

Chapter 2

Growth of the Community

The free Negro class in Mobile County owes its origins to a variety of sources. Some masters manumitted their slaves when they were baptized--in the earlier years when colonial and territorial law permitted--and in such cases the generous owner was usually the father. Far more masters appealed to the state legislature after manumission laws became more restrictive. Between 1818 and 1845 the Alabama legislature manumitted or confirmed the emancipations of eighty-four slaves from the Mobile area. White and free Negro masters also made provisions in their wills to have their bondsmen emancipated. Some industrious slaves earned a sufficient amount of money to purchase themselves. Obliging owners often simply let them go free without legally manumitting them, and in Mobile many nonwhites, although legally slaves, lived as free persons.

The legislative bodies governing the territory and later the state of Alabama determined the method by which slaves could be freed. In 1805 the Legislative Council and House of Representatives of the Mississippi Territory passed a law governing emancipations. It was no longer legal to manumit slaves unless they performed a meritorious act

"either for the benefit of said owner, or for the benefit of this territory." Owners were required to furnish bond and security.¹ The state legislature in 1834 passed an act authorizing the judges of the county courts to manumit slaves. The law required owners to publish in a county newspaper for a minimum of sixty days the name and description of each slave to be emancipated. The legislature stipulated that the newly freed slave was required to leave the state within twelve months after the emancipation, "never more to return."² Failure to comply with this last provision meant the sheriff of the county where the freedman was found could incarcerate the Negro, who could then be sold into slavery, although this penalty was, in actuality, almost never imposed.³

An analysis of manumission records reveals that the Alabama legislature emancipated or confirmed the manumissions of eighty-four slaves living in the Mobile area. This included one person who was freed by his nonwhite mother who at the time of the manumission was a

¹Harry Toulmin, comp., A Digest of the Laws of the State of Alabama, Containing the Statutes and Resolutions in Force at the End of the General Assembly in January, 1823 (Cahawba: Ginn and Curtis, 1823), p. 632.

²John G. Aiken, comp., A Digest of the Laws of the State of Alabama: Containing all the Statutes of a Public and General Nature, in Force at the Close of the Session of the General Assembly, in January, 1833 (Philadelphia: Towar, 1833), p. 647.

³Ibid., pp. 647-48.

resident of Baldwin County. The son, however, later lived in Mobile County. Free people of color owned thirty-seven of these eighty-four slaves. Sixteen of the eighty-four Negroes were known to be related to the person who had them freed, twelve of the eighty-four being related to their former free Negro masters. Free nonwhite male slaveowners freed either their wives, children, or both. Fifty-one of the slaves emancipated were females.⁴ Free Negro and white slaveowners also made provisions in their wills to manumit some of their slaves--eighty in number. Free people of color manumitted seven slaves who were related to them, including a spouse, a child, and, in one instance, a grandson.

Some slaves were freed through the probate court, while masters sometimes simply let bondsmen go to live as free, without legally manumitting them. Masters emancipated ninety-two slaves in either of these two ways. Free Negroes manumitted eleven such bondsmen. The court approved only twenty-nine cases, which meant that the others were still legally slaves although they were living as free people. Local authorities were lenient in allowing slaveowners to permit their slaves to live as free persons. During the 1850s, however, public opinion began to demand that this practice be discontinued.

⁴This analysis is based on manumission records located in the acts of the Alabama legislature.

Most of the acts of the legislature did not specify why owners freed their slaves, although there were some notable exceptions. The Alabama legislature gave Creoles of color special consideration. Some citizens of Mobile petitioned the state legislature concerning persons of color--"descendants of the ancient Creole population" of Mobile--who were "industrious and well disposed people," arguing that their emancipation would "be advantageous to the community at large." The General Assembly concluded that the Creoles were protected by the Louisiana Purchase Treaty of 1803, "that had guaranteed to free residents of Louisiana and their descendants the rights, privileges, and immunities of citizens of the United States." The Alabama legislature, given the memorials of these "respectable [white] inhabitants" of Mobile, did free some slaves.⁵ For example, the legislature freed Ursan Honore, the slave of Leon Nicholas of Mobile, and Charles Passiano, the slave of Francisco Passiano of Mobile. The legislature also freed Cyrus Evans, son and slave of China Evans, a free woman of color of Baldwin County. Cyrus, a Creole who was "the only one of a large family . . . held in bondage," was "an honest, industrious and well disposed person." Cyrus, who

⁵Acts Passed at the Ninth Annual Session of the General Assembly of the State of Alabama, Begun and Held in the Town of Tuscaloosa, on the Third Monday in November, One Thousand Eight Hundred and Twenty-seven (Tuscaloosa: M'Farlane, 1828), p. 107; Amos, Cotton City, p. 185.

later appears in Mobile records, declared in his will that his own slave son, whom he had purchased, was to be freed.⁶

In at least four instances the Alabama legislature confirmed the emancipation of slaves who had been previously manumitted under dubious circumstances. Faustin Collins, a free man of color, informed the legislature that the free Negro man, Valerie Petit, had emancipated Louisa Rafael in Escambia County in the Territory of Florida in 1836. Since that time, she had given birth to a daughter. It was uncertain whether the two could legally reside in Alabama. The legislature confirmed the previous emancipation and declared that Louisa and her daughter were not required to leave the state.⁷

In 1841 Auguste Demouy and others petitioned the state legislature to confirm the emancipation of Francoise, "a woman of color now held as the slave" of Demouy. Apparently Francoise's previous owner had manumitted her under the laws of Spain before the cession of the territory to the United States. Since Francoise "could not without difficulty and expense beyond her reach" prove that her previous owner had freed her, the legislature authorized Demouy to emancipate

⁶Acts Passed at the Ninth Annual Session, pp. 107, 52, 116; Will Book 2, pp. 148-49; Miscellaneous Book B, pp. 237-38.

⁷Acts Passed at the Annual Session of the General Assembly of the State of Alabama, Begun and Held in the City of Tuscaloosa, on the First Monday in December, 1842 (Tuscaloosa: Phelan and Harris, 1843), p. 183.

her and her three children. The act declared that these four Negroes "shall not be required, under any law, to leave this state"--another example of the leniency of the legislature in allowing some free Negroes to remain in the state.⁸ There has been found no evidence to suggest that these were Demouy's children, for he did not acknowledge paternity in his will, although he had done so for his white children.⁹

In still another case, Claro Fernandez and "many other citizens of Mobile" petitioned the state legislature to manumit Marie Hypolite. In November 1839, Fernandez had purchased this slave in order to free her. Three months later they informed the legislature that Marie was "in all probability, born of free parents, but could not, without difficulty and expense beyond her reach," prove her freedom. Four years before Fernandez purchased Marie Hypolite, Father Mathias Loras had baptized her into the Catholic faith.¹⁰ The baptismal register indicated that she had been born to a slave mother and that Fernandez had served as the child's

⁸Acts Passed at the Annual Session of the General Assembly of the State of Alabama, 1841, p. 132. See also Miscellaneous Book D, p. 311-12.

⁹Will Book 3, p. 527.

¹⁰Acts Passed at the Annual Session of the General Assembly of the State of Alabama, Begun and Held in the Town of Tuscaloosa, on the First Monday in December, One Thousand Eight Hundred and Thirty-nine (Tuscaloosa: Hale and Eaton, 1840), p. 116; Miscellaneous Book D, pp. 65-66.

godfather, suggesting perhaps that he was her father.¹¹ The offspring of Fernandez's other slaves were baptized, yet there has been found no evidence to suggest that he freed them, and he was not the godfather in any of those baptisms. Whatever her paternity, through the efforts of the white community of Mobile, Marie Hypolite had her manumission authorized by the legislature and was allowed to remain in the state.¹²

Of the eighty-four slaves that the legislature manumitted, only one, Willis Pope, was required to leave the state upon reaching the age of twenty-one, which is further evidence of the leniency of the legislature, at least before the Nat Turner revolt of 1831, toward free Negroes in the Mobile area. Furthermore, Pope did not leave the state even though the legislature prohibited him from remaining; his name appears on both the 1850 and 1860 federal population censuses (for Mobile County).¹³ On the other hand the Alabama legislature specifically stated in thirteen of the

¹¹BRC, entry 281, July 16, 1835.

¹²BRC, see entries 493, 743, 868, and 1124 for the offspring of Fernandez's slaves.

¹³Seventh Census, 1850, Population Schedule, City of Mobile, p. 298; Eighth Census, 1860, Population Schedule, City of Mobile, Ward 1, p. 26, Dwelling 281, Household 220; Acts Passed at the Fourth Annual Session of the General Assembly of the State of Alabama, Begun and Held at the Town of Cahawba, on the Third Monday of November, One Thousand Eight Hundred and Twenty-two (Cahawba: Allen and Company, 1823), p. 136.

eighty-four cases that the manumitted slave was not required to leave the state.

Although the Alabama Supreme Court ruled in 1830 that owners could not emancipate slaves by wills, many in the state--including some in Mobile County--included such provisions in their wills. Most slaveowners did not indicate why they did so, although some masters provided the customary reason that the slaves had performed good services for them. John Forbes, for example, who had previously freed his "faithful servant Pompey . . . for his good services about my person," bequeathed to him his clothing; and Forbes requested that Pompey's son should be freed.¹⁴ Another slaveowner requested that his slave not be sold until the youngest of his children came of age, and then if the slave had been a "faithful and good servant" he was to be emancipated.¹⁵

Seaborn Travis of Mobile made special provisions in his will for the emancipation of his slave Caroline who had rendered "long faithful and meritorious services." Travis gave her to his brother who was to effect her legal emancipation. Until he could obtain her freedom, Travis's brother was to allow Caroline "to have her own time and

¹⁴Morris Raymond Boucher, "The Free Negro in Alabama Prior to 1860" (Ph.D. dissertation, State University of Iowa, 1950), p. 26; Will Book 1, pp. 153-57.

¹⁵Will Book 2, pp. 141-42.

receive for her own use and benefit the profits of her own labor and industry." Travis also left a fund of \$2,500, to be held in trust by his brother, who could either give her a portion of the money "as her necessities" may require, or purchase with half the fund a small house and lot for Caroline's use "should she wish him so to do," and to invest the remainder as he saw fit for her benefit.¹⁶

Some owners even described the "faithful services" that their slaves had performed. Euphrasie Lacost, for example, stated that her slave Mary, who had taken care of her and her family when they were sick, was to be freed upon her death. She added that neither Mary's children nor any further children born to her before her death were to be freed.¹⁷ In a different case, Joshua Kennedy's slave also nursed him during a "long illness" and therefore he provided for her emancipation.¹⁸ In 1857, a white man, Philip Munch, desired to free Sarah and her four mulatto children who had "served him with zeal and fidelity." Munch stated that he believed "that on two occasions he was indebted for his life to the unremitting care" with which Sarah had "nursed him during sickness." Munch acknowledged that Sarah's children had been his property for years, "some of them from their birth," suggesting, perhaps, that he may have been the

¹⁶Ibid., pp. 163-65.

¹⁷Ibid., pp. 19-20.

¹⁸Ibid., p. 28.

father to some of them. The court ordered the emancipation after the requisite advertisement for sixty days in the Mobile Daily Advertiser.¹⁹ The year before, Munch had applied for a permit allowing Sarah and her children to reside in his house during his one year's absence, indicating the trust that he had for them.²⁰

One of the more common conditions under which masters freed their slaves was that they be taken by executors to areas outside the South. Joshua Kennedy directed his executors to send his slave, Mary Ann, to Philadelphia for emancipation. Kennedy bequeathed \$5,000 to her, a generous amount, payable upon her emancipation.²¹ Jane Lewis requested that her executor care for her two slaves, teach them "usefull domestic duties," and emancipate them when they reached the age of sixteen. If Alabama law did not

¹⁹Orphans Court Minutes, Book 10, p. 78.

²⁰Slave Permit, Box 9, Envelope 6, Folder 1, Document 22, Record Group 3, Records of the Mayor, Board of Aldermen, and Common Council, 1839-1879, Series 1, General Files, City of Mobile Municipal Archives, Mobile, Alabama. Hereinafter all references to record groups will be RG, references to series will be S, and references to the City of Mobile Municipal Archives will be CMMA. Some items located here have been microfilmed. If applicable, the microfilm reel number will also be given.

²¹Will Book 2, p. 28. It is not known whether Kennedy's slave ever went to Philadelphia; the federal census (for Mobile) contains a Mary Ann Kennedy who may have once been the property of Joshua Kennedy. Ignoring such legal technicalities was not unusual. See Sixth Census, 1840, City of Mobile, p. 131; Seventh Census, 1850, Population Schedule, City of Mobile, p. 310, Dwelling 591, Household 629; and Eighth Census, 1860, City of Mobile, Ward 7, p. 50, Dwelling 522, Household 476.

permit such an emancipation, Lewis stated that she wanted her two slaves to be sent to Ohio "or some other free state." The two slaves were to use money from the estate to pay for their expenses.²² Alexander Henderson freed seven slaves, one of whom was pregnant, and stipulated that "they are to be persuaded to go to Liberia or the free states."²³ A white master provided his executor with \$250 to defray the expenses needed to take his female slave to a free state where she could be emancipated.²⁴ Brien O'Connor, whose will was probated in 1855, requested that his executrix use funds from his estate to remove a slave woman and her three children to a free state where they could be manumitted. O'Connor acknowledged his paternity of one of the children; it was that child who received the remainder of his property.²⁵

Another form of manumission was through popular subscription. As a sign of their appreciation for his excellent work during the War of 1812 and during the yellow fever epidemic in 1819, some Mobilians took up a subscription for the emancipation of Pierre Chastang. Also known as Major Pierre, this slave does not appear to have

²²Will Book 2, pp. 246-47.

²³Ibid., pp. 288-89.

²⁴Ibid., p. 338.

²⁵Ibid., pp. 333-34. For a similar case, see the will of Celestine Serra, *ibid.*, pp. 424-26.

been part of the Chastangs de couleur who were manumitted for familial reasons. Born in Mobile in 1779, Pierre was the slave of John Chastang until 1810 or 1811 when Regis Bernody, a free man of color, apparently purchased him. According to the Alabama Planter,

during the Indian war and at the time Gen[eral Andrew] Jackson was in command of troops in the city, Pierre, then known to the citizens as a brave, honest, trustworthy man, was appointed by Jackson patroon or captain of a Government transport to carry provisions to the troops stationed at Fort Montgomery, or Fort Mims, and to those in camp near the present site of Mount Vernon.

Although the task was dangerous, Pierre successfully supplied the troops with provisions.²⁶

Chastang's civic contributions extended well past this incident. According to the Alabama Planter, "in 1819 during the ravages of the yellow fever, Pierre rendered essential service to the city, by taking care of the sick and protecting the property of the citizens." He is also said to have "daily opened the stores for the purpose of ventilation and securing the goods from damage." After merchants returned to the city and found everything in order, they took up a subscription for his freedom; and, to insure that he could earn a living, they also purchased a horse and dray. The press further reported, "since that period his avocation as a drayman has enabled him to support

²⁶Alabama Planter, August 28, 1848.

his family quite handsomely, and at the same time amass a snug little property."²⁷

Other sources verify the newspaper report of Chastang's remarkable success in acquiring "a snug little property." In 1836, for example, at the age of fifty-seven, Chastang purchased a lot in the city of Mobile on the east side of Lawrence Street between St. Francis and Dauphin Streets. Three of his neighbors were white.²⁸ He also owned another house and lot on the north side of St. Michael Street between Joachim and Jackson, and together both lots were assessed in 1846 at \$2,700.²⁹ In 1845 Chastang's success as a drayman allowed him to purchase a slave for \$475.³⁰ When he executed his will three years later, Pierre owned two slaves.³¹ The appraisal of his estate, which was filed in

²⁷Ibid.

²⁸Deed Book 14, old series, pp. 428-29.

²⁹City of Mobile Tax Book, 1846, microfilm reel 6, RG 9, Records of the Revenue Department, S 49, Tax Books, CMMA. City tax books are arranged chronologically by year, and entries within volumes are arranged alphabetically by names of taxpayers. Hereinafter all tax book references will be to City Tax Books, RG 9, S 49, CMMA. This source will be cited as City Tax Book.

³⁰Miscellaneous Book D, pp. 647-48.

³¹Will Book 2, pp. 180-81.

1849, included real estate now worth \$1,750, but only one slave at \$500.³²

Father Chalon, a Catholic priest of Mobile, performed the funeral rites of the Church upon Pierre Chastang who died in August 1848.³³ A newspaper praised Chastang, commenting that "no person in this community, white or black, was ever more highly esteemed and respected, and no one in his sphere has been a more conspicuous, honest, benevolent and upright man. He always acted upon the golden rule of doing unto others as would be done by."³⁴ Unlike some mulatto descendants of the French and Spanish settlers who inherited their wealth, Pierre Chastang could attribute his success to hard work and to the support of the white community which that work merited. He chose to work hard, both as a slave and as a free man, and he died having the respect of the Mobile community.

³²Administrator's Account Book 1, p. 348, Mobile County Records, Mobile County Courthouse. Unless noted otherwise all references to administrator's account books will be from Mobile County Records, Mobile County Courthouse, Mobile, Alabama.

³³Burials for Coloured People, entry 244, August 22, 1848, MCA, PIC.

³⁴Alabama Planter, August 28, 1848. The Liberator, the abolitionist newspaper published in Boston, reprinted the account of Pierre Chastang that appeared in the Alabama Planter. See September 29, 1848. See also D. W. Mitchell, Ten Years Residence in the United States (London: Smith, Elder and Company, 1862), pp. 235-36. Mitchell copied the article nearly verbatim.

In addition to masters who freed their slaves, some of the free Negro class in Mobile owed its growth to the white importation of freedmen into Alabama in contravention of the law. For example, in his 1841 will, John Maynard of the city of Mobile, who had legally freed his slaves in the territory of Florida, confirmed the emancipation of Esther and her son John; Maynard also acknowledged John as his son and manumitted Esther's daughter, for whom he did not recognize paternity. He bequeathed his estate, which his executors were to hold in trust, to the three Negroes. Fearing that Alabama would not recognize the freedom of Esther and her children, Maynard requested that, if his executors could not emancipate them, they be sent to a state where he hoped their freedom would be insured. Maynard further instructed his executors to give John a "good education." Two years after he wrote his will he declared, in a codicil, that Esther had given birth to their daughter, whom he acknowledged "to be free born," and who was to share equally with John in the parental estate.³⁵ No evidence has been found to suggest that Maynard's executors tried to emancipate these Negroes. Instead, city officials evidently allowed them to live as free people in Mobile.³⁶

³⁵Will Book 2, pp. 81-84.

³⁶See Orphans Court Minutes, Book 13, p. 244.

Other white slaveowners allowed their slaves to live as free. William Oswald entrusted his "old female servant Ann to the care and protection" of his cousin "but not as a slave."³⁷ Harriet Dade gave to her executor three slaves to be held in trust. She requested that they be allowed "to live in Mobile so long as they choose, free of any charge whatever, that they may labor for their own benefit." If the executor could not legally hold the slaves in trust for themselves, then Dade stipulated that he "take possession of them for his own use," but he was not to sell them. Instead, he was to "allow them the liberty the law will permit." The probate judge declared the emancipation of Dade's three slaves "null and void," but the probate court did approve several other manumissions that same year.³⁸ A resident of Baldwin County, William C. Leake, discharged his slave Celly "for diverse and good causes and meritorious services" from the "bonds of slavery." He appointed a Mobilian to serve as Celly's agent and guardian and instructed him that "if anyone shall interfere with or attempt to deprive her of her freedom he shall take the necessary measures required by law to obtain her emancipation." Apparently as long as Celly and other slaves living as free did not disrupt society, white Mobile allowed them to live on their own. This does not mean that local

³⁷Will Book 2, pp. 389-91.

³⁸Ibid., pp. 433-36. See also Orphans Court Minutes, Book 9, pp. 406-7, 489.

authorities approved this system, nor does it mean that they never attempted to put an end to the practice. Throughout the antebellum years Mobile police dealt with this problem and apparently never devised a solution to satisfy everyone concerned.³⁹

Free Negro slaveowners also allowed slaves to live as free. One case involved relatives. In 1849, Seymore Andry purchased his aunt and mother in order to give them "the privilege and advantage" of their "own time" and the earnings of their "own labor and industry" and of extending to them "the benefit of as much freedom as is consistent with the laws of the state of Alabama." Andry renounced all claims to their wages as if they "had been born free." By contrast, a free woman of color allowed her female slave to live out from under her control, but she neglected to apply for a permit to do so and was therefore fined.⁴⁰

Close examination of other records indicates that other slaves, in addition to those whose masters filed papers in the probate court, lived as free persons. City tax records of 1852, for example, list a "Henry Fuller, col'd," who had

³⁹Miscellaneous Book E, p. 176. See also *ibid.*, pp. 137, 143-44. In still another case a white master retained "the right to exercise all control and management" of his slave, while giving her "as much freedom as the laws" would allow. See *ibid.*, p. 414.

⁴⁰Miscellaneous Book E, pp. 348-50; Guard House Docket, December 1, 1859--June 1, 1860, p. 150, RG 17, Records of the Mobile Police Department, S 27, Guard House Dockets, CMAA.

real estate assessed at eight hundred dollars. The court did not order his manumission until 1857, indicating that he had been living as free.⁴¹ The 1840 federal population census lists a Peggy Ledyard as the head of a household consisting of seven slaves, a free woman of color, and a white female. Ledyard, however, did not purchase her freedom until 1841.⁴² The same census lists several slaves, who were living as free, as the heads of households. The household of "Catherine, a slave," consisted of three female slaves and a free woman of color.⁴³ The household of "Patsy, a slave," contained a male slave, a female slave, and a free woman of color.⁴⁴

It cannot be ascertained how many slaves lived as free in the city of Mobile. The names of some Negroes only appear in city tax records, indicating that they probably paid taxes on property and lived as free. Generally these people of color are not listed in such other records as federal and state censuses, suggesting that they were not legally free. Given the large nonwhite population in

⁴¹City Tax Book, 1852, microfilm reel 7; Orphans Court Minutes, Book 9, p. 489. There were other nonwhites listed on various city tax lists who may have been slaves living as free since some of these names do not appear in other records.

⁴²Sixth Census, 1840, City of Mobile, p. 124; Miscellaneous Book D, p. 253.

⁴³Sixth Census, 1840, City of Mobile, p. 129.

⁴⁴Ibid., p. 116. See *ibid.*, for "Gilbert, a slave," p. 137.

Mobile, perhaps it was not difficult for Negroes to pass as free and go undetected by local authorities. The Mobile Joint Police Committee reported in early 1856 "that it is the opinion of those best informed that there are now in this city as many as one thousand Negroes who are living apart from their owners or agents, some of whom have complied with the requirements of" the ordinance, "but most are living in direct violation of it."⁴⁵ That number may be exaggerated, but the records of the mayor's court, as reported in the newspapers, indicate that the police frequently detained nonwhites who lived on their own without the necessary permit.

In some cases, industrious slaves earned enough money to purchase themselves, and their masters generally let them go, without legally manumitting them. A female slave, for example, paid \$600 to her owner who then held himself "responsible and accountable for all the acts" of his slave as long as she resided in Alabama.⁴⁶ In March 1840, a white man purchased a mulatto slave for \$750 with the expressed intention that she might be liberated. The slave paid him the \$750, and he set her free.⁴⁷ A man from Baldwin County who allowed his slave Celeste to live in Mobile received \$650 from her. She was to be held in trust and under his

⁴⁵Mobile Daily Advertiser, January 5, 1856.

⁴⁶Miscellaneous Book D, p. 87.

⁴⁷*Ibid.*, pp. 6-7.

control. Although she was apparently still his legal property, Celeste lived as free since he acknowledged that he was "answerable for all acts of her doing as if she was my slave--and--further at no period can she be the slave of my heirs." In 1847, another owner, in consideration of more than twenty years of faithful services and for \$600, granted freedom to that slave. Since he could not manumit him by the laws of the state he forbade "any and all persons from curtailng him in any way."⁴⁸ In an unusual case a white slaveowner in 1847 surrendered ownership in a slave who had paid him \$800. He declared that his slave was "to all intents and purposes a free woman so far as any act of mine can make her so I being her legal owner." This transaction was executed in the mayor's office, and despite attempts to curb the practice of slaves living on their own, this instance evidently had the approval of city officials.⁴⁹

The system that tolerated masters who permitted their slaves to live out and to hire their own time was not unique to Mobile; it was "widely practiced" in the South, although "this device was never sanctioned by law. At most, state statutes and local ordinances allowed slaves to reside outside of the owner's enclosure only with written

⁴⁸Miscellaneous Book E, p. 166.

⁴⁹Ibid., p. 151.

authorization and for limited periods."⁵⁰ In the South, enforcement of ordinances prohibiting the practice "seldom proved effective. Residents and officials alike constantly complained that slaves lived almost everywhere in the city and not always with the knowledge, much less consent, of the owner."⁵¹ In South Carolina, for example, slaveowners "continued to manumit some slaves," even after the action was made illegal. "These favored Negroes lived as free persons in the neighborhood where their freedom was accepted, despite its illegality. The practice prevailed throughout the South."⁵² In Charleston some white workingmen protested against slaves who hired their own time, complaining that they were in competition with them for jobs.⁵³

As the sectional crisis in the United States heightened, race relations in some areas of the South became worse. In Charleston, for instance, police arrested seventy free people of color during a three-month period in 1860 for not paying a capitation tax. Only three had been apprehended in the month before these. The effect of

⁵⁰Richard C. Wade, Slavery in the Cities: The South, 1820-1860 (New York: Oxford University Press, 1964), p. 62.

⁵¹Ibid., p. 64. See also *ibid.*, pp. 114-17.

⁵²Michael P. Johnson and James L. Roark, Black Masters: A Free Family of Color in the Old South (New York: W. W. Norton and Company, 1984), p. 45.

⁵³Ibid., pp. 173-74. See also *ibid.*, pp. 176-84.

national and local affairs, such as the raid on Harper's Ferry and proposals before the South Carolina legislature to enslave or expel free nonwhites, "raised racial tensions in Charleston to a pitch unequaled in many years. All Afro-Americans, both slave and free, were put on notice that they were being watched closely."⁵⁴ Some whites in Louisiana were determined "to rid the state" of free nonwhites "by intimidation and violence." In the southwestern parishes citizens formed vigilante committees and "waged a campaign to drive free Negroes out of the state."⁵⁵ Although the movement in Mobile does not appear to be as serious as it was in Charleston, Mobile police arrested free Negroes who failed to register and post bond, and other nonwhites had to prove their status.

In addition to the quasi-free Negroes in Mobile, the free nonwhite class had its origins in free people of color who moved to Mobile of their own volition. In 1803 the United States Congress enacted legislation dealing with free Negro sailors. The law stated "that no ship or vessel

⁵⁴Ibid., pp. 199-200. The quotation appears on p. 200. For the enslavement crisis in Charleston see *ibid.*, pp. 164-67, 257-59. See also Ira Berlin, Slaves Without Masters: The Free Negro in the Antebellum South (New York: Oxford University Press, 1974), pp. 370-78, and John Hope Franklin, The Free Negro in North Carolina, 1790-1860 (Chapel Hill: The University of North Carolina Press, 1943), pp. 211-21.

⁵⁵H. E. Sterkx, The Free Negro in Ante-Bellum Louisiana (Rutherford: Fairleigh Dickinson University Press, 1972), pp. 297-98.

arriving in any of the said ports or places of the United States, and having on board any Negro, mulatto, or other person of color, not being a native or citizen, or registered seaman of the United States . . . shall be admitted to any entry."⁵⁶ A Mobile ordinance read in part that "every master or owner of any boat or vessel" on which free Negroes, mulattoes, or persons of color were brought into the port of Mobile from Louisiana, Pensacola, Florida, "or any port of the intermediate sea coast, or from the east side of Mobile Bay," was required to register their names, along with their physical descriptions, and post bond.⁵⁷ It would be difficult to determine if any of these Negroes had been born free.

During the 1820s, at least four nonwhite sailors filed "free papers" in Mobile. Two of them were described as mulattoes, the third as colored, and the fourth as black. All four were born on the east coast--one in Providence, Rhode Island; two in New York City; and one in Philadelphia. Physical descriptions were included. Adam Ray, for example, is cited as a "free mulatto man" and was described as having

⁵⁶The Laws of the United States, vol. 6: Acts Passed at the First Session of the Seventh Congress of the United States (Washington City, n.p., 1803), p. 213.

⁵⁷Mobile Gazette and Commercial Advertiser, April 6, 1819.

a "mulatto complexion, and curly hair" with a "scar on his left arm, a little above his elbow."⁵⁸

Other free Negroes who filed "free papers" in Mobile included testimony by white witnesses that the people of color were either legally free or recognized by others as living as free. Whites usually did not identify the parents by name. Two citizens certified that two free Negroes had "passed for free people of color" and that they had "been recognized . . . for free colored people."⁵⁹ The mayor of New York City certified that "Jane Lewis, a woman of color aged about twenty years, is a free woman, having been born of free parents." He recommended "her to the protection of all magistrates and citizens through whatever countries she may pass--the principal intention of giving this certificate is that the said Jane Lewis is about to depart for Mobile."⁶⁰ Two residents of an Alabama county certified that William Smith was a free man of color who had lived in Monroe County, Alabama, for about fifteen years.⁶¹ A white man of Marengo County, Alabama, testified that he had known John Carter, a free man of color, in North Carolina and that

⁵⁸Miscellaneous Book A, pp. 193-94. See also *ibid.*, pp. 196, 215, 286-87.

⁵⁹Miscellaneous Book B, p. 376.

⁶⁰Mayor's Court Records, RG 18, Records of the Municipal Court, S 1, Mayor's Court Records, CMMA. No page number was used.

⁶¹Miscellaneous Book D, p. 65.

Carter was recognized as free and usually considered free born. Carter had been in his employ in North Carolina before he brought him to Alabama in 1817.⁶² In 1822 nine citizens of the town of Sparta, Georgia, stated that they had been acquainted with Grace Shop, a free woman of color, "for many years past and that she has to our knowledge, been during that time received, accepted and considered a free person."⁶³

There appears to have been an "ease with which Anglo Alabama permitted an individual to cross the color line." In about eighty cases Alabama enumerators "identified a child as white while simultaneously recording one of his parents as a free mulatto."⁶⁴ Enumerators in Mobile County seem to have been no different from those throughout the state, although the number of such occurrences is not known. For instance, in 1850 four children of a free woman of color were listed as white; in 1860 only three of the same four children (it is not known if the fourth child was living in that year) were recorded as mulatto.⁶⁵ There is some

⁶²Ibid., p. 480.

⁶³Miscellaneous Book A, p. 135. See also *ibid.*, pp. 197-98, 208, 238; Miscellaneous Book B, pp. 370-71; and Miscellaneous Book D, pp. 634-35.

⁶⁴Mills, "Miscegenation and the Free Negro," p. 31.

⁶⁵Seventh Census, 1850, Population Schedule, City of Mobile, p. 344, Dwelling 1078, Household 1105; Eighth Census, 1860, Population Schedule, City of Mobile, Ward 6, p. 126, Dwelling 1117, Household 1152.

evidence of instances in which Negroes attempted to cross the color line. Police in Mobile arrested William Evans as a runaway slave. Evans claimed that he was a free white man, born in New Brunswick of French-Canadian parents. He asserted that in the fall of 1855 he had sailed from a northern port to Charleston, South Carolina, and from there to Mobile where he worked as a cook aboard a boat in Mobile Bay. Although doctors believed that he was a Negro, Evans persisted "in claiming to be a white man." Evans was remanded, but the outcome of the case is not known.⁶⁶ During the course of an investigation of a nonwhite cab driver, it was discovered that "he had not only been passing for free, but had called himself a Portuguese and joined a military company, in which he drilled six months before he was found out."⁶⁷

A few mulattoes in Mobile claimed to cross the color line by virtue of Indian blood. In Mobile the police brought in a woman as a runaway slave, but she claimed that she was free, "being born of an Indian mother." After examining the woman, the press concluded that "her appearance betrays no sign of Indian blood."⁶⁸ In another case, Mobile police arrested a woman whom they assumed was a

⁶⁶Mobile Daily Advertiser, May 30, 1856, and June 21, 1856. The quotation is from the May issue.

⁶⁷Mobile Register and Advertiser, January 23, 1864. See also Berlin, Slaves Without Masters, pp. 160-65.

⁶⁸Mobile Register and Advertiser, January 28, 1862.

free woman of color entertaining slaves. She claimed that she was "of Indian blood." The mayor fined her for associating with slaves and ordered an investigation of her racial background.⁶⁹ Local authorities also detained a man, reported to be of mixed Negro and Indian blood, in order to prove his status as a free person. The mayor did not accept the evidence presented, and determined that he had to leave the state. Apparently the man complied with the mayor's decision.⁷⁰

The free Negro class, therefore, had a variety of origins. Manumissions account for only a small percentage of the total free colored population. The growth of this group may be attributed to other factors--free Negroes who migrated of their own accord to the area; and slaves who purchased their freedom. Bondsmen who were allowed to live as free were an important element in this society. Many of the free people of color in Mobile were the offspring of mixed relationships. Any explanation focusing on a single source is therefore inadequate to explain the existence of the community.

⁶⁹Mobile Daily Advertiser, December 11, 1860.

⁷⁰Ibid., December 27 and 29, 1860.