


1973

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### Recommended Citation

Klingman, Peter D. (1973) "A Florida Slave Sale," *Florida Historical Quarterly*. Vol. 52 : No. 1 , Article 7.  
Available at: <https://stars.library.ucf.edu/fhq/vol52/iss1/7>

## A FLORIDA SLAVE SALE

by PETER D. KLINGMAN\*

**O**F ALL THE activities connected with the system of American Negro slavery, one of the less documented and less well-known aspects is that of free Negroes who purchased and owned slaves. (Generally it is believed that the majority of free blacks who owned slaves purchased them for reasons of personal interest and involvement. There are known examples of free black husbands who bought their slave "wives" as well as instances in which the reverse took place. In other recorded cases, the slaves were the children of a free-slave "marriage." In still others, relatives and friends similarly were rescued from the "peculiar institution." Also, there are documented references to some few instances in which free blacks apparently engaged in buying and selling slaves for economic gain.<sup>1</sup>

Almost nothing is known of this aspect of slavery in Florida. Indeed, little enough is known about the condition of the state's free Negro population in the territorial and antebellum periods. Before the Civil War there were approximately 1,000 free Negroes scattered across Florida, and most were located in present-day Duval, Escambia, Leon, and St. Johns counties.<sup>2</sup> No single region (contained a significant number; overall the same held true, as the free black population never reached as high as three per cent of the total prior to the war.<sup>3</sup>

The documents below record the sales in 1839 and again in 1844 of a slave named Jimmy Gibbs. Not only do they throw light on this neglected aspect of slavery, but they are also suggestive concerning the free black population of Florida. On March 5, 1839, George Gibbs, clerk of the territorial grand jury

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1. See, for example, the cases of Cyprian Ricard, Charles Rogues, and Marie Metoyer, all free Negroes who owned large numbers of slaves for their own ends, cited in John Hope Franklin, *From Slavery to Freedom: A History of Negro Americans*, 3rd ed. (New York, 1966), 224.
2. Russell Garvin, "The Free Negro in Florida Before the Civil War," *Florida Historical Quarterly*, XLVI (July 1967), 7-8.
3. *Ibid.*

in the district of East Florida, issued the following notice to his slave, Jimmy, whom Gibbs wished to sell:

The bearer Jimmy being unwilling to be removed to Savannah, having a wife here whom he says cannot be purchased; I give him permission to look for a Master and my lowest price for him is seven hundred dollars.<sup>4</sup>

It is not especially surprising to find a slaveowner who took pains to keep a slave "marriage" together. Gibbs, brother-in-law of the successful if eccentric slavetrader Zephaniah Kingsley, was one of East Florida's more prominent citizens. Before his death in 1848, Gibbs held a succession of posts, including Collector pro-tem and Inspector of Customs, in St. Augustine. Being well-connected by marriage and successful in his own right, Gibbs no doubt could afford to be humane to his slaves. Many slave masters, either for reasons of humanity or guilt, urged that slaves who lived as man and wife be kept near each other when owned by different masters. There were also many instances in which slaves were allowed to hire themselves out for work. One of the better known examples is that of Frederick Douglass, who was given permission to find his own work in the Baltimore shipyards as a caulker by his master Hugh Auld.<sup>5</sup> What is most unusual about the note written by Gibbs is, of course, the freedom to find his own new master offered to Jimmy.

It is unlikely that this was a common practice in territorial St. Augustine. Relaxations in the slave code met with strong disapproval from the grand jury of the district. That body had ended its spring 1844 term by "referring to certain matters which they deem worthy to be laid before their fellow Citizens."<sup>6</sup> Chief among their concerns was the practice of permitting slaves to become "free dealers"—those who were allowed to go out for hire on their own. Such practices, it was felt, led to a "relaxation

4. Letter signed by George Gibbs, 1839, No. 105100, Florida State Museum, University of Florida, Gainesville; original in the Gibbs Family Case, Kingsley Plantation, Ft. George Island. For biographical information of George Gibbs, see Margaret Gibbs Watt, comp., *The Gibbs Family of Long Ago and Near at Hand, 1337-1967* (n.p., 1968), 17-18.

5. Frederick Douglas, *Life and Times of Frederick Douglass* (New York, 1962), 189.

6. "Presentment of Grand Jury, District of East Florida," June 19, 1844, in Clarence E. Carter, ed., *Territorial Papers of the United States: Florida Territory*, 26 vols. (Washington, 1956-1962), XXVI, 915-16.

of discipline, . . . a forgetfulness of duty, . . . [and] gives them the possession of money and affords them the means of debauchery." This could only lead to the "ultimate ruin" of the slaves.<sup>7</sup>

One can easily imagine the exasperation of at least some St. Augustine whites when Jimmy that same day sold himself to Andrew Sabata (an apparent alias), a free black of the city. He paid in cash the full asking price for the slave:

Received St. Augustine March 5 1839 from Andrew Sabata a Black man the sum of seven hundred dollars in full payment for a certain black man named Jimmy, whom I have this day sold and delivered to him, and which said black man Jimmy to the said Andrew Sabata, I do by these presents warrant and defend against my heirs and against all and every person or persons whatsoever.<sup>8</sup>

Equally as fascinating as the freedom to sell himself to whomever he chose, and then doing so to a free black, is the fact that five years later Andrew Sabata sold Jimmy to a white auctioneer of St. Johns County, R. D. Fontaine. Sabata's sale, concluded using his real name, Andrew Pow, was agreed to by his "guardian," James M. Gould, editor of the St. Augustine *Florida Herald*:

Know all men by these presents that I Andrew Pow alias Andrew Sabata, of the City of St. Augustine in said County forward in consideration of the sum of one hundred dollars [illegible word] in hand paid by Rafael D. Fontaine of said City . . . do bargain, sell, release, grant, and confirm, unto the said Fontaine, a certain negro slave named "Jimmy Gibbs" being the same negro sold by George Gibbs to said Andrew, as will appear by reference to a certain Bill of Sale from said George Gibbs to said Andrew.<sup>9</sup>

After the illiterate Andrew Pow made his mark, Gould, his "guardian," affixed his own signature in agreement.<sup>10</sup>

There is no indication as to why Andrew Pow used an alias, but the drop in price for Jimmy Gibbs at least suggests that Andrew was trying to keep himself out of the grip of the "pecul-

7. *Ibid.*

8. Bill of Sale for Jimmy Gibbs, Territory of Florida, 1844, No. 105101, Florida State Museum; original in the Gibbs Family Case.

9. *Ibid.*

10. *Ibid.*

iar institution." In Florida, as elsewhere where slavery flourished, free Negroes could be sold to pay bad or outstanding debts. It is clear that Andrew had to have permission from his "guardian" before the transaction could take place. In 1842 the territorial council of Florida passed a law that required free Negroes who had entered the Florida territory after 1819 to have a white "guardian." According to its provisions, local judges granted certificates of guardianship to "proper and discreet" individuals. These certificates, which cost only \$1.00 each, enabled their holders to enjoy almost all the benefits of slaveowning, except the right of bodily property. The slave code prevailed in all other respects in both types of black-white relationships.<sup>11</sup> Had the law existed in 1839, no doubt Andrew Sabata-Pow would not have been able to buy the slave in the first place.

For Jimmy, however, the buying and selling of his person that day, September 28, 1844, was not finished. Fontaine immediately turned him over for the same price as he had paid to Pow to George R. Fairbanks, then clerk of the superior court of the district of East Florida:

For and in consideration of the sum of one hundred dollars to me in hand paid, the receipt whereof I do hereby acknowledge, I Rafael D. Fontaine, within named, do sell, assign, transfer, and set-over to George R. Fairbanks all my right-title and interest in said negro slave named Jimmy Gibbs. To have and to hold the same unto the said George R. Fairbanks, his heirs, and assigns forever.<sup>12</sup>

The sequence of events suggested by the documents raises questions about the nature of the institution of slavery and of the free blacks who lived beside it in pre-Civil War Florida. It would be of interest to know why Andrew Pow used an alias when he purchased Jimmy in 1839, and why he had discontinued using it in 1844. If he himself were a fugitive slave, which would have been unlikely since only free blacks could sell property and needed the signatures of "guardians," in what kind of work could he amass \$700 in cash? Of course, it can only be a matter

11. *Acts and Resolutions of the Legislative Council of the Territory of Florida*, 20th sess. (Tallahassee, 1842), 34-36.

12. Bill of Sale for Jimmy Gibbs, 1844. Fairbanks later was to serve in the Florida legislature and became the first president of the Florida Historical Society.

of guesswork and imagination to conceive of the possible anguish that Andrew Pow and Jimmy may have experienced in their parting in 1844.

There can be little question, however, that the Florida guardian law passed in 1842 reflected to some extent social repercussions from the 1839 transaction. Few slaveholders could witness with equanimity slaves acting in non-customary ways, and nothing could be more revolutionary than slaves who searched out their own masters and sold themselves to free blacks. The slave institution was more than an economic institution; it also defined the entire bi-racial structure of the South, white superiority and black inferiority. A black slaveowner like Andrew Pow could upset the whole thing.