95. A Sharecropping Contract (1866)

Source: Records of the Assistant Commissioner for the State of Tennessee, Bureau of Refugees, Freedmen, and Abandoned Lands, National Archives.

Despite the widespread desire for land, few former slaves were able to acquire farms of their own in the post-Civil War South. Most ended up as sharecroppers, working on white-owned land for a share of the crop at the end of the growing season. Sharecropping was a kind of compromise between blacks' desire for independence from white control, and planters' desire for a disciplined labor force. This contract, typical of thousands, originated in Shelby County, Tennessee. The laborers signed with an X, as they were illiterate. Typical of early postwar contracts, it gave the planter the right to supervise the labor of his employees. Later sharecropping contracts afforded former slaves greater autonomy. Families would rent parcels of land, work it under their own direction, and divide the crop with the owner at the end of the year. But as the price of cotton fell continuously after the Civil War, workers found it difficult to profit from the sharecropping system.

Thomas J. Ross agrees to employ the Freedmen to plant and raise a crop on his Rosstown Plantation. On the following Rules, Regulations and Remunerations.

The said Ross agrees to furnish the land to cultivate, and a sufficient number of mules & horses and feed them to make and house said crop and all necessary farming utensils to carry on the same and to give unto said Freedmen whose names appear below one half of all the cotton, corn and wheat that is raised on said place for the year 1866 after all the necessary expenses are deducted out that accrues on said crop. Outside of the Freedmen's labor in harvesting, carrying to market and selling the same and the said Freedmen whose names appear below covenant and agrees to and with said Thomas J. Ross that for and in consideration of one half of the crop before mentioned that they will plant, cultivate, and raise under the management control and Superintendence of said Ross, in good faith, a cotton, corn and oat crop under his management for the year 1866. And we the said Freedmen agrees to furnish ourselves & families in provisions, clothing, medicine and medical bills and all, and every kind of other expenses that we may incur on said plantation for the year 1866 free of charge to said Ross. Should the said Ross furnish us any of the above supplies or any other kind of expenses, during said year, are to settle and pay him out of the net proceeds of our part of the crop the retail price of the county at time of sale or any price we may agree upon. The said Ross shall keep a regular book account, against each and every one or the head of every family to be adjusted and settled at the end of the year.

We furthermore bind ourselves to and with said Ross that we will do good work and labor ten hours a day on an average, winter and summer. The time to run from the time we commence to the time we quit. We further agree that we will lose all lost time, or pay at the rate of one dollar per day, rainy days excepted. In sickness and women lying in childbed are to lose the time and account for it to the other hands out of his or her part of the crop at the same rates that she or they may receive per annum.

We furthermore bind ourselves that we will obey the orders of said Ross in all things in carrying out and managing said crop for said year and be docked for disobedience. All is responsible for all farming utensils that is on hand or may be placed in care of said Freedmen for the year 1866 to said Ross and are also responsible to said Ross if we careless, maliciously maltreat any of his stock for said year to said Ross for damages to be assessed out of our wages for said year.

Samuel (X) Johnson, Thomas (X) Richard, Tinny (X) Fitch, Jessie (X) Simmons, Sophy (X) Pruden, Henry (X) Pruden, Frances (X) Pruden, Elijah (X) Smith
Questions:

1. In what ways does the contract limit the freedom of the laborers?

2. What kinds of benefits and risks for the freedpeople are associated with a sharecropping arrangement?
ON THE EVENING of Thursday, the 12th day of January, 1865, the following persons of African descent met, by appointment, to hold an interview with EDWIN M. STANTON, Secretary of War, and Major-General SHERMAN, to have a conference upon matters relating to the freedmen of the State of Georgia. . . .

Garrison Frazier being chosen by the persons present to express their common sentiments upon the matters of inquiry, makes answers to inquiries as follows:

1. State what your understanding is in regard to the acts of Congress, and President Lincoln’s proclamation, touching the condition of the colored people in the rebel States.

   Answer: So far as I understand President Lincoln’s proclamation to the rebellious States, it is, that if they would lay down their arms and submit to the laws of the United States before the 1st of January, 1863, all should be well; but if they did not, then all the slaves in the rebel States should be free, henceforth and forever: that is what I understood.

2. State what you understand by slavery, and the freedom that was to be given by the President’s Proclamation.

   Answer: Slavery is receiving by irresistible power the work of another man, and not by his consent. The freedom, as I understand it, promised by the proclamation, is taking us from under the yoke of bondage and placing us where we could reap the fruit of our own labor, and take care of ourselves, and assist the Government in maintaining our freedom.

3. State in what manner you think you can take care of yourselves, and how can you best assist the Government in maintaining your freedom.

   Answer: The way we can best take care of ourselves is to have land, and turn in and till it by our labor—that is, by the labor of the women, and children, and old men—and we can soon maintain ourselves and have something to spare; and to assist the Government, the young men should enlist in the service of the Government, and serve in
such manner as they may be wanted (the rebels told us that they piled them up and made batteries of them, and sold them to Cuba, but we don't believe that). We want to be placed on land until we are able to buy it and make it our own.

4. State in what manner you would rather live, whether scattered among the whites, or in colonies by yourselves.

    Answer: I would prefer to live by ourselves, for there is a prejudice against us in the South that will take years to get over; but I do not know that I can answer for my brethren.

    [Mr. James Lynch says he thinks they should not be separated, but live together. All the other persons present being questioned, one by one, answer that they agree with "brother Frazier."]

5. Do you think that there is intelligence enough among the slaves of the South to maintain themselves under the Government of the United States, and the equal protection of its laws, and maintain good and peaceable relations among yourselves and with your neighbors?

    Answer: I think there is sufficient intelligence among us to do so.

6. State what is the feeling of the black population of the South toward the Government of the United States; what is the understanding in respect to the present war, its causes and object, and their disposition to aid either side; state fully your views.

    Answer: I think you will find there is thousands that are willing to make any sacrifice to assist the Government of the United States, while there is also many that are not willing to take up arms. I do not suppose there is a dozen men that is opposed to the Government. I understand as to the war that the South is the aggressor. President Lincoln was elected President by a majority of the United States, which guaranteed him the right of holding the office and exercising that right over the whole United States. The South, without knowing what he would do, rebelled. The war was commenced by the rebels before he came into the office. The object of the war was not, at first, to give the slaves their freedom, but the sole object of the war was, at first to bring the rebellious States back into the Union, and their loyalty to the laws of the United States. Afterwards, knowing the value that was set on the slaves by the rebels, the President thought that his proclamation would stimulate them to lay down their arms, reduce them to obedience, and help to bring back the rebel States; and their not doing so has now made the freedom of the slaves a part of the war. It is my opinion that there is not a man in this city that could be started to help the rebels one inch, for that would be suicide. There was two black men left with the rebels, because they had taken an active part for the rebels, and thought something might befall them if they staid behind, but there is not another man. If the prayers that have gone up for the Union army could be read out, you would not get through them these two weeks.

Questions

1. Why do the black leaders believe that owning land is essential to freedom?

2. How do blacks understand their relationship to the national government as the Civil War draws to a close?
93. Petition of Committee on Behalf of the Freedmen to Andrew Johnson (1865)

Source: Henry Bram et al. to the President of the United States, October 28, 1865, P 27, 1865, Letters Received (series 15), Washington Headquarters, Freedmen's Bureau Papers, National Archives.

By June 1865, some 40,000 freedpeople had been settled on “Sherman land” in South Carolina and Georgia, in accordance with Special Field Order 15. That summer, however, President Andrew Johnson, who had succeeded Lincoln, ordered nearly all land in federal hands returned to its former owners. In October, O. O. Howard, head of the Freedmen’s Bureau, traveled to the Sea Islands to inform blacks of the new policy.

Howard was greeted with disbelief and protest. A committee drew up petitions to Howard and President Johnson. Their petition to the president pointed out that the government had encouraged them to occupy the land and affirmed that they were ready to purchase it if given the opportunity. Johnson rejected the former slaves’ plea. And, throughout the South, because no land distribution took place, the vast majority of rural freedpeople remained poor and without property during Reconstruction.

EDISTO ISLAND S.C. Oct 28th, 1865.

To the President of these United States. We the freedmen of Edisto Island South Carolina have learned From you through Major General O O Howard commissioner of the Freedmans Bureau, with deep sorrow and Painful hearts of the possibility of government restoring These lands to the former owners. We are well aware Of the many perplexing and trying questions that burden Your mind and do therefore pray to god (the preserver of all and who has through our Late and beloved President (Lincoln) proclamation and the war made Us A free people) that he may guide you in making Your decisions and give you that wisdom that Cometh from above to settle these great and Important Questions for the best interests of the country and the Colored race: Here is where secession was born and Nurtured Here is were we have toiled nearly all Our lives as slaves and were treated like dumb Driven cattle, This is our home, we have made These lands what they are we were the only true and Loyal people that were found in posession of these Lands we have been always ready to strike for Liberty and humanity yea to fight if needs be To preserve this glorious union. Shall not we who Are freedman and have been always true to this Union have the same rights as are enjoyed by Others? Have we broken any Law of these United States? Have we forfeited our rights of property In Land?—If not then! are not our rights as A free people and good citizens of these United States To be considered before the rights of those who were Found in rebellion against this good and just Government (and now being conquered) come (as they Seem) with penitent hearts and beg forgiveness For past offences and
also ask if their lands Cannot be restored to them are these rebellious Spirits to be reinstated in their possessions And we who have been abused and oppressed for many long years not to be allowed the Privilege of purchasing land But be subject To the will of these large Land owners? God forbid, Land monopoly is injurious to the advancement of the course of freedom and if Government Does not make some provision by which we as Freedmen can obtain A Homestead, we have Not bettered our condition.

We have been encouraged by Government to take Up these lands in small tracts, receiving Certificates of the same—we have thus far Taken Sixteen thousand (16000) acres of Land here on This Island. We are ready to pay for this land When Government calls for it and now after What has been done will the good and just government take from us all this right and make us Subject to the will of those who have cheated and Oppressed us for many years God Forbid!

We the freedmen of this Island and of the State of South Carolina—Do therefore petition to you as the President of these United States, that some provisions be made by which Every colored man can purchase land and Hold it as his own. We wish to have A home if It be but A few acres without some provision is Made our future is sad to look upon yess our Situation is dangerous we therefore look to you In this trying hour as A true friend of the poor and Neglected race for protection and Equal Rights with the privilege of purchasing A Homestead—A Homestead right here in the Heart of South Carolina.

We pray that God will direct your heart in Making such provision for us as freedmen which Will tend to united these states together stronger Than ever before—May God bless you in the Administration of your duties as the President Of these United States is the humble prayer Of us all.

In behalf of the Freedmen
Henry Bram
Committee Ishmael Moultrie.
yates Sampson
94. The Mississippi Black Code (1865)


During 1865, Andrew Johnson put into effect his own plan of Reconstruction, establishing procedures whereby new governments, elected by white voters only, would be created in the South. Among the first laws passed by the new governments were the Black Codes, which attempted to regulate the lives of the former slaves. These laws granted the freedpeople certain rights, such as legalized marriage, ownership of property, and limited access to the courts. But they denied them the right to testify in court in case that only involved whites, serve on juries or in state militias, or to vote. And in response to planters' demands that the freedpeople be required to work on the plantations, the Black Codes declared that those who failed to sign yearly labor contracts could be arrested and hired out to white landowners. The Black Codes indicated how the white South would regulate black freedom if given a free hand by the federal government. But they so completely violated free labor principles that they discredited Johnson's Reconstruction policy among northern Republicans.

VAGRANT LAW

Sec. 2. All freedmen, free negroes and mulattoes in this State, over the age of eighteen years, found on the second Monday in January, 1866, or thereafter, with no lawful employment or business, or found unlawfully assembling themselves together, either in the day or night time, and all white persons so assembling themselves with freedmen, free negroes or mulattoes, or usually associating with freedmen, free negroes or mulattoes, on terms of equality, or living in adultery or fornication with a freed woman, free negro or mulatto, shall be deemed vagrants, and on conviction thereof shall be fined in a sum not exceeding, in the case of a freedman, free negro, or mulatto, fifty dollars, and a white man two hundred dollars, and imprisoned at the discretion of the court, the free negro not exceeding ten days, and the white man not exceeding six months. . . .

Sec. 7. . . . If any freedman, free negro, or mulatto shall fail or refuse to pay any tax levied according to the provisions of the sixth section of this act, it shall be prima facie evidence of vagrancy, and it shall be the duty of the sheriff to arrest such freedman, free negro, or mulatto or such person refusing or neglecting to pay such tax, and proceed at once to hire for the shortest time such delinquent tax-payer to any one who will pay the said tax, with accruing costs, giving preference to the employer, if there be one.

CIVIL RIGHTS OF FREEDMEN

Sec. 1. . . . That all freedmen, free negroes, and mulattoes may sue and be sued, impeach and be impeached, in all the courts of law and equity of this State, and may acquire personal property, and choses in action, by descent or purchase, and may dispose of the same in the same manner and to the same extent that white persons may: Provided, That the provisions of this section shall not be so construed as to allow any freedman, free negro, or mulatto to rent or lease any lands or tenements except in incorporated cities or towns. . . .

Sec. 2. . . . All freedmen, free negroes, and mulattoes may intermarry with each other, in the same manner and under the same regulations that are provided by law for white persons: Provided, That the clerk of probate shall keep separate records of the same.
Sec. 3. All freedmen, free negroes, or mulattoes who do now and have herebefore lived and cohabited together as husband and wife shall be taken and held in law as legally married, and the issue shall be taken and held as legitimate for all purposes; that it shall not be lawful for any freedman, free negro, or mulatto to intermarry with any white person; nor for any white person to intermarry with any freedman, free negro, or mulatto; and any person who shall so intermarry shall be deemed guilty of felony, and on conviction thereof shall be confined in the State penitentiary for life; and those shall be deemed freedmen, free negroes, and mulattoes who are of pure negro blood, and those descended from a negro to the third generation, inclusive, though one ancestor in each generation may have been a white person.

Sec. 4. In addition to cases in which freedmen, free negroes, and mulattoes are now by law competent witnesses, freedmen, free negroes, or mulattoes shall be competent in civil cases, when a party or parties to the suit, either plaintiff or plaintiffs, defendant or defendants; also in cases where freedmen, free negroes, and mulattoes is or are either plaintiff or plaintiffs, defendant or defendants, and a white person or white persons, is or are the opposing party or parties, plaintiff or plaintiffs, defendant or defendants. They shall also be competent witnesses in all criminal prosecutions where the crime charged is alleged to have been committed by a white person upon or against the person or property of a freedman, free negro, or mulatto. Provided, that in all cases said witnesses shall be examined in open court, on the stand; except, however, they may be examined before the grand jury, and shall in all cases be subject to the rules and tests of the common law as to competency and credibility.

Sec. 5. Every freedman, free negro, and mulatto shall, on the second Monday of January, one thousand eight hundred and sixty-six and annually thereafter, have a lawful home or employment, and shall have written evidence thereof.

Sec. 6. All contracts for labor made with freedmen, free negroes, and mulattoes for a longer period than one month shall be

in writing and in duplicate, attested and read to said freedman, free negro, or mulatto by a beat, city or county officer, or two disinterested white persons of the county in which the labor is to be performed, of which each party shall have one; and said contracts shall be taken and held as entire contracts, and if the laborer shall quit the service of the employer before the expiration of his term of service, without good cause, he shall forfeit his wages for that year up to the time of quitting.

Sec. 7. Every civil officer shall, and every person may, arrest and carry back to his or her legal employer any freedman, free negro, or mulatto who shall have quit the service of his or her employer before the expiration of his or her term of service without good cause. Provided, that said arrested party, after being so returned, may appeal to the justice of the peace or member of the board of police of the county, who, on notice to the alleged employer, shall try summarily whether said appellant is legally employed by the alleged employer, and has good cause to quit said employer; either party shall have the right of appeal to the county court, pending which the alleged deserter shall be remanded to the alleged employer or otherwise disposed of, as shall be right and just; and the decision of the county court shall be final.

CERTAIN OFFENSES OF FREEDMEN

Sec. 1. That no freedman, free negro or mulatto, not in the military service of the United States government, and not licensed so to do by the board of police of his or her county, shall keep or carry firearms of any kind, or any ammunition, dirk or bowie knife, and on conviction thereof in the county court shall be punished by fine, not exceeding ten dollars, and pay the costs of such proceedings, and all such arms or ammunition shall be forfeited to the informer.

Sec. 2. Any freedman, free negro, or mulatto committing riots, affrays, trespasses, malicious mischief, cruel treatment to animals, seditious speeches, insulting gestures, language, or acts, or
assaults on any person, disturbance of the peace, exercising the function of a minister of the Gospel without a license from some regularly organized church, vending spirituous or intoxicating liquors, or committing any other misdemeanor, the punishment of which is not specifically provided for by law, shall, upon conviction thereof in the county court, be fined not less than ten dollars, and not more than one hundred dollars, and may be imprisoned at the discretion of the court, not exceeding thirty days.

Sec. 3. . . . If any white person shall sell, lend, or give to any freedman, free negro, or mulatto any fire-arms, dirk or bowie knife, or ammunition, or any spirituous or intoxicating liquors, such person or persons so offending, upon conviction thereof in the county court of his or her county, shall be fined not exceeding fifty dollars, and may be imprisoned, at the discretion of the court, not exceeding thirty days. . . .

Sec. 5. . . . If any freedman, free negro, or mulatto, convicted of any of the misdemeanors provided against in this act, shall fail or refuse for the space of five days, after conviction, to pay the fine and costs imposed, such person shall be hired out by the sheriff or other officer, at public outcry, to any white person who will pay said fine and all costs, and take said convict for the shortest time.

Questions

1. Why do you think the state of Mississippi required all black persons to sign yearly labor contracts but not white citizens?

2. What basic rights are granted to the former slaves and which are denied to them by the Black Code?