
James T. Rapier, Testimony Before U.S. Senate Regarding the Agricultural Labor Force in the South (1880)

A. Well, sir, there are several reasons why the colored people desire to emigrate from Alabama; one among them is the poverty of the South. On a large part of it a man cannot make a decent living. Another is their want of school privileges in the State: and there is a majority of the people who believe that they cannot any longer get justice in the courts; and another and the greatest reason is found in the local laws that we have, and which are very oppressive to that class of people in the black belt.

Q. State what some of them are.-A. First, we have only schools about three months in the year, and I suppose I need not say anything more on that head. In reference to the poverty of the soil, 33 to 40 per cent of the lands in Alabama is about all on which a man can make a living.

Q. Do you mean the parts that are subdued?-A. Yes, sir; the arable land. The average is one-third of a bale of cotton to the acre, not making three bales to the hand; and a hundred bushels of corn to the hand, on an average. Then take the price of cotton for the last two years; it has not netted more than \$45 to \$47.50 to the bale; and I suppose it would not be amiss for me to state something of the plans of working the land in Alabama.

Mr. Vance. It will be very proper.

The Witness. The general plan is that the landlord furnishes the land and the teams and feed for the teams and the implements, for which he draws one half of the crop. I remarked that the three bales of cotton and a hundred bushels of corn is about all that you can make to a hand. We allow in Alabama that much, for that is as much as a man can get out of it, and that is not enough to support his family, including himself and the feed of his family; \$95 to \$100 is as much as a hand can make, and that is not enough to feed any man in a Christian country. . . .

A. . . . Now, it is very clear that a man cannot live on such terms, and hence the conclusion of many of these people, that there is not a decent living for them in that State. They are like the white people, and their living no better. Numbers of them, probably not less than 20,000 whites, have left Alabama since the war and gone to Texas to better their condition, and the blacks are doing the same thing, and that is the whole there is of it. So far as the negroes are concerned now they have a high desire to submit their fate to their own keeping in another country. Now here is one of the laws which also affects us, to which I will call attention. It is found in the acts of Alabama for 1878-'79, page 63, act No. 57, section 1.

Section 1. *Be it enacted by the general assembly of Alabama*, That section 4369 of the Code be, and the same is hereby, amended so as to read as follows: Any person who shall buy, sell, receive, barter, or dispose of any cotton, corn, wheat,

oats, pease, or potatoes after the hour of sunset and before the hour of sunrise of the next succeeding day, and any person who shall in any manner move, carry, convey, or transport, except within the limits of the farm or plantation on which it is raised or grown, any seed cotton between the hours of sunset and sunrise of the next succeeding day, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than ten nor more five hundred dollars, and may also be imprisoned in the county jail, or put to hard labor for the county, for not more than twelve months. But this section shall not effect the right of municipal corporations to establish and regulate under their charters public markets within their limits for the sale of commodities for culinary purposes, nor the right of any proprietor or owner of any plantation or premises to sell on such plantation or premises the necessary grain and provisions for the subsistence of man and beast for the night to traveling or transient persons, or for the use of agricultural laborers in his own employment on such plantation or premises: *Provided*, That the provisions of such section shall not apply to any person carrying seed cotton to a gin for the purpose of having the same ginned.

Now, the effect of this upon the labor of the South is this: A great many laborers work by the month, but all of them are under contract. If I live three miles from a store, and I must work from sunup to sundown, I cannot go where I can do my trading to the best advantage. A man is prevented, no matter whether his family is sick from sundown to sunrise, from going and selling anything that he has, as the landlord will not give them time between sunrise and sundown.

Q. What was the purpose of this law?-A. It was, as appears from the debates, to keep the negroes from going to stores and taking off seed cotton from the plantation. Certainly it was to have that effect, but it goes further and prevents a man from selling what he has raised and has a right to sell. If a man commits a crime he ought to be punished, but every man ought to have a right to dispose of his own property.

Q. Is there any particular limitation of time to which this law applies?-A. No, sir.

Q. It runs all the year round?-A. Yes, sir.

Q. After the division of the crops as well as before?-A. Yes, sir; it operates so that a man cannot sell his crop at all in many cases.

Q. Do you say that the landlord will not let him sell his crop or that he can prevent it?-A. I say he will not let him do it, because the landlord will not let him take two or three hours out of the time due him in the day to sell it, and the law prevents him from selling at night.

Q. You say the effect of it is not to let him sell his crop at all?-A. I do; for if a man agrees to work from sunup to sundown he is made to do it. I work them that way myself, and I believe all the rest do. . . .

Q. It shall not be lawful to buy or sell seed cotton?-A. Yes, sir.

Q. At any time?-A. Yes, sir; night or day.

Q. From nobody?-A. From nobody.

Q. White or black?-A. White or black; but you see it applies wholly to black counties.

Q. But there are some white people there, are there not?-A. Yes, sir; but I do not know many who raise seed cotton.

Q. I thought something, may be, was left out of that act?-A. No, sir; that is to say, the gist of the matter is this: I may raise as much cotton as I please in the seed, but I am prohibited by law from selling it to anybody but the landlord, who can buy it because he has advanced to me on the crop. One of the rules is this: I have people working for me to day, but I give them an outside patch. If a man makes outside 1,200 pounds of seed cotton, which is worth \$2.50 per 100 pounds, he cannot sell it unless to me. I may say I will give him \$1.50 per 100 pounds for it, and he will be forced to take it; but I cannot sell it again unless I have a merchantable bale, which is 500 pounds, or 450 pounds by the cotton congress.

Q. Then the effect of that law is to place all the seed cotton into the hands of the landlord?-A. Yes, sir.

Q. He is the only purchaser who is allowed by law to buy it?-A. Yes, sir; nobody else can buy it. . . .

Q. I thought the law said that grand larceny should consist of as much as \$235 worth?-A. No, sir; you have not got it right yet. Two ears or a stalk of corn is a part of an outstanding crop, and any man who sells any part of an outstanding crop can be prosecuted and convicted of grand larceny. . . .

The Witness. The point is this: Under the laws of Alabama the probate judge, the clerk, and the sheriff have had the drawing of jurors, and have had since Alabama was admitted as a State; but this bill comes in and covers those counties where the Republicans are likely to have a majority, and where they would draw the jurors. The proper heading of the law might have been, "An act to keep negroes off the juries." I want to state that it is the general opinion of the colored people in Alabama, and I will say of some of the judges, that it is a difficult matter for a colored man to get justice when there is a case between him and a white man. I will cite one of those cases: There was a case in Montgomery in which Judge J. Q. Smith presided. It was a civil suit. A white man had a black man's crop attached, and he had lost it. The colored man sued him on the attachment bond, and employed Judge Gardiner to defend or prosecute it for him. Soon after the case was given to the jury they brought in a verdict for the defendant. Judge Gardiner moved for a new trial, on the ground that the verdict was not in accordance with the facts; and the judge said, "I have observed that where an issue is between a white and a black man before a jury the verdict is almost invariably against the black man. The grounds on which the judge said he would not grant a new trial would be because he thinks the next verdict would not be different from that rendered, and as I do not think there would be a different verdict, I decline to give the new trial."