this logic ignored the "reciprocity" involved in all rations for slaves; to recognize it would have undermined the logic of "free labor" that had underpinned the Union's war effort and that now shaped labor and property relations in the South. Nevertheless, this distinction between rations and legitimate property allowed the commissioners to conceive of property ownership among slaves. Whatever their initial assumptions and doubts, by the 1870s officials in Washington were recognizing not merely "possession" but "ownership" of property by slaves in the Low Country.⁴¹

Yet emancipation had set in motion massive changes in the southern economy, changes that were especially ironic for blacks. Many Low Country slaves had enjoyed relatively easy access to land, making time the central issue in the contest between slaves and masters. Freedom restricted that relative abundance of land and replaced it with a relative abundance of time. Nevertheless, blacks' legal right to their own time did not end their fierce struggles with whites over how that time would be spent. As the great rice and cotton plantations broke up, masters became landlords who collected rents. Union troops guaranteed that ex-slaves owned their laboring time but also required that they contract it out to a landowner. Although some freed people had followed the army to Savannah, most stayed on their plantations. Beginning in 1864 ex-slaves' lack of either land or movable property had forced many, if not most, of Liberty County's ex-slaves to continue working for their former masters, with Union soldiers acting as overseers. "The Negroes were mystified," one former master observed eight months after the raid,

thunderstruck that they should receive such treatment (and in some cases very severe, even cruel) at the hands of their friends. Very soon they began to whisper that the said Yankees were only Southern men in blue clothes—that the true Yankees had not come yet.

While the grand slave owners and their families complained of great privations, the county's poorer black residents began with less and suffered more. As Prince

⁴¹ On treatment of drivers, see, for example, claim of John Crawford, judgment, *ibid.* For a perceptive analysis of the links among law, free-labor ideology, and postwar developments in the South, see Stanley, "Beggars Can't Be Choosers," 1265–93. On the recognition of ownership, see claim of Edmund Bacon, judgment, Liberty County, Georgia, Case Files, Southern Claims Commission, Records of the 3rd Auditor, Allowed Case Files, Records of the U.S. General Accounting Office. The commissioners also recognized inheritance among slaves. See claim of Nancy Bacon, judgment, *ibid.*

Maxwell put it, “all I got was my rations,” and for him that was “hardly as good” as when they were slaves and had raised property after their tasks.⁴²

The raid by Kilpatrick’s cavalry dealt a terrible blow to an oppressed population just entering freedom, including propertied slaves. The blow was both material and psychological. William LeCounte lamented, “they took all I had, and I could not do anything for myself for a long time & I haven’t got over it.” The raid had stripped slaves of their movable property, but a larger economic transition limited their access to land, sharply lowering blacks’ average wealth. A sample of successful ex-slave claimants who appeared in the 1870 census shows that five years after emancipation most of them still owned no land and worked as “farm laborers” rather than “farmers.” The average value of their movable property dropped from \$385.28 in 1864 to \$119.23 in 1870, and six of the claimants reported owning nothing at all in 1870. Recent excavations at Colonel’s Island in nearby Glynn County indicate that even outside the sweep of Sherman’s army, emancipation left many Low Country blacks worse off—for a time—than they had been under slavery. An influx of ex-slaves from inland, attracted by rumors that General Sherman had set aside land on the coast for ex-slaves, added to their difficulties. Top claimant William Golding asserted: “I can swear to it that there was more stock property owned by slaves before the war than are owned now by both white & black people together in this county.” Blacks who once prayed for Union victory “so that we could get our own time” found that the relationship between time and their access to land had drastically changed, leaving them temporarily worse off than before.⁴³

Still, if some blacks felt their situation was “hardly as good” as it had been under slavery, others felt that gaining control over their time outweighed the loss of access to land. “I am not willing to be a slave again,” said Peter Winn, “because now I can stop & rest, & go about & walk some, then, when I was a slave I could not till I got through with my task. No sir, be a slave I am not willing to be that anymore.”⁴⁴ Despite such differences of opinion among ex-slaves about the arrival of

⁴² Eric Foner and Julie Saville have cogently explored the struggles over labor contracts and land ownership that followed emancipation in the Low Country. See Foner, *Nothing But Freedom*; and Saville, *Work of Reconstruction*. See also letter of protest from Wm. Golden [Golding], Gabriel Andrews, & Toney Axon to Col. H. F. Sickles (1865), quoted in Magdol, *Right to the Land*, 273. Rev. John Jones to Mts. Mary Jones, Aug. 21, 1865, in Myers, *Children of Pride*, 1291–93. See also *ibid.*, 1281–83. Claim of Prince Maxwell, p. 2, Liberty County, Georgia, Case Files, Southern Claims Commission, Records of the 3rd Auditor, Allowed Case Files, Records of the U.S. General Accounting Office.

⁴³ Claim of William LeCounte, p. 1, Liberty County, Georgia, Case Files, Southern Claims Commission, Records of the 3rd Auditor, Allowed Case Files, Records of the U.S. General Accounting Office. Average amount claimed as of 1864 for 13 claimants calculated from judgments, Liberty County, Georgia, Case Files, Southern Claims Commission, Records of the 3rd Auditor, Allowed Case Files, Records of the U.S. General Accounting Office; average 1870 property value calculated from 13 identifiable entries in Liberty County, Georgia, 1870 Census (microfilm: M593, reel 162), Records of the Bureau of the Census, RG 29 (National Archives). Even the skeptical Southern Claims Commission eventually awarded this group of claimants an average of \$159.77 for their lost property. Theresa A. Singleton, “Archaeological Implications for Changing Labor Conditions,” in *Archaeology of Slavery and Plantation Life*, ed. Singleton, 303; testimony of William Golding in claim of Linda Roberts, p. 10, Liberty County, Georgia, Case Files, Southern Claims Commission, Records of the 3rd Auditor, Allowed Case Files, Records of the U.S. General Accounting Office; testimony of Scipio King in claim of William Cassels, p. 3, *ibid.*

⁴⁴ Claim of Peter Winn, p. 1, Liberty County, Georgia, Case Files, Southern Claims Commission, Records of the 3rd Auditor, Allowed Case Files, Records of the U.S. General Accounting Office.

federal power in Liberty County, ex-slaves cooperated when, in the 1870s, their ability to recover lost property depended on it. Blacks' negotiations with white landowners for time would no longer be part of an informal economy, but the arrival of claims agents gathering evidence about the past promised that informal negotiations might still play a role in matters of property.

As it began its work in dozens of towns across the South, the Southern Claims Commission breathed new life into the old system of display and acknowledgment by which slaves had held property, making it relevant once more. In claims filed by ex-slaves the commission relied on witnesses to prove ownership. The detailed knowledge generated by the prewar living conditions and system of display and the intense affective ties created by shared interests in property enabled ex-slaves to marshal large numbers of witnesses to testify about their property in intimate detail. The relative stability of the large Low Country plantations during the antebellum period meant that by 1873 former slaves were able to call as witnesses people they had known for twenty or thirty years, from birth to middle age, from youth to old age, or, as one witness put it, "since I had sense." The layout of plantations permitted even people who belonged to different masters to live "fence to fence," call one another "nigh neighbor," and see one another "every day" or "every night."⁴⁵ This was a significant advantage in claims before the commission. Blacks' ability to mobilize fellow ex-slaves as knowledgeable witnesses thus continued to be important despite the massive changes of Civil War, emancipation, and the formal legitimization of blacks' ownership of property.

In other ways, however, the commission's reliance on witnesses hurt ex-slave claimants. By testifying as witnesses for ex-slaves, white planters, at least for a time, revived their role as protectors of black property ownership. However supportive they were of individual ex-slaves before the commission, and however willing they had been to participate in the prewar system of slave-owned property, ex-masters did not value property in the same way that ex-slaves did. Slaves had valued objects not only for their worth in exchange but also because those objects were enmeshed in a network of social relationships that invested them with personal and cultural significance. Ex-slaves' attempts to translate those components of their value system into money splintered on the testimony of ex-masters. One claims agent reported that the former slave owner he interviewed about Pompey Bacon's claim thought that "the bed clothing and house hold effects [were] valued too high." This white witness admitted that he "could not state what they were worth, but thought as a general thing, the bed clothing, and household effects, of negroes were not worth as much, as claimant claims." Suspicious of fraud, casting about for clues about the validity of slaves' claims, northern agents quickly latched onto the paternalistic language that the "respectable gentlemen" of the county, such as Edward DeLegal, Raymond Cay Sr., and Lazarus Mallard, used in speaking about slave-owned prop-

⁴⁵ Testimony of Phoebe Ann Norman in claim of Lucy McIver, p. 3, *ibid.*; claim of William Cassels, *ibid.*

erty. Part expert witnesses, part character witnesses, the white “gentlemen” consistently supported the ex-slaves’ claims but scoffed at their “greatly overstated” values. Planters’ skepticism about the quality of slave-owned property had the same effect as if they had disputed its quantity. In making final judgments, agents and commissioners applied the former masters’ evaluations like a formula, reducing the awards of even free blacks according to a set of racial preconceptions about property. “I suppose [it was] one of the finest in the county,” the former slave owner William Winn said of a horse claimed by one of his family’s former slaves. Then, catching himself, he clarified: “I mean the horse was one of the finest of those owned by the negroes.”⁴⁶

Ex-slaves’ experience with the commission was part of a larger adjustment in the Low Country to new, more purely capitalistic relations of land, labor, and capital. Ironically, establishing ownership through social claims under slavery proved easier than winning cash recognition from federal officials. Much of property’s value for slaves could not be compensated in cash. Although slaves had long participated in a cash economy, they valued property in part for its social and personal significance, “use” values that former masters and federal agents did not understand, and that had no equivalents in the money awards of the commission. The claims process played an important role in deciding the relevance of the social relationships generated under slavery in the new socioeconomic landscape of Reconstruction. Some elements of the old system survived, but the basic economy of land, time, and property had changed, and what survived now meant something different.

Although former masters were willing to testify to help individual blacks regain property they had owned as slaves, changes in the postwar political economy of the South made it likely that such commitment would not last long. White landowners no longer legally owned the possessions of their black workers. Black residents had the backing of law to sustain their claims to property. On the other hand, as employers of free labor, white landowners now had a bigger stake in the formal system of law and contract and less incentive to participate in the old informal system that affirmed blacks’ claims to property.

Among African Americans, however, public display and social claims continued to play an important role in transfers of property and regulation of social relationships. Long after emancipation, features of the old system of slave property ownership endured. In South Carolina, freed people insisted on planting patches on “the old home place” even after moving to live elsewhere in the area. How long this pattern persisted is unknown, but even after the 1950s, when black farm operators “nearly disappeared from the southern landscape,” claims to land, property, and labor continued to be bound up in ongoing negotiations between neighbors,

⁴⁶ Special Agent W. W. Paine to Commissioners of Claims, July 18, 1876, in claim of Pompey Bacon, *ibid.*; testimony of William A. Fleming in claim of Tony Axon, supplemental testimony, *ibid.*; testimony of William Winn in claim of David Stevens, *ibid.* Ex-slaves used language that was similarly marked. Indeed, the widespread acceptance of informal guidelines about what slaves could own can be seen as a logical corollary to the unofficial but widely observed rules that governed the task labor system. In this way, vague and general knowledge about “what was done” in the county could be distilled to a simple racial vocabulary and applied to specific instances. See the testimony of Gideon Jackson in claim of Prince Maxwell, p. 6, *ibid.*

spouses, and family members. In the 1930s descendants of the people who appeared before Virgil Hillyer in 1873 were still living in the Georgia Low Country, though not necessarily on the same plantations their relatives had worked. By the 1970s these families had resolved themselves into complex networks of kin that were important both in regulating access to land and in enforcing social obligations. South Carolina Sea Islanders refer to "getting sense" as the time they received "their first instruction on the obligations and responsibilities of kinship," echoing words spoken 120 years ago. These attempts to "make identity objective," as Saville puts it, suggest that despite whites' withdrawal, the intense interrelationship of property and social bonds persisted among African Americans.⁴⁷

Slaves owned property in Liberty County, Georgia. This simple fact raises fascinating questions for the study of slavery, southern history, and African American history. Slavery did not mean the total loss of the fruits of one's labor. Slaves participated with white masters and non-slave-owning whites in an informal economy of time, land, and property, one that overlapped and supported the formal economy of the plantation even as it let slaves push back against the oppression of the system. After the Civil War the Southern Claims Commission provided a forum where northern officials and ex-slaves confronted and adjusted to the differences in their conceptions of property. The participation of southern whites and, later, northern whites in an extralegal, noninstitutional system of black property ownership challenges our assumptions about how nineteenth-century Anglo-Americans conceived of both property and slavery. Negotiating access to resources through social claims may not have been peculiar to African Americans; many nineteenth-century rural and urban whites also lacked written records of ownership and relied heavily on social relationships with kin and neighbors in matters of work and property.⁴⁸ Finally, what made slaves' possessions into property were complex networks of social relationships, sometimes expressed in an interchange of display and acknowledgment. Raising, trading, storing, and passing down property depended on slaves' ability to call on other slaves as workers, custodians, and witnesses. Many

⁴⁷ Saville, *Work of Reconstruction*, 18; Loren Schweninger, "A Vanishing Breed: Black Farm Owners in the South, 1651-1982," *Agricultural History*, 63 (Summer 1989), 41-57; Bamidele Agbagesbe Demerson, "Family Life on Wadmalaw Island," in *Sea Island Roots: African Presence in the Carolinas and Georgia*, ed. Mary A. Twining and Keith E. Baird (Trenton, 1991), 57-87; Georgia Writers' Project, *Drums and Shadows: Survival Studies among the Georgia Coastal Negroes* (1940; Westport, 1976); Young, *Notes on Sisterhood, Kinship, and Marriage in an African-American South Carolina Sea Island Community*, 10-11. For the Caribbean, see Mintz, *Caribbean Transformations*, 243-50; Lydia Pulsipher, "'He Won't Let She Stretch She Foot': Gender Relations in Traditional West Indian Houseyards," in *Full Circles: Geographies of Women over the Life Course*, ed. Cindi Katz and Janice Monk (New York, 1993), 107-21; Jean Besson, "Land Tenure in the Free Villages of Irelawney, Jamaica: A Case Study in the Caribbean Peasant Response to Emancipation," *Slavery & Abolition*, 5 (May 1984), 3-23; and Thomas C. Holt, *The Problem of Freedom: Race, Labor, and Politics in Jamaica and Britain, 1832-1938* (Baltimore, 1992). Few works analyze how plantation spatial relationships changed after emancipation. See Charles E. Orser Jr., *The Material Basis of the Postbellum Tenant Plantation: Historical Archaeology in the South Carolina Piedmont* (Athens, 1988); and B. W. Higman, "The Spatial Economy of Jamaican Sugar Plantations: Cartographic Evidence from the Eighteenth and Nineteenth Centuries," *Journal of Historical Geography*, 13 (no. 1, 1987), 17-39.

⁴⁸ See Michael Merrill, "Cash Is Good to Eat: Self-Sufficiency and Exchange in the Rural Economy of the United States," *Radical History Review*, 4 (Winter 1977), 42-71; Steven Hahn, *The Roots of Southern Populism: Yeoman Farmers and the Transformation of the Georgia Upcountry, 1850-1890* (New York, 1983); and Christopher Clark, *The Roots of Rural Capitalism: Western Massachusetts, 1780-1860* (Ithaca, 1990).

scholars have recognized the centrality of family and community relationships for African Americans, especially in the face of physical and economic oppression by European Americans. But the evidence in the claims suggests that African Americans also negotiated among themselves over economic resources, and that social relationships were integral to such negotiation.

Just as social relationships helped people make claims to property, property ownership shaped and perhaps even created social relationships. In other words, “blood” and a common experience of oppression were not the only ways that African Americans related to one another. Their varied and flexible social relationships and their ongoing negotiations over property and labor mutually influenced each other. By looking more deeply into the experience of oppression we may see how this intertwining of social and economic relationships came to define an important part of life in the nineteenth-century United States.