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A PECULIAR INSTITUTION WITHIN THE PECULIAR INSTITUTION: AN
EXAMINATION OF AFFLUENT FREE BLACK SLAVE OWNERS IN THE THIRD CASTE

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“He said, in answer to further inquiries, that there were many free Negroes all about this region. Some were very rich. He pointed out to me three plantations, within twenty miles, owned by coloured men. They bought black folks, he said, and had servants of their own. They were very bad masters, very hard and cruel . . . If he had got to be sold, he would like best to have an American master buy him. The French [black Creole] masters were very severe, and ‘dey whip dar niggers most to deff—dey whipe de flesh off of ‘em.’”¹

The system of slavery, or the peculiar institution as it has been widely referred to, encompasses many different facets that make it particularly “peculiar.” Among these is the existence of a third caste within the black slave-free white Antebellum society. Though their origins varied, they managed to clearly distinguish themselves from the slave caste and live among the affluent white class—creating an affluent caste made up of free persons of color, who owned sizable property, including slaves. In fact, by 1830 this third caste of wealth free African-Americans numbered just over 3,000 and owned over 12,000 slaves, along with hundreds of thousands of land acreage. In St. John the Baptist Parish, Louisiana, three free black plantation owners held an average of forty-six slaves each; likewise, in Pointe Coupee Parish, Louisiana, eight planters had about thirty-seven slaves each.² These numbers alone directly challenge the commonly held belief that slaveowning was based strictly on racial distinctions: the idea that whites owned slaves and blacks were slaves.

Thus, this study focuses on the general occurrence of affluence amongst free blacks and their shared role in the system of slavery; specifically how their experience differs from the predispositions of modern society’s belief of the notion. That is to suggest that the existence of

¹ Frederick Law Olmsted. “The Lower Mississippi.” *The Cotton Kingdom: A Traveller’s Observations on Cotton and Slavery in the American Slave States* (New York: Knopf, 1953), 262.

² Loren Schwening. “Prosperous Blacks in the South, 1790-1880.” *American Historical Review*. Vol. 95, no. iii (Feb. 1990). 36.

an affluent free black-slaveholding caste challenges the belief that slavery was strictly based on racial distinctions—despite an unequal ratio of free blacks to slaves. Though there are many questions lacking scholarly attention, the research contained in this paper will specifically address four questions. What are the origins of black slave ownership and the historical development revolving around the third caste? What defined a free person of color, and how was such a status obtained? What was the rationale behind becoming a free black slaveholder? Finally, how significant was black slave ownership?

Admittedly, the research contained in this paper is not exhaustive on the subject, and there are a few limitations to acknowledge. Namely, there are few accessible primary documents. While there are many primary documents available from archives in Louisiana, Mississippi, and South Carolina, accessing them became problematic because few are digitized.³ Many primary documents are still uncovered, or have been lost due to various circumstances, such as church fires or hurricanes. Additionally, some scholars such as Larry Koger have also noted that slaveholders often failed to list enslaved family members on census records. Another problem with attempting to quantify the amount of property held by the third caste occurs when white-overseers working on black plantations were listed as the plantation owners.⁴ Furthermore, much of the secondary scholarship on this subject predates the twenty-first century, causing problems in identifying where current scholarship is in regards to the subject matter. Regardless of these

³ These three States are listed due to the high concentration of free persons of color living there, as well as the abundance of published primary sources. However, every Southern State's archives may house a variety of noteworthy documents.

⁴ Larry Koger notes that often slaveowners of family members would not report them to census takers, yet they would pay the tax for holding a slave. Thus, Koger suggests that tax lists are the most accurate way to get a complete account of the slave population owned by free blacks. In addition, Koger also mentions the frequency of which white-overseers would be listed as the plantation owner, when they were not. For further information see Koger's book, *Black Slaveowners: Free Black Slave Masters in South Carolina, 1790-1860*.

limitations, the research contained in this paper provides a general and succinct overview into an area of Southern history that warrants further investigation.

Historiography

For decades historians and other social scientists have debated the thorny question of black slave owners, and their significance in the South. This debate has been accompanied by shifts in minor scholarship, but has yet to cause significant changes in the opinions of the general public. Accordingly, the most commonly held interpretation behind black slave owners' motives is that most black slave owners – though few in comparison to the entire slaveholding class – held only family members and friends in legal, or *de jure*, servitude. That is, these black slave owners, however significant, obtained slaves only on the basis of a humanitarian-venture, treating them with benevolence.

This common trend has been echoed in pop culture and has been perpetuated by revisionist scholars in works like Carter G. Woodson's major study in 1924 of black slave owners entitled, "Free Negro Owners of Slaves in the United States in 1830."⁵ Being one of the first major works of its kind, Woodson's thesis established the popular conclusion that the majority of black slaveholders simply acquired slaves to preserve family ties or protect other loved ones. Later scholars such as John Hope Franklin in his 1967 edition of *From Slavery to Freedom* echoed the same thought. Franklin argued that "the majority of black slave owners had some personal interest in their property. Frequently the husband purchased his wife, or vice versa; or the slaves were the children of a free father who had purchased a wife; or they were

⁵ Carter G. Woodson. "Free Negro Owners of Slaves in the United States in 1830." *Journal of Negro History*, vol. 9 (January 1924).

other relatives of friends who had been rescued from the worst features of the institution by some affluent free black.”⁶

Subsequently, some scholars have taken additional looks into the role of black slave owners. One such historian, R. Halliburton Jr., questioned aspects of Woodson’s study in his 1976 research article, “Free Black Owners of Slaves: A Reappraisal of the Woodson Thesis.”⁷ Specifically, Halliburton argued that Woodson’s thesis did not give a fair representation of black slaveholders and skewed statistics in his study. In addition, Larry Koger made a valuable contribution to the topic in his 1985 book, *Black Slaveowners: Free Black Slave Masters in South Carolina, 1790-1860*, which focused specifically on South Carolinians such as the prominent mulatto-Ellison family and other prominent black slaveholding families.⁸ Furthermore, David L. Lightner and Alexander M. Ragan in their 2005 study entitled “Were African American Slaveholders Benevolent or Exploitative? A Quantitative Approach” focused on the manner in which black slaveholders treated their slaves and identified the problems with quantifying it.⁹ Together, these works represent a shift in scholarship on this topic, yet in recent years there have been few contributions to the question.

Despite this shift in scholarship, the free black slave owner’s position in Antebellum society is still viewed with ambiguity, and debate continues as to their motives. In fact, public history often sees the position of affluent, slaveholding persons of color as of little significance. Thus, the Woodson thesis is still the prevailing belief, especially outside of the field of

⁶ John Hope Franklin and Alfredo Moss Jr. “Quasi-Free Blacks.” *From Slavery to Freedom: A History of Negro Americans*. 3rd ed. (New York: Knopf, 1967), 175.

⁷ R. Halliburton. “Free Black Owners of Slaves: A Reappraisal of the Woodson Thesis,” *South Carolina Historical Magazine*, 76 (July 1976), 129-35.

⁸ Larry Koger. *Black Slaveowners: Free Black Slave Masters in South Carolina, 1790-1860*. (Jefferson, NC: McFarland, 1985).

⁹ Lightner, David and Alexander M. Ragan. “Were African American Slaveholders Benevolent or Exploitative? A Quantitative Approach.” *Journal of Southern History*, vol. 71, no. 71 (Aug., 2005), 535-558.

professional history. Yet scholars within this school of benevolence have made overtures to that of exploitation by recognizing the occurrence of such manners – though acknowledging it with reluctance. With further inquiries and research focusing on the position of free blacks in the Antebellum South's society, various historians have made revisions. In the 2010 edition of *Slavery to Freedom*, it is admitted, "There were instances, however, in which free blacks had a real economic interest in the institution of slavery and held slaves in order to improve their own economic status . . . Individual cases of affluence among free blacks are [in fact] numerous."¹⁰

However, this commonly held notion, that it is, the Woodson thesis, can be supported by a number of circumstances which existed within the antebellum South. For example, in many slave states there were laws and policies in order that made manumission difficult or impossible. Other states also had laws prohibiting manumitted slaves from staying in the same county or state where they had been enslaved. Virginia laws declared that upon being manumitted, free individuals had to either leave the state within a given period of time, or be forced into re-enslavement. North Carolina, Tennessee, South Carolina, Georgia, Alabama, Mississippi, and Louisiana gave over the facilitation of manumissions to the discretion of the courts, allowing freedom as a reward for some sort of meritorious service. Accordingly, these difficulties would inhibit a freeman's ability to free his family in such a way that made it much easier to simply purchase and list them as "slaves." While this occurred frequently amongst the free black population, it would also appear upon taking a deeper look that the prevalence of affluent and aggressive free black slave owners was much more frequent than previous scholarship has recognized.

¹⁰ Franklin. 9th ed. (New York: McGraw-Hill, 2010), 173.

Historical Development of Slavery and Black Ownership

In 1860, the total US population was 31,443,321. This total included about 4,430,509 African-Americans, which equates to about fourteen percent of the total population. Of these, approximately eleven percent were free, that is, one in every nine African-Americans. Thus this figure represents between one and two percent of the total US population, or 476,748 free blacks.¹¹ Yet over half of the free black population lived in the South. One question which must be asked, what specifically were the underlying causes of this occurrence; especially in regards to the vast differences between those in the Upper South and those in the Lower South. Did this eleven percent appear as an off-shoot of those still under involuntary servitude, or did they develop independently of the institution of slavery?

It is traditionally held that all Africans coming to the Americas in the seventeenth century were slaves, suffering involuntary servitude – differing from their white counterparts whom came as indentured servants, or contract workers. Though untrue, widespread acceptance of this theory increased dramatically between 1830 and 1860 as tensions over the issue of slavery amplified. Many within the white pro-slave class argued vehemently that slavery had been the God-ordained, intended state of all Africans upon their arrival in the Americas. One white-supremist, pro-slavery pamphlet shared this view, stating, “Every negro in this country, or his ancestors, came in as a slave. Every negro, legally free, has reached that condition by his

¹¹ U.S. Department of Commerce and Labor, Bureau of the Census *1860 US Federal Census.*; and Wilbur Zelinsky. “The Population Geography of the Free Negro in American.” *Population Studies* III, no. 4 (1950). Percentages found by dividing the given numbers by the total populations given.

ancestors or himself having been emancipated by a former master.”¹² Thus this concept left the class of free persons of color as nothing but a by-product of slavery, or as historian John H. Russell put it, a class “dependent in its origin and existence upon the disintegration of slavery.”¹³ Yet one must wonder why a pamphlet like this was published, unless there was already a clear and significant distinction between two different classes of African-Americans, slave and free.

Undoubtedly as slavery found itself institutionalized, there were Africans brought into the Americas as slaves involuntarily. However, until slave codes began to appear in the late seventeenth century, the system in the American Colonies was a system of contract servitude.. In fact, seventeenth century Virginians would not have been familiar with a system of slavery or a slave code, since there had been no such thing in England. Accordingly, records of a census in Virginia made in 1625 listed twenty-three African servants working in Virginia.¹⁴ It must be noted that this class of black servants were within the same class of white’s listed as servants, meaning they too were brought to the Colony as contract servants rather than involuntary slaves. The term “slave” did not even appear in county court records until the 1650s and 1660s, nor is there evidence that such a status was applied to any individuals until around that time.

Among the original twenty-three African servants was an Angolian man named Anthony Johnson who worked the duration of his contract and was eventually freed at some point between 1622 and 1651. During such time, he procured two-hundred and fifty acres and the services of five indentured servants: four of which were white, and another that was black.¹⁵ In 1653,

¹² Ruffin, Edmund. “Two great evils of Virginia, and their common remedy.” Found in “Political Pamphlets,” vol. xii, Library of Virginia, 5. As noted by John H. Russell in “Origin of the Free Negro Class.” *The Free Negro in Virginia, 1619-1865*.

¹³ John H. Russell. “Origin of the Free Negro Class.” *The Free Negro in Virginia, 1619-1865*. (Baltimore: Johns Hopkins Press, 1913), 16.

¹⁴ *Ibid.* 23.

¹⁵ Samll Goldsmyth, James Radford, David Jones, Peter Hawkins and John H. Russell. “Colored Freemen as Slave Owners in Virginia.” *Journal of Negro History*, Vol. 1, No. 3 (June 1916), 233-242.

Johnson sued a white man in Northampton County, Virginia named Robert Parker. It was argued that Johnson's black indentured servant ran away and began working for Parker before his contract with Johnson had been completed, and thus should be his servant for life. Concluding the case, the Court ruled in the following:

Whereas complaint was this daye made to ye court by ye humble petition of Anth. Johnson Negro agt Mr. Robert Parker that hee detayneth one John Casor a Negro the plaintiffs Servt under pretense yt the sd Jno. Casor is a freeman the court seriously considering & maturely weighing ye premises doe fynd that ye sd Mr. Robert Parker most unrightly keepeth ye sd Negro John Casor from his rt mayster Anth. Johnson as it appeareth by ye Deposition of Capt. Small Gold smith & many probable circumstances. Be it therefore ye Judgement of ye court & ordered that ye sd Jno. Casor negro, shall forthwith bee turned into ye service of his sd. Master Anthony Johnson and that the sd Mr. Robert Parker make payment of all charges in the suite and exectuion. [sic]¹⁶

Several things can be concluded from this court case. Firstly, this case infers the notion that free blacks initially held and practiced their rights as normal citizens, similar to those held by whites during the Colonial Period. It is also one of the first in which the right to own a person indefinitely was affirmed, thus being part of the early legitimization of the institution of slavery which plagued the United States.¹⁷ Consequently, between the legal legitimization of slavery and the explosion of the Atlantic Slave Trade, within one hundred and fifty years the slave population of the United States grew to 694,207.¹⁸ Shortly after the Johnson case, others also found their way into the third caste of free slaveholding African-Americans.

¹⁶ Original MS. Records of the County Court of Northampton. Orders, Deeds and Wills, 1651-1654. 10.

¹⁷ There is dispute as to when the first individual was deemed an indefinite servant, and to whom. However, it is not within the scope of this paper to argue the exact instant when slavery was legally legitimized within the American Colonies. Consequently, the Anthony Johnson case is considered "one of the first," in this paper—as it is one of the earliest records of such existence.

¹⁸ U.S. Department of Commerce and Labor, Bureau of the Census, *First Federal Census of the United State, Taken in the Year 1790*.

Anomaly of Free Blacks

The anomaly of free blacks is such that there were numerous ways in which a free person of color came to be free. Specifically, there were four ways to have been free as a person of color in a slave state: Children born of free-colored parents, Mulatto children born of free and colored mothers, Children of free negro and mixed Indian parentage; and Manumitted slaves.¹⁹ In general, the vast majority of them were manumitted slaves or descendants of them—though admittedly, the term “manumission” is vague. Thus, the term “manumission” denotes the freedom received after involuntary servitude, or slavery. That is to say it encompasses any form of legal declaration of freedom, granted: for meritorious services, sentimental reasons, self-purchased, etc.

While the four aforementioned gateways to freedom were generally practiced in the entire slave system, the mode of freedom which applied to the majority of free blacks tended to vary by region. Most notably, among free blacks there existed a difference between those of the Upper South and those of the Lower (or Deep) South. This is due to the heavier influence of British customs in the Upper South and that of the French and Spanish in the Lower South. On average, the British tradition held stronger racial prejudices and were adamantly opposed to miscegenation.²⁰ Conversely, in free black communities along the Gulf Coast, where the Spanish and French influence prevailed, interracial relationships were often encouraged.²¹ Thus, most Upper Southern free persons of color were darker and had been manumitted or were kin to a free

¹⁹ Russell. 40.

²⁰ Schwenger. “Prosperous Blacks in the South, 1790-1880.” 34.; and Russell. *The Free Negro in Virginia, 1619-1865*.

²¹ Ibid.

individual. While, those from the Lower South tended to be lighter and were born into their social position, often inheriting land and slaves from their white parent.²²

Admittedly, despite being listed and recognized as “black,” many of the non-white slaveholding class can actually be considered mulatto – that is, individuals born of black slave mothers and white slaveholding fathers. Consequently, there are historical instances when free persons of color conscientiously distinguished themselves apart from one another (and most significantly from those of the slave class) based on both the percentage of “black-ness” or “white-ness” and the pigment of their skin. In many communities such as Charleston, free blacks separated themselves from slaves and free blacks in lower economic classes, forming a nearly exclusive aristocracy. Often, terminology arose to distinguish between different groups in areas with significant populations of free persons of color, such as in New Orleans where a deeply

TABLE I. DEFINING FREE PERSONS OF COLOR²³

NEGRO	Applied usually to one of full black parentage; though in areas with smaller populations of free persons of color, applied to anyone appearing to be “black.”
GRIFFE	3/4 Black and 1/4 White, or Indio-Negro mix
MULATTO	1/2 Black and 1/2 White, or Indio-Negro mix
QUADROON	1/4 Black and 3/4 White
OCTOROON	1/8 Black and 7/8 White ²⁴

²² This not to say that all free persons of color from either given region were free because of such circumstances, but rather the majority of the free black population in those locations came to be because of said circumstances. Additionally, there are a variety of differences between Upper South free persons of color and Lower South free persons of color – differences that will be further explained later in this paper.

²³ Gary B. Mills. “Preface.” *The Forgotten People: Cane River’s Creoles of Color*. (Baton Rouge: Louisiana State University Press, 1977), xxii.

²⁴ Though in the Upper South, “negro” was frequently used to identify any individual with black-blood, sometimes being substituted for “mulatto” in cases of more fair-skinned free persons of color.

complex caste system flourished, as shown in Table I.

Regardless, the fact that the majority of free people of color had some percentage of white-heritage mattered very little across most of the United States—save for within the free black community itself.²⁵ To the majority in the United States, black was black. There were no major distinctions between them, and with a racial-caste system having developed from the existence of slavery, it must be admitted that most free blacks represented an inconsequential position in society. As historian Gary B. Mills acknowledged, “by law and social custom, the black and the part-black, whether slave or free, were usually relegated to the same social status and frequently displayed the same lifestyle and personal philosophy.”²⁶ Yet despite this, nearly fifty-four percent of free persons of color in the Deep South owned at least some property—compared to sixty-six percent of whites in the South.²⁷ Considering this, one can still identify many examples of this third caste living prosperously—and in many cases owning slaves.

Legislation promoting caste distinctions between free individuals and slaves perpetuated the creation of a limited third caste. These distinctions evolved over time and though much of the legislation appeared towards the end of the seventeenth century, the majority of laws revolving around free persons of color and slaves were established in the nineteenth century, in the decades

²⁵ While this argument is not a focal point in this paper, one can see that socially and legally (among whites), mulattoes and blacks were recognized as being one in the same. Though the “one-drop” rule was evolving between the nineteenth and twentieth centuries, most children of mixed unions were typically assigned to that of the lower status (generally a slave mother). However there were some instances when lighter-skinned mulattos would be recognized as “white” by Federal Census records. There are also some instances when fair-skinned slaves worked for persons of color in Louisiana—though they were called “mulatto” on Federal Census records. Likewise, there are instances when a local judge would decide the status of an affluent mulatto. These things do, however, warrant further research. For more on this see William Lloyd Imes. “The Legal Status of Free Negroes and Slaves in Tennessee.” *Journal of Negro History*, vol. 4, no. 3 (July 1919): 254-72.; Robert Brent Toplin. “Between Black and White: Attitudes Toward Southern Mulattoes, 1830-1861.” *Journal of Southern History*, vol. 45, no. 2 (May 1979): 185-200.; Ira Berlin. *Slaves Without Masters: The Free Negro in the Antebellum South*. 1st ed. (New York: Pantheon Books, 1975).; and Loren Schwener. *Black Property Owners in the South, 1790-1915*. (Chicago: University of Illinois Press, 1997).

²⁶ Mills. xxi.

²⁷ Schwener. “Prosperous Blacks in the South, 1790-1880.” 40.; Extracted from Federal Census data and figures from R. Halliburton Jr., L. Koger, and Woodson—as mentioned by Schwener.

preceding the Civil War. Among some of the first laws to appear were those establishing the ancient legal principle, “*partus sequitur ventrem*” – a Roman principle ensuring that all children were born with the same status as their mother. In W.W. Hening’s *Statutes at Large of Virginia*, the law is read as follows:

Whereas some doubts have arisen whether children got by an Englishman upon a negro woman should be slave or free, Be it Therefore enacted and declared by this present grand assembly, that all children borne in this country shall be held bond or free only according to the condition of the mother, And that if any Christian shall commit fornication with a negro man or woman, he or she so offending shall pay double the fines imposed by the former act. [sic]²⁸

This legal concept differed from traditional English common law (where American jurisprudence is based and has evolved from) which had previously held that a child’s status was dependent upon their father, stemming from the concept of a fatherly head of family. Likewise, inheritances were traditionally handed down through the lineage of the father, rather than the mother—meaning slave children would not inherit on the same basis as free children. This distinction must be noted: under previous common law, fathers were required to acknowledge illegitimate children. While under the new system, fathers were not responsible for any child born to a slave mother. This especially effected the slave institution by ensuring that the slave population would perpetually increase, while restricting the population of free blacks within the third caste.

In addition to the *partus* principle, many free persons of color found themselves free through manumission, as noted earlier. The laws surrounding manumissions evolved over time, and in general, were much more lenient early on and shifted after the 1830s. Accordingly, the opportunities to become free varied:

Manumission, or some related form of legal declaration of freedom, was conferred on favoured individuals for meritorious services or because of

²⁸ W.W. Hening. *Statutes at Large of Virginia*, vol. ii. 170. & vol. iii. 140

sentimental or moral reasons with some frequency all through the history of American slavery, but the persons thus liberated were by no means a representative sample of the Negro population. Slaves who were permitted to hire themselves out as labourers were sometimes able to save sufficient money to purchase their freedom from their masters. A significant number gained freedom by escaping their owners and isolating themselves in remote localities in the South or by fleeing to free soil in the North or in Canada. [sic]²⁹

As manumissions became more limited, the authority to manumit became the discretion of the States and their legislatures. Some States such as Virginia began restricting manumissions earlier on and demanded newly freed individuals to leave the State all together. Other States such as Louisiana allowed for owner-manumissions well into the 1830s, though later they were restricted to acts of the state legislature. Subsequently, many of these manumission laws allowed for States to regulate and control the growing population of the third caste, and free African-Americans in general.

Some of these manumissions, however, originated not necessarily out of discrimination, but also had a financial aspect to them. As economic historian Benjamin Joseph Klebaner explained, “under the American poor laws, taxpayers were responsible for the need among the free population. The obligation to support a slave during his lifetime rested with his owner.”³⁰ Thus, in order to prevent burdening society with its responsibility to care for the poor, state legislatures felt that the responsibility should remain in the hands of the owner. However, this is not to suggest that all state manumission laws were financially-driven, but rather serves to point out the original intention of some manumission laws. By restricting the number of former slaves, states decreased the chances that they would be the primary caregivers to the former slaves.

²⁹ Zelinsky. 386.

³⁰ Benjamin Joseph Klebaner. “American Manumission Laws and the Responsibility for Supporting Slaves.” *The Virginia Magazine of History*. Vol. 63, no. 4 (Oct. 1955). 443.

Nevertheless, with a growing free black population, many slave owners drove and reinforced manumission laws simply to discourage emancipation. Yet, within a generation (between 1790 and 1860) the population of free blacks grew by over eight-hundred percent—from 59,466 in 1790, to 487,970 in 1860.³¹ Despite this, the growth of the free black population slowed between 1830 and 1860 as many Southern States passed restrictions on free blacks and manumissions. Towards the latter 1850s, States such as Mississippi, Arkansas, Alabama, and Maryland enacted widespread bans on further manumissions.³² However, earlier in the nineteenth century, many of these States had legislated limited emancipation in cases of meritorious conduct. Thus, it appears that race-consciousness increased dramatically, especially due to increased abolition efforts and fears of slave revolts, which consequently effected manumission laws and laws surround free persons of color in the South.

Philanthropic Humanitarianism or Shrewd Entrepreneurship?

Though the growth of the free black population grew less rapidly following the 1830s, that decade marks a peak in the percentage of free blacks within the third caste that held slaves. As shown below in Table II, free blacks in 1830 from the combined territories of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, the Carolinas, Tennessee, and Virginia owned about 10,653 slaves. In South Carolina, where forty-three percent of the free black families owned slaves, the average number of slaves held per owner was about six.³³ Similarly, in Louisiana forty percent of free black families owned slaves, twenty-six percent of those in

³¹ Schweninger. “Prosperous Blacks in the South, 1790-1880.” 40.; Extracted from Federal Census data and figures from R. Halliburton Jr., L. Koger, and Woodson—as mentioned by Schweninger.

³² Ibid.

³³ Admittedly, this average can be skewed in some ways. For example, if there are five large black-owned plantations with a combined total of several hundred slaves, while 200 free blacks owned only one slave each, the average becomes higher than if every free African-American owned between 5-10 slaves each. Nevertheless, the same can be said in regards to white-slave owners and the average should still be viewed with significance.

Mississippi held slaves, twenty-five percent of those in Alabama, and this was also true for twenty percent of those in Georgia. On average, around sixteen percent of free black families in the states that would eventually make up the Confederacy (except Texas) owned slaves in 1830.³⁴

TABLE II: FREE BLACK SLAVE OWNERS IN 1830 FROM “PRE-CSA STATES”³⁵

	Total Free Blacks (From Census)	Free Black Heads of Families (From Woodson 1925)	Free Black Slave-owners (From Woodson 1924)	Free Black Slaveowners As Percent of Free Black Heads of Families	Number of Slaves Owned by Free Blacks	Average Number of Slaves Per Owner
Alabama	1,572	195	48	25%	197	4
Arkansas Territory	141	22	1	4.5%	3	3
Florida	1,044	101	15	15%	92	6
Georgia	2,486	315	61	20%	210	3+
Louisiana	16,710	2,406	964	40%	4,274	4+
Mississippi	519	66	17	26%	74	4+
North Carolina	19,543	3,199	192	6%	624	3+
South Carolina	7,921	1,072	464	43%	2,791	6
Tennessee	3,995	646	69	10.7%	153	2+
Virginia	47,348	7,818	950	12%	2,235	2+
Total "Pre-Confederate States"	101,279	16,840	2,781	16%	10,653	4

As established earlier on, a common point of contention surrounding the intentions of black slave owners has defined much of the scholarship on this topic. Consequently, both schools of thought, that is, that which supports the concept of humanitarian-minded black slave owners and that which supports the concept of economically minded slave owners, have merit. The

³⁴ Thomas J. Pressly. “The Known World; of Free Black Slaveholders: A Research Note on the Scholarship of Carter G. Woodson.” *Journal of African American History*, vol. 91, no. 1, The African American Experience in the Western States (Winter, 2006), 85.

³⁵ Ibid. This table is taken from Pressly’s research, which is based on census records and Woodson’s numbers.

existence of difficult manumission laws and laws suppressing the growth of free blacks, such as those apparent in most of the South by 1850, lend support to the humanitarian basis.

There were many reasons free persons of color would have owned family members, relatives, and friends rather than to have set them free. Specifically, in 1830 there were only three territories which would allow a master to manumit a slave without any significant legal constraints, that is, the States of Maryland & Missouri, and the Arkansas Territory.³⁶ Other States such as Delaware and Kentucky called for the master to issue a bond in order to assure the freed slave was of good character. Tennessee and North Carolina allowed manumissions only as a reward for good standing and meritorious service—which discretion was left to the courts. However, most other States allowed manumissions only through acts of their legislatures.³⁷

Aside from difficult manumission laws, should free blacks have obtained freedom, “freedom” was not always advantageous, especially to one of low economic standing. As the total black population expanded immensely (free and slave), more regulations and restrictions were placed on free individuals. In most States, they could not vote nor move and meet freely; neither could they own guns. Until the 1835 Constitution of Tennessee, most privileges for free blacks were retained legally (though restricted socially in many cases). Accordingly, Article I, Section XXVI read, “That the free white men of this State have a right to keep and to bear arms for their common defense;” and Article IV, Section I, “Every free white man . . . shall be entitled to vote.”³⁸

³⁶ Lightner. 536.

³⁷ Berlin. 29, 92, 102, 138, 140-142, 145.; Mark V. Tushnet, *The American Law of Slavery, 1810-1860: Considerations of Humanity and Interest* (Princeton: Princeton University Press, 1981), 193. (Specifically, South Carolina, Georgia, Alabama, Mississippi, and Louisiana allowed slaves to be emancipated in 1830, only by special resolutions.)

³⁸ *1835 Constitution of the State of Tennessee*, Article I, Section XXVI; and Article IV, Section I.

According to Woodson, “benevolent negroes often purchased slaves to make their lot easier by granting them their freedom for a nominal sum, or by permitting them to work it out on liberal terms.”³⁹ Seemingly, many of these black slaveholders, however benevolent, were involved in some form of indentured servitude—thus engaging in a mutually beneficial relationship. With the vast majority of black slave owners only owning one to nine slaves, this theory can be applied as a general occurrence amongst the free black class. Even so, no matter the surrounding circumstances, purchasing a slave was an expensive endeavor—making it hardly convincing that an individual would purchase a slave (regardless of their relationship) and not have certain work expectations. Simply because they were not whipped does not mean they were any less of a slave.⁴⁰

Consequently, this notion should not be thought of as the standard, especially for more affluent free blacks. Even Woodson himself admitted, “In the South, where almost all of the Negro slaveholders were found, moreover, we find some of them competing with the large planters in the number of slaves they owned.”⁴¹ Thus amongst the more affluent free blacks in the South, especially those in Louisiana, South Carolina, Maryland, and Virginia—where the majority of black proprietors lived—there was clearly an economic value to participating in the slave trade. By 1830, about 1,556 free black slaveholders in the Deep South (or approximately

³⁹ Woodson. 42.

⁴⁰ Nonetheless, it cannot be assumed that all slaves, owned by whites, blacks, or Amerindians, were necessarily mistreated. Though being a slave means a certain level of human dignity could be diminished, not every slave was physically abused to the extent that one would at first envision. If an individual worked hard enough to purchase a slave, it can however be assumed that they knew the value of work—which would make it nearly contrary to common sense to release a slave without some type of work contract. Nevertheless, it must be acknowledged that being a slave still meant a certain lack of freedom, regardless of how benevolent the owner was. Additionally, though it is not within the scope of this paper, one must wonder if there were ever instances of slaves (friends, family, etc.) initially being purchased for humanitarian reasons, only to eventually be treated as other slaves.

⁴¹ *Ibid.* 43.

forty-two percent of black owners in the South) owned a total of 7,188 slaves (or sixty percent of the black-owned slaves).⁴²

Furthermore, many of these more prosperous free blacks lacked the similar “benevolence” that their poorer, humanitarian-minded counterparts enjoyed. In his study, “Prosperous Blacks in the South, 1790-1880”, Loren Schweninger points to the attitudes of many affluent free black slave owners:

In their attitudes toward their bondsmen and treatment of their slaves, these slaveowners differed little from their white neighbors. While occasionally freeing a slave as areward for long years of service or purchasing blacks for personal reasons, free mulatto owners generally bought and sold slaves as a matter of economic necessity . . . In Charleston, Savannah, Pensacola, Mobile, New Orleans, and in scattered rural counties and parishes, property-owning free people of color bought, sold, mortgaged, willed, traded, and transferred fellow blacks, demanded long hours in the workshops and fields, and severely disciplined recalcitrance.⁴³

In fact, one freeman in Charleston, South Carolina purchased his wife for \$700; however after several disputes and finding her hard to please, he sold her for \$750—making a \$50 profit.

Another freeman named Jacob Guillard from Baltimore, Maryland placed an announcement in a local newspaper upon finding out one of his slaves had run away. Accordingly, it described the slave as “a brownish yellow Man, named Jacob Cokkey: he sometimes calls himself *Jacob Vanlear*, at other times *Jacob Guillard*. He is about 33 years of age, 5 feet 9 or 10 inches high.”

Surprisingly enough, the runaway slave was, in fact, Guillard’s son.⁴⁴

⁴² U.S. Department of Commerce and Labor, Bureau of the Census, *Fifth Federal Census of the United States, Taken in 1830*.

⁴³ Loren Schweninger. “Prosperous Blacks in the South, 1790-1880.” 36-37.

⁴⁴ Loren Schweninger. *Black Property Owners in the South, 1790-1915*. 24.

Foreshadowing the results of Schweningen's research, during Frederick Law Olmsted's travels through the South, one Louisiana slave described the lack of compassionate "humanitarianism" by black Creole slaveowners:

You might think, master, dat dey would be good to dar own nation; but dey is not. I will tell you de truth, massa; I know I'se got to answer; and it's a fact, dey is very bad masters, sar. I'd rather be a servant to any man in de world, dan to a brack man. If I was sold to a brack man, I'd drown myself. I would dat—I'd drown myself! Dough I shouldn't like to do dat nudder; but I wouldn't be sold to a coloured master for anything. [sic]⁴⁵

Among these black Creole slaveowners was Antoine Dubuclet, a shrewd businessman and later the first Republican and black State Treasurer of Louisiana during the Reconstruction Period. Initially inheriting property valued at approximately \$10,000 in the 1830s, by the 1860s the Dubuclet family had a combined land estate of twelve-hundred acres valued at \$94,700 and owned over one hundred slaves.⁴⁶ Nicolas Augustin Metoyer of Louisiana and his family owned just over two-hundred slaves in 1830. In the same year, South Carolinian free black, John C. Stanly owned three plantations, twenty-six hundred acres, and over a hundred and fifty slaves. Another South Carolinian freeman, William Ellison, became a gin manufacturer tycoon and cotton planter, eventually owning nine-hundred acres of land and sixty-three slaves. In fact, Ellison owned more land than ninety-five percent of the population in South Carolina (white or black). Accordingly, while Dubuclet was known to be a kind master, Stanly and Ellison are said

⁴⁵ Olmsted. 262. Note: The term "master," is a term of respect for a white man by a slave, regardless of their relationship. Accordingly, Olmsted was not this slave's owner. One could question the legitimacy of the slave's report on black Creole slaveholders, however after viewing the circumstances of Olmsted, being a Northerner, traveling throughout the South as a writer, a legitimate reason as to why the slave would embellish his specific dislike of black slave owners cannot be thoroughly supported. The Louisiana slave would have no reason to exaggerate his dislike of black slave owners to Olmsted. However, as with all oral history and primary documents, it should be viewed through a critical lens and may in fact have its weaknesses.

⁴⁶ Charles Vincent. "Aspects of the Family and Public Life of Antoine Dubuclet: Louisiana's Black State Treasurer, 1868-1878." *Journal of Negro History*, Vol. 66, No. 1 (Spring 1981): 27. Obtained from the Tax Assessment Rolls, Iberville Parish, Comptroller's Office, State Capitol, Baton Rouge: Citation 15, on page 34.

to have treated their slaves harshly.⁴⁷ In the case of Ellison, besides his family, he never freed any of his slaves—often selling off girls in order to buy male workers.⁴⁸ In fact, throughout the duration of the Civil War, the Ellison family, as well as other in the Southern third caste helped to finance the Confederacy through the purchase of war bonds, voluntarily sending slaves, and in some rare cases, enlisting in the State-guard.⁴⁹

Many free blacks that reached affluency, either through inheritance or craftsmanship, joined various fraternal organizations. These organizations varied in requirements and purpose, though they were all similarly limited to only wealthy free African-Americans—as a way to distance themselves from the poorer free black community and that of the slaves. For example, the Brown Fellowship Society formed as a service-organization in Charleston, which helped with free black education, burial costs, and support of members' widows and orphans. Accordingly, these families, as well as many others in the third caste “were a class-conscious group; and identified their interests, loyalties, and manners with the upper caste members of the society in so far as that behavior did not offend or disturb the status quo.”⁵⁰

Upper South and Lower South

As previously noted, there were significant differences between the third caste of the Upper South and that of the Lower South. Most easily noticed are the differences in the complexion of free blacks in these regions (in general). Upper Southern blacks tended to be darker and have smaller percentages of “whiteness,” while those in the Lower South were

⁴⁷ Lightner, 540.

⁴⁸ Michael P. Johnson, and James L. Roark. *Black Masters: A Free Family of Color in the Old South*. (New York: Norton, 1984).

⁴⁹ Ibid.

⁵⁰ E. Horace Fitchett. “The Traditions of the Free Negro in Charleston, South Carolina.” *Journal of Negro History*, vol. 25 (April 1940), 140.

typically lighter and had vast interracial connections. However, aside from these differences, there are also statistical differences, such as average size of wealth and significance of numbers.

At the beginning of the Civil War there were over eighty thousand free blacks in Maryland and nearly sixty thousand free blacks living in Virginia.⁵¹ These two States had the largest free black populations in any State, free or slave. In fact, the combined total of the free black populations in New York and New England from 1860 was but little greater than that of Virginia alone. This same year, approximately one eighth of the total free black population in the United States lived in Virginia, and almost twenty percent of the free black population lived in Maryland alone.⁵² In 1860, eighty-five percent of of all free blacks in the South lived in the Upper South (212,848 out of 250,787), which also accounted for forty-five percent of the entire free black population in the United States (out of 476,748). Conversely, the Lower South only held a mere eight percent of the total free black population in the United States (36,811).⁵³

In regards to genetics, according to the 1850 Census, about forty-nine percent of the most affluent group was listed as “black,” rather than “mulatto,” compared to one out of ten in the Lower South. Yet by 1860, nearly two-thirds of the free African-Americans in the Upper South were considered black, while three-fourths of those living in the Lower South were mulatto.⁵⁴ As noted earlier, in the Upper South, white men rarely raised mulatto children and gave them property inheritance, however the large number of black free persons of color is due in part to the lenient manumission laws just thirty years prior. In general, the English tradition was much more

⁵¹ U.S. Department of Commerce and Labor, Bureau of the Census, *Eight Federal Census of the United States, Taken in 1860*.

⁵² Ibid.

⁵³ Ibid. Percentages were taken by adding all Upper South slave states, including the 19,829 living in Delaware, but excluding Arkansas, and dividing by the total populations. Without Delaware, the total free black population of the Upper South is 193,019 which still accounts for nearly 41 percent of the total free black population in the United States. Without Delaware, the free black population accounts for 77 percent of the total slave population in the South.

⁵⁴ Johnson. 32-33; and Berlin. 176.

prejudicial. Thus along the East Coast, only some individuals obtained landed estates and slaves this way. Yet in the Lower South along the Gulf Coast there were many interracial unions and it was not out of the ordinary for a free black to inherit property from whites.⁵⁵ Many of the largest free black planters were of mixed decent, such as the Ellison family in South Carolina, the Metoyers in Louisiana, and Louisianian Cyprian Richard, who purchased a large estate with over ninety slaves in the 1850s.⁵⁶

Despite the numbers and statistics listed, some of the most influential and significant groupings of free black slave owners within the third caste were confined to areas such as Louisiana and South Carolina.⁵⁷ Yet, their statistical significance seems to have diminished following the 1830s. Accordingly, in 1830, one in every seven New Orleans slave was owned by a free person of color; and within the Louisiana Delta region, approximately one out of every four free black families owned slaves. This is especially significant considering thirty percent of white families in the South owned slaves. Out of the 14,484 slaves in New Orleans, just over two-thousand of them had a free black master.⁵⁸

However, not all free persons of color were so fortunate. To many, the advantages of being legally “free” were marginal and insecure. Following the dramatic explosion of race-based fears following the 1830s, the statistical significance of free black communities declined. This is partially because of tightening restrictions placed on manumission laws and the freedom of non-

⁵⁵ E. Horace Fitchett, “The Origin and Growth of the Free Negro Population of Charleston, South Carolina.” *Journal of Negro History*, 26 (October 1941), 425-26.; and Schweninger. “Prosperous Blacks in the South, 1790-1880.” 35.

⁵⁶ Loren Schweninger. “Antebellum Free Persons of Color in Postbellum Louisiana.” *Louisiana History: The Journal of the Louisiana Historical Association*, vol. 30 (Fall 1989), 345-64.

⁵⁷ This is not to say that they were only present in those areas, but rather the significance is more readily identifiable. There were, in fact, no regional boundaries to affluent free black slave owners—they can be found in rural areas in Tennessee, as well as inner city New Orleans. Though their community involvements may have been different, as well as the circumstances and treatment around them.

⁵⁸ Woodson. 6-15; and *Fifth Federal Census of the United States, Taken in the Year 1830*.

slave blacks. Across the South many States disenfranchised free blacks from voting, business, and in some cases such as in Arkansas, free blacks were ordered to leave the State all together. Following the Constitutional Convention of 1834 in Tennessee, many free blacks—especially those of lower economic status—found themselves at a major socioeconomic disadvantage. As historian Lester C. Lamon notes, “A free Negro who measured his liberty against that of whites in Tennessee, clearly found it wanting.”⁵⁹

Conclusion

The existence of a wealthy third caste in an Antebellum society, typically identified by its white master-black slave relationship, adds a certain peculiarity to the peculiar institution that must not be overlooked. The peculiarity of this third caste extends not just to how they reached affluency, but how so many former slaves perpetuated the very institution that they were initially born into? Schweninger noted this when he wrote, by “separating themselves from slaves and less fortunate free blacks, forming exclusive family and friendship networks, and aligning themselves with the planter aristocracy, affluent free people of color in the lower states pinned their hopes and their future prosperity on the very system that held other blacks in slavery.”⁶⁰

Unfortunately, the existence of this social class has all too often been ignored within public history, and when it is acknowledged, it is often downplayed to a point of irrational insignificance. Yet, it is clear that this third caste was more than just a rare occurrence. With some areas in the South having total populations in which twenty-six percent were free blacks, such as Middle Tennessee in 1840, and other areas such as several parishes in Louisiana reaching

⁵⁹ Lester C. Lamon, *Blacks in Tennessee, 1791-1970*. 1st ed. (Knoxville: University of Tennessee Press, 1981), 20.

⁶⁰ Schweninger. “Prosperous Blacks in the South, 1790-1880.” 40.

nearly forty percent of the population being free persons of color, the significance of affluent blacks in their communities cannot be overstated.

Admittedly, concerning the debate between treatment of slaves, it is hard to quantify such things. What is considered mistreatment, and what can be called benevolence? As one black farmer acknowledged in the Postwar Years, a master is a master, no matter how kind they are. Further, the benevolent versus commercial ownership dilemma focuses broadly on the practice of slavery among free blacks in the entire South, yet it minimizes the diversity among free blacks in different regions and different times.⁶¹

However, while this paper is not exhaustive on the topic of black slave owners, there are many questions which warrant further considerations. Namely, was the relationship between poor whites and affluent blacks one based on race, or economics? In areas with larger populations of free blacks, how were they viewed by whites and other poor free blacks? Did any of the more benevolent slaveholders ever assist runaways, or those seeking freedom? Did slave-master relationships ever develop between affluent blacks purchasing workers with the initial intent to free them? What were the reactions of affluent free blacks towards legislation such as the Emancipation Proclamation and the Thirteenth Amendment? Additionally, how substantial was their change in social status in the years following the Civil War? Following the end of the Civil War, one would presume that the third caste split: those appearing more “white,” melding into the white society, while those appearing more “black,” melding into the black society—yet was this actually the case?

In many ways, this third class inhabited what one affluent mulatto called “a middle ground;” that is, they were socially separated and bound on two sides, one by “the prejudice of

⁶¹ Ibid.

the white man” and on the other “the deeper hate of our more sable brethren.”⁶² Yet inspite of this, the third caste of free persons of color flourished. Accordingly, the existence of this affluent slaveholding caste of free blacks directly challenges modern society’s predispositions of the belief in strictly defined roles for whites and blacks in the Antebellum South. Though the vast majority of African-Americans in the United States were slaves, their status does not diminish the facts existing in Antebellum black communities; namely that within the United States there was a third caste made up of several thousand black slave owners, who comanded a large number of slaves, and fully embraced the peculiar institution.

⁶² Johnson. 215: Citation 58. (cited from Michael Eggart, “Anniversary Address,” Minutes of the Friendly Moralists Society, June 11, 1848.).

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