

THE NEGRO IN ALABAMA DURING THE CIVIL WAR

Negro slaves performed varied tasks in Alabama during the course of the Civil War. In many instances they took the places of whites on railroad and steamship lines and in factories, mines, and ironworks. Skilled and unskilled Negro labor was in greater demand on the plantations and in the towns and cities than at any time during the antebellum period. Particularly after 1862, there were frequent newspaper advertisements, seeking the services of Negroes for various types of work which had previously been done almost altogether by white persons.

By an act of 1861 the Governor of Alabama was authorized to accept the services of slaves, offered by certain slaveholders, to the extent that he deemed necessary.¹ This act was passed shortly before the outbreak of hostilities, and the slaves were probably offered to aid in the preparation of defenses. In October of the following year the Governor was empowered to impress slaves between eighteen and forty-five years of age as laborers. Unless there was an imminence of danger, no slave of an owner of less than ten Negroes could be impressed. White overseers were to be selected for every thirty Negroes. Owners who resisted this act could be fined a minimum of three hundred dollars and given a three months' jail sentence. Tools, wagons, and other equipment owned by slaveholders could be commandeered by the state.² An amendment to this act, passed on November 17, 1864, provided that the sheriff was to summon a posse of at least twenty men and seize double the value of the property if an owner attempted to thwart the enforcement of this act.³

Especially were slaves desired for work on fortifica-

¹ *Acts of the General Assembly, 1861, 54.*

² *Ibid., 1862, 37 ff.*

³ *Ibid., 1864, 40-41.*

tions, which were erected "to provide for the public safety, by quelling insurrection, preventing or repelling invasion." Under an act of 1862, the Governor ordered the impressment of 150 slaves from Sumter County, of whom twenty-five to thirty were to be "rough plantation carpenters with 16 broad axes, 120 club axes, 8 crosscut saws, 81½ chisels, 12 strong wagons, each with a good team of four mules, harness complete, log chain and driver." Owners of slave mechanics were to be paid \$1.50 a day, while other slaveholders received \$1 a day.⁴

Slaves were employed in constructing fortifications at Mobile, Montgomery, Selma, and other places; they were used around the ordnance plants of Selma, at the nitre works of Central Alabama, and in the salt works of Clarke County. Some were used in building railroads and in hauling the tax-in-kind. It is estimated that around 4,500 Negroes were used at one time in constructing earthworks at Mobile in 1864.⁵ It has been asserted that one white male could be released for military service for every two Negroes employed in military establishments.⁶ Incidentally, it seems conclusive that more slaves were impressed by the Confederate government than by the state, even though no statistics are available to substantiate this statement.

Some opposition was encountered in North Alabama because of the use of Negroes by the Confederacy and the state. When Bishop-General Leonidas Polk made a general impressment of slaves in that section, there were protests from a number of slave-owners. A public meeting was held in Talladega County in April, 1864, and similar meetings were held in Randolph and other northern counties. This practice continued, however, until the end of the

⁴ *Gainesville Independent*, November 15, 1862; *Selma Reporter*, March 3, 1863. It is not explained why 81½ chisels were needed.

⁵ Walter L. Fleming, *Civil War and Reconstruction in Alabama*, 206; *The South in the Building of a Nation*, V; 149.

⁶ Fleming, *op. cit.*, 205.

war. Slaves were even brought into Alabama from other Confederate states to work on the fortifications at Selma, Montgomery, and Mobile.⁷

Most of the slaves labored on the plantations during the war. They produced food and cotton for soldiers and civilians and were used extensively in spinning and weaving cloth and in making and repairing garments. One writer says that Confederate soldiers were clothed during the last three years of war through the output of slave labor.⁸

Overseers between the ages of eighteen and forty-five, who supervised twenty or more slaves, were exempted from military service by an act of the Confederate Congress of October 11, 1862. There was so much clamor against this measure that the Congress provided on May 1, 1863 that overseers would be excused from military service only "for the benefit of certain helpless and meritorious classes." Similar legislation was enacted by the Alabama Legislature at about the same time; for every overseer exempted, the owner was obliged to pay five hundred dollars a year into the public treasury.⁹ The State Supreme Court ruled in *The State ex Rel Dawson, in re Strawbridge*, 39 Ala. 367, that those overseers who were exempted from military service had to be employed prior to the passage of the act, and that owners were obligated to try and find a person over the age limit for military service. Many owners found it impossible to obtain white overseers after this, and some were obliged to use Negroes in this capacity.¹⁰

A few free Negroes served in the Confederate army as substitutes for whites; some were used as cooks, teamsters, common laborers, and musicians, but slaves were employed

⁷ *Ibid.*, 206.

⁸ B. F. Riley, *History of the Baptists of Alabama*, 295.

⁹ *Acts of the General Assembly, 1863*, 12. On February 17, 1864, the Confederate Congress provided exemption for overseers supervising fifteen or more Negroes.

¹⁰ Cf. Fleming, *op. cit.*, 209.

only for common labor. During the early phases of the war, some slaves from the Black Belt accompanied their owners to the battle front in Virginia and served as body servants and in other capacities. Several hundred Negroes were used as servants by the Third Alabama Regiment, but by 1863 they had been sent back to Alabama.¹¹

Early in 1865 a movement was begun to enlist slaves as soldiers, in order to replenish the thinning ranks of the Confederate army. At a Mobile theater on February 19, 1865, "a large and enthusiastic" group of people passed resolutions which called upon the government to place one hundred thousand Negroes into the army immediately.¹² Similar sentiments were expressed by other groups of desperate Alabamians.

Around the time of the Mobile meeting, Brigadier General John T. Morgan was assigned by President Davis to organize one-fourth of the male slave population between eighteen and forty-five for military use. It was provided that recruiting officers were to establish stations wherever they deemed it necessary and that recruits were to report by May 1, 1865. Furthermore, all commissioned officers were authorized to enlist the slaves. No enlistments were to be made without the consent of the owners, and the title of the slaves would not be affected. General Morgan believed that slaves would make good soldiers if they were properly cared for and treated humanely. In this connection he declared: "They are to be made to feel that they are soldiers By efficient management, there can be twenty regiments made up in six weeks. They can soon be drilled by proper officers, and will make better soldiers for us than they ever will for our enemies." Their pay, rations, and clothing were to be the same as provided for

¹¹ *Ibid.*, 207.

¹² *The American Annual Cyclopaedia and Register of Important Events, 1865*, 10.

white soldiers.¹³ However, the war ended before this plan could be carried into execution.

Negro troops were employed by the Union in Alabama for the first time in 1863. They were used in increasing numbers during the last full year of the war as Federal raiders overran large sections of the state. In most instances these Negroes were used for fatigue duty, although there were instances when they were used as line soldiers in certain minor battles.

Six companies of the Fourteenth Tennessee Colored Regiment under Colonel Thomas J. Morgan were sent from Gallatin, Tennessee, to Bridgeport, Alabama, late in 1863 to construct fortifications and perform other laborious duties. In October, 1864, two companies of this regiment were ordered from Stevenson, Alabama, near Bridgeport, to Decatur, after the latter town had been invested by forces under General R. S. Granger. It has been claimed that troops belonging to these companies succeeded in charging the Confederate works and taking a battery. Some of these Negroes were later used around Huntsville in the pursuit of General Hood.

Other Negro regiments were organized outside Alabama, which participated in the Federal incursions into the northern part of the state. The Second Regiment of Alabama Volunteers, which seems to have been composed largely of Negroes recruited in North Alabama, was organized at Pulaski, Tennessee, in November, 1863. This regiment was used during the occupation of Athens and other communities in North Alabama. The Third Regiment of Alabama Volunteers was recruited at Pulaski, Prospect, and Lynville, Tennessee, and at Sulphur Branch Trestle in Alabama during the early part of 1864. It was employed in Alabama principally at Sulphur Branch Trestle and Athens. Negro troops, belonging to the First and

¹³ *South Western Baptist*, April 13, 1865.

Second Louisiana Native Guards, participated in the assault on Spanish Fort late in 1864. In the closing months of the war, the First and Third Regiments performed various duties in the area north of Mobile.¹⁴

Shortly after the beginning of the year 1863, recruiting offices were set up in North Alabama to enroll Union sympathizers as soldiers in the United States Army. In the closing months of war, Negroes were recruited from other sections of Alabama. Around 2,500 whites who lived in the northern counties enlisted during the remaining months of the warfare. According to the official figures, 4,969 Alabama Negroes were recruited for the Union during the course of the war.¹⁵ However, Professor Fleming has estimated that almost ten thousand Negroes enlisted in North Alabama alone, and that many Negroes who were recruited in North Alabama were credited to the northern states.¹⁶ Fleming adds that his estimate is a conservative one.

On December 25, 1863, one James T. Ayers received orders from Captain William F. Wheeler, General Agent for Colored Recruits at Stevenson, Alabama, to proceed from Nashville, Tennessee, to Stevenson. Ayers, a semi-literate Illinois preacher, had begun his military career by enlisting in the 129th Illinois Infantry Regiment in September, 1862. Between July and December of 1863 he had recruited Negroes in Tennessee; but beginning in January, 1864, he was assigned to enlist the blacks in the towns and on the plantations of the Tennessee Valley. Ayers served in this section of Alabama as a recruiter until his resignation from the Union Army in October, 1864.

In the towns of North Alabama, Ayers spoke at public meetings to Negroes, extolling the blessings of freedom and offering those who would enlist ten dollars a month, along with food and clothing. It was necessary for him to visit

¹⁴ Joseph T. Wilson, *The Black Phalanx*, *passim*.

¹⁵ *Official Records of the War of Rebellion*, Series III, vol. 5, 662.

¹⁶ Fleming, *op. cit.*, 88.

the plantations in an effort to interest rural Negroes in joining the colors. Posters, provided for him by the Adjutant General's office, were nailed up at conspicuous places. These posters announced the time and place of the meetings and were designed to increase the interest in enlisting. In the center of the poster a Negro would be shown holding a United States flag. To the right of the Negro white men could be seen knocking the chains from the wrists of several slaves; those Negroes who had been freed of their chains were shown with outstretched hands shouting and praising God. To the left of the Negro holding the flag were little Negro children attending school. On the back of the poster were these words in bold type: "All slaves were made free by me, Abraham Lincoln, President of the United States, January 1, 1863."

The trials and tribulations of a recruiter seem to have been many. Ayers complained that the whites had told the slaves that the Union soldiers would kill or carry them away. As he went about this work, some would remark: "There goes that oald nigger recruiter, that's that oald man was at our House the other day, and took pops or dads niggers away." He also complained about the lack of interest on the part of Negroes in his recruitment campaign. On April 30, 1864, he wrote from Huntsville:

Poor ignorand Devils they would Rather stay behind and geather up the Boxes of oald shoes and oald shirts and Pants our boys have left than be soaldiers. One fellow I attacted and was pressing him hard to inlist and his wife staped up and said he could not go. Why said I are you his wife, yes said she, well why Cant he go said I. Why said she he aint healthy. God have mercy said I he is so fat and slick his Eyes are all most ready to pop out now beside he has A mule load on him now. dont tell me he is sick and beside you leave. I dont want you. Father Abraham dont want women and haint sent me after them so you may patter. I want your man said I to her you ought to be a slave as long as you live and him to if he is so mean as not to help get his Liberty, but sneak Round our camps to live on the Rags we throw away when he might do better. I was a little out of humor you see.

About a month before he resigned as a recruiter, Ayers declared:

I feel now much inclined to go to Nashville and throw up my papers and Resign, as I am hartily sick of Coaxing niggers to be Soaldiers Anymore. They are so trifling and mean they dont Deserve to be free. I have often been toald by them when trying to Coax them to inlist why say they I dont want to be a soaldier.

Some Negroes told Ayers that they couldn't shoot anyone or that they did not wish to leave their wives. Others complained about their health, saying that they were "corrupted" (ruptured), had "rumities" (rheumatism), or suffering from other aches and pains.¹⁷

Ayers did succeed in enlisting slaves in Tennessee Valley, who later were incorporated in the Fifteenth Tennessee and other colored regiments. On July 26, 1864, ten armed Negroes were sent from Nashville to assist him in recruiting the Negroes of North Alabama. It was believed that this move would cause more blacks to flock to the colors. However, there are no indications that the desired results were obtained from this experiment.

Other northerners were not nearly so downcast as Ayers. Some of these persons cited instances of Negroes running away from their masters and enduring various privations in order to serve in the Union Army. Colonel R. D. Mussey, commissioner for the organization of colored troops, reported that around three hundred Negroes were recruited from North Alabama alone for the Seventeenth United States Colored Infantry.¹⁸ It is more than likely that many of them were won to the Union cause by the persuasive powers of Ayers.

The Fourth Regiment of Alabama Infantry was organized at Decatur in March, 1864; it was subsequently used at Mud Creek and Athens. The 137th Regiment was recruited at Selma early in April, 1865, during Wilson's destructive raid into Central Alabama. It has been said that

¹⁷ *Diary of James T. Ayers*, ed. by John Hope Franklin, *passim*.

¹⁸ *Official Records*, Series III, vol. 4, 768.

while Wilson's men were plundering Selma, Negroes were encouraged to pillage and destroy, and that those who hesitated were threatened with death by Union soldiers. Further, it has been averred that some Negroes were robbed of their meagre possessions by the raiders. When Wilson's men continued to Montgomery, Columbus, and West Point, they were augmented by the regiment around Selma and by other Negroes along the way.¹⁹ The recruitment of Negroes officially ceased on April 29, 1865, when an order was issued to this effect by the Provost-Marshal, General James B. Fry, for the Secretary of War.

It has been frequently said that the slaves were faithful during the four years of Civil War; that planters intrusted their valuables to them when Union troops were near; that the slaves protected the possessions of their owners in many ways, and did not betray their confidence.²⁰ One writer avers that the Negroes seldom deserted or allowed themselves to be captured until near the close of the war, although there were numerous opportunities to do so in the North Alabama section. He declares, however, that they possessed "faithfulness of trained obedience rather than of love or gratitude."²¹

It is apparent that most slaves were faithful to their owners, especially during the first two years of war. When it is remembered that not more than ten thousand Alabama slaves were formally incorporated into the Union Army out of a total slave population of around 435,000, it is quite clear that most of the slaves in the state were not actively hostile. An Alabama woman wrote in 1863:

¹⁹ Fleming, *op. cit.*, 71 ff.; Wilson, *op. cit.*, *passim*.

²⁰ Virginia V. Clayton, *White and Black Under the Old Regime*, 99-100; J. T. Trowbridge, *The South: A Tour of its Battle-fields and Ruined Cities*, 425.

²¹ Fleming, *op. cit.*, 205, 210. Fleming says that when neighboring states were threatened, slaves from these states were sent to Alabama to prevent their capture. Often they were under the supervision of Negro overseers or drivers. *Ibid.*, 209.

Spite of the infamous proclamation our servants are still loyal, and never rendered more cheerful obedience; indeed their interest in our soldiers and anxiety for the return of peace seems as great as our own. During the Christmas week we had two thousand soldiers passing through . . . daily, and we undertook in conjunction with our neighbors, to give them a Christmas dinner to remind them of home. This, of course, involved much extra cooking, and it being the servants' holiday, we were much distressed that our charity should infringe on their privileges. We, therefore, determined to remunerate them for their trouble, but when I offered them the money they seemed quite hurt and said that they wanted to do their part for our soldiers and not having any money could only give their time.²²

Horace King, a free Negro contractor, bridge builder and slaveholder of Russell County, gave clothes and money to the son of his former master. The youth was serving in the Confederate army at the time.²³ Many examples of faithfulness could be cited, in which slaves risked their lives in order to save the lives of their owners or to protect the property of white people.

Many slaves exhibited restlessness or demonstrated less loyalty during the last two years of the war. A Talladega slaveholder advertised in 1863 for two slaves who had recently been brought from Carroll County, Mississippi. He believed that they would "no doubt, try to go back there to the Yankees."²⁴ A Montgomery minister declared:

When the last years of the war came on, there was, on the part of some of my colored congregation, a manifest expectation of freedom. They could not disguise their anxiety for its coming. Though submissive and obedient to the will of their masters to the very last day of their bondage, they could not repress the uplifting thought that they were soon to be set free.²⁵

During the early part of April, 1865, many slaves left the plantations and followed the invading Union armies which came into Central Alabama. Some of these slaves

²² James Ford Rhodes, *History of the United States*, V, 461-462, quoting *The Index*, April 2, 1863.

²³ Fleming, *op. cit.*, 206 ff.

²⁴ *Selma Reporter*, August 7, 1863.

²⁵ Riley, *op. cit.*, 241.

were used for various army duties, but other were merely hangers-on. When freedom came, some blacks forsook the plantations and flocked to the towns or the outskirts of towns. In the Black Belt crops were often abandoned, but many Negroes stayed on the plantations.²⁶ It seems that the greatest amount of desertion occurred in towns and near army camps.²⁷

Some Negroes, however, soon became disillusioned because of the hardships they experienced during the early months of their freedom. Nine hundred freedmen assembled at Mobile on August 13, 1865, and by a vote of seven hundred to two hundred declared that the realities of freedom "were far from being so flattering as their imagination had painted it; that the prejudices of color were not confined to the South, but stronger and more marked on the part of the strangers from the North." They complained that they had not been provided for by the northerners, and that their former owners would no longer take an interest in them. The Negroes further agreed that they should return and work for their former owners.²⁸

However, a convention of Negroes declared in Mobile on November 22, 1865, that freedom was the gift of God. These freedmen agreed to maintain a good spirit, especially toward southern whites. They resolved to work industriously, and promised to obey all of the laws of the United States. Educational and religious training were declared to be vital to the development of Negro children. The Negroes asserted that there was no foundation to the rumors then circulating that an insurrection was planned by the freedmen of the state.²⁹

²⁶ *Annual Cyclopaedia, 1865*, 16; F. W. Loring and C. F. Atkinson, *Cotton Culture and the South*, 13-14. Several attempts were made by ex-slaves in 1865 and 1866 to farm on a cooperative basis, but they were unsuccessful. Fleming, *op. cit.*, 720.

²⁷ *Ibid.*, 714.

²⁸ *Annual Cyclopaedia, 1865*, 20.

²⁹ *Loc. cit.*

Shortly after the ending of hostilities Governor Lewis E. Parton declared: "They who were once our slaves are now free, and must be governed as free men." The Governor issued a proclamation on July 20, 1865, in which it was stated that the laws of Alabama remained as they were on January 11, 1861, except as they related to slavery.³⁰ A state convention repealed the ordinance of secession and directed the Legislature to provide full protection for Negroes. By a vote of eighty-nine to three, this body formally declared that slavery no longer existed in the state. During the course of the proceedings, some delegates had voiced the sentiment that the validity of the abolition of slavery by presidential and congressional action should be aired before the Supreme Court. This proposal was rejected by a majority of the delegates. The Convention provided that slave marriages should be legalized, made the children of such unions legitimate; and stipulated that freedmen should obtain licenses before marrying and that Negro fathers should support their families. County commissioners were authorized to make provision for indigent, infirm, and helpless freedmen. The convention also declared that laws which prohibited free colored mariners from leaving ships upon arrival in the state should be voided; it directed judicial officers of Alabama to act as agents of the Freedmen's Bureau.³¹ Significantly, it refused to consider a petition from a group of Mobile Negroes, asking to be given the ballot.

In his inaugural address of December 13, 1865, Governor Robert Patton declared: "We will not only extend to the freedmen all of his legitimate rights, but will throw around him such effective safeguards as will secure him in their full and complete enjoyment. At the same time it must be understood that politically and socially ours is a white man's government."³²

³⁰ *Loc. cit.*

³¹ *Annual Cyclopaedia, 1865, 13 ff.*

³² *Journal of the Senate, 1865, 124, 129.*

The Legislature met in November, 1865, and ratified the Thirteenth Amendment on December 2, 1865. In ratifying this amendment it declared that this did not give Congress the power "to legislate upon the political status of freedmen in this State."³³ The Legislature conferred upon Negroes the right to sue and be sued, to serve as witnesses in the courts against members of their race, and other civil rights.³⁴ It re-enacted sections of the slave code affecting free Negroes and provided that the probate courts were to apprentice all Negroes who were orphans or whose parents did not support them. Contracts for longer than one month, in which freedmen were parties, were to be written and subscribed to in the presence of two white witnesses. If a Negro did not carry out his part of the contract, he was considered guilty of a misdemeanor and was subject to the vagrant law of the state. Apprenticeship for whites under eighteen years of age was also provided; but in the case of Negroes, it was stated that former owners, when they were "suitable persons," would have preference to their services. Males were apprenticed until they were twenty-one years of age and females until they were eighteen.³⁵

No one could interfere with the hiring of a laborer under contract or entice him away. The Legislature also revived those portions of the slave code that referred to free Negroes. Governor Patton vetoed the apprentice law, the vagrant law, and a bill reviving those portions of the slave code referring to free Negroes because of pressure brought to bear by General Wagner Swayne, assistant commis-

³³ *Ibid.*, 1865, 17-18; Walker, *op. cit.*, 225. Some Negroes who had been charged with murder, committed while they were slaves, were freed by the State Supreme Court during this transitional period on the ground that all penal laws affecting slaves had been abrogated. The Court declared that slaves "could be punished under no law." *Burt v. The State*, 39 Ala. 617; *Nelson v. The State*, 39 Ala. 667; *George v. The State*, 39 Ala. 675.

³⁴ *Acts of the General Assembly, 1865*, 98; George W. Stone and J. W. Shephard, Eds., *The Penal Code of Alabama*, 164-165.

³⁵ *Annual Cyclopaedia, 1865*, 19.

sioner of the Freedmen's Bureau in Alabama. On February 23, 1866, however, the governor signed an apprentice law, giving preference to former owners in employing Negro children. The Legislature provided in addition that vagrants could be jailed, fined, and sentenced to six months' imprisonment or hired out for a maximum period of six months.³⁶ Patrols were established in the cities and towns of Alabama in order to maintain order among the Negroes. In Mobile the chief of police was empowered to keep a record of all the names of white males over sixteen years of age for patrol duty and to designate the area of the city to be patrolled.³⁷ Similar ordinances were passed in other urban centers.

One writer declares that Alabama's stay law, which prevented the collection of debts within a twelve-month period, and its law, which punished persons for loafing on their jobs or failing to live up to a labor contract, "were aimed at the Negro and enforced against him exclusively." Nevertheless, this writer concludes that the black codes of Alabama were relatively mild, even though there were frequent instances of injustice. Portions of the stay law were repealed on December 7, 1866, in order to make it no longer applicable to cases concerning wages. The vagrant law was repealed on February 12, 1867.³⁸

Most Alabama white were suspicious of free Negro labor after the ending of hostilities. In an effort to attract northern capital to the state, orators delivered addresses extolling the agricultural and mineral wealth of Alabama and its commercial possibilities. Some Black Belt planters attempted to induce northerners to come to central Alabama as partners or as farm laborers. Conventions were

³⁶ Acts of the General Assembly, 1866, 128 ff; George W. Stone and J. W. Shephard, eds., *The Penal Code of Alabama*, 164-165; Elizabeth Bethel, "The Freedmen's Bureau in Alabama," in *The Journal of Southern History*, IV (February, 1948), 58.

³⁷ *The Charter and Code of Ordinances of the City of Mobile, 1866*, 150.

³⁸ Bethel, 66, 69.

held in various places to make plans for attracting foreigners to supplant Negroes as laborers. Some planters advocated the importation of Chinese coolies, and a few coolies were actually used in constructing the Alabama and Chattanooga Railroad.³⁹

Immigrant societies, established in some instances by sharpsters, set up headquarters in several cities in Alabama, as well as in the North. The German Association for the Promotion and Protection of German Immigration to the State of Alabama was incorporated early in 1866. Its purpose was "to endeavor to bring German immigrants to this state by publishing correct statements of the production, fertility and aptness for white labor of the soil." An agent was to reside in Montgomery to look after the interests of the immigrants. He was to make contracts with them, or with persons who desired to employ them. The agent was also to obtain leases on land for immigrants who requested this service.⁴⁰

One Alabamian declared at this time that foreign laborers were badly needed. Twelve to fifteen dollars monthly and board could be offered to "stout" men, and six to ten dollars to women. Those who would feed and clothe themselves could get half of the crop as an alternative, in which case they would be furnished everything needed for cultivating the crops. Another citizen believed that the overproduction of cotton would be curtailed if as many immigrants came to the South as were in the New England states.⁴¹ The efforts to attract northerners and immigrants to Alabama failed, however, and planters began to turn increasingly to Negro labor.

Early in 1866 Governor Patton declared that "information from various parts of the State shows that the Ne-

³⁹ Cf. Fleming, *op. cit.*, 617; Anne K. Walker, *Backtracking in Barbour County*, 228.

⁴⁰ *Acts of the General Assembly, 1866*, 254, 255.

⁴¹ Loring and Atkinson, *op. cit.*, 122.

groes are everywhere making contracts for the present year, upon terms that are entirely satisfactory to employers." The Governor added that the freedmen were faithfully discharging their obligations. He continued: "It is well known to us, that during the last four years, a large number of Negroes left the State. Many of them are returning and seeking employment with their former owners. Their labor is greatly needed by land owners, and they should be encouraged to return rather than be punished for it."⁴²

Contrary to the assertion of Governor Patton, many freedmen did not enter into contracts for 1866. A few left Alabama altogether and sought their fortunes elsewhere. Some Negroes, living in Clarke County, left Alabama and sought employment in Louisiana, while others continued to work for their former owners or acquired small parcels of land.⁴³ A traveler passed several groups of Negro families between Mobile and Montgomery shortly after the close of the Civil War. They were "working their way westward," and carried along their few earthly possessions.⁴⁴ Most of the former slaves, of course, remained in Alabama.

An Auburn citizen wrote in December, 1866:

The Christmas holidays here are cold, rainy, cheerless. The heart of the South is beginning to sink in despair. The streets are full of negroes, who refuse to make contracts for the next year. The short crop of 1866 causes much dissatisfaction. They will not engage to work for anything but wages. They are penniless, but resolute in their demands. They expect to see the land all divided out equally between them and their old masters, in time to make the next crop. One of the most intelligent black men that I know told me this day that in a neighboring village where several hundred negroes were congregated, he does not think that as many as three made contracts, although the planters are urgent in their solicitations, and offering the highest prices for labor they can possibly afford to pay. The same man informed me that the im-

⁴² *Journal of the Senate, 1866*, 163-164.

⁴³ T. H. Ball, *A Glance into the Great South-East*, 620

⁴⁴ Henry Latham, *Black and White: A Journey of the Three Months' Tour in the United States*, 140.

pression widely prevails that Congress is about to divide out the lands, and that this impression is given by Federal soldiers at the nearest military station. It cannot be disguised that in spite of the most earnest efforts of their old masters to conciliate them, the estrangement between the two races increases in its extent and bitterness.⁴⁵

In order to provide for the welfare of Negroes and other indigent persons and to have a supervisory agency for abandoned lands in the southern states, Congress established in the War Department the Bureau of Refugees, Freedmen, and Abandoned Lands on March 3, 1865. General Oliver O. Howard was chosen to direct the operations of this agency. Divisions were set up within the Bureau to promote relief, medical care, education, and justice. Originally the Bureau was organized to function for one year, but its program was extended by subsequent acts of Congress. It continued its educational work in Alabama until July 15, 1870, but most of its other services were terminated on December 31, 1868.

Bureau stations were established at Montgomery, Mobile, Selma, Demopolis, Greenville, Tuscaloosa, Talladega, and Huntsville. Sub-assistant commissioners, aided by local judicial officers functioned under the direction of Brigadier General Wagner Swayne, who arrived in Alabama in the latter part of July, 1865. The activities of the Bureau were financed largely by heavy taxes imposed on cotton. Beginning in the summer of 1865, its agents began to establish soup kitchens for destitute Negroes and white people in a number of communities. Many persons were on the verge of destitution, and there were reports of actual starvation in North Alabama during the winter of 1865.

During the years 1865, 1866, and 1867, crops were unusually poor in Alabama and other southern states, thereby adding to the misery and suffering of the population. Crop yields were likewise off in 1868, but many of the people did

⁴⁵ George Petrie, "William F. Samford, Statesman and Man of Letters," in *Transactions of the Alabama Historical Society*, IV (1890), 480.

not experience the hardships of the preceding three years. The short crops were due to such circumstances as an acute shortage of labor, drought conditions, and the appalling destruction wrought by the cotton worm. Hardly one tenth as much cotton was produced in Alabama during 1865 as in 1860.⁴⁶ The closing of the state to foreign trade for several months after the war and the strict supervision of its commerce with other states by Federal agents were not calculated to lead to the rapid revival of Alabama's economy.

On August 31, 1865, the labor regulations governing freedmen were announced in Alabama. It was provided that contracts of one month or more in duration were to be in writing and acceptable to an official of the Freedmen's Bureau. A provision which was not at first enforced was that landlords could not dispose of more than half of their crops until they paid their tenants. After contracts had been negotiated, the latter could be compelled to work for the county, if an employer declared under oath that they had failed to work more than a day without sufficient cause or more than three days in a month. When verbal contracts were made, the worker could institute a suit if the employer violated his contractual obligations. The employer could secure damages if the worker who violated a contract possessed property which could be attached. No general contract was drawn up in Alabama covering the wages of farm workers, but male field hands usually received from ten to twelve dollars a month and females were paid from six to ten dollars monthly. Sometimes the hands were paid monthly or given their money just before Christmas. In addition, food, quarters, and medical care were provided for the worker's household, although the expense incurred in furnishing these items for those of the household who did not work were deducted from the wages of those who worked. Contracts were usually drawn up under the direction of agents of the Freedmen's Bureau, but local judicial

⁴⁶ Allan Nevins, *The Emergence of Modern America, 1865-1878*, 10-11.

officers in some instances disregarded the Bureau's regulations.⁴⁷ Many landlords complained that the contracts were detrimental to their interests.

The Freedmen's Bureau did much to promote education among Negroes in Alabama. It provided buildings for school purposes, encouraged the citizens and the various aid societies to establish schools, and until 1867 paid the salaries of teachers. Such societies as the Pittsburgh Freedmen's Aid Society, the Northwestern Freedmen's Aid Society of Chicago, the Cleveland Freedmen's Union Commission, and the American Missionary Association sent teachers into Alabama, thereby greatly furthering educational opportunities for the Negroes. In July, 1866, Congress provided some financial aid to the schools of the South. Late in 1867, a plan was worked out whereby the Bureau would assist in equipping school buildings and in providing transportation for teachers to their posts; the aid societies would provide teachers and furnish their return transportation, and the state would pay teachers' salaries.⁴⁸

From October, 1865, to February, 1870, the Bureau spent almost \$157,000 in Alabama for educational purposes.⁴⁹ This sum represented about one-fifth of its total expenditures during this period. Many school buildings were turned over to Negroes upon the termination of the work of the Bureau. Education for Negroes progressed slowly in the years immediately following, however, because of the opposition of the native whites and the condition of the state treasury.

The Freemen's Bureau did much to alleviate suffering among whites as well as Negroes in Alabama. It has been estimated that around one fifth of the state's 532,689 white people were destitute early in 1866. Destitution was es-

⁴⁷ Bethel, 54-55; Loring and Atkinson, *op. cit.*, 122; Fleming, *op. cit.*, 617.

⁴⁸ Bethel, *op. cit.*, 61 ff.

⁴⁹ *Ibid.*, 88.

pecially prevalent in the hill country of North Alabama, but conditions were bad elsewhere. Although the Governor appointed a commissioner for the destitute early in 1866, the state government was in no position to provide for the needy. As late as the fall of 1867 the Bureau reported that around fifty thousand Negroes and ten thousand whites had no means of subsistence. Similar conditions prevailed in other southern states, especially in Georgia and South Carolina.⁵⁰

The Bureau issued 70,781 rations in Alabama during November, 1865; in June, 1866, 22,577 white people and 10,821 Negroes received 782,349 rations. Between December, 1866, and August, of the following year, 168,838 government rations were issued in Alabama, while 101,589 rations were doled out from March to September of 1868 to white citizens and 116,330 to the freedmen.⁵¹

Some historians have justly criticized the Bureau for certain of its activities in the South. They have indicated that many of its agents were guilty of confiscating and selling cotton, seizing property from native whites, and other sharp practices, which were contrary to instructions. After the agents had indulged in such activities, they would dispose of the commodities and keep the money which they received. Certain agents have been singled out for encouraging or winking at petty thievery committed by Negroes at the expense of native whites. The Bureau itself has been attacked for dabbling in politics and attempting to overawe citizens. Bureau agents in Alabama have been accused of rounding up Negroes to vote for the Republican Party and for ratification of the state Constitution of 1868. The promises of some agents to Negroes that they would receive "forty acres and a mule" after the property of their late owners had been divided and the zeal of certain swindlers in selling the freedmen red and blue pegs to stake

⁵⁰ Cf. *Ibid.*, 64 ff.

⁵¹ *Ibid.*, 79, 86.

off land which the rascals knew would never be awarded have been rightly condemned. Similar strictures were levied against soldiers of occupying armies, treasury agents, and others who served in the South after the ending of hostilities.

In spite of the correctness of these charges, it must be remembered that the patience of federal officials was sorely tried on many occasions by sullen native whites who were determined to maintain the *status quo ante bellum* as far as possible. In Alabama, for example, white citizens intimidated Negroes in an effort to keep them from attending political meetings and exercising the ballot; they resorted to numerous unfair and unethical practices in their dealings with the freedmen. It should also be recalled that many persons outside the halls of Congress regarded the southern states as a conquered province or as having committed political suicide because they had seceded from the Union. Finally, it should be noted that greed and the desire for personal gain were uppermost in the minds of many people during this period. However, it cannot be denied that the Freedmen's Bureau did much to assure Negroes of certain basic human rights and to alleviate suffering among an indigent populace, in spite of the transgressions of some of its representatives. Its relief and educational activities, hospitals and labor exchanges aided thousands of persons during a period of acute need.

By 1867 the sharecropping system was in operation in Alabama, following the breakdown of the wage system in agriculture. Under this system Negro hands often received one-fourth of the crop when provisions were furnished by the landlord or one-third when they furnished their own provisions and the landlord financed the planting of the crop; the hands obtained half of the crop when they supplied their own food and clothing and half of the expenses for producing the crop. In all cases landlords furnished cabins for the tenants. Negroes who received one-

fourth of the crop were awarded twenty to forty dollars worth of cotton and a few bushels of corn, with deductions for any advances made by the landlord during the year. When the freedmen were supplied with food, they were given about the same fare as under the slave regime. Those who rented land turned over to their landlords about a fourth of the cotton produced and about a third of the corn.⁵²

Some Alabamians took a real interest in the welfare of the ex-slaves. An association was formed among Monroe County planters "to protect and preserve the colored population, by furnishing them employment and ministering to their wants and protection." With the approval of General Swayne, it was agreed that the executive committee of the association would examine every contract in the county between Negroes and their employers, in order to insure that the freedmen were "not deceived or overreached." The committee would likewise arbitrate disputes between the two parties, investigate cases where Negroes were not paid promptly for their labor, provide homes for aged and helpless freedmen, and see to it that Negroes complied with their obligations as specified in contracts. It was declared to be the duty of the association to promote their education as much as possible.⁵³

Other Alabamians indicated a desire to render nugatory the newly-gained rights of the freedmen. A Black Belt resident told a traveler: "The nigger is going to be made a serf, sure as you live. It won't need any law for that. Planters will have an understanding among themselves. 'You won't hire my niggers, and I won't hire yours;' then what's left for them? They're attached to the soil, and we're as much their masters as ever.'" Another Alabamian said that he instructed his overseer not to whip the Negroes, "but it wasn't two days before he fell from

⁵² *Ibid.*, 56; Loring and Atkinson, *op. cit.*, 25-26.

⁵³ *Ibid.*, 431-432.

grace, and went to whipping again." One planter gave his Negro sharecroppers one-fifth of the crop and provisions, but deducted a dollar for every day that they did not work. Negroes on one place objected to being paid in corn and obtained an order from the Freedmen's Bureau that an equal division of the crop should be made. The owner read the order but continued his practice of paying his tenants in corn. The Negroes thought that the Bureau had ordered a continuation of the arrangement and were satisfied.⁵⁴

Large planters in the Black Belt were frequently able to overawe agents of the Bureau. Sometimes they reached understandings with local judicial officers who were supposed to uphold the policies of this agency. In the predominately white counties, the Bureau did not devote too much attention to working conditions among the ex-slaves.⁵⁵ A Lawrence County planter organized a patriarchal protectorate over his former slaves. He provided them with a church and had a monthly court over which he presided. Offenders were tried by the elderly Negroes on the owner's place.⁵⁶ This arrangement effectively prevented his tenants from resorting to the Freedmen's Bureau. An observer saw a chain gang of Negroes working the streets of Selma. He learned that many of the prisoners had been sentenced for using abusive language to white people.⁵⁷ Indications are numerous that large numbers of white people in Alabama hoped to establish a system of peonage for Negroes, which would maintain their former status as far as possible.

Relatively calm conditions prevailed in Alabama after 1868. Military government came to an end on July 30th of that year, seventeen days after the ratification of the Fourteenth Amendment by the Legislature. At about the same time General Swayne was removed as assistant com-

⁵⁴ *Ibid.*, 424 ff. See also Walker, *op. cit.*, 222.

⁵⁵ Fleming, *op. cit.*, 715 ff.

⁵⁶ James E. Saunders, *Early Settlers of Alabama*, 31.

missioner of the Freedmen's Bureau by President Johnson for reasons that are none too clear. It was under his successors, therefore, that his work was terminated in Alabama.

Thus ended a milestone in the history of a state which had lost thirty-five to forty thousand of its citizens and slave property, represented by approximately 439,000 Negroes and valued at \$240,000,000 in fighting for "the lost cause."

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⁵⁷ Trowbridge, *op. cit.*, 432.