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FREE LABOR HE FOUND UNSATISFACTORY:

JAMES W. ENGLISH AND
CONVICT LEASE LABOR AT
THE CHATTAHOOCHEE BRICK COMPANY

A THESIS

Presented in Partial Fulfillment of Requirements for the
Degree of Master of Arts
in the College of Arts and Sciences
Georgia State University

1991

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ACKNOWLEDGMENTS

I am grateful to the many archivists and librarians who assisted me in locating records used in preparing this study. Especially helpful were Ted Ryan at the Atlanta Historical Society and Dale Couch at the Georgia Department of Archives and History.

I would also like to thank Jerry Zeller and Matt Mancini, late of Mercer University's now defunct College of Arts and Sciences; Jerry for introducing me to the joys of the study of history and critical inquiry, and Matt for introducing me to the subject of convict lease labor. My thanks also go to Mr. and Mrs. H. English Robinson for their help in my research, and to the many faculty members and students in the Department of History who provided encouragement at so many crucial times. Special thanks go to Dr. Merl Reed and Dr. Gary Fink for their patient and painstaking guidance.

Finally, I must thank Jeanette for her loving support, without which none of the past five years of study, through two degree programs, could have been possible.

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INTRODUCTION

One of the basic responsibilities of the state is the safety and well-being of its citizens. To that end, persons convicted of crimes must be segregated from the general population. But penal systems are costly and have generally received a low priority in the budgetary process. In operating penitentiaries, many states attempted to offset the cost by deriving profit from the use of convict labor. In this endeavor, four types of systems developed: state account, state use, public works, and the lease system.¹

In the first three, convicts were utilized solely for the benefit of the state.² In the state account system, a state-operated company was set up to manufacture goods for sale on the open market. In the second system, state use, goods produced by prisoners were consumed by agencies and institutions of the state. In the public works system convicts worked on public projects such as the construction or repair of roads or buildings. Indeed, the ignominious

¹Walter Wilson, Forced Labor in the United States (New York: 1933; reprint, New York: 1971), 40 (page references are to reprint edition).

²Carroll D. Wright, Some Ethical Phases of the Labor Question (Boston: 1902), 169-70.

chain-gangs developed primarily under this system. Not surprisingly, the state account and the state use systems were criticized by organized labor for unfair competition. On the other hand, the public works system was applauded for its benefits to the state and the progress made possible through the development of roads for commerce. Finally, under the fourth system, the convict lease, used almost exclusively in the South, prisoners were placed in the custody and control of private companies which had complete authority over their lives and labor. This practice also put convicts in direct competition with free laborers who despised it.

Despite its cruelty, the convict lease system in the South was defended by United States Commissioner of Labor Carroll D. Wright in 1902: ". . . the employment of the class of prisoners which prevailed most generally in the South must, for a time, be under the odious Lease System, for it furnished [sic] them with outdoor work, and at the same time helped the treasury." Wright argued that placing Negro convicts in northern-style prisons "would have resulted in an enormous death rate, without any substantial economic results."³ Wright's discussion of the ethics of prison labor was an attempt to prove that civilization was,

³Ibid., 172-3.

indeed, progressing. In comparing prison labor systems of 1902 with those of the late 18th century--in which work was "grinding, demoralizing," and nonproductive--he concluded that "the condition of prison labor [was an] adequate index of real moral progress."⁴ Yet, although convict lease labor was, in Wright's estimation, a necessary evil, by 1902 it was "outgrowing its usefulness."⁵

Meanwhile, contemporary advocates of free labor were calling for the abolition of the lease system, because it created unfair competition, and reformers opposed it on moralistic grounds. Indeed, condemnation of the lease system was widespread. The progressive reformer Ray Stannard Baker charged that the large number of arrests and convictions in Georgia resulted from the demand for convicts far exceeding the supply: "The natural tendency is to convict as many men as possible--it furnishes steady, cheap labour to the contractors and a profit to the state. Undoubtedly this explains in some degree the very large number of criminals, especially Negroes, in Georgia."⁶ Laws in the southern states had, in fact, been changed

⁴Ibid., 162.

⁵Ibid., 173.

⁶Ray Stannard Baker, Following the Color Line: American Negro Citizenship in the Progressive Era (New York: 1907, 1908; reprint, New York: 1964), 50 (page references are to reprint edition).

during Reconstruction to imprison blacks for petty crimes. These "Black Codes" were intended "to keep the Negro exactly what he was: a propertyless rural laborer under strict controls, without political rights, and with inferior legal rights."⁷ Southern leaders, desiring to recover the antebellum ways of life and labor, had instituted a system in which "the courts of law [were] employed to enslave the colored race."⁸ Baker also credited the lease system with producing some large Atlanta fortunes, and then singled-out one beneficiary--James Warren English.

Although such arguments against the convict lease system began to appear by the turn of the century, the system had been created and managed to survive because of economics and race. Through the use of convict leasing southern states, bankrupted by the Civil War, had been able to avoid the financial burden of housing a large criminal population. The system also served "as a part of the elaborate social system of racial subordination. . . which effectively insured the South's racial hierarchy."⁹

⁷Kenneth A. Stamp, The Era of Reconstruction, 1865-1877 (New York: 1965), 79.

⁸Eric Foner, Reconstruction: America's Unfinished Revolution, 1863-1877 (New York: Harper and Row, 1988), 594.

⁹Matthew J. Mancini, "Race, Economics, and the Abandonment of Convict Leasing," The Journal of Negro History, 63 (Fall 1978), 339.

Georgia's use of the convict lease system was allowed to exist and evolve so long as it adequately served the needs of the state, without raising the ire of too many influential people.

Previous scholarship on the convict lease system in Georgia has been general in nature or concentrated on the holdings of one man, Civil War Governor Joseph E. Brown. The central character in this thesis, though less prominent, was much more deeply involved in the use of convicts. Indeed, James Warren English at one point controlled at least two-thirds of the State's convicts. Records of his manufacturing concerns are sparse, but those of the Chattahoochee Brick Company--preserved by the Atlanta Historical Society--adequately support the conclusions drawn here. Records of the Georgia Board of Corrections provide valuable information and insight not only on the lease system in general, but also on English, his dealings with state officials, and his enterprises' use of convicts. English's grandson, H. English Robinson, provided additional indispensable information. As a former president of the Chattahoochee Brick Company, he gave data on the various processes in the manufacture of bricks. In addition, as a family member of such a prominent person, he provided information on English which reflects on the operation of a family-owned business. It is only with the joining of these

three sources that the story of one company and its use of convict lease labor can be written.

CHAPTER 1

THE CONVICT LEASE SYSTEM IN GEORGIA

In antebellum Georgia convict labor was handled by a method similar to the state account system. Like most states, Georgia wanted to develop "prosperous prison industries, [and]. . .the penitentiary that was least expensive was considered most successful."¹ Rehabilitation of the convict received little consideration. Prisoners in the penitentiary at antebellum Milledgeville worked in various enterprises including tanning, railroad construction, box car building, and milling. In support of these activities, convict labor constructed a railroad spur from the penitentiary to the Eatonton and Gordon Railroad, as well as penitentiary buildings, including a tanning house with supporting bark house and bark mill, a grist mill, and a paint shop. In the decade preceding the Civil War, the proceeds from these undertakings offset the cost of

¹Fletcher Melvin Green, "Some Aspects of the Convict Labor System in the Southern States," in Essays in Southern History, ed. Fletcher Melvin Green (Chapel Hill: 1949), 115.

operating the penitentiary.²

Reports of the Principle Keeper of the Penitentiary include details on shop activities. These shops were run by skilled workers including tanners, carpenters, blacksmiths, and cobblers. The bookkeeping accounts contained in the principle keeper's reports for 1852 to 1862 reveal that the penitentiary, though only marginally profitable, was self-supporting; revenues of \$303,429.29 exceeded overall penitentiary expenses of \$294,862.44 by 2.8 per cent.³ During the Civil War, activities at the penitentiary were geared toward meeting the needs of the Confederate Army and included the production of weapons and leather goods.

The convict lease system was an outgrowth of the Civil War.⁴ Prior to that cataclysmic event, all southern convicts were white; blacks generally were punished for crimes by their owners. With emancipation, large numbers of blacks were left to fend for themselves. Many had to turn

²Report of the Principal Keeper of the Penitentiary of the State of Georgia, 1852-1853, 1855, 1857, 1858, 1860, 1862. Hereafter cited as Report of the Penitentiary. Reports of years missing were not found.

³Ibid.

⁴A useful general treatment of the convict lease system in Georgia is found in two articles by A. Elizabeth Taylor: "The Origin and Development of the Convict Lease System in Georgia," The Georgia Historical Quarterly, 26 (March 1942), 113-128; and "The Abolition of the Convict Lease System in Georgia," The Georgia Historical Quarterly, 26 (Sep-Dec 1942), 273-287.

to thievery in order to subsist. The increase in crimes committed by blacks coupled with the absence of masters to mete out punishment left the states with the burden of incarcerating them. The changing situation was best described by Jonathan T. Brown, Principal Keeper of the Georgia Penitentiary, in a report to Governor James M. Smith in 1874:

While the negro was a slave, if he committed murder or rape, he was hanged. If he stole anything, or committed any other offense, which would be felonious in a white man, he was whipped and put to work again. Now he has all the privileges of a white man, among which is that of being punished like a white man in the Penitentiary. The result is, that we have more than three times as many convicts in the State prison as there were before the war.⁵

Table 1 shows the population of the penitentiary for much of the time from 1852 to the end of the convict lease system in 1909. During this period, the ratio of black to white convicts averaged about nine to one. One reason for large numbers of blacks being suddenly thrust into the system was the perception that they were indolent. With the coming of freedom, southern landowners and capitalists had to deal with a labor force composed of former slaves who were trying to escape white supervision and gain a modicum

⁵Report of the Penitentiary, 1874. This report includes a concise history of penology in Georgia from before the founding of the penitentiary in 1809.

Table 1. Penitentiary Population, 1852-1909

<u>PERIOD</u>	<u>TOTAL CONVICTS</u>	<u>NEGROES</u>	<u>% NEGROES</u>
Jan 1852-Oct 1853	138	0	0%
Oct 1854-Oct 1855	179	0	0
Oct 1856-Oct 1857	164	0	0
Oct 1857-Oct 1858	183	0	0
Oct 1859-Oct 1860	245	0	0
Oct 1861-Oct 1862	188	0	0
Jan 1868-Jan 1869	205*	177	86.3
Jan 1870-Jan 1871	385	324	84.2
Apr 1873-Jan 1874	614	524	85.3
Jan 1874-Jan 1875	725	630	86.9
Jan 1875-Jan 1876	926	835	90.2
Jan 1876-Jan 1877	1,108	994	89.7
Jan 1878-Oct 1878	1,239	1,124	90.1
Oct 1878-Oct 1880	1,186	1,071	90.3
Oct 1880-Oct 1882	1,243	1,130	90.9
Oct 1884-Oct 1886	1,527	1,378	90.2
Oct 1886-Oct 1888	1,537	1,388	90.3
Oct 1888-Oct 1890	1,694	1,526	90.1
Oct 1890-Oct 1892	1,940	1,744	89.9
Oct 1892-Oct 1893	2,168	1,981	91.4
Oct 1893-Oct 1894	2,328	2,137	91.8
Oct 1895-Oct 1896	2,357	2,164	91.8
Oct 1896-Oct 1897	2,235	2,038	91.2
Oct 1897-Oct 1898	2,228	1,996	89.6
Oct 1898-Oct 1899	2,201	1,945	88.4
Oct 1899-Oct 1900	2,258	2,000	88.6
Oct 1900-Oct 1901	2,245	1,987	88.5
Oct 1901-Oct 1902	2,315	2,058	88.9
Oct 1902-Jun 1904	2,315	2,059	88.9
Jun 1904-Jun 1905	2,280	1,989	87.2
Jun 1905-Jun 1906	2,344	2,131	90.9
Jun 1906-Jun 1907	2,464	2,187	88.8
Jun 1907-Jun 1908	2,564	2,244	87.5
Jun 1908-Jun 1909	2,558	2,296	89.8

*117 of the 205 prisoners received during this period were black. At the end of the reporting period there were 353 prisoners, but no racial breakdown was given.

of economic independence. According to speakers at state labor conventions in 1869 and 1871, landlords and merchants in Georgia conspired against blacks in order to restrict

their access to land and credit. Consequently, "sharecroppers 'generally come out in debt,' laborers were often defrauded of their earnings, and, in conservative Georgia, planters employed 'whipping same as in slavery' without interference from civil authorities."⁶ Such repression, along with the institution of convict lease labor, was foretold by Major General James H. Wilson, superintendent for navigation improvements in the postbellum south, in June, 1865. Writing of slavery, he said that

The people express an external submission to its Abolition, but there is an evident desire on the part of some to get the matter within their own control, after the re-organization of the State. Others are anxious to substitute a gradual system of emancipation, or a modified condition of Slavery, similar to Peonage. . . . The whole system of Slavery and slave labor must be effectually destroyed. . . . If a single particle of life is left in the institution, or the original guardians of it are allowed any influence, . . . they will resuscitate and perpetuate its iniquities.⁷

Not only after Redemption, but even during Presidential Reconstruction, white southern Democrats, including Georgians, enacted legislation which resulted in stiff

⁶Macon American Union October 29, 1869, quoted in Foner, Reconstruction, 409.

⁷Wilson to Brig. Gen. W. D. Whipple, from Macon, GA, June 15, 1865, quoted in C. Mildred Thompson, Reconstruction In Georgia: Economic, Social, Political, 1865-1872 (Atlanta: Cherokee Publishing Co., 1971), 53.

prison terms for blacks found guilty of minor offenses.⁸

Exacerbating the problem of Georgia's rising postwar prison population, the penitentiary at Milledgeville, used during the war to produce arms, had been destroyed by General William T. Sherman's troops in 1864. Expecting the worst, Civil War Governor Joseph E. Brown released all of the convicts and had them organized into a regular infantry battalion.⁹ In order to avoid the expense of building a new facility, the Georgia General Assembly in 1865 required county justices of the Inferior Court to take custody of all convicts and provide employment on public works.¹⁰ The counties could turn their prisoners over to the governor if they so desired, however, and they were to be employed on the Western and Atlantic Railroad or on other public works. Perhaps the counties transferred too many convicts, for the following year the governor was empowered to "refuse to receive such convicts. . .if he [deemed] it advisable."¹¹

Early in 1867, Governor Charles J. Jenkins did just that. In an executive circular, he notified all justices

⁸Foner, 205.

⁹Clement A. Evans, ed., Confederate Military History, vol. 6 (Atlanta: 1899), 363.

¹⁰Acts of the General Assembly of the State of Georgia, 1865-1866, 37. Hereafter cited as Acts.

¹¹Acts, 1866, 26.

that he would not accept any convicts.¹² Even though the state had avoided building a new central prison, the expense of maintaining prisoners at county jails proved prohibitive. To relieve the state of this burden, the General Assembly in December of 1866 authorized the governor to "farm out the Penitentiary . . . provided, that . . . a lease can be made relieving the State from all further expense."¹³ This act required the lessee to provide for the comfort and security of the prisoners, and it limited the lease term to five years.

Although approved in 1866, the system was not put into effect until May two years later. At that time military Provisional Governor Thomas Howard Ruger leased 100 convicts to William A. Fort of Rome, Georgia, for the construction of the Georgia and Alabama Railroad. Two months later Fort and Joseph I. Printup together leased 100 more for one year at \$850 per quarter. These convicts were employed in the construction of the Selma, Rome and Dalton Railroad.¹⁴ It was during this same time that white redeemers succeeded in

¹²Allen D. Candler The Confederate Records of the State of Georgia, (Atlanta, 1910), vol. 4, p. 592.

¹³Acts, 1866, 155-6.

¹⁴Taylor, "Origin," 114. Taylor cites Executive Minutes, 1866-1870, p. 131, and gives the amount of the lease to Fort and Printup as \$1,000 for the one-year term. The \$850 figure is from the 1869 Report of the Penitentiary. These reports include data on actual receipts.

expelling black legislators from the General Assembly who had attempted to restrict the scope of the convict lease system.¹⁵ Meanwhile, the state lost money on the lease to Fort and Printup. Colonel Overton H. Walton, the Principle Keeper of the Penitentiary, reported to the Governor in January 1869 that the costs of receiving, outfitting, and transporting convicts to the lessee exceeded the returns on the lease. Col. Walton also noted that large numbers had either escaped or died, and that "humane treatment of [convicts was] entirely ignored." On the other hand, Walton believed he could contract for convicts to grade railroads near Milledgeville and make a profit for the state.¹⁶

In June 1869, the state was finally relieved of all expenses for the penitentiary except the salary of the principal keeper. Grant, Alexander and Company leased the entire system, convicts, tools, fixtures, and property. These convicts assisted in the construction of four railroads: the Brunswick and Albany, the Georgia Air-Line, the Northeastern, and the Georgia Western.¹⁷ The need to repair war damage and expand Georgia's railroad system created an outlet for the growing penitentiary population.

¹⁵Foner, Reconstruction, 390, 453.

¹⁶Ibid.

¹⁷Report of the Penitentiary, 1873.

This agreement brought no payment to the state, but it made the lessee responsible for all costs of keeping the convicts, including the construction of stockades, food, clothing, and guards' salaries.¹⁸ Still, this arrangement did not serve the best interests of the state. In January of 1870, the principal keeper, John Darnell, reported on the mistreatment of the convicts. He believed a good many had escaped, died, and been killed without being reported by the lessee.¹⁹ Following intervention by Radical Republican Governor Rufus B. Bullock, conditions seemed to improve, and the next year Darnell commented on the "humane and generous" treatment of convicts provided by Colonel William D. Grant.²⁰ Convicts under Grant continued working on railroads, "nourished on state aid and financed by Northern capital."²¹

Grant, Alexander and Company continued as the sole lessee of convicts until expiration of the lease in 1874. The state then granted leases to seven companies and individuals for terms of 21 months to five years at \$11 to \$20 per capita per annum. These convicts labored at

¹⁸Ibid.

¹⁹Ibid., 1870.

²⁰Ibid., 1871.

²¹Thompson, Reconstruction in Georgia, 311.

farming, railroad construction, iron works, steam mills, brick making, coal mining, and public works.²² During this period they worked throughout the state, the principal keeper could not maintain proper supervision, and an extremely high number of deaths and escapes resulted. Table 2 shows the numbers of convicts who escaped or died from 1869 to 1882. The highest number of escapes, 64, came in 1874, toward the end of the Grant, Alexander and Company lease, when 8.8% of the prisoners gained at least temporary freedom.

Conditions improved under the five-year contract which followed. But again near the end of the lease, from October, 1878 to April, 1879, the largest number of the 80 deaths for the reporting period occurred.²³ Principal Keeper Jonathan T. Brown suspected that the high death rate resulted from mistreatment. He attributed the large number of escapes to the fact that lessees could replace convicts without cost or penalty. It was cheaper than recovering escapees by offering rewards, Brown wrote. To correct this situation, Brown recommended longer lease periods to fewer lessees, penalties for escapes, and legislation to enable

²²Acts, 1874, 26-29, and Report of the Penitentiary, 1875.

²³Data is from Report of the Penitentiary, 1870, 1871, 1873, 1875, 1876, 1877, 1878, 1880, 1882.

Table 2. Penitentiary Mortality and Escapes, 1869-1882

<u>PERIOD</u>	<u>CONVICTS</u>	<u>ESCAPES</u>	<u>DEATHS</u>
Jan-Dec 1869	393	9	9
Jan-Dec 1870	385	8	17
Apr72-Apr 73	549	26	26
Jan-Dec 1874	725	64	40
Jan-Dec 1875	926	53	49
Jan-Dec 1876	1,108	44	58
Jan-Dec 1877	1,208	40	55
Jan-Oct 1878	1,239	21	27
Oct78-Oct 80	1,186	32	80
Oct80-Oct 82	1,243	26	22

Note: Five-year lease ended 1 April 1879

the principal keeper to better oversee the system.²⁴ Upon the expiration of the leases under the Act of 1874, the General Assembly apparently took Brown's advice and authorized the governor to advertise for twenty-year bids. Excepted were 250 convicts working on the Marietta and North Georgia Railroad and 50 used by the Gainesville, Blairsville, and North Western Railroad Company.²⁵

A new law of 1876, incorporating many of Brown's recommendations, required that the state be relieved of all expenses except salaries for the principal keeper, the physician, and the chaplain. Lessees erected, at their own expense, "suitable, convenient, safe, healthy and commodious prisons, barracks, hospitals, guardhouses, and all other

²⁴Report of the Penitentiary, 1876.

²⁵Acts, 1876, 40, 41, 45.

dwellings necessary for the safe keeping and comfort of the convicts under [their] care and control," as well as medical attendance and medicine.²⁶ The new legislation also prohibited the sub-letting of convicts and established penalties, \$400 for cruelty and \$200 for negligent escapes, provided the escapee was not caught and returned within two months. The penalty feature gave lessees negative incentives to offer rewards and maintain better security.²⁷ On the other hand, the law removed some of the previous safeguards for the convicts, most notably that convicts be worked only ten hours, six days per week. Instead, the act stated that the time of labor must "in no case . . . be unreasonable or oppressive."²⁸ Several entrepreneurs, eager to exploit this cheap labor force, acted quickly.

In 1876 the state accepted three bids totaling \$500,000, payable in twenty equal installments, effective April 1, 1879.²⁹ The successful bidders were Penitentiary Company One, Penitentiary Company Two, and Penitentiary Company Three. A review of the principals in these

²⁶Ibid., 42.

²⁷Ibid., 43, 44.

²⁸Ibid., 43.

²⁹Taylor, "Origin," 119. In 1881 the General Assembly passed an education act which allocated proceeds of the lease to the State educational fund. Acts, 1880-81, 98.

organizations reveals several influential men in state and local affairs who over the years would greatly increase their wealth by using the cheap labor provided under the convict lease system. These men were prominent in post bellum Georgia and played important roles in the state's economic recovery. Although earlier research by historian A. Elizabeth Taylor has concentrated on Penitentiary Company One, headed by Joseph E. Brown, Georgia's governor during the Civil War, an equally interesting if less prominent cast of characters operated in the other two companies as well.³⁰ Penitentiary Company Two was run by B. G. Lockett, L. A. Jordan, and W. B. Lowe, and Penitentiary Company Three, by Thomas Alexander, W. D. Grant, W. W. Simpson, John W. Murphy, and William H. Howell.³¹ Another individual, James W. English, acquired interests in both companies. English, a friend of both Lockett and Lowe, entered partnerships with them in other enterprises. His fortune, already considerable through real estate speculation and

³⁰Taylor's articles both contain a great deal of information on Brown and his mining enterprises. See also two articles by Derrell Roberts, "Joseph E. Brown and the Convict Lease System," The Georgia Historical Quarterly, 44 (December 1960), 399-410; "Joseph E. Brown and His Georgia Mines," The Georgia Historical Quarterly, 52 (September 1968), 285-292; and, Lester D. Stephens, "A Former Slave and the Georgia Convict Lease System," Negro History Bulletin, 39 (January 1976), 505-507.

³¹Taylor, "Origins," 119.

construction, would be greatly increased through the use of convict lease labor.³²

Following the Civil War, Georgia resorted to the convict lease system in order to avoid the costs associated with housing a growing penitentiary population. The affects of this action were the recovery of Georgia's economy, the rebuilding of its infrastructure, the control of part of the black population, and the accumulation of wealth by those who used this inexpensive source of labor. James English was one who benefitted most from this system. An examination of English's early life, as much as is known, and his rise to prominence following the Civil War, provides a profile of a self-made man as well as valuable insight into the functioning of Georgia's convict lease system in the late 19th century.

³²Charters for the three Penitentiary Companies with the names of the principals could not be located. English's involvement in these companies is confirmed by transcripts of an investigation of the convict lease system in 1896. English acted as his own counsel in behalf of Penitentiary Company Two and was identified as president of Penitentiary Company Three. Stenographers' Transcript of Evidence For the State, in the Investigation of Charges Against Penitentiary Companies One, Two, and Three Before His Excellency, W.Y. Atkinson, Governor of Georgia, February 1896, Julius L. Brown Collection, Atlanta Historical Society, 12, 978, 979. (Hereafter cited as Convict Lease Investigation, 1896).

CHAPTER 2

JAMES W. ENGLISH

James Warren English, described in the Atlanta Centennial Yearbook as "a financial genius and a leader in all lines of humanitarian endeavor," was born on October 28, 1837 in Orleans Parish, Louisiana, to Andrew and Mary Warren English.¹ At the age of thirteen, while living with an uncle in Louisiana, English became an orphan and shortly moved to Covington, Kentucky, where he began a four-year apprenticeship as a carriage maker. In May, 1852, at age 14, while still an apprentice, he was sent to Griffin, Georgia, as a travelling salesman by his master, Samuel Kennedy Hays.² English settled in Griffin, perhaps because he met the woman he would ultimately marry, and lived there until the beginning of the Civil War. He worked in his

¹Atlanta Centennial Yearbook 1837-1937 (Atlanta:1937), 102. Additional biographical data on English was obtained from the James W. English Personality File, Atlanta Historical Society; Clement A. Evans, Confederate Military History (Atlanta: 1899), vol.4, 635-638; and English's grandson, H. English Robinson. Interview with H. English Robinson, January 30, 1990, Atlanta, Ga.

²H. English Robinson interview and Covington Business Directory 1850-1859, Kenton County (Kentucky) Public Library.

trade, attended night school, and began speculating in real estate.

On April 20, 1861, English enlisted as a private in the Spaulding Grays of the Second Georgia Infantry Battalion and went with his unit to the Army of Northern Virginia. During the next four years English distinguished himself in action at Seven Pines, Richmond, Malvern Hill, the Maryland Campaign, Fredericksburg, Chancellorsville, Gettysburg, Manassas Gap, "and many other engagements from the opening of the campaign of the Wilderness in May, 1864, to the surrender at Appomattox, April 9, 1865."³ In these engagements he was wounded five times, promoted to lieutenant, and near the end of the war commanded a company of infantrymen at Appomattox. His superior, Colonel Herman H. Perry, described English as "one of the bravest, coolest, most faithful and vigilant officers in the Confederate army."⁴ On the night of April 7, 1865, in the company of Col. Perry, English received the first written communication from General Ulysses S. Grant to General Robert E. Lee

³Evans, Confederate Military History, 636.

⁴Quoted in Candler, Allen D. and Clement A. Evans (eds.), Cyclopedia of Georgia, (Atlanta: 1906) Vol. 1 of 4 vols, 671.

suggesting surrender, and he personally delivered this message to Lee's headquarters.⁵

After the war English returned to Griffin for only a temporary sojourn. On May 14, 1865, slightly more than one month after the surrender at Appomattox, he moved to Atlanta. Unable to establish himself as a carriage maker, he found manual labor at fifty cents a day cleaning and carrying bricks from the ruins in the city. Better white collar jobs shortly became available, first as a clerk in a store, then in a hotel. In a relatively short time he accumulated enough savings to invest in real estate and become a building contractor. On July 26, 1866, English married Emily A. Alexander in Griffin. Little is known of English's activities over the next ten years, although the Atlanta City Directory in 1876 listed English as a trader, and he continued acquiring property and prominence. The first sign of English's success during this period is found in the 1883 Fulton County Tax Digest which valued his total holdings at \$36,500. By 1877, when he became a member of

⁵A copy of the page in Evans' Confederate Military History detailing the delivery of the surrender demand at Appomattox is in the Chattahoochee Brick Company collection at the Atlanta Historical Society. English wrote in the margin details of the chain of custody from Grant's adjutant, to English, and on to Lee's headquarters. The original of the annotated book is in the possession of H. English Robinson in Atlanta.

the Atlanta City Council, he owned properties in Atlanta and the town of Buckhead north of that city.⁶

On the city council English served as chairman of the finance committee. In this capacity he recalled the city's floating bonds, restricted expenditures to actual income, and introduced an ordinance prohibiting the city from creating a floating debt.⁷ He also organized and chaired the Atlanta Campaign Committee, a group that succeeded in convincing the state's voters in December 1877 to move the capital to Atlanta. On January 1, 1881 English became that city's mayor.⁸ In an earlier, unsuccessful, bid for mayor, the Atlanta Constitution had endorsed English. That article illustrates his rise from obscurity:

Jim English is the Solid Man for Mayor. . . .
 Jim English started poor in the world! . . .
 Jim English came to Atlanta on foot with less than a dollar in his pocket after the war and has made himself all that he is by honest and laborious methods! . . .
 Jim English is the friend of the workingman . . . he is their friend and will remain so as long as he remembers how he used himself to work at the bench!⁹

⁶Chattahoochee Brick Company Collection, Tenant Accounts; Candler and Evans, Cyclopedia, vol. 1, p. 672.

⁷Atlanta Centennial, 133.

⁸English had lost his earlier bid for mayor in December 1878. Franklin M. Garrett, Atlanta and Environs: A Chronicle of its People and Events (Athens: 1954), vol II, 15.

⁹Atlanta Constitution, December 4, 1878, quoted in Garrett, Atlanta and Environs, vol I, p. 952.

English also played an active role in Atlanta's social and religious life. In 1877 he served on the finance committee for the construction of a new building for the First Presbyterian Church, even though he did not become a member until 1885. His wife had been baptized and received membership in 1870.¹⁰

At the end of Mayor English's two year term, the Atlanta Constitution printed a glowing accolade to his administration.¹¹ When the city's gambling houses ignored his orders to close, English personally led raids on them, piled the gambling equipment in the city center at Five Points, and burned it in a spectacular public demonstration.¹² English also replaced the volunteer firemen with a paid, professional department supported by an electric fire alarm system, and he had new pumps installed at the city's water works. Some of the first street paving in Atlanta also began during his administration.¹³ As evidence of English's "financial genius," the city's receipts increased 21 per cent during 1881 and 19 per cent

¹⁰First Presbyterian Church, Atlanta, Fulton County, Georgia. Minutes and Membership, vols. I and II.

¹¹Candler and Evans, Cyclopedia, 673.

¹²Atlanta Centennial, 134.

¹³The First National Bank of Atlanta, Atlanta Resurgens (Atlanta: 1971), 39.

in 1882.¹⁴ On leaving office, English said: "While I retire from active participation in the city's affairs, I shall always watch with deep solicitude its interests, and will be ever willing and ready to contribute in every way in my power to its welfare."¹⁵

He did not, however, retire from active participation but continued his service to the city, from 1883 to 1905 as a police commissioner, and for a shorter period as a member of the board of education. Throughout his involvement in the city's affairs English wielded considerable influence. English was a classic political "boss." As police commissioner, historian Eugene Watts contends, English was an "extreme example . . . [of a] behind-the-scenes political manipulator. . . . According to some accounts, [he] formed combinations of candidates for council on the basis of each contestant's pledge to support certain people for police commissioner."¹⁶ He held the post as chairman of that commission for over fourteen years.

¹⁴Atlanta City Council Minutes, IX, 467, 660; X, 61.

¹⁵Ibid., X, 66.

¹⁶Eugene J. Watts, The Social Bases of City Politics: Atlanta, 1865-1903 (Westport, CN: 1978), 17, 112, and Watts, "The Police in Atlanta, 1890-1905," The Journal of Southern History, 39 (May 1973), 165-182.

Meanwhile, his personal fortune grew rapidly, from \$36,500 in 1873, to \$97,550 in 1885.¹⁷ In April, 1885, English acquired railroad interests and began construction of the first railroad from Atlanta into the coal fields of Alabama. Five years later he founded and became president of the American Trust and Bank Company, and in 1896, the Fourth National Bank. He was also a vice-president of the Atlanta Savings Bank, organized the Fulton Building Company in 1903, was director of both the Central of Georgia Railway Company and Atlanta and West Point Railway, and served as president of Atlanta Terminal Company. In addition to his many commercial ventures English worked in community affairs. He served as Chairman of the Board of Trustees for Atlanta's first Young Men's Christian Association, as a trustee of Grady Hospital, and pushed for the founding of the Georgia School of Technology.¹⁸ By 1909 Atlanta had fifty-five citizens with holdings greater than \$100,000, and English ranked sixteenth on that list with \$227,350. As late as 1936, despite the ravages of the great depression, the holdings of English's estate, \$462,000, ranked thirteenth in the city.¹⁹

¹⁷Fulton County Tax Digest, 1873, 1885.

¹⁸Allen D. Candler The Confederate Records of the State of Georgia, (Atlanta, 1910), vol. 4, p. 673.

¹⁹Atlanta Centennial, 59.

James English rose from an obscure, war-weary veteran to one of the most respected and influential financiers in the city. His position as a successful railroad entrepreneur gave him regional stature. As a banker English greatly influenced the rebirth of Atlanta, the "Gate City." With the power he held through both elective and appointive office, English profited as well as provided for the welfare of others. From his arrival in Atlanta in 1865 to the end of his tenure as mayor, he had shrewdly and tenaciously parlayed his capital of less than one dollar into a sizable fortune, one which grew a great deal more after he began his first industrial enterprise, the Chattahoochee Brick Company, in June of 1885.

CHAPTER 3

THE CHATTAHOOCHEE BRICK COMPANY

Starting a business involves careful consideration of several factors. In locating a brick plant, the main elements are raw materials, markets, and transportation.¹ Georgia, widely known for its red clay, had materials in abundance. As early as 1769 Salzburgers in Effingham county used this clay for the commercial production of bricks. The first enduring brick manufacturing venture in the state, however, was the Delaigle Brick Yards in Augusta, established in 1808.² The best clays in Georgia are located along the fall line from Columbus to Macon to Augusta, though deposits throughout most of the state are sufficient to support the manufacture of common building brick.³ In exploiting the market for bricks, Georgia

¹United Nations Industrial Development Organization, Brickmaking Plant: Industry Profile (New York: 1978), 1.

²Geological Survey of Georgia, Shales and Brick Clays of Georgia, compiled by Richard W. Smith. Bulletin 45 (Atlanta: 1931), 1-3. (Hereafter cited as Geological Survey, Bulletin 45).

³Geological Survey of Georgia, A Preliminary Report on a Part of the Clays of Georgia, compiled by George E. Ladd. Bulletin 6a (Atlanta: 1898), 80. (Hereafter cited as Geological Survey, Bulletin 6a).

entrepreneurs established plants around most of the population centers of the state. Table 3 shows the relative production for nine cities in Georgia with brick plants.⁴

Table 3. Georgia Brick Production, 1888

<u>CITY</u>	<u>BRICKS PRODUCED</u>
Albany	3,000,000
Atlanta	22,000,000
Augusta	15,000,000
Columbus	12,000,000
Dublin	1,500,000
Fort Gaines	500,000
Macon	25,000,000
Milledgeville	1,600,000
Rome	<u>15,000,000</u>
	95,600,000

In the Atlanta area, the clay-rich banks of the Chattahoochee River offered an ideal location for the manufacture of brick. With Atlanta emerging as the railroad center of the southeast, the founders of what became the Chattahoochee Brick Company made a sound decision in locating on the east bank of the river in Fulton County. As the most populous county in the state, Fulton provided an excellent local market for clay products.⁵ Although the

⁴Geological Survey, Bulletin 45, 3.

⁵Fulton surpassed Bibb County as the most populous county in Georgia following the 1860 census when populations were 16,291 for Bibb and 14,427 for Fulton. In 1870 Bibb had increased to 21,255 while Fulton grew to 33,446. John L. Andriot, ed., Population Abstract of the United States (McLean, VA: 1983) Vol. 1 of 2, 140, 142.

alluvial clay deposits along the Chattahoochee were not of the best quality, their thickness, ranging from three to 10-feet, was more than adequate to support extensive exploitation.⁶ Railway spurs to brickyards located on the banks of the river facilitated the delivery of coal for the kilns as well as the transport of the finished product to more distant markets.

Among the original promoters exploiting these Fulton County resources were Benjamin G. Lockett and William B. Lowe. In 1883, Lockett and Lowe built adjacent brickyards near the Chattahoochee River, Lowe, Steele and Company in the town of Bolton, and B. G. Lockett and Company at Chattahoochee.⁷ Promoters of the Bolton Plant, besides Lowe, included A. B. Steele and Charles E. Connely. The Chattahoochee group included Lockett, James W. English, and J. W. Murphy.⁸ Shortly, Steele, of the Bolton brickyard,

⁶Geological Survey of Georgia, Second Report on the Clay Deposits of Georgia, compiled by Otto Veatch. Bulletin 18 (Atlanta: 1909), 328. (Hereafter cited as Geological Survey, Bulletin 18). Alluvial clay deposits result from the formation and decomposition of silt deposits in flood plains. Ibid., 28, 29.

⁷As noted earlier, both men had already taken advantage of the Convict Act of 1876 by participating in the formation of Penitentiary Company Two. For a discussion of the Act of 1876 and the activities of Lockett, Lowe, and other promoters, see chapter 1, pp. 17-20.

⁸Murphy was also a partner in Penitentiary Company Three with four other men: Thomas Alexander, W. D. Grant, W. W. Simpson, and William H. Howell.

and George W. Parrott, acquired Lockett's and Murphy's shares of the Chattahoochee company. With controlling interest of both brickyards now apparently concentrated in the hands of even fewer owners, the two firms merged in 1885, forming the Chattahoochee Brick Company. In the consummation of these arrangements, James W. English, by now a figure of considerable influence and substance, became the president of the new company chartered on June 22, 1885 by the Fulton County Superior Court with \$200,000 in capital stock.⁹ English and Parrott jointly owned 52 1/2 per cent of the merged company, leaving Lowe, Steele, and Connely the remaining 47 1/2 percent.

Meanwhile, prior to the establishment of the brick companies, these various promoters, taking advantage of the Convict Act of 1876, had secured a dependable supply of cheap labor through the creation of Penitentiary Company Two and Penitentiary Company Three. James W. English had acquired interests in both of these penitentiary companies, and another man, J. W. Murphy, a partner in Penitentiary Company Three, sold his interest therein to the promoters of the Chattahoochee Brick Company. The state accepted the two

⁹For an account of English's rise to prominence, see chapter 2. "Chattahoochee Brick Company Marks Seventy-fifth Anniversary," Georgia Magazine, (Oct-Nov 1960), 16; Charter of the Chattahoochee Brick Company, 22 June 1885, H. English Robinson, Chattahoochee Brick Company, Manuscript Collection.

penitentiary companies' bids of \$333,333 for leasing the convicts and the new contract became effective on April 1, 1879. In return for the use of the convicts, the two companies together pledged payments of about \$16,667 annually in equal installments over a period of twenty years. What they would receive for these payments was two-thirds of the state's convicts, except for those that the state furnished at no cost to two railroads.¹⁰ Whether the original brickyard developers, Lockett and Lowe, initially intended to use their convicts in brickmaking is unclear. They employed the first convicts they received in 1879 in various enterprises, such as farming, coal and iron mining, railroad construction, sawmilling, iron works, and turpentine. They did not begin producing bricks until 1883.

After James English became president of the Chattahoochee Brick Company in 1885, he gradually increased his stockholding. By 1901, the year Lowe died, the two men held the company's entire capital stock, but English had the controlling interest, 1183 shares, to Lowe's 817. According to one account, the Chattahoochee Brick Company was "the

¹⁰The railroads receiving these convicts were the Marietta and North Georgia Railroad Company, and the Gainesville, Blairsville and North Western Railroad Company. For the earlier discussion of the formation of the penitentiary companies, see pp. 18-20.

largest concern of its kind in the United States."¹¹ Although this assessment is suspect, other sources describe a large operation. Turning out "plain, ornamental, and oil-pressed bricks," the company had a stated capacity of 200,000 per day. The bricks sold not only in Georgia, but in markets throughout the southeast, mid-west, New England, and the Atlantic world. In the first five years of the twentieth century, the company exported close to half of its output to Europe.¹² Although at least fifty-eight brick plants operated in the state during this period, the Chattahoochee Brick Company accounted for at least ten percent of the total output (see Table 4).¹³

Available production figures do not include the first fifteen years of the company's operations, and only scattered data is available for the period 1900 to 1939. Data useful for comparing brick prices and the Chattahoochee Brick Company's competitiveness is quite limited and is shown in Table 4. Nevertheless, during the last nine years

¹¹The source of this quote is a photocopy of a page of a book titled History of Atlanta found in the English Personality File at the Atlanta Historical Society. Publication data of the book has not been found.

¹²Chattahoochee Brick Company Collection, folder 1, "Financial." Data on the Chattahoochee Brick Company's share of the European market has not been located.

¹³Geological Survey, Bulletin 18, and Chattahoochee Brick Company Collection, Financial folder.

Table 4. Georgia Brick Production, 1905-1907

YEAR	GEORGIA PRODUCTION	COST/ THOUSAND	C.B. Co. PRODUCTION	% of TOTAL	COST/ THOUSAND
1905	275,841,000	\$5.24	30,438,977	11.0%	\$5.63
1906	303,286,000	5.88	30,832,908	10.2	5.76
1907	318,844,000	5.67	32,224,899	10.1	7.26

of the convict lease system, between 1900 and 1909, the Chattahoochee Brick Company's output averaged about 30.5 million bricks per year. The cost of labor (see Table 5) as a percentage of the total production cost ranged from 33.41 per cent in 1900 to 43.12 per cent in the last twelve months the system was in effect.¹⁴ These labor expenses include the lease payment, as well as subsistence, provisions, clothing, shoes, hats, "outfitting," and transportation. The production costs given in the company financial records include, in addition to labor related expenses, fuel, repairs, machinery, general yard expenses, clay, office expenses, and rent. During this nine-year period the company employed an average of 175 convicts per month at the brick plant. These men were used in every step of production, from the mining of clay to loading the finished

¹⁴This rise in the expense of labor as a percentage of production costs supports Matthew J. Mancini's assertion that the lease system was abolished because it was no longer profitable. "Race, Economics, and the Abandonment of Convict Leasing," The Journal of Negro History, 63 (Fall 1978), 349. Chattahoochee Brick Company Collection, "Financial."

Table 5. Chattahoochee Brick Company Production, 1901-1909

<u>Year Ending</u>	<u>Bricks Produced</u>	<u>% Labor Cost</u>	<u>Convicts/ Month</u>
Apr 1901	30,037,087	33.41	174.75
May 1903	27,219,517	36.33	189.58
May 1904	31,595,200	33.46	178.27
May 1905	30,438,977	38.44	171.60
May 1906	30,832,908	38.98	167.10
May 1907	32,224,899	39.25	175.80
May 1908	32,721,697	41.07	170.58
May 1909	29,085,546	43.12	171.00

product on railroad cars. In addition to brick production, convicts of the Chattahoochee Brick Company worked in railroad construction, mining, sawmilling, and turpentineing.¹⁵

Maintaining a stable labor supply was crucial, and the merger agreement that created the Chattahoochee Brick Company dealt with the concern. The necessary work force was provided by the penitentiary companies. English and Parrott, who in 1885 controlled Penitentiary Company Three as well as the brick company, agreed to provide their entire share of one-third of the state's convicts at \$80 per capita per annum. Lowe's and Steele's Penitentiary Company Two contributed the labor of twenty-five percent of its convicts at the same price, and a like number at cost. In 1885 each

¹⁵Penitentiary Reports of the Principal Physician, 1892, 1897.

penitentiary company received about 500 convicts, at a cost of about \$16.67 per capita per annum. Thus in 1885, English's and Parrott's Penitentiary Company Three, which received \$80 per convict from the brick company, would seem to have made a tidy profit of \$63.33 per convict, the company's annual cost being \$8,333.33 and its receipts at \$31,665, or an annual return of 380 per cent. But the per capita costs decreased as the number of convicts increased over the term of the lease, while the annual payment to the state remained the same. Consequently, by 1899, when the twenty-year lease ended, the penitentiary population had increased to about 2,200, and the cost to the penitentiary companies had declined to about \$11.36 per capita per annum. This yielded a return of over 600 per cent for the owners of Penitentiary Company Three. In 1894 both English and Parrott had to pay \$4,166.67 to the state for the lease of a total of 776 convicts. They each received \$31,040 from the Chattahoochee Brick Company for these convicts, a profit of \$26,873.33.¹⁶

The Chattahoochee Brick Company, and more specifically James W. English, controlled at least two-thirds of the state's convicts. Table 6 indicates the number of convicts located in the various camps of the Chattahoochee Brick

¹⁶Chattahoochee Brick Company Charter.

Company for the years that information was reported.¹⁷

What this data fails to show, however, is that English, as the principal party in Penitentiary Companies Two and Three, profited handsomely from at times the labor of the majority of the state's convicts.

Table 6. Convict Control, 1886-1897

REPORT YEAR	STATE WIDE		CHATTAHOOCHEE BRICK	
	CAMPS	CONVICTS	CAMPS	CONVICTS
1886	14	1,527	8	649
1888	14	1,537	10	1,375
1892	15	1,940	3	497
1893	16	2,168	3	676
1894	18	2,328	4	786
1896	26	2,357	11	1,247
1897	26	2,235	13	1,206

Note: Chattahoochee Brick Company data for 1886 and 1888 include subleased convicts; for subsequent years only those convicts actually controlled by the company in its various enterprises are included.

Even as the brick company lined the pockets of Penitentiary Company Three's partners, its initial outlay for its labor force was the low sum of under 26 cents per man per day.¹⁸ In addition, the Chattahoochee Brick Company paid all expenses for the use of the convicts-- transport, feeding, clothing, boarding, medicine, medical

¹⁷Penitentiary Report of the Principal Physician, 1886, 1888, 1892, 1893, 1894, 1896, and 1897.

¹⁸Based on 313 working days per year because Sunday labor was prohibited.

attention, discipline, and "all unforeseen expenses," relieving the Penitentiary Companies of their statutory duties under the Act of 1876.¹⁹ These expenses cost the Chattahoochee Brick Company approximately 33 cents per day, which provided a controlled labor force for less than one-half the cost of free labor.²⁰ This 33 cents per day included 18.9 cents for food, 1.4 cents for transportation, and 12.6 cents for the payroll of a warden, a physician, and 17 guards.²¹ This relatively inexpensive labor force was then skillfully exploited under the direction of the Chattahoochee Brick Company president, James English, either in company enterprises or through subleasing.

The founders of the Chattahoochee Brick Company exploited a readily available resource, clay, for the production of a product vital for the growth of Atlanta.

¹⁹Chattahoochee Brick Company Charter.

²⁰Based on a rate of \$2.00 per day paid to a paroled convict employed by the company. Applications for Clemency, 1858-1942.

²¹As complete data on these expenses is not available for any one year, the amount given was calculated using data from various years. In 1900 the cost of feeding and clothing 175 convicts was \$10,355.17. In 1903 the cost of transporting convicts was \$822.19. In 1902 there were 17 guards, one warden, and one physician at the Chattahoochee Brick Company. The payroll for these men totaled \$7,500. The total extrapolated expenses in addition to the lease cost was 32.9 cents per man per day. Chattahoochee Brick Company Collection, folder 1, "Financial." Acts 1897, 72. Applications for Clemency, 1858-1942.

Another factor in the company's creation, however, was the employment of the inexpensive labor force provided by the Penitentiary Companies. Using these workers, the company gained a large share of the market while providing a healthy profit to its owners, who were also principles of the Penitentiary Companies. Those convicts not needed for brick production worked in other company enterprises or were subleased to other concerns.

CHAPTER 4
THE USE AND ABUSE OF CONVICTS

The availability of an easily exploited source of labor was well suited to the labor intensive enterprises of the Chattahoochee Brick Company. Company officials maximized production in all its activities through the use of a bound work force. Superintendents of the various operations resorted to virtually any means in trying to keep production at high levels. If the push resulted in the incapacitation or death of a worker, a replacement was readily available from the state.

Convicts not needed at the brickyard or in the other company activities were sublet to other businessmen, although the practice was prohibited by the Convict Act of 1876. Indeed, a primary sublessee, former Governor Joseph E. Brown, used English's surplus convicts in his coal mines in Dade County.¹ Such violations and alleged abuse of convicts by lessees led to an investigation by the governor in 1887 which found no violation. It was determined that the convicts had not been sublet but that working convicts at

¹The Penitentiary Reports of the Principal Physician were most useful for information on the distribution of convicts throughout the state.

another Company's enterprises was legal and in effect suggested that the control of the Penitentiary Companies had changed hands.² In the face of influential lease holders, pragmatic politicians apparently agreed that since the "subleasing" was from one Penitentiary Company to another, the practice was legal.

But English did not "sublet" this valuable labor force for very long. With a keen eye for market opportunities, he diversified the activities of the Chattahoochee Brick Company and drastically reduced the subletting of convicts. The Chattahoochee Brick Company had engaged in railroad construction and mining from its beginning and in June of 1886 the company amended its charter to include formally such activities.³ This appears to have been an attempt to legalize the work already being done by the company's convicts and to silence the mounting criticism which, the proper legalization notwithstanding, led to the investigation of 1887.

²Taylor, "Origins," 125, Acts, 1876, 43 and the Atlanta Constitution throughout September 1887.

³Amendment to Chattahoochee Brick Company Charter, 28 June 1886, H. English Robinson Papers. Articles of Partnership, Chattahoochee Brick Company and T. J. James, 23 April 1886, in the same collection provides further information on the railroad construction activities of the company.

The convicts who worked in the far flung, enterprising Chattahoochee Brick Company were spread throughout the state, from Walker County in the northwest, to the Okefenokee Swamp in Charlton County. In October of 1892 there were 1,940 convicts in the penitentiary system scattered in fifteen camps in the state. Of these the Chattahoochee Brick Company employed 497 at three locations. Table 7 shows that the company put to use many additional prisoners in the next five years; in October 1897 the company employed 1,206 of the state's 2,235 convicts at thirteen of the twenty-six established camps.⁴ Their activities included brick making, logging, the production of cross ties, sawmilling, turpentine, and railroad construction.⁵ Convicts at the Fulton county brickyard were also used in the construction of the adjacent Whittier Textile Mills which opened in January 1896.⁶ Because of inadequate controls over such a large and scattered labor force, abuse and neglect became fairly common.

In October, 1886, Dr. W. F. Westmoreland, the Penitentiary Principal Physician, reported on the dreadful

⁴Penitentiary Reports of the Principal Physician, 1892, 1897.

⁵Ibid. Financial records for activities other than brick making are no longer extant.

⁶Whittier Mill Collection, Atlanta Historical Society.

Table 7. Work Camps of the Chattahoochee Brick Company, 1897

<u>CAMP</u>	<u>COUNTY</u>	<u>CONVICTS</u>	<u>ACTIVITY</u>
Alexanderville	Echols	47	cross ties, railroad, sawmilling
Bainbridge	Decatur	83	sawmilling
Chattahoochee	Fulton	187	brick making
Crawfish Springs	Walker	177	mining
Donalsonville	Decatur	94	sawmilling
Glenwood	Montgomery	37	sawmilling
Lenox	Berrien	50	sawmilling
Maxwell	Charlton	82	cross ties
McMillen	Charlton	97	turpentine
Phillips Mill	Coffee	37	turpentine
Richwood	Dooly	163	sawmilling
Reynolds	Charlton	82	cross ties
Willingham	Worth	70	turpentine

conditions at the Chattahoochee Camp of the Chattahoochee Brick Company. He cited high rates of scurvy and pneumonia and described convicts dying because of the poor preparation of food and a lack of vegetables.⁷ In subsequent penitentiary reports, however, James English was described as being determined to provide proper facilities and care for the convicts in his charge. After their critical report of 1886, officials appointed to oversee the penitentiary system repeatedly singled out English as having provided properly for the convicts. A fire at the Chattahoochee compound in 1886 provided the opportunity for improvement at that location and the construction of a model camp for which English received credit. The replacement buildings included

⁷Penitentiary Report of the Principal Physician, 1886.

two hospitals, one for white convicts and one for black. Each was 30 by 50 feet. The new barracks were 30 by 138 feet for blacks, and 30 by 64 for whites. English also had a bathing system installed which consisted of half-barrels outdoors supplied with hot and cold water.⁸ English's motive for acting quickly in making camp improvements may well have been his concern for the convicts. The fact remains, however, that inaction at a time when popular sentiment was against the lease system would have seriously jeopardized his ability to maintain a labor force. Whatever the case, by 1888, one of the Chattahoochee Brick Company camps was the "best in the system . . . due to the determination of Captain English to have a model camp."⁹ During an 1893 investigation of the lease system, Principle Keeper Judge Joseph S. Turner complimented English saying "I have always found you ready to carry out any instructions or any suggestions made for the welfare of the convicts since I have been in office."¹⁰

From the viewpoint of manufacturers like English, the labor intensive nature of brick making was ideal for a force of convict labor. With forced labor the brickyard could

⁸Convict Lease Investigation, 1908, 399-402.

⁹Penitentiary Report of the Principal Physician, 1888.

¹⁰Convict Lease Investigation, 1896, 823.

become a self-sustaining community. Within the compound convicts grew much of their own food, made their own clothes, and operated the blacksmith and machine shops that supported the brick making operation.¹¹ White convicts generally worked in these activities. Blacks were considered to be unfit for any but the most menial tasks, such as brick making.

Convicts who manufactured the bricks performed all steps of production from the mining of the clay to loading the finished product on railroad cars for market. A crew of 20 to 30 men performed the task of mining--or "winning"--alluvial clay at a 50-acre pit near the brickyard.¹² These men used picks and shovels, digging the clay and loading it into narrow-gauge trams for transport to the plant. As the deposits became deeper and harder to dig, mules pulled scrapers to extract the clay.¹³ After exhausting deposits of alluvial clay near the plant, the company obtained other suitable lands. One such site, purchased in August of 1902,

¹¹"Chattahoochee Brick Company Marks Seventy-fifth Anniversary," 16.

¹²Georgia House of Representatives, Special Committees, Joint Committee of the Senate and House to Investigate the Convict Lease System of Georgia, 20 July to 20 August 1908, 1231. Hereafter cited as Convict Lease Investigation, 1908.

¹³Interview with H. English Robinson.

was located in Dekalb County on the South River, adjacent to one of Chattahoochee Brick's competitors. In assessing the property, a civil engineer reported that the purchase would "successfully hem in the South River Brick Company" because its access road would be controlled by Chattahoochee Brick. South River Brick would also be denied clay deposits near to its plant.¹⁴

In the brick manufacturing process, clay was broken up and combined with ground schist, a hard metamorphic rock, to make it suitable for producing common building brick. To this mixture water was added in a pug mill which prepared the "mud" for the brick making machines. These, in turn, forced the clay through dies and cut it into bricks. Mules initially powered these operations, then steam.¹⁵

The most onerous tasks followed. With the bricks formed and cut, the next job was drying. Each day a crew of six workers was "tasked" with carrying by hand 140,000 bricks to the drying kiln.¹⁶ There the bricks would be exposed for one day to waste heat from the main kilns to

¹⁴Letter from Walter H. Harrison to James W. English, 11 August 1902; letter from Harry L. English to W. D. Ellis, Jr., 30 Oct 1907. H. English Robinson, Chattahoochee Brick Company Manuscript Collection.

¹⁵Geological Survey, Bulletin 45, 28; "Chattahoochee Brick Company Celebrates Seventy-fifth Anniversary," 16.

¹⁶Convict Lease Investigation, 1908. 139.

prepare them for firing or burning. The company superintendent, Captain James T. Casey, whipped crews failing to meet the daily quota. By one report, he had once whipped as many as twenty-six convicts for failing to make task.¹⁷ In testimony to state investigators, however, Casey denied punishing so many convicts at one time. Convicts were forced to drop their trousers and take the whip on their naked skin. When asked how many lashes each man received, Casey said "enough to conquer them."¹⁸

Setters, a crew of six, hand-carried dried bricks to the clamps. The clamps was an enclosed area at the kilns where the temperature reached extremely high levels. A former guard at the company told investigators that "it [was] so hot [in the clamps] that Jack Casey, [the superintendent's son, was] afraid to go in there with his pistol in his pocket." While the superintendent conceded that the clamps were "a little warm," the company physician, Dr. Samuel H. Green, pronounced them "a God send [sic] blessing to a syphilitic negro or a convict." Green claimed he could put a rheumatic to work in the heat, sweat the impurities out of his blood, and in a week he would be perfectly well. "It is as good as Hot Springs. They will

¹⁷Ibid., 17, 991.

¹⁸Ibid., 706-7.

ask not to be relieved from that work. . . . It does them more good than any medicine that you can give them."¹⁹

Perhaps the most serious abuses of the entire convict lease period at the brick company took place at the next stage in the manufacturing process. After the bricks were placed in the clamps, it was the responsibility of the kilners, another crew of six, to load them into the two Winyard kilns. In performing this task a man on the ground handed a brick to another who stood on a barrel. He in turn tossed the brick upward to a third crew member at the top of the kiln. In order to make task these men had to move bricks at the rate of 50 per minute for nine hours.

A crew of young boys called the brick gang performed the final task for convicts at the brickyard, loading the bricks onto railroad cars. To meet quota, they were required to work at a trot. According to members of the General Assembly who inspected the camp and spoke to the brick gang, they had to trot seventy feet from the kilns to the cars or risk "being beat to death."²⁰ As might be expected, Captain Casey denied such conditions existed:

They might run once in a while. The orders we have there are for them not to run.

Q: Whose orders?

¹⁹Ibid., 128, 701, 1636.

²⁰Ibid., 771.

A: My orders. I see them running, I tell them to stop it, and as soon as I get out of sight of them they will go back at it.²¹

Ed Strickland, a guard with experience at several camps, accused Casey, who had been in charge of convicts for twenty-four years, of being a "barbarous" overseer and of causing the deaths of several convicts.²²

Much information about this difficult process is found in the transcript of the General Assembly's 1908 investigation of the convict lease system. This inquiry followed allegations that state employees were guilty of gross misconduct, that the chief warden was making a profit sub-leasing convicts, and that deputy wardens received payment from both the state and the companies. As may be expected, there is much conflicting testimony. Although the overwhelming majority of the evidence points out severe abuses of the system and the convicts, some of it provides a defense of the convict lease and the lessees. The testimony of Judge Joseph S. Turner, one of the three prison commissioners, is typical. He claimed that ninety-five percent of the convicts were better off than before their convictions,

²¹Ibid., 712.

²²Ibid., 114, 115, 305, 749, 991.

and enjoy more of the necessaries than many honest laborers in any community in the State. . . . The labor is hard as required by law, but no harder than many honest laborers undergo daily in order to earn a livelihood for themselves and their families. With rare exceptions their treatment is kind, considerate, and humane. . . . If. . . the convicts are driven at a dog trot in tasks and labor until they faint from exhaustion, they are worked in places where no free laborer could be made to work.²³

Judge Turner's testimony echoed sentiment expressed in an editorial in The Daily Journal twenty-two years earlier:

[In the penitentiary system] they have steady employment, fully as good rations as they were ever used to and as comfortable sleeping apartments, excellent medical attendance in case of sickness, and probably more solicitude regarding their health than they would meet with outside, [and] entire freedom from care as to their bodily wants. . . . Their punishment, for the reasons given, is manifestly lighter than justice demands. . . .²⁴

Testimony concerning the tasks at the brickyard provides quite another view of the system. Sometimes prisoners suffered worse than whippings, including death. On June 29, 1902, a kilner named Peter Harris died after being whipped by Captain Casey for "slacking." Harris had reported to the prison hospital claiming constipation on the morning of his death. Dr. Green gave him a laxative and declared him fit for work. According to a former guard,

²³Convict Lease Investigation, 1908. 1271, 1272.

²⁴"Convict Lease System," The Atlanta Daily Journal, 6 December 1886.

when Dr. Green sent "the man out and when he [said] 'o.k.' that [meant] whip him and put him to work."²⁵ Captain Casey agreed. Accordingly, he had whipped Harris eight licks "for playing off" and sent him to work in the clamps.²⁶ That afternoon when Harris claimed that he was too ill to continue working, Casey

called the negro out and whipped him. He whipped him a while and put him back on the barrel and made him work for a few minutes; and then took him off the barrel and called two negroes and made them turn the negro across a barrel and hold him down there while he whipped him again; and after he turned the negro loose, [he] staggered off to one side and fell across a lumber pile.²⁷

Other convicts took Harris to the camp hospital where he died a short time later. Green listed the cause of death as congestion of the bowels caused by being overheated and drinking too much cold water. That evening a coroner's jury composed of five men from the adjacent Whittier Mills confirmed that diagnosis without viewing the body. The body was in the same room as the hearing, but the coroner and his panel declined to view it because of the stench.²⁸

²⁵Ibid., 306.

²⁶Ibid., 699.

²⁷Ibid., 76.

²⁸Ibid., 111, 488, 490.

The abuses at the Chattahoochee Brick Company were due in large part to the failure of the deputy warden, a state official, to insure the well being of the convicts. When the twenty year lease ended in 1897 a new law provided that officers, physicians, and guards should be appointed as agents of the state.²⁹ Under the old system the lessee supplied the guards and appointed a "whipping boss," subject to the governor's approval, and the entire penitentiary system was run by the principle keeper, his assistant, and the principle physician. These three men were to visit each convict camp every month to ensure that convicts were properly controlled and supervised. Under the old system Casey had been superintendent of the Chattahoochee Brick Company. With the implementation of the new system in December 1897, each convict camp had an officer with the title of deputy warden and a physician. The person appointed as deputy warden at the brickyard was Captain Casey.

Incredibly, neither the members of the prison commission nor the officers of the brick company saw any impropriety in Casey's remaining plant superintendent, whose duty to the company involved keeping production up and costs down, while he allegedly served the state in the interest of

²⁹Acts, 1897, 72.

the convicts. Not only did Captain Casey see no conflict in his two roles, but during the 1908 investigation he claimed to have kept the two roles totally separated. In taking prisoners from the Fulton County jail, Casey said that he picked them up as warden, but selected them as an officer of the brick company. He was then questioned on the possibility of contention:

Q: Did you ever have any conflict with the Chattahoochee Brick Company? as manager of it? as deputy warden of the state?

A: No, sir. The superintendent and I have agreed.

Q: The superintendent thought the deputy warden was not working them too hard?

A: No, sir.

Q: You were superintendent of the Chattahoochee Brick Company?

A: Yes, sir.

Q: And deputy warden of the state?

A: Yes, sir.

Q: As superintendent of the brick company, and as deputy warden of the state you had no trouble to get along?

A: No, sir.³⁰

The fact that Casey, as well as Dr. Green and similar officers at most convict camps, received payment from the companies as well as the state, became a major focus of this investigation. The committee found double compensation to be a statewide problem. It made the officers party to violations of rules and rendered them unfit for continued service. Throughout the state conflicts of interest stood

³⁰Convict Lease Investigation, 1908, 719.

in the way of the proper administration of the penitentiary system.³¹

Even though Superintendent Casey could perceive no problems, convicts in his charge and state investigators disagreed. The evidence presented convinced the committee "that deputy warden Casey has habits which unfit him to serve as deputy warden, charged with the physical and moral welfare of convicts, and we [recommend]. . . that he be discharged."³² Nevertheless, Casey continued to serve as deputy warden until the convict lease system ended the following year.

In addition to the allegations of cruelty against Casey, the Chattahoochee camp was cited for its filthy and unsanitary bedding and clothing and unhealthy food.³³ Each convict, on arriving from the county jails, received "two new pants, two shirts, one hat, pair of good shoes, one coat, two pairs of blankets, an empty mattress, chains, shackles, squad chains, and cell-building chains."³⁴ The clothing consisted of 2 outfits, 1 for hot weather, the

³¹Acts, 1908, Extraordinary Session, 1072-3.

³²Ibid.

³³Ibid.

³⁴Articles of Partnership, Chattahoochee Brick Company and T. J. James, 23 April 1886. H. English Robinson, Chattahoochee Brick Company, Manuscript Collection.

other for cold. As can well be imagined, the punishing conditions of their labor resulted in the convicts often having only threadbare uniforms; some, in fact, would perform some work wearing nothing at all. According to one complaint during the hearing, the bedding was washed only once each year simply by dipping it into the Chattahoochee River.³⁵ Food was also a subject of concern. Senator J. R. Stapleton found the dinning hall so dirty that he would not "feed a first class dog in it."³⁶ The investigators all condemned the poor quality and preparation of meals. The company served fresh meat only once each week, Green and Casey claimed, because it caused dysentery in Negroes. Casey boasted of an improvement in the procurement of vegetables. When a box car of produce got too hot, causing the contents to be condemned, the railroad donated the spoiled cargo to the company as a cost-free way of getting the car unloaded.³⁷

Many of the problems with the lease system can be attributed to absentee ownership. Although all of the company officers lived within eight miles of the plant, Captain English, the president, almost never went there.

³⁵Acts, 1908, Extraordinary Session, 127.

³⁶Convict Lease Investigation, 1908, 363.

³⁷Ibid., 701, 721.

His eldest son and company vice president, James W. English Jr., admitted that he had "not been there in over three years, and I don't think my brother [general manager Harry English] visits there often."³⁸

Although the death of convict Peter Harris and the conditions at the Chattahoochee camp were among the more nefarious situations publicized because of the investigation, similar abuses existed in the system throughout the state. These included not just the mistreatment of convicts and miserable camp conditions, but also rampant corruption and dereliction on the part of appointed and elected officials. All of these, coupled with the failure of the lessees to effectively lobby for a continuance, led to the abolition of the convict lease system.

Using convict labor, the Chattahoochee Brick Company maintained high production rates. The plant superintendent, while responsible for insuring the required pace, was also a state official accountable for the treatment of the convicts. Senior state officials, elected as well as appointed, failed in their duties to oversee the penitentiary system. In effect, their primary concern was in placing convicts with waiting enterprises and insuring

³⁸Ibid., 1213.

prompt payment for the steady supply of workers. Due to these priorities, the abuse of convicts was overlooked, ignored, or rationalized away.

CHAPTER 5
THE ABOLITION OF THE LEASE SYSTEM
AND TRANSITION TO FREE LABOR

The convict lease system in Georgia survived until April 1, 1909 despite repeated calls for its abolition almost from the beginning. Among other charges, critics called it immoral and cited unfair competition to free labor. Indeed, as early as 1868 when the system began, the Principal Keeper, Colonel Overton H. Walton, reported that the "humane treatment of [convicts] is entirely ignored."¹ In its place he advocated the direct contracting of work by the state. Walton's successor, John Darnell, was also critical. He reported in 1869 that "the convict element should not. . . be thrown into the channel of commercial speculation, [where it was] subject to the highest bidder, to the loss and serious inconvenience of the people of the whole state."² There were attempts in the General Assembly to repeal the lease system in 1870, 1877, 1878, and 1879, all to no avail.³ Then populist Thomas Watson campaigned

¹Report of the Penitentiary, 1869.

²Report of the Penitentiary, 1870.

³Taylor, "Origin," 115; "Abolition," 272.

against the system in 1880 and again in 1882, citing the cruel treatment of prisoners by the lessees.⁴ Even Governor John B. Gordon, in an address to the General Assembly in 1886, called for the end of the lease system in order to return control of convicts to the state and end competition with free labor.⁵ The tone of Governor Gordon's message, reported in the Atlanta Daily Journal, reflected "the popular sentiment [based] solely upon the general idea that it places selfish pecuniary interests in direct conflict with the instincts of humanity."⁶ Yet the Journal defended the lease system and attributed the attacks on it to "illnatured Northern papers."

Calls for the abolition of the lease system also came from organized labor as well as reform-minded politicians. The Knights of Labor in 1886 reportedly were "firm in their opposition to the use of convict labor. . .and [proposed] to agitate the matter until its use [was] abandoned."⁷ The next year other statements followed: "The object of punishment should be reformatory, and the question of profit should not enter," the Knights said. Convicts should "work

⁴Ibid.

⁵Ibid., 274.

⁶"Convict Lease System," Atlanta Daily Journal, 6 December 1886.

⁷"Convict Labor," The Atlanta Journal, 8 April 1886.

upon public thoroughfares and the redemption of public wastelands."⁸ The firmness of this stand, however, seemed questionable. In 1889, when Atlanta hosted the annual convention of the Knights' General Assembly, neither the newspapers nor the assembly minutes reported one word in opposition to the system. Instead, the most publicized issue was a possible accord between the Knights and the Georgia State Farmers' Alliance. Even Terence Powderly, in his address to the assembly, failed to mention the issue of convict labor.⁹

Reform groups such as the Woman's Christian Temperance Union also agitated against the lease system. Their primary objection was the presence of female convicts in work camps, easy targets, they said, of "lustful guards."¹⁰ The charge was well-founded. The 1887 investigation revealed several "bastard" children born at the Chattahoochee Brick Company to three women, Susan Gilbert, Jiney Mayer, and Julia

⁸"Convict Labor," The Journal of United Labor, 12 March 1887.

⁹Proceedings of the General Assembly of the Knights of Labor of America, Thirteenth Regular Session, Atlanta, Georgia, November 12-20, 1889. Also see Atlanta Constitution, The Journal of United Labor, and the Journal of the Knights of Labor throughout November and December 1889. Most criticism of convict labor from the Knights and the American Federation of Labor centered on the State Account systems in place in many Northern states.

¹⁰Taylor, "Abolition," 274.

Whitfield.¹¹ Nevertheless, popular sentiment against convict lease labor did not reach its peak until 1908 when the General Assembly heard the testimony which led to the termination of the practice. During the hearings, the Georgian conducted a crusade against the system with daily front page stories outlining the many atrocities occurring in the convict camps.¹² This campaign, along with mass meetings throughout the state protesting the system, accentuated the tone of the proceedings in the state house. The General Assembly finally abolished the system on September 19, 1908, effective in April 1909.¹³

Even with the public remonstrations, termination of the practice of leasing convicts would have been difficult to accomplish had not the leaseholders ceased their opposition. They began to realize, however, that free labor was no more expensive than convict labor whose costs involved more than just the payments to the state. Included was the expense of hiring a camp physician, guards wages, and expenditures for the operation of the camp including food, clothing, medicine, and separate hospitals at each camp for black and white convicts. During the investigation, W. E. Dunwoody,

¹¹"The Official Inquiry," Atlanta Constitution, 9 September 1887.

¹²Taylor, "Abolition," 277-9.

¹³Acts, 1908, Extraordinary Session, 1119-1130.

vice-president and general manager of the Cherokee Brick Company, said that he had used convict labor in hope of being more competitive, but instead discovered that the costs were higher than they had been for free labor.¹⁴

In actual dollars, the expense of the convict system was impressive. The prison commission approved in 1907 a subcontract at \$570 per capita per annum. When upkeep of approximately \$100 per year was added, costs rose to \$2.15 per day based on 313 working days per year. The commission compared this amount to the \$1.50 to \$2.00 per day expense of "ordinary free labor" in saw mills, mines, brickyards, and turpentine farms.¹⁵ The high cost of convict labor worsened in 1907 when Georgia suffered through a depression. The lessees had to keep the convicts and pay their upkeep even though sales declined. Nevertheless, the Chattahoochee Brick Company paid dividends of 20 per cent in February 1907 and again in March 1908. (See Table 8). The company maintained this performance even though sales dropped over 29 per cent and the net profit for the period June 1907 to

¹⁴Convict Lease Investigation, 1908, 661.

¹⁵Georgia Prison Commission Report, 1907, 6. For upkeep costs see note 24, p. 38.

Table 8. Chattahoochee Brick Company Dividends

<u>DATE</u>	<u>PERCENT</u>	<u>AMOUNT</u>
Jul 19, 1900	50%	\$100,000
May 8, 1903	12.5	25,000
Dec 5, 1905	12.5	25,000
Jul 21, 1906	30	60,000
Feb 15, 1907	20	40,000
Mar 15, 1908	20	40,000

Note: 1900 dividend payment included \$49,000 in Durham Coal and Coke Co. 6% bonds.

May 1908 plummeted 81 per cent to \$16,077.13.¹⁶ (See Table 9). As the lessees faced financial difficulties, and as the state began to understand the value of convicts to the county chain gangs, support for the lease system declined.

Table 9. Chattahoochee Brick Company Profit Data, 1900-1909

<u>YEAR ENDING</u>	<u>PRODUCTION COST</u>	<u>SALES</u>	<u>PROFIT</u>
Apr 1901	\$115,601.36	\$172,518.79	\$56,917.43
May 1903	127,219.10	164,374.42	37,155.32
May 1904	142,219.65	188,121.70	45,381.05
May 1905	153,009.20	134,687.78	-18,321.42
May 1906	145,001.10	228,536.42	83,535.32
May 1907	155,775.37	239,401.96	83,626.59
May 1908	152,925.78	169,002.91	16,077.13
May 1909	133,593.45	170,105.13	36,511.68

Note: Production costs include those expenses listed on pages 35 and 36.

The press celebrated the end of the convict lease

¹⁶ Chattahoochee Brick Company Collection, folder 1, "Financial."

system as 1,550 convicts were "turned to the building of public highways that [would] mean bigger and better things for commerce and for the good and comfort of the whole people."¹⁷ On the last night

in the camp of the Chattahoochee brick yard. . .there were a number of negro preachers on the ground. They read old stories from the Bible and prayed and sang and as the songs rose higher through the dawn, almost wild in their rude music, one deep voice after another joined until the whole gray land quavered and pealed and the young sun came out of the east.¹⁸

The 141 convicts still at the brickyard were sent to the chain gangs in fourteen different counties. For The Journal of Labor, official paper of the Atlanta Federation of Labor and Georgia Federation of Labor, "at last. . .the blot has been wiped out of the pages of Georgia. . . . With the expiration of the old convict lease system. . .employment will be offered to nearly 2,000 free laborers."¹⁹

Meanwhile, the Chattahoochee Brick Company announced that "arrangements had been made for employing free labor and that they will be able to supply promptly all demands

¹⁷"Georgia Shakes Off the Shackles of Her Lease System," The Atlanta Journal, 1 April 1909.

¹⁸Ibid.

¹⁹"The Convict Lease Gone," The Journal of Labor, 2 April 1909.

for brick."²⁰ The transition to free labor, however, was not easy. James English, perhaps anticipating the end of the lease system, employed a night shift of free labor at his Palmer Brick Company on Marietta Street. A year before the system formally ended, in April, 1908, he totally abandoned the use of convicts at Palmer Brick and transferred 42 convicts to the Durham Coal Mine at Lookout Mountain, a company run by his son and namesake.²¹ At the Chattahoochee Brick Company, where sales plummeted during the Panic of 1907, General Manager Harry English also made plans for what he believed would be the end of the lease system. In December he reported that the company had on hand 2,000,000 bricks with demand down. By May of 1908 the company had 7,000,000 bricks stacked in the yard, holding out for a better price.²² Meanwhile, Harry English began preparing for the system of free labor.

The following month Harry English warned the company directors that they would have to construct cottages "and such other buildings as may be required" for the housing of workers because the plant was "located some seven miles from the city," making daily transport of employees impractical.

²⁰Ibid.

²¹Convict Lease Investigation, 1908, 795-800.

²²Chattahoochee Brick Company, Minutes, 1903-1910, 79, 94.

Nearly two years elapsed, however, before twenty-five cottages were built, followed by ten more the next year. Nevertheless, the company founder's grandson, H. English Robinson, described these cottages as dilapidated shacks. When he became company president in 1957, Robinson had the structures demolished.²³

In January of 1909, four months after the General Assembly abolished the lease system, Harry English laid out his plan for the transition. Although the company had 8,000,000 bricks on hand, it would still produce as many bricks as possible to increase the stockpile before the expiration of the lease, "only selling so many brick as would meet the requirements of the operating expenses."²⁴ Thus the prompt shipment of orders could be maintained while the plant remained idle during the hiring of an adequate free labor force. By the end of the lease in April 1909, the company had on hand or in the kilns, 12,000,000 bricks.²⁵ Throughout this four month period, all efforts were made to produce bricks while maintenance of the facilities was deferred. Even before this final push, the

²³ H. L. English to Stockholders, 25 June 1908, Chattahoochee Brick Company Collection, *Ibid.*, 94, 138. *Minutes, 1910-1918*, 3. H. English Robinson, interview by author, Atlanta, 30 January 1990.

²⁴*Minutes, 1903-1910*, 101..

²⁵*Ibid.*, 104.

company had always neglected capital improvements as long as production could be maintained with its relatively large labor force. Consequently the plant was seriously run down when the lease expired. Because of "constant use for many years," James English reported on April 5, all of the plant's machinery would require extensive overhaul "to meet changed conditions."²⁶

The plant could not be placed back in operation until May 10, 1909, and then only at half capacity.²⁷ In June the general manager blamed the lagging production on difficulties faced in getting

reliable labor, even at higher wages than the same class of labor was receiving in the city. While a good many applied for work, they became dissatisfied, making various excuses, that they did not like the work, nor the accommodations, and that there were no suitable houses for them to live in.²⁸

In order to accommodate the new labor force, the company even began paying the workers daily and established a commissary.²⁹ Another concern in the transition to free labor was the issue of liability. In May 1909, "to protect the company against loss resulting from personal injuries

²⁶Ibid.

²⁷Ibid., 107.

²⁸Ibid., 109.

²⁹Ibid.

and accidents," the general manager took out employer's liability insurance with the Fidelity and Casualty Company.³⁰

Issues such as housing, transportation, and liability were foreseeable and could be planned for. Controlling the work force, however, was a more difficult problem. In an attempt to maintain some continuity in plant operations, the camp "whipping boss," Captain J. T. Casey, stayed on as plant superintendent. Whether he adjusted to free labor conditions is unknown, but he remained with the company only until November of 1910 when he retired.³¹ In addition to stability in plant supervision, company officials tried to retain some of the more reliable convicts as free laborers. Evidence of this effort is found in company letters to the governor and to the prison commission. These messages went beyond just supporting convicts' requests for clemency; many also guaranteed employment at the brick yard.³²

As the company adapted to the free labor force, it also began a modernization program to cut production costs.

³⁰Ibid., 108.

³¹Ibid., 107.

³²Applications for Clemency, 1858-1942, Georgia Department of Archives and History. Such letters from James W. English, James W. English Jr., Harry English, and J. T. Casey were found in the clemency application files of several convicts.

Measures were taken which had not been required with a large force of convicts. In May of 1910 the company authorized the purchase of a ferry boat to transport workers from the plant to clay fields across the river in Cobb county.³³

Such an expenditure would not have been necessary with convict labor, which simply would have been kept at the clay site in a temporary camp. Another purchase approved at the same time was a steam shovel. With such machinery three free laborers could do as much work as twenty-five convicts.³⁴

James English, "spoiled" by decades of absolute control over his workers, was slow to adjust to the new ways. More than three years after the abolition of the convict lease system the company still used the facilities built in 1886. "The old convict camp was not adapted to the free labor system," he was told, and it would have to be destroyed to make room for new housing. In response, English said that "free labor [was] unsatisfactory and quite different from convict labor. The convicts worked from sun-up to sun-down while free labor worked from 6 to 5 o'clock and only worked when they wanted to."³⁵ The production rate suffered

³³Ibid., 137.

³⁴Minutes, 1910-1918, 5.

³⁵Minutes, 1910-1918, 4.

because he could not compel this new labor force to work the formerly mandatory hours of the convicts.

Nevertheless, the Chattahoochee Brick Company did adapt to the new situation and managed to expand and improve its facilities. Forced to make improvements in order to maintain production, the company virtually rebuilt the plant, installed kilns using the latest technology, and preserved its competitiveness. By 1915, the last year for which full financial data is available, sales had increased by 38 per cent while the net profit rose by 65.4 per cent over the first full year of production without convict labor. The Chattahoochee Brick Company continued its expansion under the leadership of Harry English and succeeding presidents, including grandson H. English Robinson who became president in 1957.³⁶ The company is still in operation today at the same location, now as a division of General Shale Products Corporation.

Agitation for the termination of the convict lease centered on moral arguments by progressives. Yet, the abolition of convict lease labor in Georgia came because the system was no longer profitable for manufacturing concerns, not because of moral and unfair competition arguments. Once the system ended, however, newspapers claimed victory and

³⁶"Chattahoochee Brick Company Marks Seventy-fifth Anniversary," Georgia Magazine (Oct-Nov 1960) 17.

credited free labor, even though inactivity had been the norm in Georgia. Ironically, in Tennessee and Alabama, where the convict lease system lasted over a decade longer than in Georgia, labor groups were more vocal.³⁷

The convict lease system survived in Georgia for 41 years because calls for its abolition by progressives and labor leaders were obscured for most of the period by the lobbying efforts of its beneficiaries. Only when it became apparent that convict labor had become less economical in the private sector than was free labor were the voices of reformers heard. The transition to the use of wage workers required modernization at the Chattahoochee Brick Company, not just in the machinery of production, but in the form of housing and other areas in order to attract and maintain a work force. Indeed, the hardest obstacle to be overcome by some, most notably James English, was that of social structure and the control of the worker.

The abolition of the convict lease system, though heralded by reformers, did not bring to an end abuses in Georgia penology and labor practices. Though individuals were stopped from profiting from this form of bound labor, the state gained at the convicts' expense through the infamous chain gangs. In fact, individuals still secured

³⁷Robert D. Ward and William W. Rogers, Convicts, Coal, and the Banner Mine Tragedy (Tuscaloosa: 1987); Mancini, 350.

workers from the courts by paying the fines of misdemeanants. Such peonage seems to have been part of a continued effort to maintain a work force and social strata which could be controlled and compelled to work, just as with slavery and convict labor.

CHAPTER 6

THE LEASE SYSTEM IN RETROSPECT

The convict lease system in Georgia helped the state recover from the ravages of the Civil War. Individuals also benefitted, sometimes handsomely, during the system's 41-year existence. Although Georgia's plantation economy, upset by emancipation, was not greatly affected, the leasing of the penitentiary to private firms allowed a measure of recovery in other areas. Entrepreneurs used the system to take advantage of opportunities in the production of turpentine, lumber, and bricks, and in railroad construction and mining. In short, the use of convicts facilitated the rebuilding of Georgia's economy and improved communications and commerce. In the process, several men made large fortunes. The use of a convict work force, however, involved a form of labor capitalization similar to the slave system, and like slavery, the lessees remained responsible for clothing, feeding, and guarding during economic downturns as well as periods of prosperity.

Indeed, in many ways the convict lease system replaced slavery. It provided a cheap source of labor and a means to restore white supremacy. Although white convicts were

included in the system, nearly 90 per cent were black. Perceived as a dangerous and threatening mass, their lives and labor were expropriated. In this system, crime control and economic oppression became one for the benefit of the state and certain influential citizens.

These observations are supported by this case study of the operations of the Chattahoochee Brick Company during the early years of its existence. The company made large profits because of exceedingly favorable terms of the 20-year lease between 1879 and 1899. During most of this period, the company, even in hard times, maintained production and stockpiled its product awaiting a more favorable market. But this profitable system began to turn against the lessors as early as the Panic of 1893 when the Chattahoochee Brick Company negotiated terms with the original lessors, James English, A. B. Steele, and W. B. Lowe. English and Lowe deferred receipt of payment for the convicts so Steele could be paid.¹ In subsequent lease periods, however, with the state realizing a greater return, the company was more susceptible to economic fluctuations. Such hard times seem to have lessened the tenacity of the

¹Steele was to be paid \$10,000 in 5 notes of \$2,000 payable in 6, 9, 12, 18, and 24 months at 8% interest. The remainder owed to Steele is not known, but it was not to be paid until after English and Lowe were paid. Agreement with A. B. Steele, W. B. Lowe and J. W. English, February 23, 1898. Robinson Papers.

support for the continuance of the convict lease system.

Other changes also affected the appeal of the system. Speculation following the end of the 20-year lease drove prices up, making the use of convicts less profitable in industry and farming. Only for those holding a lease from the state enjoyed large profits. With far fewer individuals profiting, there was less pressure on politicians to continue the system. Nevertheless, James W. English, Jr., took the risk and renewed his lease in 1897 in spite of an uncertain economy. He gained control of 475 convicts for a period of 5 years, and his gamble paid off. With the business upturn following the Spanish-American War, English realized a profit of as much as \$300,000 through subleasing his labor force.² Some politicians and appointed officials, as well, took advantage of the money-making opportunities and engaged in questionable practices in pursuit of the spoils. Jake Moore, the penitentiary system's warden under the Prison Commission, admittedly accepted money from sublessees for having facilitated the transfer of prisoners to enterprises in need of labor.³ This exploitation, as well as incidents of physical abuse, led to public outcry against the system. This opposition

²Convict Lease Investigation, 1908. 1219.

³Ibid., 1133.

along with the lessor's dwindling support led to the eventual abolition of convict leasing.

Much remains to be learned about the convict lease system in Georgia. Many businesses in addition to the Chattahoochee Brick Company were built upon convict labor. An examination of these companies' records would shed more light on the economics of the system. Besides James English and Joseph E. Brown, other important people were involved in the practice. Studies of men like James M. Smith of Oglethorpe County, who used the bulk of his convicts in farming, would be useful. Another possible avenue of inquiry, also involving Smith, is female convicts under the lease system; his holdings from 1887 until the Act of 1897 included nearly all of the women in the system.

Perhaps the most interesting project, though most difficult, would be a work on the social history of the convicts. Though most were probably illiterate, it is evident from the clemency requests of some that they were quite capable of written communication. Almost certainly there exists somewhere the correspondence of some of these men. Indeed, there may well be an occasional surviving former convict from this period. As a number of those imprisoned under the lease system were in their teens, if now living they would be nonagenarians. Data from manuscript census returns would also be useful in further

research. Such sources would make possible the telling of a more complete story, one more graphic and personal than we already know.

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