

FREE LABOR HE FOUND UNSATISFACTORY
JAMES W. ENGLISH AND CONVICT LEASE LABOR AT
THE CHATTAHOOCHEE BRICK COMPANY

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There is or should be a difference in the life of a prisoner and that of a slave. When persons commit crimes for which they are sent to prison, they forfeit their right to associate with their fellowman, and the policy of the law should be to cut them off from their liberties. It does not contemplate that they should be bound in chains and sold to the one who will pay the most for them; such a system as that is a veritable slavery and should be condemned by all good people.

Dr. E. B. Bush, Principal Physician
of the Georgia Penitentiary
October 1, 1897

One of the basic responsibilities of any state is the safety and well-being of its citizens. To that end, persons convicted of crimes must be segregated from the general population. The costs involved in the operation of a penal system are burdensome and generally receive a low priority in the budget process. In the operation of a penitentiary system many states have attempted to offset the cost through the use of convict labor which may be of four types: state account, state use, public works, or the lease system.¹ In the first, the state sets up its own company and manufactures goods for sale on the open market in competition with private producers. In the second system, goods produced by prisoners are consumed by agencies and institutions of the state. In the public works system, convicts are employed on projects such as the construction or repair of public roads or buildings. While both the first and second systems were criticized by organized labor, the fourth was most despised because it placed convicts in private companies in direct competition with free labor.

In antebellum Georgia, convict labor was of the state account system. Prisoners in the penitentiary at Milledgeville worked in various enterprises including tanning, railroad construction, box car building, and milling. Penitentiary buildings supporting these activities included a bark house, bark mill, grist mill, paint shop, and tanning house. In the decade preceding the Civil War the proceeds from these offset the cost of operating the penitentiary.²

The convict lease system was an outgrowth of the Civil War.³ Prior to that cataclysmic event, all southern convicts were white; blacks generally were punished for crimes by their owners. With emancipation, large numbers of

blacks were left to fend for themselves. Many had to turn to thievery in order to subsist. The increase in crimes committed by blacks coupled with the removal of masters to mete out punishment left the states with the burden of incarcerating them. To exacerbate the problem in Georgia, the penitentiary had been destroyed in the war.⁴ In order to avoid the expense of building a new facility, the Georgia General Assembly required county Justices of the Inferior Court to take custody of all convicts and provide employment on public works.⁵ Even though building a new central prison was avoided, the expense to the state for maintaining prisoners at county jails proved prohibitive. To remove this burden, the General Assembly authorized the governor to "farm out the Penitentiary . . . *provided*, that . . . a lease can be made relieving the State from all further expense."⁶

The system went into effect in May 1866 when 100 convicts were leased to William A. Fort of Rome, Georgia, for the construction of the Georgia and Alabama Railroad. Two months later 100 more were leased for one year at \$1,000 to Fort and Joseph I. Printup. These men were employed in the construction of the Selma, Rome, and Dalton Railroad.⁷ The state was finally relieved of all expenses for the penitentiary, with the exception of the salary of the principal keeper, in June 1869 when the entire system was leased to Grant, Alexander and Company. This agreement provided no payment to the state, but it made the lessee responsible for all costs of keeping the convicts.⁸ Grant, Alexander and Company continued as the sole lessee of convicts until 1874 when leases were made with six other companies and individuals for terms of two to five years at ten to twenty dollars per capita per annum.⁹ Upon the expiration of these leases the governor was authorized by the General Assembly to advertise for twenty-year bids for all of the state's convicts.¹⁰ Three were accepted totalling \$500,000, payable in twenty equal installments.¹¹ The successful bidders became Penitentiary Companies One, Two, and Three. A review of the company principals reveals several influential men who would greatly increase their wealth by using the cheap labor provided under the convict lease system.

Extensive research on the system has concentrated on Penitentiary Company One headed by civil War Governor Joseph E. Brown, but study of the other two companies reveals an equally interesting, if less prominent, cast of characters.¹² Penitentiary Company Two was run by B. G. Lockett, L. A. Jordan, and W. B. Lowe, and Penitentiary Company Three by Thomas Alexander, W. E. Grant, W. W. Simpson, John W. Murphy, and William H. Howell.¹³ Another individual, James W. English, had interests in both of these. English was a friend and partner in other enterprises with Lockett and Lowe, and much of his fortune was gained through the use of convict lease labor.¹⁴ English's activities before becoming president both of Penitentiary Company

Three and the Chattahoochee Brick Company are significant.

James Warren English was born on October 28, 1837, in Orleans Parish, Louisiana to Andrew and Mary Warren English.¹⁵ At the age of ten, while living with an uncle in Louisiana, English became an orphan and moved to Covington, Kentucky, where he served a four-year apprenticeship as a carriage maker. In May 1852, by then a skilled workman, he moved to Griffin, Georgia to work in his trade.¹⁶ While there he also attended night school and began speculating in real estate. Young English lived and worked in Griffin until the beginning of the Civil War.

On April 20, 1861, English enlisted as a private in the Spalding Grays of the Second Georgia Infantry Battalion and went with his unit to the Army of Northern Virginia. During the next four years English distinguished himself in battle at Seven Pines, Richmond, Malvern Hill, Fredericksburg, Chancellorsville, Gettysburg, and Manassas Gap, having been wounded five times, promoted to Captain, and placed in command of a company of infantry at Appomattox. His superior, Colonel Herman H. Perry, described English as "one of the bravest, coolest, most faithful and vigilant officers in the Confederate army."¹⁷ On the night of April 7, 1865, in the company of Perry, English received the first written communication from General Ulysses S. Grant to General Robert E. Lee calling for surrender.

English moved to Atlanta on May 14, 1865, slightly more than one month after the surrender at Appomattox. Unable to establish himself as a carriage maker, he found work at fifty cents a day scraping and carrying bricks from the ruins of the city. He later found better jobs, first as a clerk, then in a hotel, and managed to accumulate enough savings to invest in real estate and become a building contractor, and to get married. On July 26, 1866, English married Emily A. Alexander in Griffin. Little is known in detail of English's activities over the next ten years, but he continued acquiring property and prominence. In 1877 he became a member of the Atlanta City Council and owned properties in Atlanta and in Buckhead.¹⁸ As a council member, English served as chairman of the finance committee and organized a group that succeeded in convincing the voters to move the state capital to Atlanta.¹⁹ On January 1, 1881, English became mayor of Atlanta.

At the end of Mayor English's two-year term, the *Atlanta Constitution* printed a glowing accolade to his administration. He was able to rid the city of gambling houses, establish a paid fire department, and install a new electric fire alarm system and new pumps at the city's water works. After his mayoral term ended, English continued his service to the city. From 1883 to 1905 he was a police commissioner and served for a shorter period on the board of education.²⁰ Meanwhile, his personal fortune grew rapidly.²¹ The enterprise for which English is best remembered, the Chattahoochee Brick Company, was founded

in June 1885.

The clay-rich bank of the Chattahoochee River was an ideal location for the manufacture of brick. With Atlanta as the railroad center of the southeast, the decision to locate brickyards on the east bank of the river in Fulton County was a sound one. Railway spurs were laid to the plants for the delivery of coal for the kilns as well as for the transport of the finished product to distant markets. Two men, B. G. Lockett and W. B. Lowe, partners in Penitentiary Company Two, saw the advantage of this location. Both built adjacent brick plants in 1883; the Lowe Steele and Company brickyard at Bolton and the B. G. Lockett and Company at Chattahoochee.²² English acquired Lockett's interest, and on May 7, 1885, merged with Lowe to form the Chattahoochee Brick Company. It was chartered by the Fulton County Superior Court with \$200,000 capital stock on June 22, 1885. Besides English, who was president, the new company had three other stockholders: W. B. Lowe, G. W. Parrott, and a Mrs. Peel.²³ By 1901, the year Lowe died, English had purchased the stock owned by Parrott and Peel, giving him a controlling interest of 1183 shares to Lowe's 817.

By all accounts the Chattahoochee Brick Company was "the largest concern of its kind in the United States."²⁴ It produced plain, ornamental, and oil-pressed bricks and had a stated capacity of 200,000 per day. They were sold not only in Georgia markets, but nationally and internationally. In the first five years of the twentieth century, close to half of the bricks produced by the company were for export.²⁵

Available production figures do not include the first fifteen years of the company's existence, and only scattered data is available for the period 1900 to 1939. Nevertheless, during the last nine years of the convict lease system production averaged about 30.5 million bricks per year (Figure 1). The expense of this labor as a percentage of the total production cost ranged from 33.41 percent in 1900 to 43.12 percent in the last twelve months the system was in effect.²⁶ During this period the company employed an average of 175 convicts per month.

The two companies which merged in 1885 to become the Chattahoochee Brick Company were manned with convicts from Penitentiary Company Two. In addition, English, as president of Penitentiary Company Three, had an equal number of convicts available for the brickyard and other company enterprises.²⁷ This put English in control of two-thirds of the convicts in the state.

YEAR ENDING	BRICKS PRODUCED	PERCENT LABOR COST	CONVICTS PER MONTH
Apr 1901	30,037,087	33.41	174.75
May 1903	27,219,517	36.33	189.58
May 1904	31,595,200	33.46	178.27
May 1905	30,438,977	38.44	171.60
May 1906	30,832,908	38.98	167.10
May 1907	32,224,899	39.25	175.80
May 1908	32,721,697	41.07	170.58
May 1909	29,085,546	43.12	171.00

Figure 1. Selected data from the Chattahoochee Brick Company Collection, Financial Folder

Convicts who were not needed at the brickyard or in the other company activities--railroad construction and coal mining in Walker County, lumber in Dooly County--were sublet to other businessmen. Indeed, a primary sublessee, former Governor Joseph E. Brown, used these convicts in his coal mines in Dade County.²⁸ But English did not sublet this valuable labor force for very long. With a keen eye for market opportunities, he diversified the activities of the Chattahoochee Brick Company and drastically reduced the subletting of convicts.

In October 1892 the Principal Physician reported that 2,802 convicts were scattered in fifteen camps throughout the state. Of these the Chattahoochee Brick Company employed 497 at three locations. The degree of diversification over the next five years was remarkable; in October 1897 the company employed 1,206 of the state's 2,881 convicts at thirteen of the twenty-six established camps.²⁹ Their activities included brick making, logging, the production of cross ties, sawmilling, turpentine, and railroad construction.³⁰ Convicts at the Fulton county brickyard were also used in the construction of the adjacent Whittier Mills.³¹

The convict lease system in Georgia lasted until April 1, 1909. Throughout, repeated calls for its abolition cited its immorality and unfair competition with free labor, but the leaseholders wielded too much influence over the state government for their opponents to succeed. The system finally was abolished by the General Assembly in 1908, effective in April 1909.³² The lease holders had ceased their opposition. They were beginning to realize that free labor cost no more than convict labor.³³

The transition to free labor, however, was not easy. The company

would have to construct cottages "and such other buildings as may be required" for the housing of workers because the plant was "located some seven miles from the city," making daily transport of employees impractical.³⁴ Another concern in the transition to free labor was the issue of liability. In May 1909 the general manager took out employer's liability insurance with the Fidelity and Casualty Company.³⁵

Issues such as housing, transportation, and liability were foreseeable and could be planned for. Controlling the work force, however, was a more difficult problem. In an attempt to maintain some continuity in plant operations the camp "whipping boss," Captain J. T. Casey, was retained as plant superintendent.³⁶ In addition to continuity in plant supervision, it was desirable to attempt to retain some of the more reliable convicts as free laborers. Evidence of this effort is found in letters from company officials to the governor and to the prison commission. These letters went beyond just supporting convicts' requests for clemency; many also guaranteed employment at the brick yard.³⁷

James English, "spoiled" by decades of absolute control over his workers, apparently never adjusted to the new ways. His opinion of the new work force is noted in the minutes of a board meeting held on July 22, 1912, more than three years after the end of the lease system:

Free labor he found unsatisfactory and quite different from convict labor. The convicts worked from sun-up to sun-down while free labor worked from 6 to 5 o'clock and only worked when they wanted to.³⁸

Yet the Chattahoochee Brick Company did adapt and continued its expansion under the leadership of Harry English and succeeding presidents, including H. English Robinson, a grandson of James English.³⁹

NOTES

¹Walter Wilson, *Forced Labor in the United States* (New York: 1933; reprint, New York: 1971), 40.

²*Report of the Principal Keeper of the Penitentiary of the State of Georgia, 1852-53, 1855, 1857-58, 1860, 1862.* Hereafter cited as *Report of the Penitentiary*. Reports of years missing were not found. The book keeper's reports contained in these six Principle Keeper's reports reveal that revenue exceeded overall penitentiary expenses by 2.8% (Revenue \$303,429,.29, expenses \$294,862.44).

³A useful general treatment of the convict lease system in Georgia is found in two articles by A. Elizabeth Taylor; "The Origin and Development of the Convict Lease System in Georgia," *The Georgia Historical Quarterly*, 26 (March 1942): 113-128; and "The Abolition of the Convict Lease System in Georgia," *The Georgia Historical Quarterly*, 26 (Sept.-Dec. 1942): 273-87.

⁴The Georgia Penitentiary in Milledgeville was destroyed by General Sherman's troops on November 22, 1864. governor Brown, expecting the worst--the facility had been used for the manufacture of arms--released all of the convicts and had them organized into a regular infantry battalion. Clement A. Evans, ed., *Confederate Military History*, (Atlanta: 1899), 6: 363.

⁵*Acts of the General Assembly of the State of Georgia, 1865-1866*, 37. Hereafter cited as *Acts*. The law included a provision that the counties could turn their convicts over to the governor if they so desired. This provision was eliminated in an amendment to the act of December 13, 1866: "the Governor may, if he deems it advisable, refuse to receive such convicts." *Acts, 1866*, 26. Governor Charles J. Jenkins immediately exercised that prerogative in an executive circular dated January 4, 1867, notifying all Justices that he would not accept any convicts. Allen D. Candler *The Confederate Records of the State of Georgia*, (Atlanta: 1910), 4: 592.

⁶*Acts, 1866*, 155-56.

⁷Taylor, "Origin," 114.

⁸*Ibid.*

⁹*Ibid.*, 116-17.

¹⁰*Acts, 1876*, 40.

¹¹Taylor, "Origin," 119.

¹²Both of Taylor's articles contain a great deal of information on Brown and his mining enterprises. See also two articles by Derrell Roberts, "Joseph E. Brown and the Convict Lease System," *The Georgia Historical Quarterly*, 44 (December 1960): 399-410; "Joseph E. Brown and His Georgia Mines," *The Georgia Historical Quarterly*, 52 (September 1968): 285-92; and Lester D. Stephens, "A Former Slave and the Georgia Convict Lease System," *Negro History Bulletin*, 39 (January 1976): 505-507.

¹³Taylor, "Origins," 119.

¹⁴Charters for the Penitentiary Companies showing the names of the principals could not be located. Company Two leased convicts to English's enterprises. In an investigation of the convict lease system in 1896 by the governor, English acted as his own counsel in behalf of Company Two. Testimony in this investigation by the State Comptroller General indicates that payments were made by English for convicts leased by Company Three and that he was president of that company. *Stenographers' Transcript of Evidence For the State, in the Investigation of Charges Against Penitentiary Companies One,*

Two, and Three Before His Excellency, W. Y. Atkinson, Governor of Georgia, February 1896, Julius L. Brown Collection, Atlanta Historical Society, 12, 978, 979.

¹⁵Biographical data on English was obtained from the James W. English Personality File, Atlanta Historical Society. See also Clement A. Evans, *Confederate Military History* (Atlanta: 1899), 4: 635-38.

¹⁶English served his apprenticeship under a Mr. Evans. One of his duties was to travel selling carriages. While doing so, he met his wife-to-be in Griffin. H. English Robinson, interview by author, Atlanta, 30 January 1990.

¹⁷Allen D. Candler and Clement A. Evans, eds., *Cyclopedia of Georgia*, 4 vols. (Atlanta: 1906), 1: 671. A copy of the page in Evans' *Confederate Military History* detailing the delivery of the surrender demand at Appomattox is in the Chattahoochee Brick Company collection at the Atlanta Historical Society.

¹⁸*Ibid.*, 1: 672.

¹⁹English also served on the finance committee for the construction of a new church building for the First Presbyterian Church of Atlanta in 1877 even though he did not become a member until 1885. His wife was baptized and received as a member in 1870. First Presbyterian Church Atlanta, Fulton County, Georgia, *Minutes and Membership*, vols. 1 and 2.

²⁰Candler, *Cyclopedia*, 1: 673.

²¹*Ibid.*; English acquired railroad interests in April 1885, became founder and president of the American Trust and Bank Company (1890), and Fourth National Bank (1896), vice president of Atlanta Savings Bank, organized the Fulton Building Company in 1903, was director of both the Central of Georgia Railway Company and Atlanta and West Point Railway, and was president of Atlanta Terminal Company. He was also active in community affairs as Chairman of the Board of Trustees for Atlanta's first Y. M. C. A. and trustee of Grady Hospital.

²²Chattahoochee Brick Company Collection, Atlanta Historical Society.

²³*Ibid.*, *Minutes, 1903-1910*, 26; "The Convict Inquiry," *Atlanta Constitution*, 28 September 1887; Information on Mrs. Peel has not been found.

²⁴English, Personality File.

²⁵Chattahoochee Brick Company Collection, folder 1, "Financial."

²⁶This rise in the expense of labor as a percentage of production costs supports Matthew J. Mancini's assertion that the lease system was abolished because it was no longer profitable. "Race, Economics, and the Abandonment of Convict Leasing," *The Journal of Negro History*, 63 (Fall 1978): 349. Labor as a percentage of production cost for the years 1915 to 1919 and 1939 averaged 36.62 percent. Chattahoochee Brick Company Collection, "Financial."

²⁷English became president of Penitentiary Company Three on June 9, 1884. *Atlanta Constitution*, 28 September 1887.

²⁸The *Penitentiary Reports of the Principal Physician* shows the distribution of convicts throughout the state. On the subleasing of convicts, see Taylor, "Origins," 125. Subleasing was not permitted under the Convict Act of 1876. Abuse of this act and alleged abuse of convicts by lessees led to an investigation by the governor in 1887. See *Acts*, 1876, 43 and the *Atlanta Constitution* throughout September 1887. The finding of the investigation was that there was no violation, but that the companies had changed hands.

²⁹*Penitentiary Reports of the Principal Physician*, 1892, 1897.

³⁰*Ibid.* Financial records for activities other than brick making have not yet been located.

³¹Whittier Mill Collection, Atlanta Historical Society.

³²*Acts*, 1908, Extraordinary Session, 1119-1130.

³³The cost of convict labor to the lessees included more than just the payment to the state. Also included were expenses such as the salary of a camp physician, guards' wages, camp expenses, food, clothing, medicine, and the operation of separate hospitals for black and white convicts at each camp.

³⁴These cottages were described as dilapidated shacks by the company founder's grandson, H. English Robinson. When he became company president in 1957, Mr. Robinson had the structures demolished. H. English Robinson, interview by author, Atlanta, 30 January 1990. H. L. English to Stockholders, 25 June 1908, Chattahoochee Brick Company Collection, *Minutes*, 1903-1910.

³⁵*Ibid.*, 108.

³⁶*Ibid.*, 107.

³⁷Applications for Clemency, 1858-1942, Georgia Department of Archives and History. Such letters from James W. English, James W. English, Jr., Harry English, and J. T. Casey were found in the clemency application files of several convicts.

³⁸*Minutes*, 1910-1918, 4.

³⁹Robinson became president in 1957. "Chattahoochee Brick Company Marks Seventy-fifth Anniversary," *Georgia Magazine* (Oct.-Nov. 1960): 17.