By utilizing primary and secondary source material, this essay attempts to examine both the use of slavery during the construction of the Tennessee State Capitol and the lives of the slaves involved. Though written histories on the Capitol agree that slavery was used at the construction site, no further details are given. The goal of this essay is to bring to light the full story of the group of slaves that were involved in the construction. In the spring of 1846, fifteen slaves, all men, were loaned to the state government by A.G. Payne, a Nashville stone mason. For nearly a year they carved out the Capitol's cellar, their skilled labor worth nearly twice as much as the unskilled labor of free men. These slaves broke through tons of limestone rock, carting it away after digging. When construction required skilled stonemasons, the slaves returned to their master's properties. For fourteen years up until Payne's death, they worked at both a farm and brick factory, the monotony briefly punctuated by being hired out. Due to debts incurred by Payne just before his death, the slaves were to be sold. The Civil War imminent, the slaves remained with Payne's widow until their emancipation. After emancipation, the records on all but three of the men stop completely. Out of the three remaining men, the children of one were prospering. They had been taught to read. The government their father had helped physically build was finally working for their interests.

Construction of the Capitol

When construction of the Tennessee State Capitol was still in its planning stages, the Tennessee General Assembly approved the use of prisoners from the state prison as a source of labor. It appeared at the time that prison labor would save the state a considerable sum of money. In a brief letter dated 10 September, 1845, the Committee on Capitol Construction asked Tennessee's Secretary of State, Dr. John S. Young, whether using prison labor would be adequately profitable and if prison labor would produce the desired result during construction. Dr. Young's opinion was seen as necessary since he had acted as a prison inspector over the previous two years.

Dr. Young's long reply gave a rather complex answer to the questions posed to him. He fully agreed with the suggestion that prison labor would act as an effective cost cutting measure. The state “would have nothing to risk,” he reported. “It would in my view be a measure of economy, from which compensating advantage might be expected.” Yet there was one issue in particular about which Dr. Young felt very strongly. “There is generally a very small number of convicts that can be worked without the walls of the Prison,” he warned. Subordination required “the potency of the stone wall.” Feeling that it would pose a threat to public safety to allow the prisoners to work outside prison walls, Dr. Young suggested that, “fifteen or twenty likely, active, and intelligent negro men,” work at the construction site while the prisoners worked at the limestone quarries away from the city.

The following spring, the committee made an agreement with a Nashville stone mason, A.G. Payne, to hire “15 able bodied negro men at $18 per month, and their overseer for $30 per month...”. In Mary Gadski's essay, “The Tennessee State Capitol: An Architectural History”, she uses Payne's contract to clearly show that slaves were used at the Capitol site. Immediately after citing the contract reproduced above she remarks that, “Thus the use of slave labor on the Capitol grounds is well documented”.

It should be noted at this point that the identities of twelve of the fifteen slaves were recorded in a September 1846 payment to A.G. Payne: Lewis, Daniel, Robert, Nelson, John, Parker, Dang, Bill, John G, John, Andrew and Jim. Each slave was listed with Payne’s last name and the amount paid for each was consistent with the eighteen dollars a month agreement for each slave. The absence of the names of three slaves is explained later in this essay.

To understand these slaves, one must under-
stand their master, A.G. Payne. Payne’s involvement with the construction of the Capitol began in 1845 when he was contracted to remove over 8,000 cubic yards of material from the Capitol site in order to create a level foundation.\(^{11}\) For his eighteen month involvement in the construction, Payne was paid a total of $7,502, a sum that included the hiring of his slaves. His company was the largest single contractor during the first eighteen months of construction, accountable for 10.4% of all payments made by the Committee during this time.\(^{12}\)

Yet what of his slaves, what work did they do once rented to the state government? First of all, their contract was not unusual. The hiring out of slaves was common in Tennessee and the rest of the antebellum South. It is no surprise either that January 1847 was the last time Payne received a payment for his slaves; most terms of hire usually ran out the January after the signing of any labor contract.\(^{13}\) Yet Payne’s slaves were a special case when viewed in the context of the use of slavery in Tennessee. Most hired slaves in Tennessee’s urban areas and towns performed domestic service.\(^{14}\) Also, during research on the use of slave labor in Tennessee, the author was unable to find another instance in a primary or secondary source where the state government rented slaves. Though it would be premature to say that this was the only case between the State’s founding in 1796 and the end of the Civil War, the lack of evidence suggests that the construction of the Tennessee State Capitol was the most significant project where the state government rented slave labor.

The consideration of a few factors can paint a clearer picture of the work these slaves accomplished. On May 16th, 1845, the Capitol’s architect, William Strickland, requisitioned the Committee for the tools necessary to excavate the site. The list asks for, among other things, “6 crow bars 5 feet in length...6 picks...8 Wheel Barrows without sides...12 spades and shovels...4 Carts & Horses...4 buckets”. Strickland even included drawings of how the crowbars and picks should look.\(^{15}\) Even though the site was prepared enough by the fourth of July, 1845 to lay the cornerstone, it is very likely that the slaves used the same tools when they arrived at the site in 1846.

Another factor that would have influenced how the slaves worked was even more important: the geography of the site. Like most of Middle Tennessee, the location of the State Capitol is a large limestone formation covered with a thin layer of soil.\(^{16}\) Considering that preparation of the site had been going on for some time before the slaves arrived, it is reasonable to say that the slaves were used solely to excavate the must heavier limestone rock during the creation of the Capitol’s cellar. The long crowbars and picks Strickland had requisitioned no doubt came in handy during the strenuous labor.

Though using slaves for manual labor was nothing new in the antebellum South, William Strickland’s involvement in the construction added a new factor to the equation. Specifically, did Strickland oppose the use of slave labor because he was a northerner? His correspondence suggests a man less concerned with the issue of slavery than finishing his projects. In a November 1847 letter to James Williamson, Chairman of the Committee on Public Buildings and Grounds, Strickland lists an estimated labor cost for 1848. With his goal “to insure a rapid advancement in the building of the State Capitol,” Strickland suggests that among other laborers the state reacquire “8 Negro laborers at the building” for an annual price of eight hundred dollars, less than half the monthly rate at which A.G. Payne rented his slaves.\(^{17}\) Though this letter does not present a clear image concerning Strickland’s views on slavery, by advocating the use of slave labor on his project, Strickland appeared to have no qualms with the practice. Interestingly, even though Strickland made this recommendation no primary or secondary source suggests that slaves were used again at the construction site after Payne’s slaves had stopped working in January 1847.

Strickland’s letter, though, may clear up the issue of why the names of three of the fifteen slaves leased to the state by A.G. Payne were not accounted for on his September 1846 payroll. Considering that the Committee would have needed skilled labor as time went on, specifically stone masons, the need for slave labor would have diminished over time. If Strickland was requesting only eight slaves at the end of 1847 the Committee might have realized that Payne’s fifteen slaves were three more than actually needed after the initial contract was signed in the spring of 1846. Without their names on the payroll it is near impossible to say what if any work these three remaining slaves did at the Capitol site.

That’s not to say that the Committee thought little of the labor that Payne’s slaves were doing. Like previously stated, A.G. Payne received $18 a month for the labor of each slave. This figure alone is meaningless in determining how much the labor
of these slaves was actually worth. At first glance one can not determine if these payments were generally high or low. In Chase Mooney’s 1939 doctoral dissertation at Vanderbilt University, *Slavery in Tennessee*, Mooney provides an answer through his investigation of the worth of labor throughout the first half of 19th century.

Mooney comes to the conclusion that free, “Unskilled labor was valued at $10 per month and “keep,” and slaves rented for $80 to $100 per year, plus “keep.””18 Translating these last two figures, a slave would usually bring his master roughly $7 or $8 a month. That’s less than half of what the Committee paid A.G. Payne. Even unskilled free labor fetched a much lower price than Payne’s slaves. This evidence not only shows that the Committee was confident in Payne’s slaves, yet it also suggests that the slaves were skilled to a certain degree. Working from the spring of 1846 to January 1847 they used picks and crowbars to break limestone, carrying it away on flatbed wheel barrows. The site already leveled off for the groundbreaking ceremony in 1845, the slaves’ job was no doubt the creation of the Capitol’s cellar. There is a big difference between digging a ditch and carving a cellar to exact specifications. The nature of the work definitely influenced the slaves’ monthly rate. Unfortunately, this means that the contribution of these slaves is hidden to those viewing the Capitol from the outside. These slaves, whether twelve or the full fifteen, helped create one of the most recognizable buildings in Tennessee.

The Slaves and Their Master

What did these slaves experience once they left the Capitol? The story of their lives did not end when they finished the work for which history knows them. Like all slaves in the antebellum South, the lives of these slaves were greatly influenced by their master. This essay must look even closer at A.G. Payne. Payne, born in 1810, became active in Nashville construction in the mid 1840s. Two years after his involvement at the Capitol, he participated in the construction of the First Presbyterian Church in downtown Nashville, a landmark also designed by William Strickland. Payne was listed as one of the two primary masons to work on the church’s foundation.19 Around the same time Payne was contracted by the Adelphi Theatre Company to provide the stone and masonry for the Adelphi Theatre’s foundation.20 Payne was eventu-
entitled *Memo: A.G. Payne Estate Sept. 1862*, the property list clearly states that twenty eight slaves worth a total of $7,500 were part of the estate. The document also gives some revealing information into how Payne used his slaves. Though the number of slaves for that year is not listed, the estate made a $2,038 profit from the hiring out of slaves in 1861. This information suggests that Payne’s slaves were rented out over the years and thus had experienced regular contact with the outside world.

Certain documents concerning the Payne estate put into question how many of the twenty eight slaves owned by the estate were truly A.G. Payne’s. In May 1860, Olivia Payne received seventeen slaves from her father. The gift was a joint transfer with her brother, Marmaduke Cox. The two owned the slaves equally, the last surviving sibling having the right to claim full ownership. A question arises: were these slaves included in the figure of twenty eight reported above? The answer is a clear no. The value of these seventeen slaves came to $15,590, nearly double the worth of the twenty eight slaves reported in 1862. The slaves Olivia Payne owned jointly with her brother were not included in her husband’s estate. These twenty eight slaves owned by the Payne estate in 1862 were slaves bought by Payne before his death. This being the case, it is reasonable to believe that some if not all of the same slaves that worked on the Capitol stayed with their master for the rest of his life.

Besides, Olivia Payne was in no position to acquire more slaves between her husband’s death and the report on the estate a year later. In May 1860, A.G. Payne went into a business venture with an associate, G.C. Torbitt, to buy a tannery in Chattanooga, Tennessee. They took out a loan from The Union Bank in Nashville to cover the expenses. Payne agreed to pay, “$60,000—the purchase money...to be payable in six equal installments at 6, 12, 18, 24, 30, and 36 months with interest from 29 August 1860”. Payne did not live to make the first payment. After Payne’s death, E.F. Mulloy claimed in Nashville’s Chancery Court that the estate was “largely indebted perhaps to insolvency.” In order to pay the $60,000 dollars, the court ordered a sale of the estate’s interest in the tannery along with the amount of property necessary to cover the debt. The slaves in Payne’s estate were to be sold in order to pay off a loan.

For a variety of reasons, most importantly the emancipation of slaves at the end of the Civil War, the sale of the slaves never came to pass. As stated before, the public records concerning A.G. Payne contain no receipt for the sale of a slave. Without a record, it is impossible to know what these slaves did during the war years. Yet one thing is for sure: after the war ended they were not welcome to stay on their old master’s land.

After the Civil War ended in 1865, county officials carried out the Chancery Court’s 1860 ruling. With E.F. Malloy supervising the sales, the land once owned by A.G. Payne was sold off piecemeal. Payne’s large four hundred and six acre farm on Murfreesboro Turnpike was sold in five separate tracts of land in October 1868; the largest piece was one hundred and sixty five acres. The freed slaves, even if they had wanted to, could not stay as sharecroppers without having to deal with new, unfamiliar people. Due to the training they had received, those who had worked in Payne’s brickyard would have been slightly better off after their emancipation. In the end, though, the former slaves who had helped construct the Capitol found themselves in the same position as four million other newly emancipated people: empowered by their freedom but ultimately limited due to what the South would soon become in terms of race relations.

**Life After Emancipation**

One question remains. What happened to these fifteen slaves after their emancipation? Where did they move, how did they make a living? An accessible piece of information to aid in tracking down these slaves is their year of birth. Before the Civil War, a slave schedule was compiled every ten years during the same time as the national census. The difference is that only the slaves’ ages but not names were recorded. The 1850 slave schedule, the one chronologically closest to the involvement of A.G. Payne’s slaves at the Capitol site, gives valuable biographic information about these slaves.

In 1850 A.G. Payne owned seventeen male slaves that would have been between the ages of fifteen and forty-five in 1846. All were listed as black and not mulatto. The final variable to consider is the surname the slaves would have taken upon emancipation. Though not done universally, a fair number of former slaves did take their masters’ surname. Considering the limited information concerning the emancipation of Payne’s slaves, one of the last avenues of investigation is to check the 1870 census with the assumption that these fifteen...
slaves took Payne as their surname.

Knowing the slaves’ first names, approximate ages, and racial description narrowed the search considerably. The author found the records of three men, one Davidson County and two Robertson County residents. Their location is very important since it puts these men within twenty five miles of A.G. Payne’s former farm. This information coupled with the facts already known about Payne’s slaves leaves little doubt that aforementioned three men were present at the Capitol construction site in 1846.

The first was Nelson Payne. Born in 1815, he was twenty-one years old during his involvement with the Capitol’s construction. Fifty five years old in 1870, he had settled in Robertson County’s District No. 1 with his wife and eight children. Like many emancipated slaves in the years immediately after the Civil War, Nelson was a farm laborer. Nelson, though, was the most financially successful of the three men, having a personal wealth of five hundred dollars. All but one of his children had been born into slavery.

The second of the men was Robert Payne, seventeen years old during his involvement in the construction of the State Capitol. Forty two years old in 1870, he lived in Robertson County’s 2nd District along with his wife, three children, and a seventy year old woman that was either Robert or his wife’s mother. Robert owned no property or personal wealth and his occupation was listed as domestic servant. His twenty year old son, Harry, was following in his father’s footsteps with the same occupation. Unlike Nelson, all of Robert’s children had been born into slavery.

Finally, there was Daniel Payne. Fifty six years old in 1870, he and his seven children lived in Davidson County’s 19th Civil District. Like Robert he owned no property and like Nelson he was a farm laborer. Yet there was a major difference between his family when compared to Nelson and Robert’s: Daniel’s four youngest children were deemed literate in the census. Though all born slaves, these four children were receiving the education denied to their father and the rest of the slaves that worked with him on the Capitol. It seemed as if the state government that Daniel had helped physically build was finally working for his interests and not the other way around.

That turnaround had begun as early as 1863 when then Governor of Tennessee and future President, Andrew Johnson, gave a rousing speech against slavery at the State Capitol. The New York Times paraphrased him as saying:

“Slavery was a cancer on our society, and the scalpel of the statesman should be used not simply to pare away the exterior and leave the roots to propagate the disease anew, but to remove it altogether...It is neither wise nor just to compromise with an evil so gigantic...the sooner it can be effected the better.”

Johnson’s words were met with great applause. The building these slaves constructed so their government could rule over them in comfort had become a forum for their liberation.

Our Living History

This essay has attempted to create a portrait of the lives of a handful of individuals, fifteen slaves who became free men. Though the preceding pages may have somewhat righted the historical record, the sign in front of the Capitol mentioned at the beginning of this essay still portrays only a half truth. It’s not for this author to say how these slaves should be remembered. Yet recent events at the United States Capitol in Washington D.C. suggest that the time has come to finally set straight the official history concerning the use of slave labor during the construction of the Tennessee State Capitol.

In November 2007 the United State House of Representatives voted 398-6 to rename the Capitol Visitor Center room Emancipation Hall in honor of the slaves who helped construct the United States Capitol. Senator Dianne Feinstein was quoted as saying that the renaming allows Americans to “recognize both the brutal truth of our nation’s past and the importance of freedom as a pillar of modern America”. In light of the recent action taken by the federal government, the time could not be any better for Tennessee to show its appreciation in its strikingly similar case.

The fifteen slaves who participated in the construction of the Capitol made a significant contribution to their state and country that we appreciate to this day. Knowing the story of these slaves adds to both the history of the Capitol and the broad topic of slavery’s impact in Tennessee. By accepting the unfortunate irony that slavery was used to construct a building meant for the purpose of democracy, we can truly appreciate how far that democracy has come in the time since these slaves left their mark on history. As the beneficiaries of these slaves’ work, we must provide the correct and
appropriate recognition these slaves earned over a century and a half ago.

References

1. See Appendix A
4. John M. Bass, S.D. Morgan, and Joseph T. Elliston
6. Ibid. pg 59.
7. Ibid. pg 62-63.
9. Ibid.
10. “Commissioners of the State Capitol to AG Payne and Co. 17 Sept 1846.” 3-8 Capitol Construction Financial Statements(Payrolls) (TSLA, Microfilm D-3-8, Aug-Sept 1846), 42B.
15. William Strickland, Requisition to John M. Bass (TSLA, 16 May 1845) Microfilm K-2-12-1
16. See Appendix B
17. William Strickland, Letter to James M. Williamson (TSLA, 29 November 1847)
18. Chase Curran Mooney, Slavery in Tennessee (Diss. Vanderbilt University, 1939): 61
20. Linda Center Chancery Court, the Adelphi, and Adolphus Heiman http://pages.prodigy.net/nhn.slate/nh00035.html
21. Gilman vs. Adelphi Theatre Co. et al. (Chancery Court Records, Davidson County Archives), File 708.
22. Chase Curran Mooney, “Slavery in Tennessee” (PhD diss., Vanderbilt University, 1939), Table VI-Landowning Slaveowners, 1850.
23. In 1860, their ages were four, three, and one, respectively.
27. Mulloy E.F. v. Payne, Olivia and Others (Chancery Court Records, Davidson County Archives), File 3721, Part III.
28. Mulloy E.F. v. Payne, Olivia and Others (Chancery Court Records, Davidson County Archives) File 3721, Part II.
29. Mulloy, E.F. vs. Torbitt, G.C. (Chancery Court Records, Davidson County Archives), File 3114.
30. Ibid.
31. Ibid.
32. Mulloy E.F. vs. Payne, Olivia and Others (Chancery Court Records, Davidson County Archives), File 3721, Part III.
33. Slave Schedules of the Seventh Census of the United States, 1850. (TSLA, National Archives and Records Administration, Microfilm Roll No. 1), 759.
35. Ibid. (TSLA 2nd District), 9.
36. Ibid. (TSLA, Microfilm Roll No. 10, D-2, 19th Civil district), 16.
“House approves giving the name Emancipation Hall to Capitol Visitor Center room.”

Primary Sources

“Commissioners of the State Capitol to AG Payne and Co. 17 Sept 1846” 3-8 Capitol Construction Financial Statements(Payrolls) Aug-Sept 1846 Microfilm D-3-8-42B.
“Population Schedules of the Ninth Census of the United States, 1870” Tennessee Library and Archives, Microfilm.
“Statement of Moneys Received and Disbursed by the Commissioners for Superintending the Erection of the State House” Tennessee House Journal: 1847-48. Appendix pgs. 190-197.
Mulloy, E.F. vs. Torbitt, G.C. File 3114. Chancery Court Records, Davidson County Archives.
Mulloy E.F. vs. Payne, Olivia and Others File 3721, Parts I-IV. Chancery Court Records, Davidson County Archives.

Secondary Sources

“House approves giving the name Emancipation Hall to Capitol Visitor Center room.”
Center, Linda. “Chancery Court, the Adelphi, and Adolphus Heiman.” http://pages.prodigy.net/nhn.slate/nh00035.htm
Appendix A

Designed by William Strickland, noted Philadelphia architect who also designed the tower of Independence Hall. Construction was commenced in 1845 and completed in 1859. Strickland died in 1854 and is entombed in the north portico. His son, Francis, supervised construction from 1854 to 1857. Slaves and convicts quarried and transported limestone for the Capitol, which was used as a fortress during the Civil War. President and Mrs. James K. Polk are buried on the east lawn.

Appendix B