

THE MANUMISSION OF SLAVES IN NEW ORLEANS, 1827-1846

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From 1827 through 1846 the police jury of New Orleans was responsible for hearing all petitions requesting permission to manumit a slave. The police jury minutes from this period record these petitions; they constitute a body of data rich enough to explore a number of issues concerning the extent and nature of the emancipation of slaves in the antebellum South. One issue that appears to have been greatly overlooked in the literature on slave emancipation is the role played by the free black community in securing freedom for slaves. The most significant finding of this study is the major role played by free blacks in emancipating slaves. Of the 1159 successful petitions for emancipation presented to the police jury from 1827-1846, 435 or 37.5 percent were presented by free blacks accounting for 646 or 36.5 percent of the 1770 slaves manumitted. These figures are even more striking when one considers the number of free black households living in New Orleans at this time. Roughly one in every eight households was engaged in the emancipation of one or more slaves during this period.¹

In addition to detailing the roles of free blacks and whites in freeing slaves this paper discusses the characteristics of the slaves emancipated; by comparing the characteristics of slaves freed with those of the general slave population one may distinguish economic from noneconomic factors influencing the emancipation decision. The paper proceeds with a brief history of legislation pertaining to manumissions in New Orleans. This section is followed by a description of the data and the presentation of general findings. The final section

The authors sincerely thank Mr. Collin B. Hammer, Jr. of the New Orleans Public Library for providing the records of manumission discussed in this paper. We also wish to thank Robert Fogel for helpful comments.

1. Carter Woodson lists 1830 free Negro heads of households for the year 1830. The adult population of free blacks in New Orleans roughly doubled from 1830 to 1840. By 1850 the free black adult population had declined to approximately the 1830 level (see U. S. Census 1830, 1840, and 1850). We take twenty-seven hundred as the (probably too high) average number of free black households in New Orleans during the period 1827-1846. During these years 361 different free blacks presented petitions to free one or more slaves. Carter Woodson, *Free Negro Heads of Households in 1830*, The Association for the Study of Negro Life and History, 1925.

considers the role of economic and noneconomic factors motivating emancipation and ends with a summary of the paper.

THE LEGISLATIVE HISTORY OF MANUMISSION IN NEW ORLEANS²

Louisiana was acquired from France in 1803 through the Louisiana Purchase and on April 30, 1812, Louisiana was admitted as a state to the Union. In the interim the only Federal law regulating slavery in the territory of Louisiana was simply the embargo on slave imports from foreign countries. During this period the Superior Council of the Colony enacted legislation pertaining to slavery. Any master twenty-five years of age or older could manumit his slaves with the permission of the Superior Council. In 1807 an act was passed forbidding the manumission of slaves under thirty years old as well as any slave found guilty of bad conduct within the preceding four years. Any variance from this law required approval from the Superior Council, and, after statehood, from the state legislature. Eventually this became too burdensome for the legislature, and in 1827 it ruled that a master could manumit a slave under thirty provided he petition the police jury of his parish and get the approval of three-quarters of its members.

In 1830 the first in a series of attempts was made to reduce the number of free Negroes in Louisiana with an act that required anyone who manumitted a slave to post a \$1000 bond to insure that the slave would leave the state within thirty days unless the police jury ruled that the slave was not required to do so. This act may have had little affect on manumissions since no slave in the study years was ever required to leave the state. Each minute entry ended with the clause: "without being compelled to leave the state."

In 1846 the responsibility for hearing the manumission petitions was transferred from the police jury to the Emancipation Court. (The records of the Emancipation Court are available only in French and include only the name of the petitioner, and the name, age, and sex of the slave).

The 1840s and 1850s witnessed an influx of white immigrants into the cities of the South. This influx coupled with a growing apprehension that free Negroes would be agents of revolt led to stricter legisla-

2. This section draws extensively from *Negro Slavery in Louisiana* by Joe Gray Taylor, Louisiana Historical Association, 1963.

tion regarding the manumission of slaves.³ In 1852 the legislature ruled that no slave could be freed unless the master were to post \$150 which would be used to ship the slave back to Africa. This effectively ended the manumission of slaves in Louisiana; between 1852 and 1855 only thirty slaves were freed in the entire state. In 1857 the legislature simply outlawed the manumission of slaves.

DESCRIPTION OF THE DATA AND GENERAL FINDINGS

The petitions of emancipation recorded in the police jury minutes indicate the name and race of the emancipator and the name, age, sex, and often color of slaves to be manumitted. The petitions frequently provide information about the relationship that existed between the owner and the slaves and between the slaves themselves. In addition they stipulate whether the emancipated slave was required to leave the state. An example of a petition of manumission is provided below.

In several of the 1166 petitions examined information is provided detailing the previous purchase of the slave or slaves to be freed. For example, in the petition presented, the free man of color Frans Larche provides the police jury with his title to the mulatto boy Valcin and the mulatto girl Charlotte. The title indicates that Larche purchased the two slaves under the expressed condition that he would emancipate them. Unfortunately the price at which the previous owner sold the two slaves is unknown, hence the previous owner's contribution to the emancipation can not be determined. This example cautions against attributing the emancipation solely to the generosity of the last owner mentioned on the petition. Indeed white or free black slave owners may have received side payments from whites or free blacks or from the slaves themselves leading to the emancipation. An example of the latter is found in this 1831 petition:

"On the petition of Zelma Roy, f.w.c., praying that the consent of the police jury be granted to emancipate her slave Laure, a Negro woman aged 42 years, in consideration of her faithful services and good conduct, and whereas said Laure has reimbursed the sum that the petitioner had paid for her to B. Doubler of whom she had bought her in 1827 . . ." Regretably information of this kind detailing the exact circumstances of the emancipation is rarely provided on the petitions.

3. Eugene D. Genovese, *Roll Jordan Roll*, (New York, 1972), 400-1; Robert C. Reinders, "The Decline of the New Orleans Free Negro in the Decade before the Civil War," *Journal of Mississippi History*, 24 (April, 1962): 88-98.

During the period from 1827 to 1846 1166 petitions were filed in New Orleans to manumit 1780 slaves. Only ten slaves in seven petitions were actually denied freedom. Four of these petitions involved manumitting children too young to support themselves; one was a petition brought by a nonresident of New Orleans; and in the remaining two cases no reason was given for rejection.

Table 1 presents the yearly breakdown of emancipations together with the real and nominal prices of slaves in New Orleans.⁴ The table indicates no systematic relationship between the number of emancipations and the real price of slaves. Even ignoring the fact that implicit

TABLE 1

Number of Slaves Manumitted Per Year in New Orleans and the Real and Nominal Prices of Prime Age Male Slaves in New Orleans

YEAR	# OF SLAVES	REAL PRICE	NOMINAL PRICE
1827	24	631	568
1828	30	526	479
1829	39	662	596
1830	8	673	579
1831	75	815	652
1832	103	796	701
1833	30	805	797
1834	163	744	714
1835	119	716	881
1836	138	810	1069
1837	121	1169	1263
1838	140	838	897
1839	129	709	823
1840	65	879	800
1841	125	802	746
1842	91	832	624
1843	94	781	547
1844	109	729	547
1845	106	822	608
1846	71	909	709

4. Kotlikoff (1976) develops a price series for prime age male field hands sold in New Orleans between 1804-1862. This series is then deflated by Taylor's Wholesale price index for New Orleans. Laurence J. Kotlikoff, "Towards a Quantitative Description of the New Orleans Slave Market," a manuscript presented to the University of Chicago Workshop on Economic History, 1975.

or explicit commitments to emancipate a slave in a given year may have been made many years earlier, economic theory has no unambiguous prediction relating the real price of slaves to emancipation. On the one hand the rise in the real slave price increases the wealth of slave holders and presumably increases charitable contributions of all kinds including emancipations; on the other hand the higher real slave price raises the price of emancipation relative to other charitable acts.

The data details the age of emancipated slaves for 92 percent of observations and the sex for 97 percent. The race and the sex of the emancipator is always indicated. In addition the color of the emancipated slaves is reported in 48.1 percent of the cases. In 1830, 1840, and 1850, females represented respectively 58.0 percent, 58.4 percent, and 58.1 percent of the New Orleans slave population.⁵ Females are clearly overrepresented among emancipated slaves accounting for 68 percent of all manumissions. This overrepresentation of females occurs, however, only for slaves above the age of fifteen. Emancipated male and female children are distributed in proportion to the sex ratio of the slave child population.

Of the slaves 9.15 percent received their freedom through the death and subsequent will of their owner. In this tabulation we include all manumissions where a will was mentioned or where the petition was brought by a woman referred to as "the widow of" which seems to imply the recent death of her husband and there is a possibility that a will is not being mentioned. This excludes all petitions presented by a woman referred to simply as "widow" i.e., the Widow Avert as opposed to the Widow of Louis Avert.

An examination of tables 2 and 3 reveals that male children below age ten are over-represented among emancipated males. Older females (above forty) are over-represented in the female emancipation distribution, although the same does not appear true for males above age forty. One factor accounting for the pattern of these age-sex distributions is the joint emancipation of mothers with their children. Fewer than 15 percent of emancipated children under age sixteen were emancipated without their mothers. Mothers and children emancipated together represent 35.5 percent of white manumissions and 30.5 percent of free black manumissions.

THE MANUMISSIONS OF SLAVES BY FREE BLACKS

In order to manumit a slave a free black had to first own the slave. The substantial number of slaves emancipated by free blacks points,

5. U.S. Census of Population, 1830, 1840, 1850.

TABLE 2

Age Distribution of Emancipated Males and Male Slave Population

1830		MALE SLAVES 1840		1850	
Age	%	Age	%	Age	%
0-10	24.6	0-10	24.3	0-10	23.0
10-24	30.8	10-24	26.7	10-20	20.3
24-36	27.6	24-36	31.5	20-30	23.4
36-55	12.8	36-55	13.7	30-40	17.5
55+	4.2	55+	3.8	40-50	9.9
				50-60	4.1
				60-70	1.4
				70+	.4

EMANCIPATED MALES		MALES EMANCIPATED BY WHITES	
Age	%	Age	%
0-10	30.5	0-10	33.8
10-20	18.4	10-20	16.0
20-30	15.4	20-30	11.2
30-40	20.0	30-40	23.2
40-50	8.7	40-50	7.5
50-60	5.2	50-60	6.0
60-70	1.6	60-70	2.0
70+	.2	70+	.3

therefore, to a substantial ownership of slaves by free blacks. This was indeed the case. In 1830 one in every seven New Orleans slaves was owned by a free black.⁶ The average slave holdings of the 752 black owners in 1830 was 3.1 slaves. Since the daily wage of laborers in New Orleans was probably less than the \$1.00 daily wage of laborers in Philadelphia in 1830, the expenditure of \$579 (see table 1) for a prime age male slave would entail perhaps two years of work by the average laborer with no consumption!⁷ Of course, the prime age males were the most expensive, but even a twelve year old male slave would cost about \$300.⁸ How then did the free blacks of New Orleans

6. See Woodson, *Free Negro Owners of Slaves in the United States in 1830*, pp. 6-15 and U.S. Census (1830). Woodson cautions that a few of the free blacks counted as slave owners were really plantation managers for absentee owners.

7. U.S. Historical Statistics, Series D 715-717, p. 163. Unfortunately, there is no available wage information for New Orleans for 1830.

8. See Kotlikoff, p. 50.

TABLE 3

Age Distribution of Emancipated Females and the Female Slave Population

1830		FEMALE SLAVES 1840		1850	
Age	%	Age	%	Age	%
0-10	20.6	0-10	20.4	0-10	16.2
10-24	32.2	10-24	29.6	10-20	19.6
24-36	30.8	24-36	33.9	20-30	23.3
36-55	12.8	36-55	13.0	30-40	21.0
55+	3.6	55+	3.1	40-50	12.0
				50-60	5.3
				60-70	2.0
				70+	.6
EMANCIPATED FEMALES		FEMALES EMANCIPATED BY WHITES			
Age	%	Age	%		
0-10	19.5	0-10	20.2		
10-20	11.8	10-20	9.9		
20-30	15.2	20-30	15.2		
30-40	29.1	30-40	30.7		
40-50	15.2	40-50	14.3		
50-60	7.4	50-60	7.7		
60-70	1.4	60-70	1.6		
70+	.4	70+	.4		

themselves presumably former slaves, acquire the financial position to own and then free such large numbers of slaves? The answer is that a large proportion of the New Orleans free black population had been free for generations. The 1789 New Orleans census lists 1147 free people of color. During the French and Spanish occupations of New Orleans, concubinary relationships between the slaves and the French and Spanish settlers were commonplace. It was the custom that any Frenchman or Spaniard who fathered a child by a black slave should free that child. Substantial numbers of adult slaves were freed as well. As the free black population grew rich, Frenchmen and Spaniards entered into unofficial marriage relationships with free black women called placages. The children of these relationships were well educated; occasionally they were educated in Europe. Under the Code Noir, the French guaranteed freed slaves the rights, privileges, and

immunities enjoyed by free-born persons. This law was enforced with respect to property as well as personal rights. This legal protection permitted large numbers of the free blacks to become wealthy merchants, artisans, and real estate brokers.⁹

Assuming the ratio of slaves owned by free blacks to slaves owned by whites remained constant during the 1827-46 period at the 1830 level of .164, the probability that a slave owned by a free black would be emancipated was three and one half times greater than the corresponding probabilities for slaves owned by whites.¹⁰ The assumption of a fixed ratio of relative slave ownership during this period is probably incorrect, the ratio of the adult white population to the adult free black population was about 2.5 for 1 in 1830, rose to almost 4 by 1840 and continued sharply upward until 1850. Hence the 3.5 ratio of relative emancipation frequencies is probably biased downward. If slave ownership was proportionate to the adult population the calculation using the 1840 ratios of slave ownership would rise to 5.5. Relative to their slave holdings free blacks made a substantial contribution to the emancipation of slaves. Nor was this contribution simply in terms of numbers of slaves freed. As tables 2 and 3 indicate the age structure of slaves emancipated by free blacks is virtually identical to the overall age distribution of emancipated slaves. In addition the female percentage of emancipations by free blacks is 65, quite close to the overall 68 percentage. Since the manumissions performed by free blacks occurred somewhat more frequently in the later years when the real price of slaves was higher, the average cost per slave emancipated was if anything higher for slaves freed by blacks than for slaves freed by whites.

KIN RELATIONSHIPS BETWEEN FREE BLACKS AND THEIR EMANCIPATED SLAVES

The first eight years of petitions from 1827 through 1834 provide detailed information concerning familial ties between the free blacks and their emancipated slaves. After these first eight years little extraneous information of any kind is provided; rather the entries in the police minutes are perfunctory and include only the basic facts of the case. It appears that in 1835 there was a change in the amount of information deemed worthy of recording as well as in the individuals

9. James Haskin, *The Creoles of Color of New Orleans* (New York, 1975).

10. .575 is the ratio of slaves emancipated by free blacks to slaves emancipated by whites. Dividing .575 by .164 gives the relative probabilities of emancipation by free blacks as opposed to whites.

recording the information. This latter fact is apparent from an examination of the handwriting styles prior to and after 1835. Considering then only the pre-1835 years we find the emancipation of 194 slaves by free blacks; 122 of these slaves are stated to be related to the petitioner, in the remaining seventy-two cases no mention of familial ties is made. Hence at least 63 percent of the slaves freed by free blacks were family members. Some free blacks emancipated a number of their family members at the same time, others presented petitions for emancipation over a period of years. Fifty-five free blacks presented more than one petition and were responsible for freeing 191 slaves during this period. The average duration between petitions was 3.3 years.

MISCEGENATION, CONCUBINAGE, AND THE MANUMISSION OF SLAVES

While questions of miscegenation and concubinage have generally been raised with reference to white ownership of slaves, these issues are pertinent to black ownership as well. The 1860 census which designated all mulattoes, quadroons, quarteroons, and octoroons as "mulatto" reports that 81 percent of free people of color were mulatto. Concubinage and the resulting blood relationships of masters to slaves may have played a role in the emancipation of slaves by both whites and blacks.

For white emancipations one indirect piece of evidence concerning these potential slave-owner relationships is the percentage of emancipated children of mixed blood compared with the percentage for the overall slave population. Unfortunately the census reports show color only for 1860. In that year 24.8 percent of the slave population was classified as mulatto. One further piece of information is Kotlikoff's calculation that 21 percent of the Louisiana slaves sold in the New Orleans market from 1804 to 1862 were light colored.¹¹ Among the total population of emancipated slaves color is reported in only 48.1 percent of the cases; this 48.1 percent can be broken down into 24.4 percent mixed blood and 23.7 percent black. A large proportion of the cases in which color is not reported involves the color of children emancipated with their mother. If we consider only children under sixteen emancipated by whites separately from their mothers, we find that of the 79 percent with a color reported 88.8 percent are of mixed blood. Whether this apparent over-representation of light colored

children is explained by white parentage, the intercession of a free black relative of mixed blood or simply the greater potential conflict with one's conscience in enslaving people so similar to oneself, is unknown. The police jury minutes give us little indication of the real motivation of the white emancipator. Some petitions state that the slaves were freed as a reward for faithful service; others were freed as a reward to the parents of the slave. Some petitions claim the slave was bought with the express purpose of emancipation as soon as possible. In no case was any mention of white parentage made.

FREEDOM FOR NON-PRODUCTIVE SLAVES

While the sex and age distributions of the emancipated slaves are somewhat skewed towards the less expensive slaves the data appears to rule out negative net productivity as the major factor in generating emancipation by either free blacks or whites. Although the data neither indicates physical defects nor states slave prices from which such defects could be inferred, one would expect to see substantially more elderly slaves among those emancipated if negative productivity was the major determinant of emancipations. The police jury would presumably have been loath to free a slave who could become a charge on the state; the fear that the police jury would require the \$1000 bond to insure that the slave leave the state may have deterred some would-be-emancipators, i.e., the expected costs from emancipating a non-productive slave may have exceeded the costs of keeping the slave.

SUMMARY

While the New Orleans data on emancipations from 1827 to 1846 raise a number of questions which remain unresolved, they do indicate that a major role was played by the free black community in emancipating slaves. This contribution by the free black community appears to have been overlooked by previous writers on this subject.

The exact extent to which these New Orleans emancipations reflect the generosity of the owner, concubinary relations with the slaves, the freeing of non-productive slaves, and the efforts of the slaves themselves to work their way to freedom remains unresolved. Certainly no single factor dominates the data. Hopefully additional data will emerge which are capable of attaching precise relative weights to each of the economic and non-economic factors involved in the emancipation of slaves.

11. See Kotlikoff, p. 72