PRISONS, WORK HOUSES, AND THE CONTROL OF SLAVE LABOR IN LOW COUNTRY GEORGIA, 1763-1815*

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In 1755, the Georgia Assembly enacted its first slave code which, like those already operative elsewhere in the South, elaborated the judicial procedures and punishments applicable to those slaves accused and convicted of committing offenses deemed serious enough to warrant public notice. Even though legally defined as chattels, slaves would be held responsible for their actions, and, should they be accused of breaking the law, entitled to a formal trial. The slave code of 1755 asserted that "Natural Justice" demanded that all individuals, regardless of their "Condition," be permitted the right to defend themselves before a court of law, and this basic principle was reasserted in all subsequent slave codes.

The order of the day, for capital and non-capital offenses, was the speedy dispensation of justice and the selection of punishments designed both to fit the crime and to deter other slaves. Courts enjoyed immense discretion in the punishments at their disposal. Capital courts were instructed by the Assembly to select "such manner of Death most Effectual to deter others from Offending in like Manner" and, during the colonial period, this meant that slaves were either hanged or burned alive. The only restrictions placed on non-capital courts was that the punishments they inflicted on slaves should not extend to "the taking away of life or member."

Unfortunately, the evidence for the colonial period is so scanty that it is difficult to ascertain precisely how many slaves were tried, on what charges, and how they were dealt with. Although it is virtually certain that courts kept written records, however brief, of their proceedings, none have survived from the 1760s and 1770s. The earliest date from the 1780s, and this paper analyzes those produced by nine courts which were convened between 1787 and 1804.

While by no means indicative of the total number of court hearings held between these dates, there are two reasons for suggesting that the transcripts in question provide a fairly good guide to the judicial treatment of slaves during these years. First, these trials took place in six different counties and, second, they involved offenses ranging from murder to harboring runaways and killing animals.

The Assembly did not instruct courts in the kinds of records

they ought to keep, and those under consideration here vary enormously in their length. This fact, in itself, is perhaps indicative of the way in which those whites who comprised the courts regarded their brief. None of these transcripts indicates the age, origin, or occupation of the slave defendant(s). However, they do suggest that defendants did not benefit (at least not in any formal sense) from legal advice or assistance.

In only one of these cases, that involving Lewis, who was tried in 1787 by a Chatham County court for robbery and murder, was a defendant convicted solely on the evidence supplied by other slaves. Since Lewis was a prominent member of a runaway slave community based in the river swamps not too distant from Savannah, which had supported itself partly by raiding outlying plantations, it was scarcely surprising that he was found guilty as charged and sentenced to death. Public opinion, as well as the evidence that heard, might well have swayed the court, as it so evidently did four years later in Liberty County at the trial of a mulatto slave named Billy. Although this was Billy's first conviction for theft, the court decided upon capital punishment on the grounds that his "General Character is that of a notorious Thief" and "It is the general voice of the people he should be executed." The petition of Billy's owner to Governor Telfair provides a good, but by no means unique, example of the efforts undertaken by some masters to save the lives of their slaves, even though a pardon could be made conditional upon the slave's deportation from Georgia or, indeed, from the United States.

Other court transcripts which have survived from these years indicate the extent to which non-capital courts relied almost exclusively upon publicly inflicted floggings and, in some cases, despite the Assembly's directive, the disfigurement of slaves.

The main theme of this paper concerns the extent to which, from the mid-1750s onward, the maintenance of racial order in Georgia was perceived by whites as being dependent upon the use of overt physical force. The desire to punish and to deter was institutionalized in public laws which sanctioned the burning alive, hanging, and flogging of black men and women; the courts which were convened during the latter half of the eighteenth century were seldom reluctant to translate public law into public practice. Political independence did not prompt any reappraisal of the judicial treatment of Georgia's black population. The years immediately following the American Revolution were not marked by a more humane, or lenient, treatment of slave offenders.

*Synopsis provided by the author.