North Carolina v. Mann [1]

In 1829, John Mann was charged with assault and battery on Lydia, the slave of Elizabeth Jones. Elizabeth was an orphan and a minor, and her guardian Josaih Small, acting in Elizabeth's interest, had hired Lydia out to John Mann in 1828. Every January, across the South, masters and hirers congregated at slave auctions where masters could rent out their slaves for cash. Once the owner had been paid, the slave would live with a temporary master for one year. Although a hirer could discipline a slave, he or she was not considered the slave's owner.

Most slave owners did not like to hire out their slaves, but they did so because it was profitable. Slave owners worried that a hirer would not be invested in keeping the slave healthy and might neglect or abuse slaves and cause them injury. An injured slave could work less and was therefore worth less money.

In a society in which slave ownership was a symbol of wealth, success, and status, poor whites were eager to hire slaves from their owners, even though it cost them more money than hiring a free person. Hiring a slave gave a poor white person the opportunity to participate more fully in the slave system and to feel the power of a slave master, even for a short period of time.

Mann's lawyers appealed the decision. Judge Thomas Ruffin reviewed the case and overturned Mann's conviction. Ruffin's decision, which is provided here, is one of the clearest articulations of the rights of a master over a slave.

The more interesting problem for historians is why Judge Ruffin decided to overturn the decision. Ruffin was a planter, slave owner, and judge, and his family was part of the elite plantation society of the Virginia Tidewater. His family had been part of the slaveholder class since the seventeenth century. Why, then, did Ruffin chose to ignore the legal precedents that had found hirers guilty for brutally attacking slaves, and dismiss the opinion of the men on the jury, all of whom would have been Ruffin's peers? Other slaveholders were interested in preserving the rights of the master over the hirer, so why did Ruffin differ in his opinion?

Historians speculate that Ruffin was taking into consideration newer arguments circulating among elite planters that called for intensifying of the slave system. Following the successful slave revolt in Haiti in 1804, which saw a planter class ousted by slaves, and unsuccessful slave revolts in Richmond (1800) and Charletson (1822), some planters believed that the laws governing slavery needed to be tougher. Ruffin's arguments reflect this sentiment. Following Nat Turner's rebellion, more planters came to agree that the power of whites over enslaved people had to be absolute.

During the early national period, judges in Virginia had argued against the interference of the courts in relationship of a master and his slave, even if the slave died due to cruel and unusual punishments. The judges worried that if a court found in favor of a slave, it would undermine the system of slavery; the master's power had to be absolute.

Ruffin used this rationale, but he extended this argument to include hirers. In extending this argument to include Mann, a poor man who would not have been seen by planters as a man worthy of the power of a master, Ruffin helped solidify the absolute power of slave masters — temporary or otherwise — over slaves, and he reversed a decision that appeared to sympathetic to a slave. After all, Lydia had been injured when she fled from a white man, and in reversing the decision, Ruffin implicitly argued for absolute white power over enslaved men and women.

Ruffin's decision had unintended consequences. He had little influence on later case law — historians know of few other cases in which a temporary master was afforded the absolute right of the slave owner. But his decision fueled the cause of abolitionists in the North. Abolitionists found Ruffin's articulation of the absolute rights of masters over slaves horrifying, and excerpts from this decision were reprinted in abolitionist papers across the northern United States.

PRIOR HISTORY: The Defendant was indicted for an assault and battery upon Lydia, the slave of one Elizabeth Jones.

On the trial it appeared that the Defendant had hired the slave for a year -- that during the term, the slave had committed some small offence, for which the Defendant undertook to chastise her -- that while in the act of so doing, the slave ran off, whereupon the Defendant called upon her to stop, which being refused, he shot at and wounded her.

His honor Judge **DANIEL** charged the Jury, that if they believed the punishment inflicted by the Defendant was cruel and unwarrantable, and disproportionate to the offence committed by the slave, that in law the Defendant was guilty, as he had only a special property in the slave.

A verdict was returned for the State, and the Defendant appealed.

DISPOSITION: Judgment reversed, and judgment entered for the Defendant.

OPINION: RUFFIN, Judge. -- A Judge cannot but lament, when such cases as the present are brought into judgment. It is impossible that the reasons on which they go can be appreciated, but where institutions similar to our own, exist and are thoroughly understood. The struggle, too, in the Judge's own breast between the feelings of the man, and the duty of the

magistrate [2] is a severe one, presenting strong temptation to put aside such questions, if it be possible. It is useless however, to complain of things inherent in our political state. And it is criminal in a Court to avoid any responsibility which the laws impose. With whatever reluctance therefore it is done, the Court is compelled to express an opinion upon the extent of the dominion [3] of the master over the slave in North-Carolina.

The indictment [4] charges a battery on Lydia, a slave of Elizabeth Jones. Upon the face of the indictment, the case is the same as *the State v. Hale*. (9 N.C. 582, 2 Hawks 582.) -- No fault is found with the rule then adopted; nor would be, if it were now open. But it is not open; for the question, as it relates to a battery on a slave by a stranger, is considered as settled by that case. But the evidence makes this a different case. Here the slave had been hired by the Defendant, and was in his possession; and the battery was committed during the period of hiring. With the liabilities of the hirer to the general owner, for an injury permanently impairing the value of the slave, no rule now laid down is intended to interfere. That is left upon the general doctrine of bailment. The enquiry here is, whether a cruel and unreasonable battery on a slave, by the hirer, is indictable [5]. The Judge below instructed the Jury, that it is. He seems to have put it on the ground, that the Defendant had but a special property. Our laws uniformly treat the master or other person having the possession and command of the slave, as entitled to the same extent of authority. The object is the same -- the services of the slave; and the same powers must be confided. In a criminal proceeding, and indeed in reference to all other persons but the general owner, the hirer and possessor of a slave, in relation to both rights and duties, is, for the time being, the owner. This opinion would, perhaps dispose of this particular case; because the indictment, which charges a battery upon the slave of Elizabeth Jones, is not supported by proof of a battery upon Defendant's own slave; since different justifications may be applicable to the two cases. But upon the general question, whether the owner is answerable criminaliter, for a battery upon his own slave, or other exercise of authority or force, not forbidden by statute, the Court entertains but little doubt. -- That he is so liable [6], has never yet been decided; nor, as far as is known, beenhitherto [7] contended. There have been no prosecutions of the sort. The established habits and uniform practice of the country in this respect, is the best evidence of the portion of power, deemed by the whole community, requisite [8] to the preservation of the master's dominion. If we thought differently, we could not set our notions in array against the judgment of every body else, and say that this, or that authority, may be safely lopped off. This has indeed been assimilated at the bar to the other domestic relations; and arguments drawn from the well established principles, which confer and restrain the authority of the parent over the child, the tutor over the pupil, the master over the apprentice, have been pressed on us. The Court does not recognize their application. There is no likeness between the cases. They are in opposition to each other, and there is an impassable gulf between them. -- The difference is that which exists between freedom and slavery -- and a greater cannot be imagined. In the one, the end in view is the happiness of the youth, born to equal rights with that governor, on whom the duty devolves [9] of training the young to usefulness, in a station which he is afterwards to assume among freemen. To such an end, and with such a subject, moral and intellectual instruction seem the natural means; and for the most part, they are found to suffice [10]. Moderate force is superadded [11], only to make the others effectual. If that fail, it is better to leave the party to his own headstrong passions, and the ultimate correction of the law, than to allow it to be immoderately inflicted by a private person. With slavery it is far otherwise. The end is the profit of the master, his security and the public safety; the subject, one doomed in his own person, and his posterity, to live without knowledge, and without the capacity to make any thing his own, and to toil that another may reap the fruits. What moral considerations shall be addressed to such a being, to convince him what, it is impossible but that the most stupid must feel and know can never be true -- that he is thus to labour upon a principle of natural duty, or for the sake of his own personal happiness, such services can only be expected from one who has no will of his own; who surrenders his will in implicit obedience to that of another. Such obedience is the consequence only of uncontrolled authority over the body. There is nothing else which can operate to produce the effect. The power of the master must be absolute, to render the submission of the slave perfect. I most freely confess my sense of the harshness of this proposition, I feel it as deeply as any man can. And as a principle of moral right, every person in his retirement must repudiate it. But in the actual condition of things, it must be so. There is no remedy. This discipline belongs to the state of slavery. They cannot be disunited, without abrogating [12] at once the rights of the master, and absolving the slave from his subjection [13]. It constitutes the curse of slavery to both the bond and free portions of our population. But it is inherent in the relation of master and slave.

That there may be particular instances of cruelty and deliberatebarbarity [14], where, in conscience the law might properly interfere, is most probable. The difficulty is to determine, where a Court may properly begin. Merely in the abstract it may well be asked, which power of the master accords with right. The answer will probably sweep away all of them. But we cannot look at the matter in that light. The truth is, that we are for-bidden to enter upon a train of general reasoning on the subject. We cannot allow the right of the master to be brought into discussion in the Courts of Justice. The slave, to remain a slave, must be made sensible, that there is no appeal from his master; that his power is in no instance, usurped [15]; but is conferred by the laws of man at least, if not by the law of God. The danger would be great indeed, if thetribunals [16] of justice should be called on to graduate the punishment appropriate to every temper, and every dereliction ofmenial [17] duty. No man can anticipate the many and aggravatedprovocations [18] of the master, which the slave would be constantly stimulated by his own passions, or the instigation [19] of others to give; or the consequent wrath of the master, prompting him to bloody vengeance, upon the turbulent [20] traitor -- a vengeance generally practised withimpunity [21], by reason of its privacy. The Court therefore disclaims the power of changing the relation, in which these parts of our people stand to each other.

We are happy to see, that there is daily less and less occasion for the interposition of the Courts. The protection already afforded by several statutes, that all-powerful motive, the private interest of the owner, the benevolences towards each other, seated in the hearts of those who have been born and bred together, the frowns and deep execrations [22] of the community upon the barbarian, who is guilty of excessive and brutal cruelty to his unprotected slave, all combined, have produced a mildness of treatment, and attention to the comforts of the unfortunate class of slaves, greatly mitigating [23] the rigors of servitude, and ameliorating [24] the condition of the slaves. The same causes are operating, and will continue to

operate with increased action, until the disparity in numbers between the whites and blacks, shall have rendered the latter in no degree dangerous to the former, when the police now existing may be further relaxed. This result, greatly to be desired, may be much more rationally expected from the events above alluded to, and now in progress, than from any rash expositions of abstract truths, by a Judiciary tainted with a false and fanatical philanthropy, seeking to redress an acknowledged evil, by means still more wicked and appalling than even that evil.

I repeat, that I would gladly have avoided this ungrateful question. But being brought to it, the Court is compelled to declare, that while slavery exists amongst us in its present state, or until it shall seem fit to the Legislature to interpose express enactments to the contrary, it will be the imperative [25] duty of the Judges to recognize the full dominion of the owner over the slave, except where the exercise of it is forbidden by statute. And this we do upon the ground, that this dominion is essential to the value of slaves as property, to the security of the master, and the public tranquillity, greatly dependent upon their subordination; and in fine, as most effectually securing the general protection and comfort of the slaves themselves.

PER CURIAM. -- Let the judgment below be reversed, and judgment entered for the Defendant.

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People:

John Mann

John Mann was a poor white mariner (sailor) who lived in Edenton, North Carolina. During his life, Mann suffered from financial woes. In 1812 he became bankrupt and served time in a debtors' prison. He lost the deed to his house to creditors, and although he continued to live in his home, he was a renter and never reclaimed his property.

There are no records of Mann ever owning a slave, and given his economic hardship, it is unlikely that he was ever a slave owner. The best Mann could do was to hire a slave.

The fact that Mann was not a slave owner helps us understand why a jury in Edenton would have convicted him of assault and battery. To serve on a jury in 1820s North Carolina, a person had to be a property owner, and most property owners would have owned slaves. Moreover, although the men on the jury probably knew Mann, they were social peers with Lydia's former owner, now deceased, and her guardian. In finding Mann guilty of assault and battery, the jury's decision was in keeping with other legal decisions handed down in similar cases. Slave owners wanted to differentiate between masters and hirers and to limit the rights of hirers to inflict physical damage on a slave.

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