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SLAVERY IN THE ECONOMY OF FALLS COUNTY

1850-1860

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MOORE

1954

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SLAVERY IN THE ECONOMY OF FALLS COUNTY
1850-1860

By
Council S. Moore

A Thesis Submitted in Partial Fulfillment
of the Requirements for the Degree of

Master of Arts
in the
Graduate Division
of

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Prairie View Agricultural and Mechanical College
Prairie View, Texas

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STUDIES IN HISTORY

HISTORY OF SLAVERY IN TEXAS AND THE SOUTHWEST

APPROVED:

Date

8/16/54

Signature

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Field Represented

History

Conrad B. Moore

"Slavery in the Economy of Falls County, Texas"

PRAIRIE VIEW AGRICULTURAL AND MECHANICAL COLLEGE

STUDIES IN HISTORY

ACKNOWLEDGEMENT

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Dr. G. R. Woolfolk, my constant advisor and
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Mrs. Mary Towers Crocker, Abstractor for the
Falls County Abstract Company.

Mrs. Marjorie Rogers Church, Falls County
historian and lawyer of Marlin.

Mr. Roy Eddins, Falls County historian and
present president of the
Council S. Moore

To my many friends who gave words of encourage-
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This writer, having a desire to know more of the facts underlying the role of the Negro slave in the plantation system of the South, attempts this investigation. In fairness to the field of history, only facts will be presented, uncolored, void of misleading statements, free from ambiguities and designed to inform and enrich the reader, thus promoting educational development in the field of historical research.

PROBLEM

What is the economic value of the slave to the plantation economy of the South? The problem of this study arises out of the conflicting theories as to the real value of the slave, to which this writer agrees only in part. Many and varied are the opinions of the leading writers in the field. Phillips, Flanders, Gray, and Wiley advocate the labor theory

CHAPTER I

INTRODUCTION

Free and abundant life is, and always has been the ultimate goal of all men. Slavery began as a practice in the ancient world, passed through the medieval and culminated as an institution in the United States. The changing concept of slavery in America, ranging from "an evil," "a necessary evil," "a good," "a positive good," and finally the abolition of the institution, has created a panorama rather difficult to describe. This writer, having a desire to know more of the facts underlying the role of the Negro slave in the plantation system of the South, attempts this investigation. In fairness to the field of history, only facts will be presented, uncolored, void of misleading statements, free from ambiguities and designed to inform and enrich the reader, thus promoting educational development in the field of historical research.

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Philips states; "the economic virtue of slavery lies wholly in its making labor regular, secure, and mobile."¹

Flanders says; "slaves were not only capital, they were also labor, and herein lies the weak point of the whole system, since the production of one was at the expense of the other."²

Gray writes; "from the standpoint of the employer, slavery provided a stable labor supply. Barring ordinary accidents and sickness, the laborers' services were always available, an important advantage in large scale farming. There was possibly a certain degree of economic inelasticity at harvest time, when there was little surplus labor except children, and slave labor flowed less readily than free labor to the type of employment promising greatest economic opportunity, due partly to lack of diversity in the Negro's economic experience, partly to the difficulties in transferring the capital values of the slave labor."³

Wiley says; "Negro labor properly directed was adapted to diversified agriculture and to a varied industrial program."⁴

Bancroft, Flanders, Rupert, Govan, and Smith are exponents of the investment theory.

Bancroft states; "they mortgage their crops to buy more slaves, to make more cotton, to buy more slaves."⁵

¹ Ulrich B. Philips, American Negro Slavery, (Peter Smith, New York, 1952) p. 305.

² Ralph B. Flanders, Planter Slavery in Georgia, (University of North Carolina Press, 1935) p. 214.

³ Lewis Cecil Gray, History of Agriculture in the Southern United States to 1860, (Peter Smith, New York, 1941) p. 556.

⁴ Bell E. Wiley, The Southern Negroes, (Yale University Press, New Haven, 1938) p. 24.

⁵ Frederick Bancroft, Slave Trading in the Old South, (J. H. Furst Co., Baltimore, 1931) p. 547.

Flanders writes; "the capital of planter was stationary, large amounts were tied up in this form of property."⁶ Rupert contends, "a good field hand could be hired out for \$200 to \$275 a year, and could pay for himself in a year."⁷ Govan questions himself; "Could the planter have done better with or without slavery? Was he making money? After investigations of several select plantations he concluded slavery was profitable."⁸ Smith says; "An examination of the system strictly from an economic point of view, excluding political and humanitarian considerations, suggest however, that slavery was operating in the South strictly on economic sufficient basis."⁹ Smith also advocates a consumptive productive theory; he questions himself, was slavery an economic burden to the South? "It was the wide difference between what the slave consumed and what he produced that made slave-holding profitable before the war."¹⁰

⁶ Ralph B. Flanders, op. cit., p. 213.

⁷ Norvel R. Rupert, Texas the Lone Star State, (Prentice Hall, Inc., New York, 1943) p. 220.

⁸ Thomas E. Govan, "Was Plantation Slavery Profitable" The Journal of Southern History, V8: No. 4 (Nov. 1942) pp. 513-35.

⁹ Robert Worthington Smith "Was Slavery Unprofitable in the Antebellum South," Agricultural History, Vol. 20 (Jan. 1946) pp. 62-64.

¹⁰ Ibid. p. 63.

Kirkland advocates a fixed-capital theory; slave firms dealt in slaves as a business, purchasing agents journeyed through the country with an eye on Negroes between ten and thirty years of age. They were bought and moved South. Since so much was tied in slaves there was nothing left to invest in other enterprises.¹¹ Simkins writes; "the scale of slave holding was in some degree a measure of social rank and men were constrained by economic motives to increase their train of retainers."¹²

Thus the writer has found combined theory of theories: Labor-Investment-Productive Consumptive-Fixed Capital Prestige, with emphasis placed on labor and investment. A farm stocked with Negroes was a safe investment and managed with but little money making ability, and for that reason as well as from confirmed habit, capital and industry sought continually that direction. This investment worked in a circle, ending in procuring more and more labor by the purchase of more slaves, which was the measure in estimating individual wealth. But little was left from the process for the accumulation of permanent improvements, either by separate or cooperative industries.

¹¹ Ed C. Kirkland, A History of American Economic Life, (F. S. Crofts and Co., New York, 1941) p. 194.

¹² Francis B. Simkins, The South Old and New, (Alfred A. Knopf, New York, 1949) p. 394.

Some writers in the field refer to slave as indolent, unruly, and inefficient. Why then was he held so dear? In view of the many theories measuring his value, this writer is of the opinion that a greater economic value than the one given him before, has been overlooked by previous writers on the subject.

PURPOSE

The purpose of this investigation is to unravel information concerning the role of the slaves in the plantation economy of Falls County and his relative value to the social and economic life of the County. Further implementing the purpose of this investigation, the writer shall attempt to answer the following questions:

1. How was slavery introduced into Falls County?
2. What was the nature of the commercial laws regulating the handling of slaves as personal property?
3. How does the relative value of slaves compare with the other property of the plantation owner?
4. What is the role of the slave in probate records?
5. To what extent did he penetrate into the social life of the County?
6. What was the most reliable source of liquid capital when ready cash was needed for standing obligations, investments, and emergencies?

SCOPE

The scope of this study begins in 1850, when the State legislature recognized the present boundaries of Falls County as a corporate body, and ends with the outbreak of the war between the states. The material for this study consists of numerous cases relative to slavery, found in old newspapers, archives, and county records. Census records, personal letters, interviews and maps proved helpful also. For clarity on the material scope date, any date after the beginning of the Civil War will be in strict accord with the proof of the writer's hypothesis.

METHOD

The writer is of the opinion, because of the analytical nature of this study, the facts could best be presented by the use of topics. Technical terms will be omitted and only clear, concise, coherent data will be used.

SOURCES

The materials were taken from the following sources: Falls County Courthouse, Falls County Abstract Office, Archives, City Library, Marlin, Texas; Falls County Record (Centennial Edition), old newspapers, personal letters, magazines, general histories, and special histories.

DEFINITIONS OF TERMS

Inventory: A catalogue or scheduling of the property of a person or an estate.

Auction: A public sale of property to the highest bidder.

Promissory Note: A written promise to pay at some future date a certain sum of money on demand.

Will: The legal declamation of a person's mind as to the manner in which he would have his estate disposed of after his death, or the written instrument legally executed by which a person makes disposition of his estate to take effect after his death.

Deed: A seal instrument in writing, duly executed and delivered, concerning some transfer.

Probate: Offered as proof of the last will and testament of a person deceased.

Mortgage: A conveyance of property upon condition as security for the payment of a debt.

Bill of Sale: A formal instrument for the conveyance or transfer of a title to goods or chattel.

Gifts: Anything given as a present.

Role: The part that one plays.

Liquid Capital: That capital which has a great possibility of raising cash upon it by selling it or pledging as security for a loan.

Economy: The regulation and management of domestic affairs.

Slave: One whose person and service are under the control of another as owner or master.

Intestate: Property not disposed of by will.

Plaintiff: One who commences suit to obtain a remedy for an injury to his rights.

Vendor: One who sells.

Vendee: One who buys.

In an economy where land is scarce and labor is abundant, the plantation system has been the dominant form of production. The plantation owner, who is usually a white man, owns the land and the slaves. The slaves work the land and produce the crops. The owner then sells the crops to the market. This system has been the basis of the economy of the South for many years. It has been the source of wealth for the few and poverty for the many. The system has been the cause of many of the social and economic problems of the South. It has been the cause of the degradation of the race and the destruction of the family. It has been the cause of the loss of the land and the loss of the life. It has been the cause of the loss of the soul and the loss of the spirit. It has been the cause of the loss of the future and the loss of the hope. It has been the cause of the loss of the love and the loss of the life. It has been the cause of the loss of the world and the loss of the life. It has been the cause of the loss of the soul and the loss of the spirit. It has been the cause of the loss of the future and the loss of the hope. It has been the cause of the loss of the love and the loss of the life. It has been the cause of the loss of the world and the loss of the life.

After careful examination of the prevailing and conflicting theories, this writer is of the opinion that the slave played the role of liquid capital in the plantation economy of the South, because he was the main source to which the land owner could turn when sums of money were necessary to carry on the social and economic affairs of everyday life.

HYPOTHESIS

With respect for the literary achievements, attainments and progress made by scholars in the field, this writer will accept the Labor, Investment, Consumptive-productive, Fixed Capital, prestige theories. The slave was a source of labor, he also was an investment, a consumer and producer, in some measures fixed capital, and served when possessed in large numbers as a means of social rank, prestige, and esteem. Had the writers probed deeper into the institution of slavery and not accepted the theories by tradition and confirmed force of habit, they would have discovered a more far-reaching and logical theory.

In an economy where land could be had for the asking, livestock had little commercial value, corporate securities absent, industry unwelcome, and rapid deterioration of the tillable soil brought about by the over-production of tobacco and cotton, how did the plantation owner attempt to solve his economic plight and make the system productive and self sufficient?

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CHAPTER II

HISTORICAL BACKGROUND

The early history of Falls County centers around the river, especially the falls. Who discovered the river and falls is not known. It is known that early explorers and adventurers crossed many streams in the Texas area, but took no time to name them, according to legend, because its water saved famished travelers from death by thirst. The most widely accepted legend follows:

A colony of Spaniards were prospecting near the Rio Grande River, when that river went dry and their water was depleted. Knowing that drought persisted in the West, they journeyed eastward in search for water. In a strange wilderness they crossed many streams, all dry. Almost famished, they came to a stream which flowed clean life saving and life giving water. They quenched their thirst, watered their surviving beasts of burden, knelt to thank God for deliverance. The padre blessed the stream and called it "Los Brazos de Dios" which means "The Arms of God". Other legends differ only in details, all naming the river "Arms of God" because it saved thirsty travelers from death.¹

Sterling C. Robertson of Tennessee, a man of vision, became obsessed with an idea to colonize Central Texas. He

¹ Falls County Record, Centennial Edition, Vol. 18, No. 11, Marlin, Texas, October 6, 1950.

had been to Texas in 1823 and formed a permanent camp at the mouth of Little River. He had dreams of a great farming country. And so it was that he left his native state and made arrangements with the Mexican government to bring 600 families and settle them in what was then known as the upper Brazos.

His colony embraced all the territory north of the Camino del Rey from San Antonio to Nacogdoches included between the Navasota and Colorado rivers. Many counties east and west of the Brazos were embraced in this contract for settlement. Milam, Bell, Williamson, Burnett, Lampasas, Bosque, Coryell, Hamilton, Erath, Hood, Comanche, Brown, Eastland, made up the territory known as the Municipality of Viesca. It has been estimated that his colony comprised a territory equal to one-sixth of the entire province of Texas. Milam of which Falls was a part was the first county to be organized after the revolution of 1836. At the first congress of the Republic Viesca was renamed Milam County for Benjamin R. Milam, a private soldier who was foremost in the assault on Goliad and also rallied 300 volunteers by the famous cry, "who will go with old Ben Milam into San Antonio?" This famous old Milam Land District was divided into many smaller counties in the early fifties.²

²Ibid.

The colonists on the frontier and in the town of Viesca, (landmark honoring Viesca may now be seen on the farm belonging to Mrs. Wiley Jones and Mrs. E. McCullough) at the time when Texas was in the struggle with Mexico for independence[?] were in danger of the Mexicans on one side and the Indians on the other. Viesca was then a town of about 200 people, and, being the capital, it did not take long for the settlers about the Falls of the Brazos to leave for the more populated districts south and east for protection. Many who deserted their new found homes never returned, thus leaving the historic Viesca to the Indians and Mexicans and to ruin.

John Marlin's family was the first to return after the Run-away Scrape, settling about four miles south of Marlin. Around his home the town of Bucksport sprang up. Bucksport with its saloons, stores, and blacksmith shop became the first frontier taking the place of Viesca. Here was located the first postoffice in the county. The fact that the returning settlers preferred to put the river between them and the Indians, and settled around Bucksport on the east side of the Brazos secured the present site of Marlin as the county seat of Falls County. Efforts were made by Captain Ethan Stroud to rehabilitate Viesca and a fort was built. The Bucksport settlement was so well established as a trading center at this time that the old Viesca site and fort were abandoned a few years afterwards.

After Texas began to figure as a state, the Municipalities were organized into Counties and precincts. District Courts, County Courts, and Justice Courts were established. The common law of England was adopted as the law of the land in all criminal cases and the Mexican laws formed a pattern for many of the present laws. Judges and other officials replaced the political chief, Alcaldes and Commandantes of the olden days.

The people of this section had to go to Cameron or Springfield to attend to their legal affairs. This necessitated much hardship and travel since there were no trains and they had to go by horse back or wagon. Their neighbors near Waco were asking the legislature to create McClennon County. During the year 1849 two petitions, signed by a large number of citizens of this section, were presented to the State legislature. They called attention to the fact that; "This territory is now remote from any county seat and the inhabitants are put to great inconveniences. Because we consider it will be a great public interest to have the above contemplated county created at this session; to be named Falls County; and the county seat to be at the falls on the west side of the Brazos river to be called Manchester. We as citizens of Milam County as duty bound, will every pray." The petition creating Falls County³ was granted by the legislature and an act creating the same was passed January 28, 1850. However, due to a dispute over the location of the county seat,

³ Ibid.

the county was not actually organized with officers until August 5, 1850. The county seat was first called Adams Store, which was located north of the present courthouse and designed as election headquarters. It was later changed to Marlin in honor of the Marlin families, vanquards of civilization in Falls County and whose names are written in blood upon the county's history. The land not only had to be settled and communities organized but savage Indians roaming this area large numbers had to be subdued. The year 1839 was a tragic one for the settlers of this vicinity. On January 1, of that year, Indians attacked the home of George Morgan about seven miles northwest of the present town of Marlin, murdered two women, severely injured another and would have murdered and scalped children had not they managed to hide from the savages. Ten days later about seventy Indians, believed to have been the same who perpetrated the Morgan Massacre, raided the John Marlin home (Fort Marlin) about two miles south of the present town of Marlin. They were repulsed by two men and two boys without loss, the savages losing seven of their number.

The settlers now realized they must fight, or desert their home, chose the former. About forty-eight settlers and rangers under Captain Benjamin Bryant gave battle to the savages at "Morgans Point," a short distance from the ill-fated Morgan home. The battle was a draw, but brought peace for awhile. Late in May, 1839, Captain John Bird and Company arrived at the falls, recruited some volunteers from the area

and started an expedition against the Indians. On May 26, 1839, Captain Bird arrived at Fort Griffin, four miles west of the present town of Little River, now in Bell County, and learned Indians were near. Five miles from Fort Griffin they found a freshly made trail and followed it, came upon twenty-seven savages, busy skinning buffaloes. The rangers charged and the Comanches fled in every direction. The rangers pursued the main body and after three miles came upon the same Indians arrayed in battle order. The rangers charged and the Indians fled again. Their horses were jaded and the pursuit was abandoned. Retracing their steps about half a mile the rangers came to a small creek, (later name Bird Creek) and found themselves surrounded by forty Indians who began shooting their arrows with deadly persistency. The rangers took shelter in a small ravine where there was a spring of water.

While holding a council of war, the rangers saw a large body of Comanches approaching, three hundred in number, led by their famous Chief Buffalo Hump. The Indians charged, their wild war-hoops mixing with gun-fire and the din of battle, but were repulsed with heavy loss. Three times the Indians charged and were driven back, their last charge bringing them very close to the ravine and the rangers being almost surrounded. The intrepid Bird fell early in the battle and six other rangers fell, killed or wounded. The survivors neared exhaustion. It seemed the twenty-five remaining men were doomed, when James Robinnett, upon whom the command had devolved

after Captain Bird's death, swore to his comrades he would kill the chief on the next charge.

He did not have long to wait, for Buffalo Hump came dressed in full uniform, with an immense head-gear of buffalo horns and mounted on an American horse. Taking deliberate aim, young Robinnett fired and the Indian chief fell. Ten or twelve Indians surrounded him and carried him away. After one more luckless charge, the savages retreated to a hill with heavy loss of men and horses. The rangers stayed in the ravine all night and the next morning not seeing any Indians went back to Fort Griffin in double quick time. When the story of the battle got around, a force of volunteers went to Bird Creek gathered the bodies of the Captain and his comrades into a huge coffin and carried them to the banks of Little River to be buried near the site of old Fort Griffin.⁴

Historians agree that the Bird Creek battle, in which Buffalo Hump was killed, was decisive in ending Indian depredations in this section. After the battle the savages were pushed westward and, although a few struggling Indians committed minor raids in the area of Central Texas, comparative peace prevailed. On the site of the battle on Bird Creek, near Temple, the Centennial Commission placed a memorial

⁴ History of Falls County, Texas, (compiled by old Settlers and Veterans Association of Falls County; Roy Eddins, Editor, 1947) p. 74.

which marks the spot of the battle so important to the people of this vicinity.

It is some what difficult to tell the date and founding of each Falls County town and settlement up to 1861 because the settlers were too busy to leave many records--making a living in a harsh wilderness and fighting savages Indians consumed all of their time. The following is some meager information concerning the earliest communities.

Old Viesca⁵, the former capital of Robertson's Nashville Colony, established in 1834 by J. J. W. Pierson, whose descendants still live in the county, was named in honor of Impresario Robertson's Mother Sarah Robertson, and Augustin de Viesca, governor of the state of Coahuila and Texas. The full name was later changed to Fort Milam in 1835 and its name and town disappeared except in memory and history.

Bucksnort was the name of an early frontier town about 3 miles south west from the present town of Marlin. It was named in a bit of hilarity, the name staying with it as long as it existed about 16 years after the battle of San Jacinto.

Blue Ridge, still an influential community, sprang up about the same time. Bucksnort thrived. It is in the eastern section of the county and is signified by a narrow area of considerable length. The people of Blue Ridge led the movement in 1850 to have the site of the county seat of Falls

⁵ Ibid. p. 19.

County selected by a vote of the people.

According to tradition, Stranger, frequently referred to as being on "Blue Ridge" was named as follows: A Frenchman named Kerchain established a store and petitioned for a postoffice. He was told to report to postal authorities and when he and others arrived, he had no name for the place and was chided for not having a name. Where upon the Frenchman apologized, "I cannot suggest a name." I am just a stranger here. Stranger was written into the form and Stranger was the name.

Alto Springs derived its name from the fact that Copious Mineral springs were nearby. The town became a well known health and bathing resort and served as a stage coach stopping place where there was an over night inn.

Marlin came shortly after the county was created. When an election was held to select the location of the county seat, Adams, a place near the home of Dr. Allenworth Adams, was selected. Early commissioners court minutes refer to "Adams"⁶ as the county seat, but Marlin was the name given by the legislature late in 1850. Marlin was in recognition of the Marlin families, who owned the land of the townsite, suffered Indian Massacres and fought the savages in the trying days from 1837-1839.

⁶ Ibid. p. 111

About 1850 four Wright brothers settled at a place not far from the present site of Chilton, calling the place "Carolina Hills (Carolina), because it reminded them of the hills of Carolina from whence they came. At one time it was a large community rivaling any in the county, but now it is only the site of a revered cemetery.

In the middle fifties Robert Moore, a mild mannered Irishman, established a store atop a hill overlooking Cow Bayou, west of the Brazos River. Immediately people called the place "Mooreville," it became a thriving and important commercial center and remains an influential community today.

Late in the fifties, Jack R. Tomlinson settled within three miles of the old Viesca and place became Tomlinson Hill. It is still Tomlinson Hill and the home place of the Old Settlers and Veterans Association, of which A. P. Tomlinson, descendant of the founder is present president.

Durango was formerly West Falls and tradition says a cowboy imbibed to freely of intoxicating liquors, and while under the influence of the drinks, insisted he was in Durango, Mexico. Even afterwards and today, the place is Durango. It, too, was an outstanding community losing its influence like other pioneer communities to the railroads and motor traffic.

Floods of centuries past created the rich red, productive Brazos Bottom soil.⁷

⁷ Falls County Record, 1950.

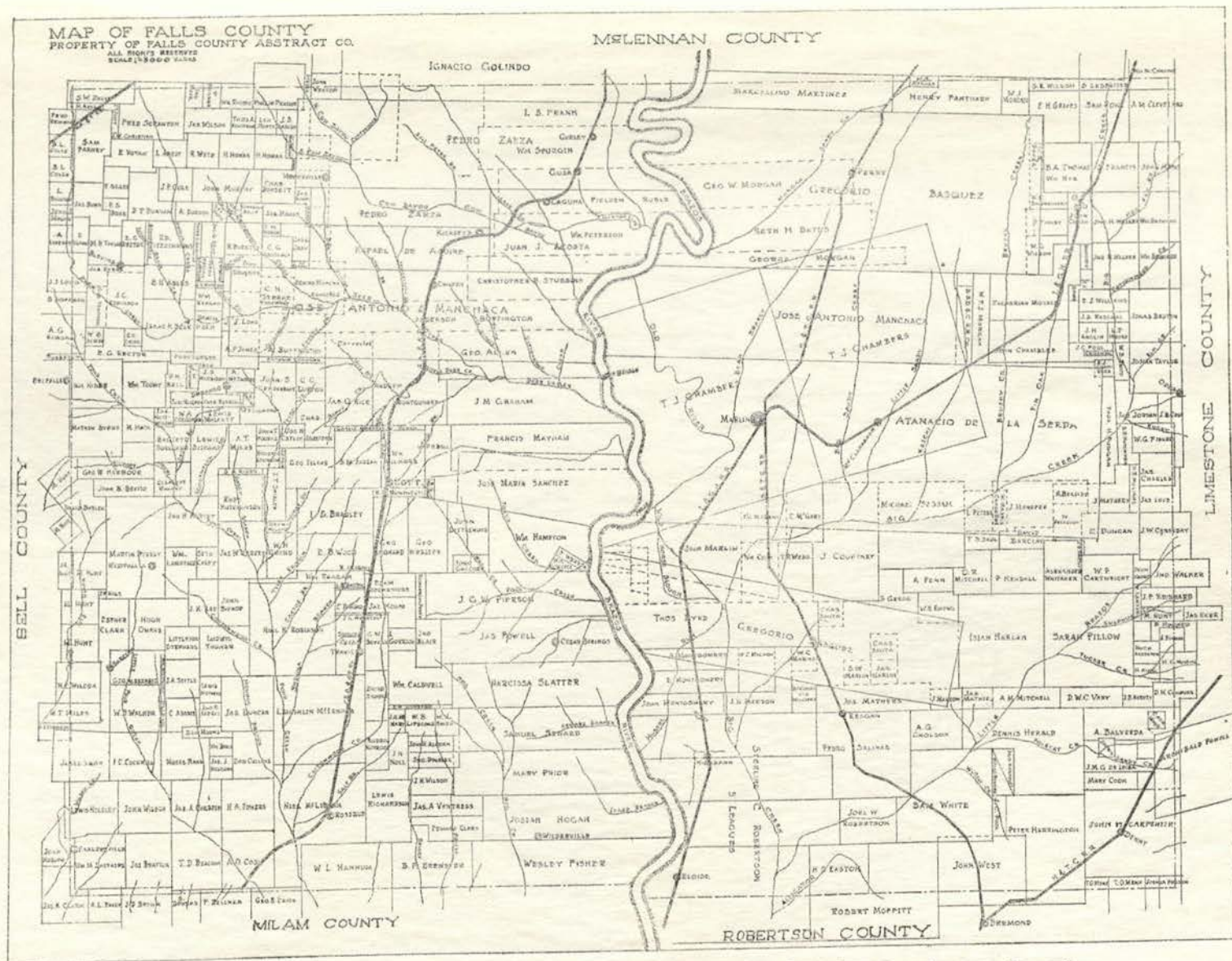
Falls of the river in this county is small and heavy rains farther north sent water over the rivers' bank into a wide area. The over-flows deposited silt, accounting for the rich Yohola clay (red) and Yahola fine sandy loam soil, familiar to every one in the Brazos Bottom.

The width of the valley is the distance between "low moderate sloping escarpments" on both sides of the river channel--making it easy for it to change. It is easy for the stream especially during floods to cut new channels and this has been done frequently. The most marked shift of record took place in 1866 which moved the channel two to three miles eastward. Pond, Little Pond, Deer Sancy and Big Creek, coupled with Little Brazos and Cow Bayou constitute an excellent source of water supply throughout the county. The abundance of land and its fertility, climates, adequate rainfall, plenty of woodland for home building and fuel were factors conducive to slavery which was the established custom of the Solid South.⁸ Falls county, being far inland and one of the later counties organized, plus the culture pattern of the early settlers, did not feel the full impact of the institution of slavery as experienced by the older counties of Texas and the plantation systems of the old South.

Settlement during the 40's⁹ was gradual, and made up

⁸ Ibid.

⁹ History of Falls County, Texas, Roy Eddins, p. 774.



Territorial Division including original land grants and subdivisions. Location with respect to adequate water supply, a feature conducive to the fertility of the soil responsible for the agricultural wealth of the county.

largely from Alabama and Tennessee of a class of middle farmers. Among those in the present limits of Falls County in 1849 were several Menefees, the Smith family, the Seviers, the Marlins, the Churches, the Castlemans, the Harvels, Smoot, James and others around Bucksnort; the Bartleys, Mof-fits, Hodges, Peeveyhouses, Roses and others. Around Blue Ridge; the Colemans, Bartons, Morgans, Killebrews and others north and south of the present town of Marlin; Christopher Stern, Judge Perry and some others at the edge of the Falls; the Whitakers, Covingtons, Powers, Blains, and others about the present site of Reagan.

Several of the farmers had a few slaves also, but at this date probably there were less than 25 in the county's present boundaries.

Very few came in 1849 and 1850 and then began the agitation for new counties and the formation of Falls County as at present constituted. After the county was affected, However, the first years of the 50's witnessed a new influx of settlers different in character from the pioneers before them. There came a large number of landed and wealthy slave holders. Among them may be mentioned General Shields, who located on about 3,000 acres about the point,¹⁰ Churchill Jones about the Falls, John A. Fortune about the Morgan (Rockdam) region, Colonel Keesee on the river, H. L. Bennett about Reagan, James McDonald, the father of one of

¹⁰ This was Deer Creek, just west of the Brazos.

Marlin's veteran lawyers. Dr. Adams was located at Adams Springs, now Marlin.¹¹

The following paragraphs reflect the philosophy of B. J. Shields on the issues of slavery and secession.

General Benjamin J. Shields, born January 9, 1811, in the Abbeville settlement of South Carolina, later moved to Alabama. The public life of Mr. Shields began when he was only 22 years of age. In the summer of 1834, he was elected to the Alabama legislature and from there he was elected to Congress. His personal and intimate relations with such men as General Jackson, Senator Benton, John C. Calhoun and others distinguished in public life at that time, threw him also into intimate association with John Tyler, then acting president of the United States.

Money, tariff and the slavery questions were the prominent issues then before the people, in all of which our subject took a keen interest. When president Polk took his seat, among his first appointments was that of Benjamin J. Shields, Charge d' Affaires in Caracas the capital of Venezuela.

Upon his return from Caracas in 1859, our subject found political circles all in a turmoil over the question

¹¹ Pen Pictures in the Garden of the World, A Memorial and Biographical History of McLennan, Falls, Bell, and Coryell Counties, Texas. (Chicago: The Lewis Publishing Company, 1893) 1 Volume, pp. 179 et seq.

of slavery. Domestic afflictions made it necessary to spend the intervals, between the sessions of Congress, in New York, Philadelphia, and other northern cities. The glaring contrast between the two sections, North and South, riveted his attention to a degree he could not resist. On one side, the prospect of boundless growth in wealth, science, arts, and general diversified prosperity was palpably visible, while on the other poverty and phlegmatic, uninterprising condition of 19/20 of the population cultivating the poorest lands--the other 1/20 monopolizing the richest lands for cultivation by slave labor, thus producing a contrast in the South itself direful to contemplate. The long period of time during which the two systems of labor had been in practical operation under a benevolent and impartial government had produced a contrast, as he believed, which stood before him.

Mr. Shields soliloquized thus: "Is this a true statement of the relative situations and cause thereof of the two sections? If so, can the conscientious Southern statesmen justify themselves in concealing the truth from his countrymen? Is it possible that such a state of affairs can be prolonged much further? As for myself, I stop right here until I can see further."

During his residence abroad, our subject had leisure and an excellent opportunity to study the salutary effects of the abolition of slavery, as the Venezuelan government had consummated the change, so that when he returned to the

United States it was with the firm conviction that slavery was not only wrong from a moral standpoint, but a curse and blight on the section that maintained it.

Expression of this attitude brought down upon him the frowns and censures of the managing politicians of the South; but not withstanding under the dominant sentiment then prevailing, of such was the popularity of General Shields with the people of Alabama that he was urged from many quarters to permit the use of his name for governor. This refusal was based largely on the fact that he had determined to come to Texas and retire from public life. He felt a controlling aversion to resuming his position on the political arena, occupied then as he conceived it, by men whose loyalty to the union he had reasons to question. Thus, through his devotion to the people and his loyalty to the union, General Shields renounced a bright political future and left the arena of politics, coming to Falls County, where he purchased a large plantation on the Brazos and for many years gave his entire attention to agriculture.

In the events which led up to the Civil War and in that great convulsion itself, he took a deep interest, but only once was it manifested in public. This was on the occasion of a secession meeting held near his place in the fall of 1860. South Carolina had just seceded from the union, and all were wild with excitement. General Shields did not intend to take part in the meeting, but being a man of strong

convictions he took the platform and stated his views in his usual fearless manner. The irrepressible conflict ensued the wounds were healed but many people can recall his fervid reasoning and impassioned appeals to friends and neighbors that they should stick to the grand old union of Washington and Jackson. The effect of his effort was to partially break up and cut short the meeting, for the speakers who were to follow refused to participate, nor did the people care to hear more of secession and disunion.¹²

Information obtained from many of the older settlers of the present county reveal that with reference to his coming to Texas, that he sold his slaves and urged Churchill Jones¹³ and E. C. Stuart,¹⁴ to sell theirs as he (Shields) had done. Further investigation on the part of this writer has ⁷ Mr. Shields operating his plantation in the Deer Creek Area West of the Brazos River with free labor prior to the war between the states.

Excerpt of a letter from Churchill Jones to his nephew, George H. Daffan on psychology in handling slaves.

¹² Ibid. p. 482, et seq

¹³ Falls County's largest slave owner about (200) also acquiring 28,000 acres of land.

¹⁴ Later Judge of Falls County.

Evergreen, Alabama
July 25, 1853

George H. Daffan, Esq.
Falls of the Brazos

George,

James said nothing about losing my flat at the Ferry there. I suppose he was ashamed to name it as you and he ought to be. It was pure carelessness certainly. George, I am afraid you have got the Negroes to like you and not fear you. If it is the case, you cannot get on nor take care of anything. They must know when you speak they have to obey, and to do this you have to stand square up to them and show yourself Master. You cannot coax a Negro to do his duty, you have to force him and if they only like you and not fear you they will soon hate you and get tired of you. That is the nature of Negroes, but to make them fear you and like you both you can do anything you want with them. I expected nothing else but to hear of the boat getting away. You were more careless last winter while I was there about the boat than anything else. They did not half the time fasten it to the long chain. I expect the Negroes are running to Marlin at nights. It might have got off that way.

Yours,

Is1 Churchill Jones

P. S. George, try to manage the sickness if you have much there as well as you can. I have some confidence in your judgment, in that you commenced last winter to make the Negroes fix up their houses and keep clean. I hope you continue that as it is good for their health.

Excerpt of a letter from Churchill Jones to his son. James S. Jones which demonstrates the humanitarian attitude of a master toward his slaves., realizing the property value in keeping them healthy.

Evergreen, Alabama
August 4, 1853

James S. Jones
Falls of the Brazos

Dear Son,

I sent whiskey, flour, sugar, etc, to you last May. The whiskey I sent for medical purpose and not as an everyday beverage.

If you should have much sickness there, you and George, with the use of Doctor Gun's Book can do all that any of the doctors you have can. If you have dysentary give doses of oil with from one to two tea-spoons full of spiritous turpentine and from 30 to 60 drops of laudanum. Give as often as necessary. Then a tea made of dewberry briar root and post oak bark, any stringent and healing tea. Give no calomel or Blue Mass in this disease, it is death. Eat and drink but little. Keep the bowels open with oil, turpentine, and laudanum as above.

Your father,

Isi Churchill Jones

Excerpt of a letter from Churchill Jones to his son James S. Jones also revealing the humanitarian attitude.

Evergreen, Alabama
September 12, 1853

James S. Jones

Dear Son,

George commenced last winter while I was there to make the Negroes keep themselves clean, keep their houses clean, and beds fixed up. Tell him I hope he has kept it up. I cannot say what time we will start for Texas. We will have to wait for frost to come and yellow fever

to subside in New Orleans. I will be in November, I expect.

Your father,

151 Churchill Jones¹⁵

That the drudgery of slavery, and the full impact there of did not engulf Falls County was in part to the type of men who settled in this county as exemplified in the thinking of General Shields and Churchill Jones. The warm relationship between the two races has existed up to the present day. However, the economic value of the slave in proportion to total wealth revealed the same ratio and economic importance.²⁵

¹⁵ Churchill Jones Letter, Bartlett Collection, Marlin, Texas.

CHAPTER III

COMMERCIAL LAWS ON THE HANDLING OF SLAVES AS PERSONAL PROPERTY

In an economy where a slave was the most desirable and useful piece of property, and upon whose transferability the system relied for its existence, something more accurate, reliable and binding than a gentleman's agreement was necessary. For your information and guidance, the writer will present legal documentation of national and state origin, regulating and protecting the property rights of owners, where the slave was used as a medium of exchange. This does not by any means, constitute all of the law on the subject.

African slavery existed in the territory that is now Texas before the independence was declared, and the constitution of the Republic was adopted. It continued as a social institution down to the time of the adoption of the thirteenth amendment to the constitution of 1865. The early reports contain, as might be expected, numerous cases, dealing with many phases of the law as applied to slaves, but no useful purpose would be served at this late date, by summarizing the decisions. In so far as many of these cases are still useful, as authorities elucidating the principles applicable to Chattel property, they are noticed in proper articles.¹

¹ William M. McKinney, Texas Jurisprudence, Vol. 38, p. 591.

"Slavery is defined as the state of entire subjection of one person to the will of another." The term implies the relation of two persons in the character of "Master and Slave," the former being defined as the one who has another or others under his immediate control, a lord paramount or employer of slaves, and the latter as a person, who is the chattel or property of another, and is wholly subject to his will; a bond servant, a serf.²

Our American law of African slavery was a system of customary law; that is, of rules and principles applicable to the institution, at first introduced and observed by the people in their practical dealing with the subject, and, subsequently recognized by the courts as the grounds of judicial decision. Very few were the results of written law, but had been, from time to time, developed by the actual working of the system in several slave states, and successfully adopted by the courts as they had been found by experience to be proper and effective in making the institution answer the purpose for which it existed,³ and it was held that slavery could legally exist without any positive law authorizing it, and its very existence in fact being presumptive evidence of its legality.⁴

² Corpus Juris, Vol. 58, Sec. 1-2

³ Douglas V. Ritchie, 24 No. 177.

⁴ Charlotte V. Chauteau, 25 No. 465.

Slaves born in Coahuila and Texas before the promulgation of the constitution or introduced into the state six months after that time, (1) could be held in slavery⁵ under the Texas Constitution, providing that all persons who were slaves before their emigration to Texas, and who "are now held in bondage" shall remain in the like state of servitude, (2) that relation where it existed de facto at the time of the adoption of the Constitution was recognized and continued,⁶ and Negroes in the state were prima facie slaves; and where held as such, they were slaves de facto, whether so de jure or not,⁷ but in Texas none but Africans could legally be slaves.⁸

Slaves could be transferred by will, or by gift, which under some statutes was sufficient, if by parole, accompanied with delivery, but which might be and in some instances must be in writing, and recorded or accompanied with actual delivery. Slaves could be mortgaged and sold under some statutes by sale and delivery without deed or writing, while under others a deed or writing was necessary which must be

⁵ Clapp V. Walters, 2 Texas 130.

⁶ Guess V. Lubbock, 5 Texas 535

⁷ Boulware V. Hendricks, 23 Texas 667

⁸ Gaines V. Ann 17 Texas 211

recorded to have affect against third parties, and general rule governing warranties, latent defects and rescission of sales applied.

Hiring and Loaning

Slave could be loaned or hired out or pledged as security for a debt, and like manner as other chattels, and the hiring might similiar be rescinded or terminated. The borrower or hirer was responsible for loss or conversion of the slave, or for wrongfully chastising or injuring or killing or causing the death of a slave, and for breach of his contract or hiring in like manner as in any case of hiring of chattel.

If the slave is shot by the overseer with small shot, but while making off and does not stop when ordered, the overseer must pay any injury.⁹ If the slave was lost to the master because of a wrongful act of the hirer, the hirer pays for the value of the slave.¹⁰ If a slave is killed by an overseer, the overseer is subject to the Penal Code as is and before adopted.¹¹ If a slave is injured intentionally on the job, the owner must be compensated to the extent of the injury.¹²

⁹ Brady V. Price, 19 Texas 190; Jones V. Fort 36 Ala. p. 449.

¹⁰ Hedgepeth V. Robertson, 18 Texas 8, 111.

¹¹ Callihan V. Johnson, 22 Texas 536

¹² Philly V. Wheeler, 10 Texas 536; Harvey V. Skipworth, 16 Vir. 57, p. 393.

The owner of a slave unlawfully detained is entitled to recover, not only his value but also damages equal to the value of his services, from the time of demand up to the time of trial.¹³ The owner may not receive compensation for loss of services of a slave--when proof is remote or speculative.¹⁴ The harboring and concealing of a slave was considered for all purposes of law as larceny.¹⁵ The hirer must give the slave the same humane treatment as his master, and return him in good condition unless his condition had become deteriorated with the default of the hirer.¹⁶ The hirer is responsible for medical attention and not the owner, unless the physician was employed by the owner.¹⁷ Where a slave is hired for a year, and before the expiration of the period dies without any default or neglect on the part of the hirer, the latter is entitled to an abatement of the hire corresponding to the unexpired term.¹⁸

¹³ Pridgin v. Strickland, 8 Texas, 42758 Am. Dec. 124.

¹⁴ Hope v. Alley, 9 Texas 394.

¹⁵ Martin v. State, 16 Texas 24.

¹⁶ Mim v. Mitchell, 1 Texas 443

¹⁷ McGee v. Currie, 4 Texas 217.

¹⁸ Townshend v. Hill, 18 Texas 422.

Wills And Mortgages

Any transaction relating to the transferring of property, whether as a gift or a foreclosure was void as between donor and donee, unless in writing and accompanied by actual possession.¹⁹

Plaintiff sold a piece of land to defendants interstate, taking a mortgage on two slaves to secure payment, but the slaves were emancipated before the debt was paid. Holding that, as the mortgage of the slaves did not pass the property in them, their loss as property fell on defendants interstate.²⁰

Rights of Property of Slaves

The economic maladjustment of the South created insecurity through out the plantation system. Transfer of any form of property was beset by risk and uncertainty. The hazards from accidents, certain forms of disease, and any deformity, whether natural or un-natural must be clearly defined in relation to our subject. Recognized weaknesses at the time of the sale by the purchaser, cannot be used later to prove unsoundness.²¹ If a slave was sold with an unsoundness not

¹⁹ Jones (Adm.) V. Thurmond (heir), Vol. 5, Tex. p. 318; Patterson V. Franklin.

²⁰ Brightman V. Ward, 37 Texas 310.

²¹ Nations V. Jones, So. T and C 300

revealed to the buyer, which later resulted in death, the buyer had to be repaid the sale price of the slave plus the estimated value of his services.²² If the slave had some permanent disease at the time of his sale which would reduce his value, the disease would make him unsound for commercial purposes.²³ Death resulting from easily inevitable causes could not be counted as legitimate proof of unsoundness.²⁴

Bills of Sales

Slaves could be mortgaged and sold under some statutes without deed or writing, while under others a deed or writing was necessary and must be recorded. A bill of sale is not necessary to pass the title to a slave.²⁵ A bill of sale is not necessary in order to vest the title to a slave in the purchase, though the seller agreed to give one.²⁶ A Negro woman was sold and delivered in November, 1864 without a bill of sale, and held by the vendee until emancipation. In a suit by the vendor of the Negro for specific performance of

²² Seranton V. Tillier, 16 Tex. 183

²³ Wade V. DeWitt, 20 Tex. 395

²⁴ Wade V. DeWitt, 20 Tex. 398

²⁵ Davis V. Loftin, 6 Tex. 489

²⁶ McKinney V. Fort, 10 Tex. 220.

a parol contract for sale of a tract of land, which was to be part consideration for the Negro, possession of which had been given, the judge held that it was error to instruct the jury that a bill of sale was necessary to pass title to a Negro, or that plaintiff should show title rights to convey the Negro.²⁷

Falls County tax records revealed the following:

1852	slaves	279	\$173,125
1853	slaves	281	\$175,350
1854	slaves	1119	\$612,270
1855	slaves	1120	\$613,500
1856	slaves	1121	\$614,725
1857	slaves	1122	\$615,950
1858	slaves	1123	\$617,175
1859	slaves	1124	\$618,400
1860	slaves	1125	\$619,625

An examination of the probate records of Falls County,

shows the slave again became the paramount importance, and reached the highest point of its economic value as compared with other taxable property. As evidence of the writer's opinion on the subject, the following items will be presented:

Estate of Charles Walsh, (deceased) April 24, 1854.²

Negro man, aged 25	\$1,500
Negro woman, aged 20	\$1,500

²⁷ Castleman v. Sherry, 42 Tex. 59.

CHAPTER IV

SLAVERY, BUSINESS AND SOCIETY

In the hierarchy of taxable wealth, the value of the slave was significantly higher than that of any other single species of property, and in most cases it was equal to the combined aggregate of the other possessions of the plantation owner.

Falls County tax records revealed the following:¹

1852	slaves	279	\$172,525
1854	slaves	647	335,300
1858	slaves	1110	612,970
1858	horses	2369	117,950
1858	cattle	22868	135,320
1858	land		390,200
1861	slaves	1650	987,980

On examination of the probate records of Falls County, Texas, the slave again ascends to paramount importance, and reaches the highest point of the economic ladder as compared with other taxable property. As evidence of the writer's opinion on the subject, the following cases will be presented:

Estate of Charles Welch, (deceased) April 24, 1854.²

Negro Man Squire	Age 23	\$1300
Negro Woman Jane	Age 55	\$ 600

¹ History of Falls County, Texas, Roy Edding, p. 123

² Falls County Probate Records, Vol. 5A, p. 18.

Negro girl (age 8-10) Unsound mind	\$	000
50 head of stock cattle		300
sorrell mare		50
sorrell mare		60
3 yoke of oxen		130
200 acres of land		1200
400 acres of land without improvement		600
household and kitchen furniture		250

The relative value of the slave revealed in the Estate

of Abner Green, October 21, 1854.³

Negro man squire	\$	1000
Negro woman, 2 children		1400
Negro boy Lewis		300
700 acres of land		1750

It is again demonstrated in the Estate of George F. Dutz,

December 4, 1858.⁴

$\frac{1}{2}$ interest in 2 Negroes	\$	375
83 head of cattle		498

Further significance is shown in the Estate of James

Hayes (deceased) November 14, 1860.⁵

Negro boy Abbott	Age 27	1500
Negro woman Sarah, age 20		
2 children, ages 3-1		1300
Negro woman Elmira,	Age 30	1300
2 children ages 3-1		
Negro girl, Virginia	Age 11	800
Negro boy Henry	Age 9	800
Negro boy Ben	Age 6	600

³ Falls County Probate Records, Vol. 5A, p. 39.

⁴ Falls County Probate Research, Vol. 5A.

⁵ Falls County Probate Records, Vol. 5A., p. 278

Itemized values as presented in the Estate of William

L. Wardlaw (deceased) community property.⁶

400 acres of bottom land		\$ 10,000
10 acres of bottom land		250
150 acres of upland (Homestead)		750
Negro man Jeff	Age 43	800
Negro man Charles	Age 32	1300
Negro man Long Charles	Age 24	1700
Negro man Archie	Age 24	1600
Negro man Jack	Age 20	1500
Negro man George	Age 18	1600
Negro boy Gill	Age 15	1200
Negro boy Wash	Age 12	1000
Negro boy Hal	Age 11	800
Negro woman Janex	Age 21	1100
Negro woman Nell	Age 21	1000
Nell's children		
	boy 3 yrs.	
	boy 4 mos.	500
Negro girl Harriet	Age 16	800
Negro girl Eliza	Age 15	800
8 mules		1100
1 jack		1000
2 mares, 2 colts		300
40 head of cattle		400
55 fattening hogs		500
3 or 4 thousand bushels of corn		2600
100 bales of cotton		5000
farming implements		100
household and kitchen furniture		25

Separate Property of William L. Wardlow

Negro man Cal	Age 24	1700
Negro woman Ellen	Age 43	800
Ellen's children:		
Negro girl Sarah	Age 12	800
Negro girl Lucy Ann	Age 11	700
Negro girl Susan	Age 5	500
Notes and Accounts:		
Money on hand		600
Note due	March 24, 1860	500
Note due	April 28, 1861	15
Note due	January 1, 1862	120
Note due	January 1, 1862	26

⁶ Falls County Probate Records, Vol. 5A, p. 392.

The material development of Falls County up to this period was very great. Careful delineation of the literature reveals to the writer that the wealth, however, was in the shape of slave labor. The value of a slave varied according to age, sex, and capabilities. The average male, ages (18-30) was valued approximately at \$1300 or \$1400; female of corresponding age \$1100 or \$1000; while boys from 12-18 years of age would reach \$1000-\$1300 valuation; girls of corresponding ages \$800-\$1000. Children were usually assessed with their mothers the price ranging from \$100-\$300. The value tended to decline rapidly after thirty, however live-stock was next in value with a premium on mares, the price ranging from \$40-\$60, mules around \$200 per pair, yoke of oxen (2) around \$40, cattle \$6 to \$7 a head, fattening hogs the same price, corn 50 to 60 cents per bushel and cotton around \$50 a bale. Improved land was valued at \$5 or \$6 per acre and unimproved land from \$1 to \$3 per acre. Farming implements, household and kitchen furnishings were of comparative low value.

To what extent did the slave penetrate into the social life of Falls County? Social life refers to the material and non-material things that man has developed himself. These material and non-material things influence man to the extent, that it sets the pattern of his thinking and acting. It is the opinion of this writer, that the need to decrease the insecurity found in the system, led the plantation owner to use the instrument of greatest value, the slave. It could

be in the form of a gift; reflecting love and affection; or a mortgage revealing the inability to meet financial obligations, necessitating the use of slaves for consideration in the honest payment of debt, thus creating a harmonious relationship within the social life of the county; or a bill of sale indicating the desire to protect members of the family by keeping wealth there-in. Evidence of the preceeding ideas are presented in the following cases:

State of Texas
County of Falls

Bill of Sale
Known all men by these presents:

That I, Rachael Marlin, of said County, in consideration of the sum of one dollar to me in hand paid, the receipt of which is hereby acknowledged, and also in consideration of the natural affection which I bear unto my daughter, Jane Covington, also of said County, have given, granted, bargained, sold, and delivered, and by these presents do grant, give, bargain, sell and deliver unto said Jane Covington, my Negro man named Ben, a slave for life, about thirty years old, black complexion; to have and to hold the said Negro man named Ben to her, the said Jane Covington, for and during her natural life, with remainder to my grandson, James Calvin Covington, son of said Jane and John Covington; and, for consideration afore-said, the natural death of her, the said Jane, I do by these presents give, grant, bargain, sell and convey the said Negro Ben to my said grandson, James Calvin Covington; to have and to hold the said slave, Ben, to him my said grandson, his heirs and assigns, in full right title and possession forever. December 16, 1852.

This case is typical of the social pattern operating in Falls County in relation to showing love and affection. It is unique in character, because the gift was a slave which

⁷ Falls County Deed Records, Vol. A., p. 311.

represented not only love and affection, but symbolized that which had the greatest value. In all instances gifts were accompanied with a cash consideration and further substantiated by documentary evidence. This property was recorded as a gift by, Rachael Marlin, to her daughter Jane Covington as separate property exclusive of the husband, and in case of the daughter's death was assigned to her grandson James Covington, or his heirs, full title, full rights and possession forever.

Another illustration of the social impact of slavery into Falls County maybe found in a mortgage,⁸ recorded on the 16th day of September, 1850, in Green County, Alabama, between Charles V. Fortune and John A. Fortune, parties of the first part, and Robert Withers of the same County and State as the party of the second part. The parties of the first part were indebted to the party of the second part the sum of \$8,638.11, to be paid by 16 promissory notes, each for the sum of \$539.88 bearing principal and interest, falling due and payable, the first one on March 1, 1851, the second one on June 1, 1851, and each successive one falling due at three months interval until the last one which fell due on the first of December, 1854.

The Fortunes, for \$1.00 to them in hand paid by Robert Withers, bargained, sold and conveyed to Robert Withers,

⁸ Falls County Deed Records, Vol. A. p. 208.

his executors, administrators and assigns 56 Negro slaves and their increase. The indenture further reveals, that the slaves were encumbered by two previous mortgages, one to Edward A. Glover⁹ for \$11,883.58 of which the whole amount had been satisfied except \$5,000; the other for \$2,000 to Nicholas W. Arrington, which made the actual mortgage \$17,521.69, a fact well understood by Robert Withers party of the second part in this mortgage.

In explanation of the above, that between the first filing of the mortgage in Green County, Alabama in 1850, and the final maturity in 1854, the Fortunes moved to Marlin, bringing their slaves with them; hence the mortgage was recorded in Falls County, July 2, 1852.¹⁰ The Fortunes for whom a present street in Marlin is named, acquired extensive lands in the Rock Dam section, and many of the slaves were buried in the Fortune Cemetery, evidences of which still exist about six miles north west of Marlin.

Further infiltration of the slave into the social life of the County maybe recognized in this bill of sale¹¹ reflecting the exchange of a Negro boy for cattle.

⁹ Green County, Alabama Probate Records, Book p, pp. 124-125.

¹⁰ Falls County Deed Records, Vol. A., p. 208.

¹¹ Falls County Deed Records, Vol. C., p. 455.

Known all men by these presents:

That I, Isaac D. Wright of the State of Texas, County of Falls, have this day granted, bargained, and sold unto Mary A. Wright, my wife, one Negro boy named Dick, 24 years of age, for and in consideration of \$1,200.00 worth of cows delivered to me by the said Mary A. Wright. I do by these presents warrant said boy to be sound in body and mind and a slave for life.

I, Isaac D. Wright, warrant and defend the title forever to Mary A. Wright, June 1st, 1855.

Here again a social pattern is revealed, which is in contrast to ther sections of the United States, where women are waging a campaign of equality. In a country where men are considered "monarch of all they survey" women can own property in their own right according to law. It is significant because the transaction is executed as a bill of sale in which the wife sold her husband \$1,200.00 worth of cows for a slave.

The ability to produce wealth, but not to share it in such a way as to benefit the entire population was apparent at this stage of American History. The local, state, or Federal government was not responsible for the well being of its citizens. It is evident to this writer, that efforts to meet the conditions of economic insecurity were of a private nature and slaves were used to alleviate conditions adversely affecting the well-being of the individual, the family, and the county.

Settlement during the 40's was gradual in Falls County, but by 1850 when the territory was made into a County, settlers

began to migrate there in large numbers. There were a few landed and wealthy slave-holders in the area, however, the majority of the inhabitants was made up of middle class plantation owners, who had left the worn out lands of the old South, seeking new wealth in the broad rich river bottoms of Texas. Since capital is never plentiful in a newly settled County, the perplexing problem facing the plantation owners was economic. What then could he use as a reliable source of liquid capital when ready cash was needed for necessities, standing obligations, investments or emergencies?

It would be impossible to maintain any economic system without a stable supply of labor and capital, the plantation system being no exception. The price of slaves was exceedingly high, there was a definite scarcity of capital, and what capital that could be found was concentrated in the hands of large estates, skillfully managed by shrewd administration. Thus, the small planters were doomed to a position of financial dependence. Houston and Galveston were the trading centers for Falls County and lack of railroads and travel facilities making these points far distant, plus the absence of banks and loan institutions, created the necessity of some form of property which could be transferred into liquid capital without which the institution of slavery was helpless.

In securing capital goods or capital funds necessary for the operation and maintenance of the system, whether for individual needs or investment purposes, the accepted practices

was to borrow a sum of money for a specified time (usually short) from an estate or administrators of the estate. As protection, in case the money is not paid at the expiration of the specified time, some property which has a greater monetary value on the commercial market than the sum of money stipulated, must be used as security. Evidence reflecting county practices as to legal procedures maybe found in the following slave mortgage.¹²

That by virtue of two executions against John L. Long for the sum of \$123.00 principal and interest, \$336.62 principal and interest in favor of Z. Bartlett and C. Jones, Exr. of the Estate of George E. Green, deceased, making the sum of \$459.62; the said John L. Long being presently unable to discharge the payment of same, for and in consideration of payment, as well as deferring said debt until the first day of January, 1858, hath bargained, granted, sold and set over unto said Z. Bartlett and C. Jones, Exr. of the Estate of George E. Green, deceased, a certain Negro man named Stephen, 52 years old, copper color. In testimony where off I have hereto subscribed my name and placed by seal by using scroll for seal this 7th day of May, 1857.

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A striking similarity maybe found in the mortgage of Fortune vs Withers¹³ where 56 slaves and their female increase were put up as security involving a debt of \$17,521.69. Time limit on this mortgage was from 1850 to 1854, however,

¹² Falls County Deed Records, Vol. D., p. 142.

¹³ Falls County Deed Records, Vol. A., p. 208.

quarterly payments of \$539.88 were required until the debt was liquidated. In case of default or non-payment of any quarterly installment, the party of the second part could make sale of as many of the slaves as were needed to satisfy the financial agreements of the mortgage.

Failure to meet obligations brought on foreclosures which had been anticipated in the legal instrument as previously drawn up between parties of the first part and second part. A sheriff's sale where the property was sold at public auction to the highest bidder was the penalty for non-payment of debts.

An illustration of a sheriff's sale containing all legal procedures as found in the Falls County Deed Records.¹⁴

By virtue of six executions issued from P. M. Jolly, Justice of Peace, in and for the County of Falls, commanding the sheriff of said County to levy the sum of \$459.72 on the goods and chattels, lands and tenements of John J. Long, I did levy on Negro boy, Stephen, belonging to said Long after having advertised the same for sale 20 days by advertisement posted up in three different places of said County, one of which was at the Courthouse, I did on the 6th of April, 1858, between the hours 10 A.M. and 2 P.M., the same being the regular sale day, present the Negro Stephen to sale at auction to the highest bidder for cash; and A. Bartlett being the highest bidder the purchaser for the sum of \$520.00.

Now, I, John Barton, Sheriff of Falls County, in consideration of the premises and the sum of \$520.00 to me in hand paid, have granted, bargained, and sold unto the said Z. Bartlett all the right, title, and interest in and of the said John L. Long in and to the said boy Stephen, seized and sold aforesaid. To have and to hold the same to him the said Z. Bartlett, his heirs and assigns, in as full and ample a manner as the same was held by John L. Long.

¹⁴ Falls County Deed Records, Vol. E., p. 316.

An interesting account indicating the extent of commercialization within the law maybe extracted from the sheriff's sale or recovery.¹⁵ That, whereas a Negro boy Henry was captured and committed to jail in the county of Falls on the first Monday in August, 1860, as a runaway, the boy not having been claimed and proved within the time prescribed by law by the owner. I, Buck Killebrew, Sheriff of said county, by virtue of the power vested in me by law, having given due notice did expose said boy Henry to sale at public auction before the courthouse door in the town of Marlin to the highest bidder for cash.

Whereas, at said sale the boy Henry was (knocked off) to J. A. Fortune for the sum of \$950.00. He being the highest and best bidder therefore, I warrant and defend the title to the said boy Henry unto J. A. Fortune, his heirs and assigns, so far as I, as Sheriff can do by virtue of the powers vested in me by law.

An account of expense and proceeds of sale of Negro Henry sold by me as a runaway:¹⁶

Expense of arresting slave	\$	20.00
Commitment \$.75, advertising \$25.00		25.75
Jail fees		120.00
Attention during sickness		12.00
Commission		14.50
Medicine and doctor bill		100.65
Bill of sale - advertising		2.00
		<u>284.90</u>
Amount of Sale		950.00
Balance		665.10

Before me, J. L. Conoly, clerk of the county court, personally B. Killebrew, sheriff of Falls County, and being duly sworn, states that the above account save the doctor's bill is true and correct, and that all legal fees, offsets and credits have been allowed.

¹⁵ Falls County Deed Records, Vol. F., p. 49

¹⁶ Falls County Deed Records, Vol. F., p. 49

Uncertain conditions common to an agricultural economy like droughts, floods, insects, and fluctuating prices are conducive to situations where immediate cash must be available to meet these and other existing emergencies. Bills of sales are indicative of the property sold to alleviate financial difficulties and the legal circumstances involved in the sale.

Copy of the bill of sale for slave woman and child.¹⁷

For and in consideration of the sum of \$1,400.00 to me in hand paid by Charles Stewart, Jr., of Falls County, the receipt of which is hereby acknowledged I have bargained, sold and delivered to said Charles the following Negroes to wit: a Negro woman named Clara, 35 years of age, of black complexion, her daughter, Caty, about five years of age. To have and to hold said two Negroes and their future increase to said Charles, his heirs and assigns forever, free from claims of all persons; and I warrant said slaves sound, and slaves for life.

Another bill of sale¹⁸ acknowledges; that I, Allen Bryan, for the sum of \$1,500.00 to me in hand paid, have bargained, sold, and conveyed to Jonathan B. Pool and Travis R. Pool a certain Negro man named John, age 22, black, who is a slave for life, the title to him good and he is sound in body and mind.

This bill of sale¹⁹ states to wit: That I, Samuel D. Barclay for the sum of \$740.00 to be paid by Charles B. Stewart of Montgomery County, do bargain, sell and convey a certain Negro boy, Jack, age 22, yellow complexion and a slave for life. Another bill of sale reflecting the exchange of a Negro for cattle.²⁰ I, Isaac D. Wright,

¹⁷ Falls County Deed Records, Vol. D., p. 308.

¹⁸ Falls County Deed Records, Vol. C., p. 129

¹⁹ Falls County Deed Records, Vol. F., p. 301.

²⁰ Falls County Deed Records, Vol. C., p. 145.

grant, sell and convey unto my wife Mary A. Wright, one Negro boy named Dick, age 24, for and in consideration of \$1,200.00 worth of cows. I do by these presents warrant said boy to be sound in body and mind and a slave for life.

Bill of sale recorded January 11, 1856:21 Received of H. H. Fortune \$4,000.00 in full payment for the following Negroes to wit: one Negro boy Prince, 18 years of age, one Negro woman Rhoday, age 30, her two children, a girl two years old, and a boy child, one Negro girl Adeline, 18 years old, one Negro boy Harvey, age 20, and one girl named Milly about 5 years old. All of the above Negroes are hereby warranted slaves for life and the title to them good.

Careful investigation of mortgages, auctions, and bills of sales, has revealed to the writer that the only property of the plantation owner, capable of demanding respect and holding its own on the commercial market was a slave. In any transaction where value was apparent, whether in the form of goods, services, or money, the intrinsic worth of the slave was recognized for and above all other material possessions of the plantation owner. The meticulous care accorded the slave in his daily life, the conditions under which he was sold, always in writing accompanied by legal instruments in the presence of witnesses, and involving a fabulous price, all reflect a value that cannot be underestimated.

In a system tottering on the brink of financial disaster and held together only by custom and sheer force of

²¹ Falls County Deed Records, Vol. E., p. 55.

habit, it is the opinion of the writer that the slave was the most reliable source upon which the plantation owner could rely, that could be transferred into liquid capital when ready cash was needed for necessities, standing obligations, investments or any type of emergencies.

CHAPTER V

SUMMARY AND CONCLUSIONS

The writer in this study is concerned with the economic value of the slave to the plantation economy of Falls County. Many theories have been advocated by prominent writers on the subject to which this writer agrees in part. After careful investigation, it becomes apparent that the various roles given the slave by previous scholars have been of questionable nature because they lack adequate proof to substantiate their theories. The slave was a source of labor, he could be considered as an investment or a producer when efficiently directed, a consumer always whether he worked or not, he may be classified as fixed capital or retained in large numbers for social prestige. Slavery came to acquire a significance out of proportion to its importance, and it has been proved that cotton and tobacco could be raised by free labor, while many plantation owners were operating at a loss, and the South if left to itself would discover that slavery was unprofitable.

Conflicting theories in the attempt to measure his true value gave rise to the following idea; the slave must have a greater economic value than the one given him by previous scholars. Careful delineation of the literature proves to this writer that the slave was liquid capital,

whose value on the commercial market was without parallel. In the hierarchy of taxable wealth the value of the slave was significantly higher than than of any other species of property. Careful examination of probate records tends to show his value ascending to the highest level, and in gifts and wills he again was a priceless dowry.

Thorough investigation of mortgages, auctions, and bills of sales proves that the slave was the only negotiable property of the plantation owner and in all transactions was accepted in the open market. Thus, had the writers probed deeper into the institution of slavery and not accepted unsubstantiated theories, they would have discovered a more logical and a more far-reaching theory.

In an economy where land could be had for the asking, livestock had little commercial value, corporate securities absent, industry unwelcome and rapid deterioration of the tillable soil brought about by the over production of cotton and tobacco the slave was the medium through which the plantation system revolved.

With respect for the literary contributions of scholars in the field of history, but after careful examination of the prevailing and conflicting theories on the subject, this writer takes the position: that the slave assumed the role of liquid capital in the plantation of Falls County, because he was the main source to which the land poor plantation owners could rely when sums of money were necessary to carry on the social and economic affairs of everyday life.

BIOGRAPHY

This writer was born in Marlin, Texas, the fifth and youngest child of the late Turner and Lethia Moore, and was the most welcome addition being the long awaited son. My father was a Methodist minister and my mother a public school teacher who died when the writer was four years.

Because of my father's profession, the writer received his elementary education in the public schools of Belton, Pelham, Mexia, and Ennis, completing his high school education in the Booker T. Washington System, where he is now employed. After graduation, the writer attended Samuel Huston College, Austin, Texas. Unfortunately, this was during the depression of the thirties, thus after completing one year was unable to continue.

Work however, was secured at the local bath house for which Marlin is famous and after working several years, the writer was able to re-enter Samuel Huston College. Another year of college gave the writer enough credits for a temporary teacher's certificate, however, it was not until the summer of 1948 that a degree was received. (B.A.)

The writer has held only two positions in the same school, Social Science Instructor and Director of Athletics.

The writer entered Prairie View Agricultural and Mechanical College in the summer of 1951 in quest of a Master's degree in the field of history.

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