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“Slave Traffick”: The Informal Economy, the Law, and the Social Order of South Carolina

Cotton Country, 1793-1860

By

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Doctor of Philosophy

History

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An abstract of

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## Abstract

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By Erica A. Bruchko

How could a slave who was property own property? This dissertation answers this question by examining the growth and operation of the informal economy of slavery in South Carolina cotton country from the advent of large-scale commercial cotton production to the Civil War. It explores the extent of slave economic independence and the changing relationship between masters, slaves, and the market.

During the early nineteenth century, South Carolina cotton planters faced economic, political, and demographic crises. To overcome these challenges, they adopted new paternalistic management strategies that stressed order and control over slaves' domestic lives. The late-antebellum informal economy was a direct outgrowth of this emerging paternalistic ideology. By extending carefully managed economic privileges to slaves, cotton planters reformed a loosely organized system of domestic production and exchange into a tightly controlled planter-managed informal economy.

Placing property in the hands of slaves, however, proved risky. While a properly organized informal economy reinforced the social order, uncontrolled economic independence had the opposite effect. The formation of an underground economy, fueled by theft and illicit trade between slaves and poor whites, threatened to undermine planters' paternalistic ideal. As a result, slaveholders responded in force, policing slave movements and disciplining white “negro traders.”



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## Introduction

On July 9, 1871, R. W. Walker of Marlboro, South Carolina, submitted a claim for lost property to the Southern Claims Commission (SCC) on behalf of his client, former slave Jacob Allman. The freedman had testified that on March 6, 1865, Union soldiers ransacked his small farm, taking away a horse, six cattle, some two hundred dollars' worth of provisions, and a bale of cotton—together worth more than four hundred dollars.<sup>1</sup> These goods identified him among the largest property owners within a small group of Marlboro slaves and Unionists who filed claims to the SCC, the government agency in charge of compensating southern loyalists who had suffered at the hands of foraging Union troops.<sup>2</sup>

Responding to a long list of questions prepared by the commission, Allman explained the manner in which he acquired his impressive holdings.<sup>3</sup> A carpenter by

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<sup>1</sup> Jacob Allman, Claim. 4048, Allowed Case Files, Records of the Commissioner of Claims, Marlboro, South Carolina, Records of the Accounting Officers of the Department of the Treasury, Record Group 217, NARA, College Park, MD. Allman's claim included one "yellow mare" (\$125.00), 1000 pounds of bacon (\$150.00), 50 bushels of corn (\$50.00), 5 bushels of meal (\$5.00), 6 cattle (\$60.00), 30 pounds lard (\$4.50), and five bushels of peas (\$5.00), equaling a total of \$407.50, of which he was "allowed" or granted \$295.00. Allman also testified that a cart, substantial amounts of money, and clothes were taken, items that he did not include in his official claim because they were not considered army supplies.

<sup>2</sup> Some 22,298 claimants came forward before the final filing date of March 3, 1873. After providing their initial statement, claimants were to provide evidence within five years. Those who submitted additional evidence towards their claims were classified as "allowed", "disallowed," or "barred" by local agents (for cases under \$10,000) or agents in Washington (for cases over \$10,000). The breakdown of allowed, disallowed, and barred claims for the state of South Carolina was as follows: Allowed: 150 (\$478,121.77), Disallowed: 230 (\$1,055,470.49), Barred: 196 (\$380,623.56). John Hammond Moore, "Getting Uncle Sam's Dollars: South Carolinians and the Southern Claims Commission, 1871-1880," *The South Carolina Historical Magazine* 82, no. 3 (1981): 248-62.

<sup>3</sup> By 1865 the Union army ransacked the houses and yards of southern Confederates and Unionists, both black and white, taking approved army stores and other spoils of war. Seeking to reunify the nation in the years following the conflict, the government created a process to compensate loyal southerners whose property had been confiscated. Initially organized to compensate white Unionists, the Commission took formal steps to accommodate former slaves and free persons of color in its first few years

trade, he had first acquired money by carrying out odd jobs afterhours. “I hired my time from my owner and would thus make little profit and in addition would do extra jobs to make a little money in that way,” he explained. “By this means,” he stated, “I got a start.” Using money earned in overtime, he eventually accumulated enough to purchase a horse, which he used to cultivate five acres of land given to him by his wife’s master. Allman managed to further increase his holdings by renting two acres of land from Peter Smith, a neighboring overseer. On this land, he speculated that he “[m]ade some 75 bushels of corn and peas accordingly besides fodder” as well as “a bale of cotton weighing 400 lbs.” “With this cotton,” he concluded, “I made purchases also.”<sup>4</sup>

The presence of African American claims, particularly claims submitted by former slaves, perplexed the Commissioners at first. And rightfully so. Allman was somewhat exceptional in his ability to acquire such large amounts of property. However, the agents’ surprise stemmed not only from the extent of Allman’s holdings, but also from the fact that he had owned property at all. How could a slave, who was, legally speaking, property, own property? This contradicted the very essence of slavery as well as the foundations upon which their understanding of private property rested.<sup>5</sup> Indeed,

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of existence. First, in May of 1872, the commission created special guidelines for deposing African American claimants. “If the claimant be a colored person,” they stipulated, agents were to ask the following questions in addition to interrogations required of all claimants. Were you a slave or free at the beginning of the war? When did you become free? What was your business after you became free? How and when did you come to own the property in your petition? How did you get the means to pay for it? Who was your former master? Are you now in his employment? Do you live on his land? Do you live on land purchased of him? Are you indebted to your former master for land or property and how much? Has anybody any interest in this claim besides yourself? State fully all the facts in your answers to these questions. These questions served as the foundation for an abbreviated submission process, implemented in 1874.

<sup>4</sup> Claim of Jacob Allman, Marlboro District, SC, SCC.

<sup>5</sup> Julie Saville, *The Work of Reconstruction: From Slave to Wage Laborer in South Carolina 1860-1870* (New York: Cambridge University Press, 1996).

Allman had no contracts, receipts or other legal documents of any kind supporting his claims.

Yet, as a property owner, Allman was hardly exceptional. He represented the thousands of nineteenth-century slaves who utilized their skills as farmers and craftsmen to generate cash and credit for domestic use. By engaging in productive activities on their “own time”—when their services were not explicitly required by their masters—bondsmen and women obtained property that masters and members of the community widely recognized as slaves’ own. In turn, this property provided slaves with an opening to participate in the local economy and engage in complex networks of trade. Although slaves’ activities were often severely constrained by their owners, they nevertheless enjoyed limited access to local markets.

This dissertation analyzes why and to what extent slaves partook in this “informal economy of slavery” by examining the twenty-two short-staple cotton-producing districts of the South Carolina midlands and upcountry.<sup>6</sup> It explores the scope, constraints, and meaning of this economy from the invention of a new cotton gin in 1793 until the onset of the American Civil War. Above all, it explains why over the first half of the nineteenth century cotton planters transformed the informal economy from a loosely organized system of domestic production and exchange into a tightly controlled, planter-manipulated management system.

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<sup>6</sup> This dissertation uses the term informal economy of slavery to describe after-hours slave production and exchange in South Carolina cotton country. Circa 1850, these included the middle districts of Barnwell, Orangeburg, Marion, Darlington, Marlboro, Chesterfield, Kershaw, Richland, Lexington, and Edgefield; and the upcountry districts of Abbeville, Chester, Fairfield, Laurens, Newberry, Union, Anderson, Greenville, Lancaster, Pickens, Spartanburg and York. Throughout this dissertation the term “cotton country” is often used. Defining “cotton country” in this way is somewhat problematic, given that long-staple cotton varieties continued to be produced in the lowcountry through the Civil War and short staple cotton was also planted in the lowcountry; however, for the sake of convenience, in this study cotton country refers to areas most impacted by the spread of short-staple cotton in the period after 1790.

## I.

Historians of slavery have been slow to appreciate the importance of such activities for slaves and masters. Indeed, like Claims Commission agents, many scholars were surprised to discover the extent of slaves' informal economic activities and have only recently viewed the phenomenon as a discrete subject worthy of academic inquiry.<sup>7</sup> In assessing the meaning of such activities, they primarily grappled with questions relating to slave autonomy: What was the internal logic of the economy slaves created? How did it reflect unique slave community values and cultural mores? How did it foster the creation of an autonomous slave community? To what extent were such activities impervious to external economic transformations and slaveholder intervention?

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<sup>7</sup> Philip D. Morgan, "Work and Culture: The Task System and World of Lowcountry Blacks, 1700 to 1880," *William & Mary Quarterly* 39, no. 4 (October 1982): 563–99; Philip D. Morgan, "The Ownership of Property by Slaves in the Mid-Nineteenth-Century Low Country," *Journal of Southern History* 49, no. 3 (1983): 399–420. For a detailed analysis of cultivation patterns and the resulting internal economic systems that emerged on South Carolina cotton plantations see John Douglas Campbell, "The Gender Division of Labor, Slave Reproduction, and the Slave Family Economy on Southern Cotton Plantations, 1800-1865," (University of Minnesota, 1988). See also Larry E. Hudson, *To Have and to Hold: Slave Work and Family Life in Antebellum South Carolina* (Athens, GA: University of Georgia Press, 1997). For studies emphasizing slave marketing and the internal economy see Lawrence T. McDonnell, "Money Knows No Master," in *Developing Dixie: Modernization in a Traditional Society* (New York: Greenwood Press, 1988); Lawrence McDonnell, "The Ambiguities of the Upcountry Slaves' Economy," in *The Old South* (London: Blackwell, 2001); Larry E. Hudson, "All That Cash," in *Working Towards Freedom* (Boydell & Brewer, 1994). For insightful analyses of the internalization of slave marketing in South Carolina cotton country see John Campbell, "'A Kind of Freedman': Slave Market Activities in the South Carolina Up Country, 1800-1860.," in *Cultivation and Culture: Labor and the Shaping of Slave Life in the American South*, ed. Ira Berlin and Phillip D. Morgan (Charlottesville, VA: University Press of Virginia, 1994); John Campbell, "'A Kind of Freedman' Slave Market Activities in the South Carolina Up Country, 1800-1860," and Kathleen M. Hilliard, *Masters, Slaves, and Exchange: Power's Purchase in the Old South*, Cambridge Studies on the American South (Cambridge: Cambridge University Press, 2014). For a survey of the slave economy that focuses upon how slaves claimed ownership of their property see Dylan C. Penningroth, *The Claims of Kinfolk: African American Property and Community in the Nineteenth-Century South* (Chapel Hill, NC: University of North Carolina Press, 2003), 45–110. For a gendered analysis of the slave economy and market women in the lowcountry see Betty Wood, *Women's Work, Men's Work: The Informal Slave Economies of Lowcountry Georgia* (Athens, GA: University of Georgia Press, 1995). For comparative work on slave economies in the Americas see Mary Turner, *From Chattel Slaves to Wage Slaves: The Dynamics of Labour Bargaining in the Americas* (Bloomington, IN: Indiana University Press, 1995).

Marxist anthropologist Sidney Mintz was the first to analyze after-hours production and exchange among Caribbean slaves.<sup>8</sup> He argued that the marketing systems that he observed in early 1950s' Jamaica were firmly rooted in the island's slave past—in particular, in the custom of requiring slaves to produce a large portion of their own food on land allotted for that purpose. These subsistence plots, he speculated, produced food surpluses that circulated within an “internal economy under slavery.”<sup>9</sup> For Mintz, the forces that governed this internal economy were different from the large-scale, export-driven sugar economy of the island. Unlike large-scale, commercial sugar production and distribution for external markets, internal economic production and exchange involved small-scale agriculturists, typically men, who cultivated crops upon small plots, sometimes as little as half an acre. Then, petty marketers, typically women with familial connections to these producers, exchanged surpluses and other goods. Through this exchange, they earned small sums of cash and acquired extra crop for their family. Skilled slaves lacking ready access to provision grounds as well as most island whites also relied on this food supply and the system of distribution and redistribution that surrounded it.

Subsequent scholars of the Caribbean and South America labeled such pre-emancipation activities a “peasant breach”—in other words, a break in plantation economy and society—because of its propensity to run counter to the dominant,

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<sup>8</sup> Sidney W. Mintz, “The Jamaican Internal Marketing Pattern: Some Notes And Hypotheses,” *Social and Economic Studies* 4, no. 1 (1955): 95–103.

<sup>9</sup> Ibid. Mintz, “The Jamaican Internal Marketing Pattern.” The term “internal economy” is rooted in debates about capitalist development and has been employed by Marxist anthropologists. Although this dissertation takes cues from economic anthropology and sociology, it is less concerned with theorizing the nature of the internal economy and more interested in describing it as a historical phenomenon.

plantation-based economy.<sup>10</sup> They argued that within this breach, slaves operated as a kind of proto-peasantry characterized by slaves ready access to land, reliance on family labor, orientation towards subsistence, and relative autonomy in decision-making, i.e. what, where, and how to plant, and whether to market.<sup>11</sup> For these historians, the peasant breach provided slaves with the room to operate outside of the strict dictates of masters, society, and the law. As such, it served as the foundation for slave community life and cultural formation.

Philip Morgan, an admirer of Mintz's work, was the first to seriously undertake the study of internal economies within mainland North America. In his groundbreaking examination of rice slaves in the Georgia and South Carolina lowcountry, Morgan argued authoritatively that slaves created a robust, autonomous slaves' economy along the coast.<sup>12</sup> This economy did not rival the size, spirit, and complexity of such activities in Jamaica, but was nonetheless an important source of slave independence. According to Morgan, it largely defined the character of slave life in the region. In the United States and elsewhere, subsequent comparative work refined these ideas. Led by Morgan and fellow historian of slavery Ira Berlin, a growing corpus of studies on the slaves' economy led to several important conclusions that inform this dissertation. First, slaves' ability to work for themselves depended greatly upon the unique demands of the crops

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<sup>10</sup> The term "peasant breach" has been attributed to Tadeusz Lepkowski, who argued that Hatian slaves played a key role in the distribution and production of the island's food supply (1968). For a discussion of these concepts see Dale Tomich, "Une Petite Guinée: Provision Ground and Plantation in Martinique, 1830–1848," *Slavery & Abolition* 12, no. 1 (May 1, 1991): 68–91; Ciro Flamarion S. Cardoso, "The Peasant Breach in the Slave System: New Developments in Brazil," *Luso-Brazilian Review* 25, no. 1 (1988): 49–57.

<sup>11</sup> This definition of a peasant was taken from Cardoso, "The Peasant Breach in the Slave System," 50.

<sup>12</sup> Morgan, "The Ownership of Property by Slaves in the Mid-Nineteenth-Century Low Country"; Morgan, "Work and Culture."

produced on plantations. In addition, Berlin's *Generations of Captivity* (2003) shows that in order to understand the significance of slaves' after-hours labor, historians must pay closer attention to changes in the cultivation of these commodities over time.<sup>13</sup> Indeed, Berlin reminded historians that far from being static, the working relations between masters and slaves were constantly negotiated, or "made and remade."<sup>14</sup>

Berlin, Morgan, and others greatly expanded our understanding of the internal economies of rice, sugar, and tobacco. However, historians have failed to produce in-depth analyses of the informal economy of cotton, despite its overwhelming dominance within much of the lower South.<sup>15</sup> This omission can be partly explained by the Caribbean origins of the field and the rise of Atlantic World history. Both of these factors shifted the dominant narrative away from antebellum cotton slavery that was favored by previous generations of historians such as Ulrich B. Phillips and Eugene Genovese. The primary reason for the absence of major studies on the informal economy of cotton, however, was the wide-spread assumption that the organization of labor on cotton

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<sup>13</sup> Ira Berlin, *Generations of Captivity: A History of African-American Slaves* (Cambridge, Mass: Belknap Press of Harvard University Press, 2003); Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America* (Cambridge, Mass: Belknap Press of Harvard University Press, 1998).

<sup>14</sup> Ira Berlin, *Generations of Captivity: A History of African-American Slaves* (Cambridge, Mass: Belknap Press of Harvard University Press, 2003). Roderick A. McDonald's examination of sugar in Jamaica and Louisiana and Peter Kolchin's work on Russian serfdom assessed the relative power that differing systems of bondage afforded laborers. Other case studies, which often used Jamaica as a touchstone, did the same. See Hillary Beckles, Woodville K. Marshall, Betty Wood, Timothy Lockley, Mary Turner, Stuart Schwartz, and John Campbell. Betty Wood was among the few scholars to examine the internal economy from a gendered perspective in a book-length study. Other historians, however, had examined the domestic labor of slave women, or have devoted sections of larger works to the informal economic activity of slave women. See Daina Ramey Berry, *Swing the Sickle for the Harvest Is Ripe: Gender and Slavery in Antebellum Georgia* (Champaign, IL: University of Illinois Press, 2007); Jacqueline Jones, *Labor of Love, Labor of Sorrow: Black Women, Work, and the Family from Slavery to the Present* (New York: Basic Books, 1985).

<sup>15</sup> One important exception is Campbell, "A Kind of Freedman: Slave Market Activities in the South Carolina Up Country, 1800-1860."

plantations prevented the formation of a robust informal economy. Morgan's research proved critical in this formulation. Unlike Jamaica, where the island's particular geography fostered the rise of the provision ground system, Morgan discovered that informal economies in rice-producing regions stemmed from the organization of labor in the region: the task system. Under this system, plantation managers assigned slaves a daily quota (typically ½ acre). Once their tasks were completed, bondsmen and women were permitted to use the balance of the day for themselves. This, he suggested, offered slaves who worked rigorously to finish their tasks with time to engage in the informal economy.<sup>16</sup> In contrast, slaves on cotton plantations worked within a more highly monitored form of gang labor in which slaves worked from “sun-up to sun-down.” As one labor historian has noted, “to picture the gang at work is to visualize them ranged in a line, proceeding in regular rows, the pace being set by one or two laborers, urged on by a driver or foreman.”<sup>17</sup> As a result, historians assumed that cotton slaves had little time to engage in the informal economy. In fact, even if slaves had occasional free time, they argued, the grueling nature of their work left them with little energy or inclination to do so.<sup>18</sup>

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<sup>16</sup> Morgan citing Lewis Gray, notes, “under the task system the slave was assigned a certain amount of work for the day and after completing the task, he could use his time as he pleased.” Philip D. Morgan, “Task and Gang Systems: The Organization of Labor on New World Plantations,” in *Work and Labor in Early America* (Chapel Hill, NC: University of North Carolina Press, 1988), 189–202.

<sup>17</sup> *Ibid.*

<sup>18</sup> For a cogent example of how scholars have adopted this framework see Erskine Clarke, *Dwelling Place: A Plantation Epic* (New Haven [Conn.]: Yale University Press, 2005), 4. Clarke writes, “The task system (unlike the spreading gang system of up-country cotton plantations, with its largely sunup to sundown hours) meant that once a task was complete, a slave had the remaining hours of the day for working a garden or raising a pig, for fishing in the river or hunting in the swamp... The pigs and chickens, the marsh ponies and horses, the wagons and cows that low-country slaves owned—they were all the result of the task system.”



This notion that the task system alone could favor the creation of an informal economy proved influential and enduring. Indeed, the idea became a standard within the literature.<sup>19</sup> In his widely read, *Nothing But Freedom* (1983), Eric Foner summarized this point of view. According to Foner, “[i]n cultural autonomy, control over time and the pace of work, and even opportunities to acquire property, the slaves on the rice plantations and adjacent Sea Island cotton estates were unique...[for] rather than working in gangs from sun-up to sun-down, slaves were assigned daily tasks, completion of which left them time to cultivate crops of their own, hunt, fish, raise poultry and livestock.”<sup>20</sup> Countless studies of the lowcountry adopted this formulation, assuming that the relative flexibility of the task system made the region’s internal economy unique within North America in form, if not existence.<sup>21</sup> Other characteristics of the lowcountry—such as the presence of absentee planters with large numbers of slaves who were free from direct planter control during the long summer months—gave additional credence to an already compelling argument.<sup>22</sup>

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<sup>19</sup> Betty Wood’s *Women’s Work, Men’s Work: The Informal Slave Economies of Lowcountry Georgia* offered supporting evidence that in colonial and early national lowcountry Georgia tasking shaped the character of the slaves’ economy. A number of case studies of other cultivation regions appeared in the such as Ira Berlin and Phillip D. Morgan, *Cultivation and Culture: Labor and the Shaping of Slave Life in the Americas* (Charlottesville, Virginia: University of Virginia Press, 1993). These works pivoted upon the notion that cultivation fundamentally shaped the internal economy, and that the evolution of these systems was based upon global economic and social transformations.

<sup>20</sup> Eric Foner, *Nothing but Freedom: Emancipation and Its Legacy* (Baton Rouge, LA: Louisiana State University Press, 1983), 4.

<sup>21</sup> Campbell, “‘A Kind of Freedman:’ Slave Market Activities in the South Carolina Up Country, 1800-1860.”

<sup>22</sup> Morgan also mentions in a footnote that “I also believe—and this is almost a corollary—that the ability to escape the plantation, while not unique to the lowcountry, was more effectively secured here than elsewhere in North America.” By this he is referring to mobility in general and maroonage. I have not found this to be the case. Slaves in the cotton south, especially male slaves, were surprisingly mobile. It is likely the case, as Morgan suggests, that slave movements in cotton country were more regulated than those along the coast. See Morgan, “Task and Gang Systems: The Organization of Labor on New World Plantations,” 182–202.

In the late 1990s and early 2000s, however, historians working on cotton country began to call into question the rigid distinction between rice and cotton. Two studies, framed by debates within African American Studies, emphasized the importance of slave property ownership and exchange in cotton regions. In *To Have and To Hold: Slave Work and Family Life in Antebellum South Carolina* (1997), Larry E. Hudson found that slaves in three regions of South Carolina—the lowcountry, middle country, and upcountry—accumulated significant amounts of property that allowed slave families opportunities to create economic distinctions that set them apart from other slaves.<sup>23</sup> Dylan Penningroth’s influential *The Claims of Kinfolk: African American Property and Community in the Nineteenth-Century South* (2003), also argued for the pervasiveness of the informal economy in all regions of the South. Building upon recent trends in African historiography, Penningroth’s examination of the meaning of property within slave communities demonstrated that by the 1860s, the informal economy appeared in all commodity producing regions of the South. By framing the concept of property ownership within the context of slave family and community relations, he demonstrated the significance of social acknowledgement and display within the informal economy of slavery.<sup>24</sup>

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<sup>23</sup> Hudson attributes this to the occasional reliance on the task system in the region. This may have been the case at times, but I do not believe that lowcountry style tasking drove informal economic production in the upcountry.

<sup>24</sup> Penningroth’s examination of slave ownership and the extra-legal markers that shaped these claims received much attention, in part because he raises fascinating questions. In his introduction, for example, he not only raises the question, “how did property own property,” but also asks without contracts or formal records of ownership “how did people know whose property it was?” In the end, he argues that kinship made property and property helped make kinship.

Hudson and Penningroth's focus on dynamics within slave communities greatly contributed to the field of slave studies; however, their work nonetheless left unanswered many major questions about the informal economy in cotton country. Since the labor system in cotton country seemed unfavorable to the existence of informal economies, how can we explain its presence in these regions? Was the informal economy of cotton fundamentally different from that of rice? If so, did the rhythms of cotton production impact the organization of slave economies? How? This dissertation answers these questions by examining precisely when and from whom slaves acquired property in cotton country, and how and why these activities changed over time.<sup>25</sup>

In order to do this, this dissertation connects the slaves' economy with the larger political economy of slavery and freedom. In particular, it emphasizes the importance of pro-slavery paternalism in the development of the informal economy of cotton regions. Stressing the paternalism of cotton slaveholders stands in opposition to recent scholarship on cotton slavery. In Walter Johnson's comprehensive and well researched examination of slavery's expansion, *River of Dark Dreams* (2013), for instance, he suggests that the informal economy that existed in cotton regions was the result of planters' "outsourcing." Indeed, he describes informal economic activities as "forced" upon bondsmen by "miserly slaveholders, offering only the meanest rations."<sup>26</sup> In the language of paternalistic masters, it was planters' failure to meet their responsibilities, rather than their self-interested paternalistic program that spurred after-hours production.

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<sup>25</sup> Jeff Forret, *Race Relations at the Margins: Slaves And Poor Whites in the Antebellum Southern Countryside* (Baton Rouge, LA: Louisiana State University Press, 2006).

<sup>26</sup> Walter Johnson, *River of Dark Dreams: Slavery and Empire in the Cotton Kingdom* (Cambridge, MA: Belknap Press of Harvard University Press, 2013), 231.

Edward Baptist's influential work on the ever-expanding cotton kingdom goes one step further in disassociating cotton slaves' economy from the privileges and obligations of paternalism. In rightly outlining the devastating effects of cotton's expansion on slave family and community life, Baptist points out that cotton planters in the South Carolina midlands often used militaristic and regimented labor systems to extract inhuman amounts of work from slaves. For Baptist, this brute force was the key in eliciting slave labor. Profit seeking planters, he argues, went so far as to "calibrate torture," assigning slaves quotas and punishing those who ended the day with a negative balance, leaving no space for informal economic activities. Although Baptist concedes that some slaves earned wages, he concludes that "[m]ost enslavers never used positive incentives at all."<sup>27</sup> Slaves who managed to acquire property, then, did so entirely on their own volition often without masters' knowledge, let alone encouragement. According to Baptist, the business of slavery was conducted solely with the whip, rather than the elaborate systems of cash and credit that worked in tandem with physical violence.<sup>28</sup>

This dissertation argues that paternalism was central to understanding the meaning of the informal economy within southern society. It demonstrates that in cotton country, the shape of the slaves' economy coincided with planters' dual efforts to defend the institution against detractors and increase the profitability of their enterprises. After the mid-1820s, South Carolina planters were confronted with two major problems. First, they faced an increasingly dire economic situation. After enjoying a period of dramatic market expansion between the late 1790s and 1824, their economic fortunes began to

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<sup>27</sup> Edward E. Baptist, *The Half Has Never Been Told: Slavery and the Making of American Capitalism* (New York: Basic Books, 2014), 129.

shift. They faced increased competition due to the westward expansion of cotton production. The national financial panics of 1819 and 1837 and the vagaries of the cotton market added to the woes of South Carolina planters. In order to remain viable in this expanded and volatile market, planters desperately sought to increase productivity. Secondly, to make matters worse, planters faced a two-pronged attack from the North.<sup>29</sup> On the one hand, abolitionists used religious language to condemn slavery as an immoral and degenerative disease that not only affected slaves, but also slave owners.<sup>30</sup> At the same time, some northern industrialists joined the chorus against slavery, portraying it as inefficient and bound to fail. This dual attack on southern society led planters to develop both an economic and moral defense of slavery within which the informal economy of slavery was embedded.<sup>31</sup>

To contend with these threats, South Carolina planters implemented a series of paternalistic and managerial reforms. These reforms sought to create a slave system that was both economically efficient and “humane.” By establishing a plantation order that emphasized the moral duties of masters and the productivity of their slave dependents, planters attempted to address the challenges that threatened to undermine South

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<sup>29</sup> Several political histories of South Carolina examine the state within the context of nineteenth century sectional divisions. See for instance, David Duncan Wallace, *South Carolina: A Short History, 1520-1948* (Chapel Hill, NC: University of North Carolina Press, 1951). For a more recent overview, see Walter B. Edgar, *South Carolina: A History* (Columbia, SC: University of South Carolina Press, 1998).

<sup>30</sup> They came to believe that free labor was far superior to slave labor. Eric Foner, *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party before the Civil War* (Oxford: Oxford University Press, 1995).

<sup>31</sup> While the rise of market capitalism in the South is a central part of this story, this dissertation only touches upon debates regarding capitalism and slavery. For a useful overview of historians’ positions on the economic character of the South see Mark Smith, *Debating Slavery: Economy and Society in the Antebellum American South*, New Studies in Economic and Social History (Cambridge: Cambridge University Press, 1998). In addition, for a useful overview of how the South did and did not fit within the “market revolution” see Harry L. Watson, “Slavery and Development in a Dual Economy: The South and the Market Revolution,” in *The Market Revolution in America: Social, Political, and Religious Expressions, 1800-1880*, ed. Melvyn Stokes and Stephen Conway (University of Virginia Press, 1996).

Carolina's peace and prosperity. Enabling slaves to partake in economic activities, albeit in a controlled manner, was a key part of this strategy. Through the careful management of slave property, planters reasoned that they could fulfill the promises of paternalism, while increasing economic efficiency of their plantations. Strategic distribution and removal of economic privileges likewise reinforced the hierarchical social order that gave credence to this pro-slavery ideology.

Towing the line between paternalistic privilege and economic power was no easy task. From the perspective of paternalists, a well-managed slaves' economy could bring order, power, and profits to slaveholders; however, uncontrolled slave economic independence could create utter chaos and undermine the viability of slavery. How to best manage the informal economy on and off the plantation, therefore, became the subject of intense debate among planters and policymakers. This debate raised questions that reached far beyond the simple act of exchange among slaves. As sectional tensions escalated, control over slave economic independence became a rallying cry for whites, who believed that slaves' access to economic networks had the potential to unravel the race- and class-based foundations of slave society.

## II.

The following five chapters build upon these themes. First, they demonstrate the existence and evolution of a vibrant and complex informal economy of slavery in the late antebellum Cotton South. Secondly, they show that planters' embrace of pro-slavery paternalism largely framed the development and structure of this economy. Planters' efforts to order and systematize slaves' informal economic activities resulted in more

productive after-hours labor, which in turn, brought slaves greater pecuniary rewards. Some slaves successfully leveraged these privileges, transforming them into real economic power. For most slaves, however, such privileges, bound them ever tighter to their masters and the plantation economy at large.

Chapter One sets the context and provides a framework for the remainder of this study by examining the informal economy within discourse on plantation management. It argues that by the late antebellum period, planters had transformed unregulated, ad hoc slave patch production into a well-ordered planter-managed system of “negro crop” production. Within this new system, planters managed when, where, and what slaves produced afterhours. Some encouraged the production of cotton, while others limited slaves to corn. Planters who supported the system argued that such production was both benevolent and smart. In the end, they argued it tied slaves to the plantation and inculcated within them a positive work ethic, creating more efficient, profitable plantations. By the 1850s, however, some planters voiced concerns about the system and the economic independence it afforded to slaves. This chapter traces these diverging views, and charts planters’ efforts to rationalize arguments for and against the system using pro-slavery rhetoric.

Chapter Two also examines slaves’ paths to property ownership, but through overtime wage labor. Over the course of the nineteenth century slaves were constantly hired to perform labor afterhours. Slaves of virtually every description participated in this labor market. This practice proved controversial, however, for it often placed slaves in direct competition with laboring whites. Additionally, it enabled a small but conspicuous number of slaves to capitalize on their informal economic privileges in ways that directly

challenged prevailing pro-slavery ideology. Despite the pressure to outlaw slave jobbing by a constantly growing part of the white population, planters found the ready supply of cheap labor too convenient and profitable to take more than symbolic action.

Chapter Three examines the elaborate marketing and exchange systems that masters created on their plantations in order to discourage open commerce off of plantations. In early South Carolina, slaves and masters alike patronized the same mercantile establishments, which served as important centers of trade in a region with limited access to coastal markets. However, over the course of the nineteenth century, planters wrested control of slave exchange and used it as a means to reinforce their mastery. In order to do this, planters limited slaves' direct interaction with merchants and local markets, and assumed control of slave accounts. Instead of allowing slaves to market their own goods, they purchased slaves' crops themselves, and managed slaves' credit at local stores. In addition, they organized the distribution of purchased goods and other earnings in a manner that transformed payments into privileges. Chapter Three argues that by funneling exchange through the plantation, planters redefined the meaning of slaves' economic exchange.

Chapter Four shifts focus away from planters to slaves and examines one unintended consequence of paternalistic management of the informal economy: the formation of a robust underground economy. It argues that by the late antebellum period, planters' efforts to dictate the terms of the slaves' informal economic activity provoked a backlash. Although a planter-controlled informal economy provided slaves with certain material benefits, it denied slaves the freedom to determine precisely how or with whom they could trade. Slaves often rejected these parameters, however, despite planters'



constant efforts to reinforce them. As a result, slaves created economic networks that operated beyond the prying eyes of masters. These networks served an important function within slave society. It provided a means through which slaves negotiated power amongst themselves.

Chapter Five examines how southern whites—both slaveholders and non-slaveholders—responded to the underground economy. As sectional conflict aroused planters’ fears about the future of slavery, they became increasingly determined to protect the institution. Unable or unwilling to recognize the weaknesses of their pro-slavery paternalist creed, they reasoned that the culprits could not be on their plantations, and so looked to the large class of poor whites who lived in their midst. To stop these white “negro-traders,” they first harnessed the law before turning to extra-legal violence. By the 1850s, they began forming planter societies that pledged to remove these traders from the neighborhood. They also vowed to reinforce paternalistic management of the informal economy.

Although one might expect such informal and underground practices to suffer from a lack of documentation, this is not the case. Slaves’ after-hours economic activities pervade the historical record. They appear in planters’ treatises on politics and plantation economy as well as in day-to-day plantation and business records. Newspapers, for instance, often printed editorials and opinion pieces on issues surrounding the informal economy, especially when such activities raised concerns. The *Edgefield Advertiser* (1836-present), the *Abbeville Press Banner* (1846-1869), the *Cheraw Gazette* (1836-1859), the *Laurensville Herald* (1848-1933), the *Camden Journal* (1836-1865), the *Carolina Spartan* (1844-1866), and the *Greenville Mountaineer* (1830-1864) published

valuable articles on the informal economy and plantation management. Post-1820s' agricultural periodicals also document the spread of paternalistic management ideals. Of these, the *Southern Agriculturist* (1828-1839) of Charleston, South Carolina, and the *Southern Cultivator* of Augusta, Georgia, are the most pertinent for examining South Carolina cotton cultivation. Other southern periodicals also contain useful information regarding strategies for governing the slaves' economy. Indeed, planters regularly debated and reformulated the ideas regarding the best way to use after-hours production to their advantage and maintain control of slave economic independence in publications such as Edmund Ruffin's Virginia-based *Farmer's Register* (1833-1844) and the influential agricultural/industrial periodical of New Orleans, *DeBows Review* (1846-1884). Finally, pamphlets and books written by church leaders, politicians, and southern intellectuals provide additional insight into the organization of the slaves' economy. The prolific writings of Charles Colcock Jones and James Henry Hammond, for instance, reference slave domestic production and exchange within essays on religious instruction and the southern political economy. This dissertation relies on these various sources in order to recover planters' differing perspectives as well as their evolution over time.

Sources documenting the day-to-day implementation of these practices also appear throughout archival collections. Chapters One, Two, and Three rely extensively on daily planter records and merchant accounts to document how slaves' informal economic activity worked in practice. As early as the 1790s, backcountry residents kept household and business accounts that recorded profits and losses incurred via their farming and merchant enterprises. These records demonstrate how planters integrated independent slave production into their systems of accounting throughout the period

under study. After the 1820s, the number of planters maintaining careful records expanded exponentially. As the period progressed, planters also began recording more than just their expenditures and profits. Seeking to increase efficiency, they began cataloguing the daily rhythms of the plantation, noting the various experiments conducted and changes made in their management practices. Planters painted surprisingly detailed pictures of their involvement in the informal economy. We can find hastily written tallies in “negro chicken accounts,” formal “negro ledgers” of storekeepers, and outlines of daily slave labor in plantation journals. Slaves’ voices discussing bondsmen and women’s involvement in local economic networks, although more difficult to find, can also be located in historical sources. The records of freedmen and women, who filed claims for lost property before the Southern Claims Commission, for example, note in detail the types of networks they created and masters’ role in policing them. Likewise, slave narratives often mention the locus of slave independent production.

If sources of after-hours slave production richly document on-plantation activities, a small mountain of evidence documents the ways in which slaves engaged in quasi-independent or underground market activity off of the plantation. Chapters Four and Five rely heavily on state, district, and municipal records dating from the 1790s through the Civil War. These chapters examine how laws governing the informal economy at the state and local level changed over time. Similarly, petitions and presentments to the legislature capture public sentiment on these issues during the very early period in the history of cotton. But beyond the laws themselves, district and municipal court records also document the ways in which slaves and other members of slave society actually engaged in unregulated economic activities. As Chapters Three and Four demonstrate,

South Carolina's black and white criminal courts reveal a surprisingly active underground economy in stolen plantation goods and other illicit goods. This dissertation uses nearly 2,000 trial records from Magistrates and Freeholders' courts that tried slave criminal activity, as well as several hundred trials of whites charged with illegal trade with slaves.

The rich source base available for this study exists in part because of the lengthy relationship between South Carolina agriculturists and short-staple cotton.<sup>32</sup> Indeed, South Carolina is a particularly suitable place for a study of cotton slaves' economic activities, formal or informal. The state was the first to export large quantities of the staple, and despite periods of boom and decline, it was the only state in which the commodity dominated from the earliest days of the American Republic until the Civil War. South Carolina agriculturists were the first to devise plantation labor rhythms particularly suited to cotton, and they were also the first to experience the economic stagnation of an "old cotton state."<sup>33</sup>

Cotton's influence was not only long lasting, but also widespread. Cultivation of the commodity spanned the state's six major geographical areas, but predominated in its

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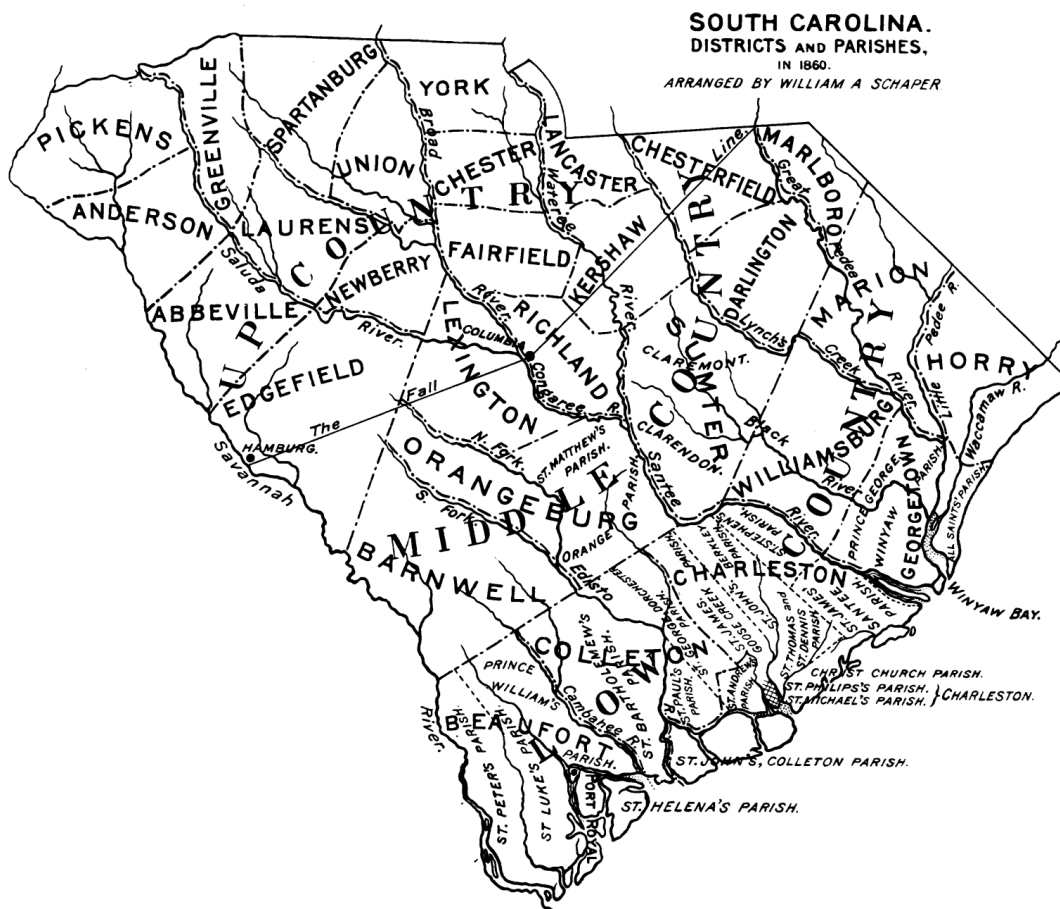
<sup>32</sup> This study examines short-staple cotton cultivation. It does not focus upon long-staple cotton, grown in the lowcountry. It is important to note, however, that although this study does not examine the lowcountry, short staple cotton was sometimes grown there. Due to the importance of rice cultivation and long-staple cotton as well as Charleston's influence on the region, it is beyond the boundaries of this study.

<sup>33</sup> Charles F. Kovacik, *South Carolina: A Geography*, Geographies of the United States (Boulder: Westview Press, 1987), 13–15; David Ramsay, *The History of South-Carolina: From Its First Settlement in 1670, to the Year 1808* (Charleston, SC: David Longworth, 1809), 36. A roughly triangular region of 80,583 square miles, nineteenth-century South Carolina extended from the flat shores of its 185-mile coastline, across the Appalachian foothills to the state's highest point, Sassafras Mountain, approximately 3,500 feet above sea level. The middle country and upcountry, referred to by eighteenth century South Carolinians as the backcountry, shared a history and population that separated them from coast. While the seventeenth- and eighteenth-century lowcountry was part of the Caribbean's cultural orbit, inland South Carolina shared cultural ties with the mid-Atlantic—particularly the colonies of Pennsylvania and Virginia. Over the course of the late-eighteenth century and early nineteenth century, the former backcountry and lowcountry began to increasingly resemble one another.

pinelands or inner coastal plain, the sandhills, and the piedmont. Its spread closely followed the district waterways, which stretched from the northwestern Blue Ridge to the Atlantic. These rivers included the northern-most Great Pee Dee, the Santee and its tributaries, and the southerly Savannah, which formed the boundary between South Carolina and Georgia. Even as technological changes made new alternatives such as railroads available, these rivers remained vital veins of transportation before the Civil War. This was especially the case below the state's fall line—the point where unnavigable white water met pliable black water streams and rivers. These rivers cut through the state's three major political regions: the long-settled lowcountry, the middle country and the upcountry.<sup>34</sup> This study focuses upon the latter two regions: the middle country districts of Barnwell, Orangeburg, Marion, Darlington, Marlboro, Chesterfield, Kershaw, Richland, Lexington, and Edgefield, and the upcountry districts of Abbeville, Chester, Fairfield, Laurens, Newberry, Union, Anderson, Greenville, Lancaster, Pickens, Spartanburg and York.

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<sup>34</sup> Before the revolution the middle country began to resemble the lowcountry, especially during the period that indigo prospered. But after post-revolutionary embargos and competition from Indian indigo made its production unprofitable, the region began to take on characteristics of the upcountry. This transformation was both economic and political: The eclipse of federalist power in favor of a modified revolutionary republicanism brought important reforms to the state such as representation (1808), manhood suffrage (1810), and the establishment of the state bank (1812).



Map I.1: South Carolina Districts, Parishes and Major Rivers in 1860

Source: William A. Shaper, "Sectionalism and Representation in South Carolina." Annual Report of the American Historical Association., 1900.

Within this geography, an informal economy flourished. However, by examining South Carolina's short-staple cotton country, we find that while cotton cultivation and the rise of paternalistic management strategies limited some forms of slave autonomy, it encouraged forms of measured independence. This economic dependence benefitted both slaves and masters. However, it also revealed key race and class-based tensions that challenged the very ideals that planters sought to reinforce.

## Chapter 1

## Mastery, Management, and “Negro Grounds:” Informal Economic Production and Planter Paternalism on South Carolina Cotton Plantations

Calm in his peaceful home, the slave prepares  
 His garden-spot, and plies his rustic cares;  
 The comb and honey that his bees afford,  
 The eggs in ample gourd compactly stored,  
 The pig, the poultry, with a chapman’s [peddler’s] art,  
 He sells or barter’s at the village mart,  
 Or, at the master’s mansion, never fails  
 An ampler price to find and readier sales.

—William J. Grayson, *The Hireling and the Slave*

In 1855 South Carolina teacher, legislator, critic, and poet William J. Grayson published his epic pro-slavery poem, *The Hireling and the Slave*. Like other southern apologists, he used his verse to vehemently defend the slave system. For Grayson, slavery was a “means to the highest good.”<sup>1</sup> Through slavery, he argued, the laboring class lived a life of protected peace and ample provision. Slaves plied their rustic cares, nurtured and guided by dutiful masters who protected them from the harsh economic realities so well known to the laboring poor of the North.<sup>2</sup>

Grayson’s depiction of slaves’ domestic comforts and his nod to the reciprocal relations between masters and slaves are indicative of the paternalistic, pro-slavery

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<sup>1</sup> Thomas D. Jarrett, “The Literary Significance of William J. Grayson’s ‘The Hireling and the Slave,’” *The Georgia Review* 5, no. 4 (Winter 1951): 487–94. H.M. Henry mentions Grayson’s poem within the context of “negro trading,” or illicit trade with whites. H.M. Henry, “The Police Control of the Slave in South Carolina” (Vanderbilt University, 1914). For more information on poor white/ slave interaction, see Chapter 5.

<sup>2</sup> This chapter primarily examines planters. Scholars are somewhat divided over what constituted this designation in the antebellum South. In general, historians have placed slaveholders with more than 20 or 25 bondsmen in the category. But designation as a planter was often location specific. In South Carolina cotton country, as opposed to areas of Mississippi or along the Carolina coast, planter status was conferred upon more modest slaveholders.

thought that was prevalent among South Carolina planters of the mid-nineteenth century.<sup>3</sup> These elite slaveholders came to understand their world—the world of the plantation—as a tightly bound, rigidly hierarchical social system, ordained by God, in which the inferior and superior were connected by reciprocal duties and responsibilities.<sup>4</sup> More than just a pro-slavery defense, however, Grayson’s poem also hints at the role of slaves’ informal economic activities within their planter worldview. In the above section of the *Hireling and the Slave*, Grayson did not hide slaves’ participation in the local economy; instead, he celebrated it. Slaveholders, he noted, provided slaves not only with sufficient time to produce for themselves, but also with the time and space to produce for trade. Slaves’

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<sup>3</sup> This chapter understands paternalism, as purveyed by white southerners in the antebellum period, as a social system defined by mutual obligation between masters and slaves. Coined by early 20<sup>th</sup> century historian U. B. Phillips and significantly refined by Eugene Genovese, the concept has shaped writing in southern history for the past 50 years. Complex and often illusive, when applied to southern slavery, the term typically refers to the means through which southern whites justified slavery as a “beneficent system of reciprocal obligations between master and slave” and through which they justified “slave labor as a legitimate return for masters’ protection and support.” See Drew Gilpin Faust, *Southern Stories: Slaveholders in Peace and War* (University of Missouri Press, 1992), 174. Throughout her work, Faust offers useful explanations of paternalism that place it in historical context. In this dissertation, I rely on Faust’s interpretation of the concept. She writes, “The South’s master class was by the early nineteenth century at pains to explain its rule, to negotiate a control that was far from absolute. Masters invoked paternalism to convince slaves to accept their inferiority, to enforce sacrifice upon white women, to persuade non-slaveholding agriculturists that class division did not exist. Through deft rhetorical and thus ideological moves, they redefined oppression as mutual obligation, suffering as a sacrifice, and masters and yeoman as politically indistinguishable.” Although they were often not wholly successful in these efforts, Faust’s synopsis captures the potential power of planter paternalism. Drew Gilpin Faust, *Southern Stories: Slaveholders in Peace and War* (Columbia, MO: University of Missouri Press, 1992), 7. In addition to Faust, this chapter relies upon the overview of paternalism laid out by Lacy Ford. Ford traces the genesis of the concept, demonstrating that paternalists sought to replace the “old accommodation” of “traditionalists” with “order, discipline, kindness and reciprocity.” See Lacy K. Ford, *Deliver Us from Evil: The Slavery Question in the Old South* (New York: Oxford University Press, 2009), 164. Counterarguments to paternalism stressed the potential dangers of unchecked benevolence. They believe that its religious message would incite slave rebellion, and its humanitarian impulse would result in lazy slaves and soft ineffectual masters.

<sup>4</sup> The substantial corpus of work on proslavery thought in the antebellum American South includes Eugene D. Genovese, *The World the Slaveholders Made: Two Essays in Interpretation* (New York: Vintage Books, 1971). Larry E. Tise, *A History of the Defense of Slavery in America, 1701 - 1840* (Athens, GA: University of Georgia Press, 1987). Faust, *Southern Stories*, 1992. Drew Gilpin Faust, ed., *The Ideology of Slavery: Proslavery Thought in the Antebellum South, 1830-1860* (Baton Rouge: Louisiana State University Press, 1981). For a useful overview of the proslavery argument as social philosophy that shaped planters’ view of the world, see Faust, “Introduction: The Proslavery Argument in History” in *The Ideology of Slavery*.



pigs, poultry, garden bounty, honey and eggs circulated from gardens and yards to merchants and masters. In this constellation, the slaves' economy was part of a social and economic universe in which master and slaves were intimately bound.<sup>5</sup> Antebellum writing on plantation management, while less imaginative than Grayson's poetry, struck a similar chord.

This chapter examines the emergence and evolution of new plantation management methods and places them within the broad context of agricultural reform movements. Agricultural reform tracts of the 1830s, 1840s, and 1850s sought to demonstrate, in practical terms, the best ways to fulfill the promises of slavery and the plantation system upon which they depended.<sup>6</sup> It assesses how and why planters came to strategically focus their outlook on slaves' after-hours slave production. It demonstrates that by the 1840s, reform-minded cotton planters developed a rigidly ordered, planter-managed "negro crop" system. As planters consolidated and reorganized slave patches into "negro fields," they made formerly peripheral slave grounds into visible, planter-managed pieces of the plantation puzzle. Centralized, systematized, and monitored, the "negro crop" system of the late antebellum period fundamentally recast the meaning of the slaves' economy.

Over the course of the nineteenth century, South Carolina planters revealed both extreme unity and clear division over the management of slaves and their grounds. On one hand, they demonstrated a shared desire for control in times of serious economic

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<sup>5</sup> See also, Kathleen M. Hilliard, *Masters, Slaves, and Exchange: Power's Purchase in the Old South*, Cambridge Studies on the American South (Cambridge: Cambridge University Press, 2014). Hilliard suggests this in her recent work on slave consumption and exchange in the antebellum South. She does not, however, devote attention to the manner in which slaveholders used slave ground production to reinforce their paternalistic program.

<sup>6</sup> Drew Gilpin Faust, "The Rhetoric and Ritual of Agriculture in Antebellum South Carolina," *The Journal of Southern History* 45, no. 4 (1979): 13.

decline and dramatic political unrest. But if pro-slavery planters overwhelmingly desired mastery, they remained divided over how best to achieve it. Some believed that extending slave “comforts” would yield a better, more productive slave force. Others, however, feared that soft treatment would “ruin” slaves.

## I.

South Carolina cotton planters of the late 1830s and 1840s looked upon the future with distress. Internal and external threats, which often reinforced one another, surrounded them. A federal tariff unfavorable to southern interests, overproduction of cotton and underproduction of foodstuffs, soil exhaustion and erosion, westward exodus, a backward banking system, and limited educational opportunities had brought economic depression to South Carolina and plunged the state’s elite into despondency.<sup>7</sup> “Every day, I look forward to the future with more anxiety,” Edgefield planter James Henry Hammond confided to his diary in 1841.<sup>8</sup>

Hammond’s concerns regarding the economic future of the state were not entirely new. As early as 1801, governor and naturalist John Drayton lamented the backward cultivation practices that degraded the quality of the soil. Farmers in the state rarely applied the “art of manuring and rotation of crops,” Drayton explained, and as a result, land was quickly deprived of its nutrients and abandoned for richer soils. “When one piece of land has been exhausted by culture,” Drayton reported, “another has been

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<sup>7</sup> Marjorie Stratford Mendenhall, *A History of Agriculture in South Carolina, 1790 to 1860: An Economic and Social Study* (Chapel Hill, NC: University of North Carolina, 1940), 167.

<sup>8</sup> Walter B. Edgar, *South Carolina: A History* (Columbia, SC: University of South Carolina Press, 1998), 274.

cleared of woods for similar purposes.”<sup>9</sup> Twenty years later, Fairfield planter William Ellison stated the problem more bluntly, “[t]he successful cotton planter [sets] down in the choicest of his lands, slaughters the forest, and murders the soil.”<sup>10</sup> These practices had taken their toll by the antebellum period.<sup>11</sup> According to one estimate, in 1850 alone, roughly eight hundred thousand acres of South Carolina farmland had been reduced to scrub.<sup>12</sup>

This fixation on cotton meant a decrease in the production of corn and other food crops. In 1834 one anonymous contributor to the *Southern Agriculturist* explained: “our whole thoughts were given to cotton. This was the theme of every conversation, and everything else appertaining to agriculture was deemed of too little consequence to divert any manner any part of our attention and labor.” After all, he added, “[i]t was better to plant all cotton, and purchase whatever corn was necessary for the consumption of the

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<sup>9</sup> Edgar, *South Carolina: A History*, 275.

<sup>10</sup> Ford, *Deliver Us from Evil*, 38.

<sup>11</sup> According to one estimate, cotton hands depleted 30 to 50 acres of land over the course of their lives. See Ulrich Bonnell Phillips, *Plantation and Frontier Documents: 1649-1863: Illustrative of Industrial History in the Colonial & Ante-Bellum South* (Cleveland, OH: A. H. Clark Company, 1909), 805.

<sup>12</sup> Drew Gilpin Faust, “The Rhetoric and Ritual of Agriculture in Antebellum South Carolina,” *The Journal of Southern History* 45, no. 4 (1979): 537. Cotton contributed to this decline in soil fertility. As Mendenhall and subsequent authors have demonstrated, the introduction of new varieties of cotton exacerbated this decimation of the soil. Ever since short-staple cotton’s ascendancy, planters worked to increase the output of their plantations. But levels of productivity were limited by a labor-intensive harvest. Slaves could only pick so much cotton per day. The new white seed cotton (or Mexican seed) introduced in the 1820s allowed for a quicker and easier harvesting process. After its introduction, slaves doubled their average daily harvest, which rose from 50 pounds to 100 pounds. Planters thus increased the extent of their cotton production in important ways. This exhausted the soil at a faster rate. As a result, by the mid-1830s, the average acre of cultivatable land per hand went from 10 to nearly 20 acres. This reality aside, more recent studies have suggested that while soil decline was a serious concern, planters exaggerated this at times. See for example, John D. Majewski, *Modernizing a Slave Economy: The Economic Vision of the Confederate Nation, Civil War America* (Series) (Chapel Hill, NC: University of North Carolina Press, 2009) and James D. Miller, *South by Southwest: Planter Emigration and Identity in the Slave South* (Charlottesville, VA: University of Virginia Press, 2002).

plantation.”<sup>13</sup> This single-minded dedication to cotton, some planters worried, produced an unhealthy state of dependency upon western foodstuffs and northern manufactures.<sup>14</sup> In 1827 one cotton planter noted that everyone surely approved the numerous proposition in southern publications “to exclude Northern manufacture and wear our own Cloth, and eat pork and beef, etc., of our own raising.”<sup>15</sup> Yet, no one seemed to act on these suggestions. As a result, since planters continued to exclusively cultivate “cotton, cotton, cotton,” they had to buy everything else from other states, the planter complained.<sup>16</sup> This shift away from “safety-first” agriculture worried some planters who believed that political independence depended largely on economic self-sufficiency.<sup>17</sup>

These apprehensions were not unwarranted. This resolute commitment to single-minded cotton production combined with the volatile cotton market did spell disaster for many planters. After the Panic of 1819 and the ensuing depression, cotton prices plummeted from a high of thirty cents per pound in 1818 to twelve cents in 1823 and averaged only nine cents between 1826 and 1832. Prices rebounded in the mid-1830s

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<sup>13</sup> *Southern Agriculturist* in Mendenhall, *A History of Agriculture in South Carolina, 1790 to 1860*, 176–77.

<sup>14</sup> There has been much debate among historians over whether cotton states as a whole became dependent upon Western supplies of cereal and meat. See Gavin Wright, *The Political Economy of the Cotton South: Households, Markets, and Wealth in the Nineteenth Century*, 1st edition.. (New York: Norton, 1978) and *Old South, New South: Revolutions in the Southern Economy Since the Civil War* (New York: Basic Books, 1986). Mendenhall, *A History of Agriculture in South Carolina, 1790 to 1860*, 178.

<sup>15</sup> *Courier* (Augusta), June 21, 1827. Quoted in Phillips, *Plantation and Frontier Documents*, 289.

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.* For an examination of “safety-first” agriculture in South Carolina see Lacy K. Ford, “Yeoman Farmers in the South Carolina Upcountry: Changing Production Patterns in the Late Antebellum Era,” *Agricultural History* 60, no. 4 (1986): 17–37. McCurry suggests that in the “lowcountry,” a category within which she includes substantial portions of the middle country and Pee Dee, most planters were importing foodstuffs. See Stephanie McCurry, *Masters of Small Worlds: Yeoman Households, Gender Relations, and the Political Culture of the Antebellum South Carolina Low Country* (New York: Oxford University Press, 1997).

reaching eighteen cents, but fell again in 1837. Aside from a few exceptional years, the cotton market remained in a state of decline until the 1850s.<sup>18</sup> These unanticipated price fluctuations, combined with the speculation of boom years, left many planters unable to pay their debts.

Many planters who faced bankruptcy joined the rising tide of South Carolinians moving westward in search of better economic opportunity.<sup>19</sup> Reports sent from émigrés to their families and former neighbors suggested that at least some found it, confirming that South Carolina was losing economic ground to their new western neighbors. Planters on the cotton frontier reported that they could produce two, three, even four times the amount of cotton per acre than in South Carolina's cotton fields. Former South Carolinian Columbus C. Campbell, who had experienced financial disaster in the Panic of 1837, wrote that “[y]ou can repair your affairs in one year here as much as you can there in three,” noting, “[a]lready five of my nephews give it [Mississippi] preference over So. Ca.”<sup>20</sup> Another South Carolina migrant to Mississippi, John Fraser, corresponded with family regarding the superior yields of the southwest. He noted “you can make as much here in one year as you can make in three years where you live [in Sumter District, South Carolina].”<sup>21</sup> As the average frontier slave produced nearly twice as much cotton per year as his South Carolina counterpart, planters of the Palmetto state looked to the west with

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<sup>18</sup> Faust, “The Rhetoric and Ritual of Agriculture in Antebellum South Carolina.” According to Mendenhall, South Carolina prosperity was not severely impacted until 1826, when cotton prices fell so low that expanded production could not make up the difference. Mendenhall, *A History of Agriculture in South Carolina, 1790 to 1860*.

<sup>19</sup> Miller, *South by Southwest*.

<sup>20</sup> John Hebron Moore, *The Emergence of the Cotton Kingdom in the Old Southwest: Mississippi, 1770-1860* (Baton Rouge, LA: Louisiana State University Press, 1988), 133.

<sup>21</sup> *Ibid.*

envy.<sup>22</sup> John B. Lamar, the manager of extensive cotton properties along the Savannah River in the mid-1840s, lamented to his brother-in-law Howell Cobb, “[l]ord, lord, Howell, you and I have been too used to poor land to know what crops people are making the rich lands of the new counties.” “I am just getting my eyes open to the golden view,” he continued, for “[o]n those good lands, when cotton is down to such a price as would starve us out, they can make money.”<sup>23</sup>

This westward movement had dramatic demographic, social, and political impacts on the Palmetto state. Between 1820 and 1840, hundreds of families migrated—first to Georgia and Alabama, then to Mississippi, Louisiana and Texas. According to one estimate, nearly half of South Carolina’s white population born after 1800 left the state.<sup>24</sup> This outmigration occurred in waves, but by 1835 both South Carolina’s seaboard and its uplands were affected.<sup>25</sup> While South Carolina’s white population had grown by 40% from 1790 to 1800, it only grew by 0.47% between 1830 and 1840. When compared with the national average, this meant that South Carolina’s total share of the US population was experiencing a precipitous decline.<sup>26</sup>

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<sup>22</sup> James Henry Hammond and State Agricultural Society of South Carolina., *Anniversary Oration of the State Agricultural Society of South Carolina* (Columbia, S.C.: A.S. Johnston, 1841). Those who remained in South Carolina criticized migrants for abandoning the state instead of striving to improve it. See Miller, *South by Southwest*.

<sup>23</sup> John B. Lamar to Howell Cobb, January 10, 1847. Quoted in Phillips, *Plantation and Frontier Documents*, 177.

<sup>24</sup> Alfred Glaze Smith, *Economic Readjustment of an Old Cotton State: South Carolina, 1820-1860*. (Columbia, SC: University of South Carolina Press, 1958).

<sup>25</sup> Mendenhall, *A History of Agriculture in South Carolina, 1790 to 1860*, 198. This resulted in an increasingly black population. Before 1790, frontier immigration had created a white majority in the state as a whole, but very slow rates of white growth after 1810 reversed the trend. By 1820, African Americans constituted the greatest portion of the population.

<sup>26</sup> Tommy W. Rogers, “The Great Population Exodus from South Carolina 1850-1860,” *The South Carolina Historical Magazine* 68, no. 1 (1967): 14–21.

A blackening population both compounded these concerns and raised new ones. As the white population waned, the black population surged (see table below). Many planters feared that this demographic shift might dangerously move the balance of power toward slaves. News of slave revolts and insurrection scares in the 1790s and during the first three decades of the nineteenth century gave further credence to these fears.<sup>27</sup> In 1816 following an alleged rebellion in Camden, a Fairfield District grand jury complained that the additional “introduction of Negro slaves” into the state was “truly distressing.” Residents of the upcountry district of Spartanburg shared this sentiment. In the same year, they objected that the increasing number of slaves was “dangerous to the safety of the state.”<sup>28</sup> By 1822, when the Denmark Vesey scare rippled from Charleston to the upcountry South Carolina, some planters called for a reassessment of measures to control the dangerously large slave population.<sup>29</sup>

Other forces from the West and North also conspired to destabilize antebellum planters. First, slavery became an increasingly divisive political issue in the nation. While some hoped that the Missouri Compromise of 1820 would bring an end to these tensions, the subsequent thirty years proved that it was at best a temporary solution. At the same

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<sup>27</sup> These include Saint Domingue in 1791, Gabriel’s Rebellion in Virginia in 1800, and the German Coast Insurrection in 1811. Other alleged insurrections were reported in Georgetown, South Carolina in 1802 and the interior district of Camden in 1816. For an overview of these incidents and the debate over the closing and re-opening of the slave trade, see Ford, *Deliver Us from Evil*.

<sup>28</sup> *Ibid.*, 188.

<sup>29</sup> Whether the Denmark Vesey conspiracy was a failed insurrection or an insurrection scare has been the subject of recent scholarly attention. See Michael P. Johnson, “Denmark Vesey and His Co-Conspirators,” *The William and Mary Quarterly* 58, no. 4 (2001) and Philip D. Morgan, “Conspiracy Scares,” *The William and Mary Quarterly* 59, no. 1 (2002): 159–66.

Table 1.1: Percentage increase of the population of South Carolina from 1790 to 1860

Dates	White, South Carolina	Slave, South Carolina	United States, Total
1790 to 1800	40	36.46	34.66
1800 to 1810	9.14	34.35	36.30
1810 to 1820	10.85	31.62	33.11
1820 to 1830	8.6	22.02	33.53
1830 to 1840	0.47	3.68	32.74
1840 to 1850	5.97	17.71	35.38
1850 to 1860	6.05	4.52	35.57

Source: Julian J. Petty, *The Distribution of Wealth and Population in South Carolina* (Columbia, S.C.: State Council for Defense, 1943)

time, radical ideas propagated by the growing trans-Atlantic abolitionist movement also provoked fear among planters. These ideas became increasingly conspicuous in the 1830s. The incendiary rhetoric of *Walker's Appeal to the Colored Citizens of the World*, the Nat Turner rebellion, and the abolitionist mail campaigns largely contributed to the notion that slavery was under threat. The propagation of these ideas prompted South Carolina slaveholders to fear for the present and future.<sup>30</sup> As Hugh Swinton Legare remarked in 1833, “[d]angers are around and above and below and within our poor little state,—which may God preserve us from!”<sup>31</sup>

## II.

Preoccupied by menaces from within and without, South Carolina planters formed agricultural societies dedicated to strengthening the fraying economic and political

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<sup>30</sup> Ford, *Deliver Us from Evil*, 8–9.

<sup>31</sup> *Writings of Hugh Swinton Legaré, Late Attorney General*, Volume 1, 215.



threads that threatened to unravel the social fabric of their world.<sup>32</sup> These societies emerged in two major waves, each following a major economic crisis.<sup>33</sup> First, after the Panic of 1819 and the Denmark Vesey conspiracy, lowcountry organizations emerged in Georgetown, St. John's, Colleton, St. Andrews, St. Paul's, St. Helena and Beaufort. Later, during the depression of the 1840s, parallel organizations appeared across middle and upcountry districts.<sup>34</sup> By 1847 there were at least thirty-two such planter clubs.<sup>35</sup>

These groups enlisted the highest echelons of South Carolina society to serve at their helm. John P. Richardson, future Governor; William Harper, U.S. Senator and State Chancellor; George McDuffie, Governor and U.S. Senator; James Chesnut, Jr., U.S. Senator; and James Henry Hammond, Governor and U.S. Senator all served as presidents

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<sup>32</sup> In general historians have stressed the failure of agricultural reform in the South. See Eugene Genovese's seminal essay "The Limits of Agricultural Reform," in Eugene D. Genovese, *The Political Economy of Slavery: Studies in the Economy & Society of the Slave South* (New York: Vintage Books, 1967). For a more recent examination see, John Majewski's *Modernizing a Slave Economy*. These studies have demonstrated how the movement's goals: state support of agricultural education, greater crop diversification, scientifically informed stewardship of the land, etc. remained largely unmet. Slavery's impact on the movement proved one reason for this. This chapter does not dispute these findings and agrees that principles of agricultural reform coalesced with concerns among the elite over slavery, which impeded progress in many areas. But if this synergy slowed certain areas of reform, it sped up others. Policing slaves on and off plantations was one arena that agricultural reformers took on with gusto thorough the creation of subsidiary organizations devoted to the issue. These took many forms. For more information on these efforts, see Chapter 5.

<sup>33</sup> Two eighteenth-century societies existed in South Carolina: The South Carolina Agricultural Society of Charleston and the Pendleton Farmer's Club. The Agricultural Society of South Carolina would become important in later movements through its publication, the *Southern Agriculturist*. See Edgar, *South Carolina*, 277.

<sup>34</sup> Mendenhall, *A History of Agriculture in South Carolina, 1790 to 1860*, 257.

<sup>35</sup> The actual number of active nineteenth century agricultural societies is somewhat of a mystery, and collecting numbers even proved illusive during the antebellum period. Names changed and new branches emerged, making tracking difficult. However, by the 1840s, newspapers and pamphlets made note of groups in the cotton-producing districts of Barnwell, Sumter, Fairfield, Abbeville, Pendleton, Kershaw, Greenville, Abbeville, Newberry, Spartanburg, Laurens, Cheraw, Darlington and York. By 1856, societies also appeared in Marlboro, Anderson, Abbeville, and Union. Although district-level societies were not uncommon, neither were smaller, neighborhood groups. Drew Faust estimated that between 1826 and 1842 the number of societies tripled from eleven to thirty two, although I suspect the number was even larger. Faust, "The Rhetoric and Ritual of Agriculture in Antebellum South Carolina."

of their local societies during the 1840s. Membership was obviously not as illustrious, but nonetheless consisted almost exclusively of slaveholders. The Agricultural Society of Darlington District, for example, consisted of a ninety-member roster that included James L. Gibson, owner of ten slaves; Isaac Gee, owner of fifty-eight slaves; Peter A. Wilds, owner of sixty-two slaves and Robert L. Hart, owner of nineteen slaves.<sup>36</sup>

Whether a large or small planter, a senator or a local commissioner, members were always socially connected. Darlington District's Thomas Cassells Law was a typical society leader. In 1850 Law owned thirty-six slaves and managed four hundred acres of improved land, upon which he cultivated approximately twenty-three thousand pounds of cotton. Law was related to large planters throughout the District—the Lides, Harts, Means, and Cokers. Law's social standing was also confirmed by his service as captain of the local militia, Commissioner of Free Schools, leadership of the local temperance society, and membership in the regional Presbytery.<sup>37</sup>

Fittingly, given the high level of civic engagement common among its members, formality characterized societies. Rules and regulations were spelled out in written by-laws, which were periodically printed in newspapers. Leaders of the Beech Island Agricultural Society of Edgefield clearly articulated the rules of order within the society. First, officers were elected on a rotating basis. Admittance to the society was rigidly regulated. Only planters residing within twenty miles of the meeting were invited to attend. An applicant then needed to receive a nearly unanimous endorsement from current members in order to join the club. Indeed, two or more negative votes meant the

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<sup>36</sup> Darlington Agricultural Society Membership Roster, n.d, William Law Papers, RL. Federal Census of 1850, Darlington District.

<sup>37</sup> Thomas Cassells Law Papers, SCL.

rejection of the applicant. By-laws specified that no member was allowed to dominate the conversation—each person could speak no more than twice, and for no longer than 15 minutes.<sup>38</sup>

In plantation journals, society members shared their findings with other local societies. Some societies made provisions to use dues to subscribe to the important journals of the day. In 1858 the Beech Island Farmer's Club subscribed to the *Farmer and Planter* (Pendleton, South Carolina), the *Working Farmer* (New York), the *Southern Homestead* (Atlanta, Georgia), the *Western Farm Journal* (Louisville, Kentucky), the *Southern Cultivator* (Augusta, Georgia), and the *Southern Planter* (Richmond, Virginia). In addition the society reported that nine members subscribed to some twelve other papers.<sup>39</sup>

For these societies, meetings were not merely meant for social mingling, but also served as a means to find real and applicable solutions to their woes. To accomplish this, these organizations formed committees to develop new and improved methods of cultivation and plantation management. These committees adopted an empirically-based scientific approach. Many societies' rules and by-laws required members to conduct agricultural experiments and to closely monitor, quantify, and measure every step of the process as well as the results. "The connection between Science and Agriculture is becoming more a matter of enquiry [*sic*] every day," reported the Edgefield Philosophical Society in the early 1840s, "and in every kind of knowledge men are looking for

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<sup>38</sup> Records of the Proceedings of the Beech Island Agricultural Club, 1846-1862, SCL.

<sup>39</sup> See Charles G. Cordle, "Activities of Beach Island Farmers Clubs, 1846-1862," *The Georgia Historical Quarterly* 36, no. 1 (1952): 22-31. Individual subscriptions pepper the household accounts of antebellum planters and appear within the Guignard Family Papers, SCL and the James W. Watts Account Book (1839-1857), SCL.

principles upon which to explain the [phenomena] of constant experience.”<sup>40</sup> Darlington Agricultural Society’s twenty committee reports demonstrate the wide range of their inquiries, ranging from the “committee on draining swamps and other low lands and preparing for cultivation” to “the committee on corn and peas” and to “the committee on mills, machinery and plantation carriages.”<sup>41</sup> Among the most common reports, however, were essays on the management of slaves.

Like articles on cultivation or husbandry, writings on the administration of slaves stressed system and order in all dealings with bondsmen and women. In 1846 a small group of slaveholders noted in the *Southern Cultivator* that “[a] regular and systematic plan of operations on the plantation is greatly promotive of easy government. Have, therefore, all matters as far as possible, reduced to a system.”<sup>42</sup> Five years later, an anonymous planter concurred. “I am fully persuaded in my own mind that nothing would add more to the contentment and consequent happiness of the slaves than a well digested *system* of management, to be understood and uniformly practiced.”<sup>43</sup>

According to these prescriptions, constant improvement through observation was the goal. An 1831 story from the *Southern Agriculturist*, entitled “The Successful Planter,” described the process of transformation that these planters desired. An author, writing under the pseudonym “Edistonian,” traced the improvement of “Industry Hall,”

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<sup>40</sup> “Agricultural Societies,” *Carolina Planter*, Volume 1, No. 19, May 20, 1840.

<sup>41</sup> Darlington Agricultural Society Committee Assignments, c. 1840, William Law Papers, RL.

<sup>42</sup> Calhoun, John A., et. al. “Management of Slaves,” *American Farmer*, September 1846, 79. The authors were members of the Barbour County Agricultural Society of Alabama. E. E. DuBose, who later moved from Alabama to Arkansas, was a native of South Carolina. John A. Calhoun, Virgil Bobo, do not appear in the 1850 Federal Census of Barbour County, Alabama.

<sup>43</sup> A Minister of the Gospel, “Tatter on the Management of Negroes,” *Southern Cultivator*, June 1851, 86.

the plantation of the author's "Uncle Ben," from a poorly managed and disorganized estate into a model of efficiency and contentment.<sup>44</sup> "He examined everything—estimated their use and value," Edistonian explained, in order to "remedy" what had been "defective" "until he reached *perfection*."<sup>45</sup> The first part of this process was a review of his slaves, which he found wanting due to the mismanagement of his father, "a careless good natured gentlemen" whose "too friendly" manner was his downfall. To remedy this, the young planter implemented a new system of management that "unite[d] economy with ease as a means." First, he imparted to his slaves the importance of labor and industry, and guided them until they "worked with much experience and skill." Then, he reformed every aspect of slave life to promote comfort and efficiency: meals, housing, child-care, marriage, and treatment of illness. "The minutest object about him had a proper attention paid to it," the author related.<sup>46</sup> The result was a plantation recognized as "the pride and admiration of the whole neighborhood."<sup>47</sup>

Others offered prescriptions that demonstrated a similar desire for reasoned management on plantations. One contributor to the popular periodical, *DeBow's Review*, invited planters to compare notes on the "mode of feeding, clothing, nursing, working, and taking care of those humans entrusted in their care" in the same way that they discussed "modes of tilling the soil, erecting gates, fences, farm-houses, machinery, and

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<sup>44</sup> This is clearly written to convey the folkish wisdom of Benjamin Franklin's *Poor Richard's Almanac* within the context of slave agriculture.

<sup>45</sup> Edistonian, "The Successful Planter, or Memoirs of My Uncle Ben" Article III, *Southern Agriculturist*, Nov. 1831, 569.

<sup>46</sup> Edistonian, "The Successful Planter, or Memoirs of My Uncle Ben, Article XXX," *Southern Agriculturist*, March 1832, 132.

<sup>47</sup> Edistonian, "The Successful Planter, or Memoirs of My Uncle Ben" Article III, *Southern Agriculturist*, Nov. 1831, 569.

everything else.” He suggested that planters take “from the vast amount of experience in the management of slaves,” in order to “deduce some general, practicable rules for their government.”<sup>48</sup>

Planters believed that these rules should emphasize reciprocal duties of plantation managers and slaves. They could expect obedience and conformity if they offered slaves the proper inducements. An 1833 correspondent for the *Southern Agriculturist*, for instance, explained that “judicious management of negroes” rested upon ordered, rational, and paternalistic management. “Certain rules should be laid down on the plantation, which should be considered fundamental rules, never to be deviated from, and which should be distinctly understood by all.”<sup>49</sup> Such rules, however, must be rooted in a “settled arrangement” between planter and slave. Slaveholders must make their charges “as comfortable at home as possible,” and afford them “what is essential and necessary for this happiness.”<sup>50</sup>

Such arrangements included clear rules regarding slaves’ rights to time and the fruits of their after-hours labor. In his list of plantation rules published in *DeBow’s Review*, South Carolina rice planter P. C. Weston specified that slaves be compensated for any work completed on “Good Friday, or Christmas day, or on any Sunday.” Likewise, “the two days following Christmas day; the first Saturday’s after finishing

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<sup>48</sup> “Management of Negroes upon Southern Estates,” *DeBow’s Review*, June 1851, 621.

<sup>49</sup> *Southern Agriculturist and Register of Rural Affairs* (Jun 1833), 281. According to planters, such rules were essential in determining appropriate privileges and punishments, and provided the foundation of the order they sought. “A system of *strict justice* is necessary to good management. No person shall ever be allowed to break the law without being punished, or any person punished who had not broken a well known law.” See Weston, P. C., “Management of a Southern Planation,” *DeBow’s Review*, January 1857, 38.

<sup>50</sup> “On the Management of Slaves,” *Southern Agriculturist*, June 1833, 281.

threshing, planting, hoeing and harvest, are also to be holidays, on which the people may work for themselves.” Slaves, he noted, should receive half of Saturday, except during planting and harvest to be taken away by “those who have misbehaved or been laying up during the week.”<sup>51</sup> Promoting slave well-being was the “first object” of plantation management, but “for the well being...of the negroes, it is absolutely necessary to maintain obedience, order, and discipline.”<sup>52</sup>

Many cotton planters implemented these rules on their plantations. Cotton planter John Blount Miller of Sumter District, for instance, pasted clippings of published plantation rules in his Cornhill plantation book. These clippings clearly informed his local plantation regulations. In his first set of plantation rules, Miller listed ten areas of oversight: work for themselves, Sundays, church, house, conduct, morals, woods, marriages, other religious meetings and slaves’ patch production.<sup>53</sup> Under “work for themselves” he noted that slaves should “plant and tend a crop.” Miller presumably consulted and actively engaged in the literature about plantation management. This explains the gradual expansion of the number and scope of the rules guiding the conduct of his agricultural activities. They included specific restrictions on slave mobility to and from the plantation, and detailed instructions on the manner in which slaves were fed and children cared for. But perhaps more importantly, he made a detailed plan of slave

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<sup>51</sup> Weston, P. C., “Management of a Southern Planation,” *DeBow’s Review*, January 1857, 40.

<sup>52</sup> Phillips, *Plantation and Frontier Documents*, 117.

<sup>53</sup> Cornhill Plantation Book (1827-1873), 27, McDonald Furman Papers, SCL. Punishment was, of course, key in these formulations. Reformer Thomas Cassells Law noted: “To manage the slave without an occasional resort to the lash is as much a matter of impossibility as to manage children without it.” “In regards to that” he concluded, “Solomon has told us ‘he that spareth the rod, hateth his child.’” Thomas Cassells Law, “Report on the management of slaves duty of overseers and employers,” August 10, 1852, Thomas Cassells Law Papers, SCL.

patches.<sup>54</sup> Other planters similarly incorporated new thinking on slave management into their plantations.<sup>55</sup>

### III.

Prior to the widespread adoption of paternalistic ideology, slave patches existed throughout cotton country. However, on the South Carolina frontier, planters paid little attention to them. By the late 1820s, as planters began to embrace slavery as the ideal system of social relations, this changed. “Dutiful” masters reasoned that slaves’ informal economic production could no longer be disregarded. Then, by the 1830s, South Carolina planters began to publish essays on the proper management of “negro grounds.”

Initially, planters who assessed the “negro crop” system thought that the best practice was to promote slave patch production. These planters, many of whom resided in the lowcountry, believed that providing slaves with a patch of ground would increase overall plantation productivity. Roswell King, manager of the extensive Butler estate near Darien, Georgia, told the *Agriculturist* that “every means are used to encourage them [slaves], and impress on their minds the advantage of holding property, and the disgrace attached to idleness.” “Surely, if industrious for themselves,” he continued, “they will be so for their masters.” “No negro with a well-stocked poultry house, a small crop advancing, a canoe partly finished, or a few tubs unsold, all of which he calculates to soon enjoy, will ever run away,” he noted. To the critics who thought that slaves would

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<sup>54</sup> Miller and his son-in-law Richard Furman were supporters of the mission to the slaves and devout Baptists. On February 7<sup>th</sup> 1841, they “dedicated to the worship of almighty God, a house I have built for a school house and a place of workshop for my negroes.” See Cornhill Plantation Book (1827-1873), 27, McDonald Furman Papers, SCL

<sup>55</sup> See for example rules laid out by James Henry Hammond and his son. Plantation Book (1857-1858), James Henry Hammond Papers, LC, and Edward Spann Hammond Papers, 1832-1920, SCL.



then shirk their responsibilities in order to advance their own crop, King explained that the opposite was the case: “[A]n indolent negro is almost always sick, and unless he is well enough to work for his master, he cannot work for himself.”<sup>56</sup> For King, the rewards were clear: “Many [planters] may think that they lose time, when Negroes can work for themselves; it is the reverse on all plantations under good regulations—time is absolutely gained by the master.”<sup>57</sup> After-hours industry yielded better, more productive slaves.<sup>58</sup>

Increased productivity was not the only perceived benefit to encouraging slave production. Some planters also believed that since it reduced idleness, it could help reduce slaves’ temptation to misbehave. In 1830, B. McBride, of Hickory Hill plantation outside of Charleston reported, “all my slaves are to be supplied with sufficient land, on which [I] encourage, and even compel them to *cultivate* a crop.” “This crop,” he suggested, “can be tended during their idle hours, after task work is done, which otherwise would be spent in the perpetration of some act that would subject them to severe punishment.”<sup>59</sup>

Additionally, planters appreciated the leverage they gained by providing extra privileges. In Whitemarsh Seabrook’s 1836 pamphlet, *Essay on the Management of Slaves*, a diatribe against the religious instruction of African Americans, he noted that

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<sup>56</sup> King, R. “On the Management of the Butler Estate,” *Southern Agriculturist*, 1828, 525.

<sup>57</sup> Ibid. King and his employer Pierce Butler clashed over how best to manage slaves. King was known to be more rigid in his management style, when compared to his employer. See Malcolm Bell, *Major Butler’s Legacy: Five Generations of a Slaveholding Family* (Athens, GA: University of Georgia Press, 1987). Genovese cites this in his section on slave gardens in *Roll, Jordan, Roll: The World the Slaves Made* (New York: Pantheon Books, 1974), 539. This emphasis on industry may have had some connection to the movement to better equip overseers to handle absentee plantations.

<sup>58</sup> “On the Management of Slaves,” *Southern Agriculturist*, 1833, 281-287.

<sup>59</sup> B. McBride, “Directions for Cultivating the Various Crops Grown at Hickory Hill,” *Southern Agriculturist and Register of Rural Affairs (1828-1839)*, April 1830, 175-177.

“[a]mong the privileges of the slave, may be numbered that of task work.” “When [a slave’s] daily labor is finished,” he continued, “he is at liberty to cultivate his crop or otherwise attend to his own concerns.” He argued that such time gained provided planters with leverage—for what was given could also be taken away. Hence, he suggested that planters make slaves work during their overtime on their masters’ crops instead of their own in order to make up for time spent malingering. “It is proper on ordinary principles,” Seabrook concluded, “that the slave by his labour should compensate for the loss, which, through his knavery, the master has sustained.”<sup>60</sup>

By the 1830s, these lowcountry prescriptions made their way to inland cotton planters. Cotton planters agreed that such enlightened management could transform an uncontrolled, autonomous informal economy into a well-ordered system that benefitted planters, slaves, and the plantation unit. Precisely when this broad shift started to take shape on cotton plantations is difficult to pinpoint, but by the 1840s, a large number of cotton planters consolidated slave patches in “negro fields.” This new practice represented a clear shift away from the often-dispersed plantation grounds of earlier generations of cotton slaves. Charles Ball, while a slave in the South Carolina midlands, for instance, demonstrated that in the first decade of the nineteenth century, “on every plantation, with which I ever had any acquaintance, the people are allowed to make patches, as they are called—that is gardens, in some remote or unprofitable part of the estate, generally in the woods.” On his Richland, South Carolina plantation, he likewise

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<sup>60</sup> Whitmarsh Seabrook, *An essay on the Management of Slaves, and especially, on their Religious Instruction: Read before the Agricultural Society of St. John’s Colleton*. Charleston, 1834, 11.

noted that “there were about thirty of these patch[es], cleared in the woods, and fenced—some with rails, and others with brush.”<sup>61</sup>

By the 1830s cotton planters thus consciously shifted the locus of the internal economy from the periphery to the center of plantations. In this way planters brought order to a previously unorganized aspect of the plantation.<sup>62</sup> Grounds began to appear alongside planters’ lists of plantation fields, despite their relatively small size. An award-winning essayist from Georgia explained in his “Essay on the Treatment and Management of Slaves” that planters should not allow each slave “a [geographically] separate patch.”<sup>63</sup> Instead, they should consolidate all patches in a pre-determined area, “plant[ing] a small crop, say one acre each, for all that work in the field.”<sup>64</sup> And this crop should be “worked as you would your own.”<sup>65</sup> In other words, he recommended that planters control their slave patches as they controlled their own, determining the cycles of plowing and planting.

Planters across South Carolina cotton country adopted this prescribed practice. John Blount Miller, who kept an unusually detailed record of his slave grounds, sketched a twelve-acre “negro field,” in his 1840s’ plantation book. Miller divided the ground into

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<sup>61</sup> Charles Ball, *Fifty Years in Chains; Or, The Life of an American Slave*, (New York: H. Dayton, 1858), 166–67.

<sup>62</sup> Precisely when upcountry planters began to cultivate slaves’ fields in this manner is difficult to determine, however, by the late 1820s at least some planters organized production in this way. James Pegues of Marlboro, a devout Methodist, recorded that: 22 Thursday “today the plows are preparing the Negroes ground” 23 “Thursday Gave my Negroes to plant their crop.” See James Pegues Plantation Journal (1819-1824 and 1828-1830), SCL.

<sup>63</sup> Bass, Nathan. “Essay on the Treatment and Management of Slaves” South Central Agricultural Society of Georgia, *Transactions*, 1846-1851, 195-201.

<sup>64</sup> *Ibid.*

<sup>65</sup> *Ibid.*

ten patches—six large one and a half-acre lots and four small three-fourth acre sections. He assigned the larger patches to families, suggesting that women and children participated in their cultivation or at least benefitted from their proceeds. Precisely where planters situated these fields is difficult to determine, and probably varied widely. Miller, however, located his Cornhill plantation ground next to the quarter.<sup>66</sup>

Other planters similarly standardized the distribution of patches. On the plantation of William T. Ellerbe, located south of Cheraw along the Pee Dee River, the typical ground was an acre. Field hands Samuel Fuller, Napoleon Prince, and Essex Dargan each referenced their ground during the 1864-1865 agricultural season.<sup>67</sup> On the nearby Marlboro plantation of John McQueen, a similar system emerged.<sup>68</sup> But grounds could be larger. Immediately west in Newberry District, slaves received three acres.<sup>69</sup> One Alabama planter reported that on his plantation, the “men get two acres, the women one,

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<sup>66</sup> Rule 8, “Rules for Government of Plantation,” Cornhill Plantation Book (1827-1873), 103-104, McDonald Furman Papers, SCL. According to Miller’s calculations, each field contained 37 by 37 5-foot measures (34,225 square feet) or 37 by 75 five-foot measures (69,975 square feet). 1.5 acres contains 65,340 square feet, therefore, his note at the bottom of the map below is correct. Each field contained “1 ½ acres + a little more.” Although Miller does not provide information regarding slave families in the above map, he does elsewhere in his Cornhill Plantation Book. In 1845, the planter listed summer clothing given to slaves: “Isaac and family,” “Orben and family,” “Jim and family,” “Nat and wife,” “Scripto and family,” Jackson and Summer and Flora and Dandy. Jeffrey, Porter, Plenty, and Old Nat are listed alone. Although the Cornhill plantation book does not include a record of what slaves produced, in later years, under the management of Miller’s son-in-law, John H. Furman, they traded cotton. See 1861 Cotton Accounts, John H. Furman Plantation book (1860-1866), pg. 24-25, John H. Furman Papers, SCL. Furman records paying for cotton from Old Jim (120 lbs), Nat (100 lbs), Young Jim (28 lbs), and Little Plenty (100 lbs).

<sup>67</sup> Claim of Essex Dargan, Marlboro County, South Carolina, SCC. Dargan was a young man—about 20 years of age—at the time Sherman’s troops came through the district. At this time, he cultivated his own patch. It is unclear whether bondswomen on the Ellerbe plantation were also allowed one acre to cultivate.

<sup>68</sup> Claim of James McQueen, Marlboro County, South Carolina, SCC.

<sup>69</sup> Mary Veals, “Slavery Reminiscences,” *Slave Narratives: A Folk History of Slavery in the United States*, 1941.

and the children a half acre.”<sup>70</sup> In each case, a simple, yet clearly devised formula, characterized their distribution. Even if their particulars differed, these planters were nevertheless all following a system.

This general ordering of slave patches facilitated their integration into planting schedules.<sup>71</sup> Thomas Cassells Law, an avid agricultural reformer, was among the planters who specifically designated time during which his slaves could cultivate their own slave grounds throughout the year. Historian John Campbell, who has examined the Law plantation in detail, found that in the spring of 1841, 1847 and 1850, Law recorded planting his “negro field” a day after he finished the plantation crop.<sup>72</sup> Plowing followed a similar, if less rigid cycle. Between 1841 and 1852 Law varied his tilling rotation, and nearly always included slave fields to the mix. He first tackled his own fields and then proceeded to his slaves.’ Writing in his plantation journal, on Saturday, May 25<sup>th</sup>, 1850, for instance, Law recorded that he “finished ploughing cotton first time and ploughed negro crop.” Just over a month later, he noted, “ploughed negro crop 2<sup>nd</sup> time,” before he “[began] to plow cotton for 3<sup>rd</sup> time.” He also encouraged slaves to fertilize their patches, and readily sold them guano to that effect.<sup>73</sup> Although far from a priority, Law’s “negro fields” represented one of many plantation tasks requiring his attention.

The rhythm of the plantation was not the only factor determining the calendar for the tending of slave patches. Religious dictates strengthened by the spread of

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<sup>70</sup> Francis Boykin, “Management of Negroes,” *Southern Field and Fireside* (June, 1860), 406. On at least one South Carolina plantation—belonging to Thomas Cassells Law—women did receive grounds. See Thomas Cassells Law Papers, SCL.

<sup>71</sup> Law listed his “negro field” alongside cotton fields, wheat field and cornfields.

<sup>72</sup> A Practical Farmer, “Observations on the Management of Negroes,” *Southern Agriculturist and Register of Rural Affairs (1828-1839)*, April 1832, 181-184.

<sup>73</sup> Accounts of Hannah and Dorcas, 1859-1860, Thomas Cassells Law Negro Book, SCL.

evangelicalism among both planters and slaves also proved critical to the organization of ground production, impacting the organization of the informal economy of cotton country.<sup>74</sup> The Christian mission to the slaves strongly supported the well-being of slaves through their cultivation of patches. In *The Religious Instruction of the Negroes*, reformer Charles Colcock Jones reported that “Each house should also have a *small lot* for a garden, poultry yard, apiary, and other purposes, attached to it,” adding that “[i]ndependent of this lot, the families should have as much ground to plant for themselves during the year as they can profitably attend; also the privilege of raising poultry and hogs; indeed every privilege and opportunity allowed them to make themselves comfortable and to accumulate money.”<sup>75</sup>

In the context of the cotton South, there was, however, an inherent tension within the slave mission’s support for patch production. Indeed, as tasked labor was not common and slaves worked from “sun-up to sun-down,” Sunday had traditionally been the only day where slaves could labor for themselves for an extended period of time. Slave Charles Ball clearly testifies to this in his narrative: “these patches they must cultivate on Sunday or let them go uncultivated.”<sup>76</sup> Yet, the teachings of the Christian mission were adamant that no work should be done on the Sabbath. As Charles Colcock

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<sup>74</sup> For studies that explore the mission to the slaves see Charles Janet Duitsman Cornelius, *Slave Missions and the Black Church in the Antebellum South* (Univ of South Carolina Press, 1999); Erskine Clarke, *Dwelling Place: A Plantation Epic* (Yale University Press, 2005). For a recent examination of anti-paternalist pressure on the slave mission see Ford, *Deliver Us from Evil*. Notable tension existed between agricultural reformers like Whitemarsh Seabrook and religious reformer Charles Colcock Jones over the issue of slave literacy; on the utility of slave ground production, however, the two men agreed. Seabrook did not comment on slaves’ Sunday patch labor, an important issue of concern for Jones and other evangelicals.

<sup>75</sup> Charles Colcock Jones, *The Religious Instruction of the Negroes in the United States* (Savannah, GA: Thomas Purse, 1842), 241.

<sup>76</sup> Ball, *Fifty Years in Chains; Or, The Life of an American Slave*, 166.

Jones's *The Religious Instruction of the Negroes* stipulated, slaves should not spend Sunday "in idleness and sleep, or in hunting, fishing, [...] in thieving or working for their own convenience and profit; and [...] in trading."<sup>77</sup> Jones' *Catechism for Colored Persons* also put great emphasis on the second commandment, and demanded that planters inform their slaves that "[w]e are to do *no work at all* on the Sabbath."<sup>78</sup>

In enforcing this rule, however, some planters encountered challenges from their slaves. Episcopal clergyman Octavius Porcher, whose plantation journal served both as a place for religious reflection and daily labor log, noted his difficulties in keeping slaves from working in their upland rice fields on Sundays. In June of 1852, he "found that Zingo had gone down to his rice field on Sunday and worked and I felt that I ought to say something to him about it." Porcher moved from word to deed and spoke to Zingo "mildly and yet sternly." The conversation, he felt, "had a beneficial effect" since Zingo "seemed truly humbled and begged [his] pardon." Porcher was glad that after this, Zingo also moved from word to deed, and "did well all week."<sup>79</sup>

Prominent rice planter and evangelical Thomas Savage Clay suggested a simple solution to this thorny issue. In 1833 he explained to the Georgia Presbytery that planters should provide slaves extra time to work. He noted:

The next regulation for their [slaves'] encouragement is a more specific allowance of time for their own purposes, such as, occasionally a day to plant, or till, or reap their crops. It is, however, better to give them statedly a portion of every Saturday. The time allowed on that day may be made to depend on their general good conduct and industry throughout the week. It

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<sup>77</sup> Jones, *The Religious Instruction of the Negroes in the United States*, 138. Charles Colcock Jones, *Religious Instruction of the Negroes in the United States*, 1842, 138.

<sup>78</sup> Luther P. Jackson, "Religious Instruction of Negroes, 1830-1860, with Special Reference to South Carolina," *The Journal of Negro History* 15, no. 1 (January 1, 1930), 35.

<sup>79</sup> Journal, 1851-1852, Octavius Theodore Porcher Papers, SCL.

should supersede the necessity on their part, of doing any work for themselves on the Sabbath, either in their fields, or in getting wood, or grinding at the mill. And it is important that they should understand that the privilege is granted, expressly to aid their attendance on Church, as well as to reward diligence.<sup>80</sup>

This dual effort to claim slaves souls as well as their domestic labor was at the heart of the paternalistic enterprise.

Planters readily adopted Clay's idea. John B. Miller, a devout Baptist who constructed a meetinghouse especially for the religious instruction of his slaves, included compulsory patch production in his plantation instructions.<sup>81</sup> He noted, however, that slaves were "to do no work on Sunday but to cook their meals." Several years later, he stated the same: that "[slaves] must plant a crop and tend it, but aren't to be allowed to work on a Sunday."<sup>82</sup> Instead, Miller elected to have his slaves work their patches on Saturday. Similarly, on the McLeod's upcountry plantation, slaves worked a garden and extra patch on "Saturday evenings."<sup>83</sup> Others designated Saturday as a day for slave labor, but occasionally permitted slaves to work on weekday evenings. In Marion District, for instance, slaves belonging to J. Eli Gregg were required to work their extra

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<sup>80</sup> Thomas Savage Clay, *Detail of a Plan for the Moral Improvement of Negroes on Plantations* (n.p. Printed at the Request of the Presbytery, 1833), 21. Clay was a firm believer in the internal economy. He also noted in *Detail of a Plan*, "[t]he possession and increase of personal and domestic comforts, are the safest pledge that the slave will be faithful to the interests of his master," and that such property be obtained through the "kind assistance of his master – I say assistance, for he will value them more if they are partly the fruit of his own exertion: neither would it be expedient to furnish him with these comforts, before he had made some effort to obtain them; for if given before he wants them; they will be destroyed by neglect and abuse. These favors, however trifling they may appear to us, will exert happy influence on the negro." Thomas Clay quoted in Hilliard, *Masters, Slaves, and Exchange*, 30.

<sup>81</sup> See Miller's rules, outlined in the beginning of this chapter.

<sup>82</sup> Cornhill Plantation Book (1827-1873), 106, McDonald Furman Papers, SCL.

<sup>83</sup> Jack McLeod, *Slave Narratives*, Vol. XVI, South Carolina, Part 3, 1941, 157. McLeod reported: "Dey let us have a garden en extra patched of we own dat we work on Saturday evenings. En ee catch much rabbits en fish as us want. Catch pikes en ells and cats."



crops on Saturday. They worked “in moonlit nights and Saturday evenin[g]” to cultivate their three acres of land.<sup>84</sup>

Plantation books, although far from uniform, reveal a similar trend—semi compulsory labor on Saturdays or other days during which slaves “knocked off” work. Samuel Porcher Gaillard of Sumter identified Saturdays or Saturday afternoons for slaves’ own labor. Throughout the 1840s, he noted in his plantation records that he “Gave the negroes the day to work for themselves”—but only three or four Saturdays per year.<sup>85</sup> Others, like Presbyterian planter Thomas Cassells Law did not have to make much adjustment, as he seemed to have anticipated the problem. Indeed, Law’s integration of slave field cultivation into his plantation calendar enabled him to designate various days of the working week for slave labor. On his plantation, depending on plantation needs slaves were thus allowed time on various days of the working week, as well as Saturday—but never on Sunday—to work their own patches. In 1850 for example, Law planted slaves’ cotton on Tuesday, May 7<sup>th</sup>, and plowed it on Wednesday, July 3<sup>rd</sup>.<sup>86</sup>

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<sup>84</sup> Sylvia Cannon, *Slave Narratives*, Vol. XVI, South Carolina, Part 1, 1941, 191: Cannon reported: “Had dey extra crop what dey had time off to work every Saturday. While folks tell dem what dey made, dey could have.” “Couse they let slaves have three acres of land to a family to plant for dey garden. Work dem in moonlight nights and on Saturday evenin.”

<sup>85</sup> Campbell, “‘A Kind of Freedman:’ Slave Market Activities in the South Carolina Up Country, 1800-1860,” 163. See also cotton planting and harvesting recorded in Samuel Porcher Gaillard's plantation journal on January 1, 1841, December 31, 1846 and July 1, 1843. Saturdays workdays spanned the agricultural calendar, but were most often concentrated in late summer. See *Plantation Journal* (1835-1846), Samuel Porcher Gaillard Papers, SCL.

<sup>86</sup> Campbell, “‘A Kind of Freedman:’ Slave Market Activities in the South Carolina Up Country, 1800-1860,” 163.

## IV.

Besides investigating when and where slaves should cultivate their patches, planters also debated what the content of these patches should be. This, too, varied in accordance to broad political and economic trends. Before planters wrested control over the content of slave patches, slaves primarily cultivated for home consumption in makeshift gardens. With limited resources and often relegated to the least fertile parts of the plantation, slaves grew whatever they could. In 1806 Charles Ball noted that the grounds of Columbia were filled with “corn, potatoes, pumpkins, melons, &c.” and were “always consumed by the families of the owners.” One slave couple, Ball noted, had “onions, cabbage, cucumbers, melons and many other things,” planted in their patch.<sup>87</sup>

For late-antebellum planters, letting their slaves control this aspect of their domestic economy was not an option. Paternalists believed that they were duty-bound to teach slaves the value of thrift, order, and industry. Indeed, planters were convinced that leaving slaves to determine the contents of their patches led to inefficiency and waste. As one planter warned, “If allowed to plant himself, he will waste seed enough on one to plant ten acres, and in due season it will present an interminable medley of corn, cotton, peas, potatoes, ground peas, cabbage, beans, &c., watermelons predominating.”<sup>88</sup> Planters concluded, therefore, that controlling this aspect was critical to the success their enterprise

Once planters began to wrest control of slave patches in the 1820s, haphazard production gave way to single-minded, well-ordered cultivation of plantation staples. One

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<sup>87</sup> Ball, *Fifty Years in Chains; Or, The Life of an American Slave*, 166–67.

<sup>88</sup> Hurricane, “The Negro and His Management,” *Southern Cultivator (1843-1906)*, September 1860, 276-277.

option was to encourage production of the crop that they came to know best: cotton. For slaves, this was not particularly new. Indeed, cotton was among the variety of crops that they had previously produced in their unsupervised patches. As early as 1806, cotton slaves cultivated small amounts of the commodity for trade. The twelve slaves of Laurens native Joseph Blackerby, Sr., for instance, collectively produced about 384 pounds of unginned cotton, or about one fourth of a bale. Similarly, in 1807, the two slaves of Benjamin Brown also cultivated small amounts of the commodity, about eighty pounds or just over one tenth of a bale. This early cotton cultivation among slaves was generally modest. It represented one of the many crops produced in slaves' makeshift patches.<sup>89</sup>

By the 1820s some planters began to encourage systematic production of cotton on their newly designated slave grounds. This significantly increased slaves' annual cotton yields. Ginning accounts of Laurens District merchant John Black, for example, reveal that between 1824 and 1826, slaves individually produced well over 500 pounds of unginned seed cotton for trade in a given year (about a third of a bale). Yeoman farmer Jesse Motes, for instance, permitted his slave George to send 428 pounds of cotton to the local ginner during the 1825 agricultural season, and 671 pounds the following year. Fellow Laurens native William Caldwell allowed his bondsman Ned to trade even more—867 pounds of seed cotton to the ginner in the winter of 1826. Over four-dozen bondsmen belonging to twenty-two different masters traded seed cotton at the Laurens store, exchanging approximately 14,900 pounds of the commodity between 1824 and

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<sup>89</sup> General Ledger (1806-1807), John Black Papers, SCL. This is based on the typical ratio of seed to lint (3 to 1), and is based on a 500 pound bale of cotton. For seed to lint ratios see Alan L. Olmstead and Paul W. Rhode, "Biological Innovation and Productivity Growth in the Antebellum Cotton Economy," *The Journal of Economic History* 68, no. 4 (2008): 1123–71. It is important to note, however, that in the first few decades of the nineteenth century bales could be much smaller. In the records of local ginner Caleb Coker from the 1830s, bales were around 300 pounds. See Coker Family Papers, 1829-1914, SCL.

1830.<sup>90</sup> Other merchant ginnerers operating in the 1830s likewise procured slave cotton in similar amounts. In 1835 Caleb Coker bought eight thousand six hundred pounds of the staple from neighborhood bondsmen and women in Darlington District. Several years later, during the 1837/1838 cotton season, Society Hill merchant Leach Carrigan similarly purchased over nine thousand pounds of the commodity from slaves. In each case, slaves typically traded unginced or seed cotton.<sup>91</sup>

Over time, however, as planters took even greater interest slaves cotton fields, slave production greatly increased. On the plantation of Thomas Cassells Law, slaves produced 16,002 pounds of cotton on their own grounds during the 1859-1860 cotton season. Indeed, slaves produced 73,435 pounds of the commodity between 1852 and 1861, which accounted for 11.6 percent of the total 634,994 pounds produced in Law's cotton fields.<sup>92</sup> In 1860 fellow Darlington planter James Lide Coker estimated his "negro crop" at 5,691 pounds, some five percent of the total amount of cotton produced that year.<sup>93</sup> Indeed, according to one recent estimate, slaves raised seven percent of the total cotton crop of four Darlington District plantations between 1840 and the early 1860s in their own fields.<sup>94</sup>

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<sup>90</sup> Slave Account Book (1824-1827), 117, 159, John Black Papers, SCL.

<sup>91</sup> Records, 1832-1895, Coker and Brother, SCL. Volume (1836-1838), Leach Carrigan Papers, SCL. For black or white clientele, unginced cotton, which was about three times as heavy as cotton lint, typically fetched between 2 ½ and 4 ½ cents per pound, or a third of market price. Chapter Three will discuss in greater detail profits that planters derived from marketing slave cotton on their behalf.

<sup>92</sup> Campbell, "'A Kind of Freedman: Slave Market Activities in the South Carolina Up Country, 1800-1860," 250.

<sup>93</sup> Plantation Journal (1856-1861), Coker Family Papers, SCL.

<sup>94</sup> Campbell, "'A Kind of Freedman: Slave Market Activities in the South Carolina Up Country, 1800-1860," 248. For an examination of slave cotton prices, see Chapter Three. References to "Negro Crops" appear throughout the historical record. However, some planters recorded this production more systematically than others. For especially good examples of the practice see the following collections of

Not all planters thought that slaves should grow cotton for themselves. As early as 1817, some planters issued warnings about the “false or mistaken humanity” of extending slaves this “privilege.” Planters Sanders Glover, Timothy Barton and other slaveholders of Amelia Township, Orangeburg District, complained that “good meaning, respectable people...have extended the privilege of their negroes, so far as to be injurious to themselves and in many cases a nuisance to the public and may ultimately prove fatal to the Negroes themselves.” In many parts of the district, they noted, “Negroes have every other Saturday, keep horses, raise hogs, cultivate for themselves.” Of all these privileges, however, they found “that of making cotton is the most objectionable.” Cotton fields, they warned, could not be secured by lock and key; nor could cotton scaffolds and gin houses be protected. Finding stolen cotton among slaves who grew cotton for themselves, “would be like looking for a drop of water lost in a river.” Furthermore, those permitted the privilege would encourage others to steal and serve as factor. They suggested other incentives instead—those that “would encourage their industry without granting them privileges that would enable them to steal with impunity.”<sup>95</sup>

In 1832 a contributor to the *Agriculturist* from the cotton-producing district of Edgefield expressed similar concerns. This self-described “Practical Farmer” cited the “error” that “cotton planters in the upper country...have so long committed in allowing their negroes to plant cotton.” He agreed that it served as an invitation to “secret a part of

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planter papers from the following years: William Law, Darlington, 1820-1850; D.H. Kerr, Fairfield, 1830-1839; John W. Leak, Chesterfield, 1849; Thomas C. Perrin, Abbeville, 1857-1860; Caleb Coker, Darlington, 1858; Mary Hart Means, Darlington, 1858-1860; Thomas Cassells Law, Darlington, 1859-1860; J. Eli Gregg, Marion, 1859-1860.

<sup>95</sup> Petition, December 4, 1816, South Carolina General Assembly, SCDAH. Petitioners included Sanders Glover (owned 25 slaves in 1820), Edward Dudley (owned 28 slaves in 1810), Timothy Barton (owned 16 slaves in 1820), Jonathan Nichols (owned 7 slaves in 1820), Jacob Hare (owned 7 slaves in 1820). Federal Census of 1820, Orangeburg District.

their daily pickings” to add to their own.<sup>96</sup> Aside from theft of the commodity, the editorialist feared overwork.<sup>97</sup> One upcountry planter reasoned that cotton slaves simply could not “give that attention to the culture of cotton which is requisite to make it productive,” and half-hearted cultivation would further tire bondsmen and provide them with little pecuniary reward.<sup>98</sup> To overcome these obstacles, he suggested restricting slave production to bulkier and less valuable commodities, such as corn. Although corn could also be stolen, “it is not so portable an article, of much less value, and more easily detected.” Indeed, “a negro that would take one hundred pounds of cotton seed worth two dollars, would hardly venture on the same weight of corn worth only seventy-five cents,” he reasoned.<sup>99</sup> As a result, most planters who forbade cotton production favored corn instead.

On upcountry plantations, slave corn grounds could produce substantial yields. In the “negro patches” of Darlington District’s Mary Hart Means, slaves produced forty-six and a half loads of corn in 1859. Of these yields, Means only purchased a few bushels of corn surpluses that slaves did not use or exchange themselves, however, in marked contrast to cotton.<sup>100</sup> This was not an uncommon practice. Contrary to cotton produced for distant markets, corn was utilized locally for a multitude of purposes. Slaves consumed much of their corn and used it to feed stock. They also peddled the commodity

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<sup>96</sup> A Practical Farmer, “Observations on the Management of Negroes,” *Southern Agriculturist and Register of Rural Affairs (1828-1839)*, April 1832, 181.

<sup>97</sup> *Ibid.*, 181-184.

<sup>98</sup> *Ibid.*

<sup>99</sup> A Practical Farmer, “Observations on the Management of Negroes,” 181-184.

<sup>100</sup> Slave maintained negro patches on the Big New Ground (22 loads), Anchor Neck (10 ½ loads), 100 acre field (13 loads, and the Bottoms (1 load). Account Book (1858-1860), Mary Hart Means Papers, SCL.

locally, if masters gave them leave to do so. In November 1854, for example, the corn of five slaves belonging to John S. Bratton was “sent to York by Jim” in amounts ranging from 4 ½ to 19 bushels. Bratton did not include how much money slaves received for their produce but marked “paid” over the accounts, suggesting that he authorized the transactions and supervised their completion. Bratton also periodically purchased slave corn for the plantation. In December of the same year, he settled with nine different slaves who had traded 54 additional bushels of corn over the course of the year.<sup>101</sup>

Planters who permitted slaves to produce corn or cotton also encouraged slaves to raise livestock. However, as with slave crops, they often disagreed on which kinds of stock slaves should be allowed to keep. Chickens proved the least controversial. Indeed, an overwhelming number of planters permitted slaves to keep fowls. By the late antebellum period, many planters viewed chicken raising as an activity reserved for slaves alone. In 1847, for example, one South Carolina planter requested that his overseers refrain from keeping poultry so as enhance the marketability of slaves’ chickens. He explained, that this “enable[s] them to procure some little extra Comforts for themselves & which tends to attach them to their homes,” and as such should be reserved for slaves alone.<sup>102</sup> This privileging of slave poultry was apparent in plantation and store accounts, which reveal a steady trade in slaves’ chickens and eggs.<sup>103</sup>

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<sup>101</sup> Ledger (1847–1862), Bratton and Rainey Records, SCL. Indicative of Bratton’s attempts to maintain control over independent production, he compensated slaves for their corn on December 25th. For a discussion of the significance of Christmas in planters’ management of slave crops, see Chapter Two.

<sup>102</sup> Charles Manigault to James Haynes, March 1, 1847. Quoted in Hilliard, *Masters, Slaves and Exchange*, 34.

<sup>103</sup> *Farmer and Planter*, Columbia, SC, Vol. 5, No. 7, July 1854, 259. The keeping of chickens was, according to one observer, representative of produce usually made by the slave. Account Book (1859), Mary Hart Means Papers, SCL.

Darlington plantation mistress Mary Hart Means and Abbeville planter Thomas C. Perrin were representative in this regard. Both exchanged hundreds of chickens and eggs with their bondsmen and women over the course of the antebellum period.<sup>104</sup> In 1858 alone, Thomas Perrin's plantation overseer A. J. Ferguson sent 135 "negro fowl" to the big house to be added to slaves' accounts.<sup>105</sup>

Pigs were the second most common type of stock slaves raised. Throughout cotton country, planters encouraged slaves to either acquire pigs for breeding or to fatten them for slaughter. The slaveholders most likely to embrace this practice were those who encouraged other forms of agricultural commodity production as well. Richland's John G. Guignard, for example, periodically purchased his slaves' hogs in the 1820s and 1830s alongside fodder, rice and other slave-produced goods. In 1829 he purchased nine sows, one burrow, two shoats (newly weened pigs), and sixteen pigs from slaves residing on his family's Orangeburg District plantation. Similarly, late-antebellum planters such as Darlington's Peter S. Bacot and Thomas Cassells Law, acquired slave-raised swine in between purchases of cotton, corn, fodder and hay.<sup>106</sup> Law purchased two large pigs from his slave Bess between 1859 and 1860. Bacot, for his part, acquired two shoats, one from his bondsman Joseph and another from the "estate" of Jack.<sup>107</sup> Slaves, however, produced

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<sup>104</sup> Between 1858 and 1860, Means traded sixteen dozen eggs and sixteen chickens, with four of her slaves Robert, Bill, Patsy and Jim.

<sup>105</sup> A J Ferguson to Thomas C. Perrin, July 1858, Perrin Family Papers, SHC. See also, John Gabriel Guignard, Accounts, Guignard Family Papers, SCL. In the late 1820s, the family traded coonskins and ducks along with chickens and eggs. One dozen eggs fetched \$0.12 ½ cents, ducks, \$0.25 and chickens 12 ½ cents.

<sup>106</sup> See Slave Accounts, 1856, Plantation Account Book, 1843-1860, Peter S. Bacot Papers, 1757-1946, SCL.

<sup>107</sup> For a discussion of how planters used legal categories like probate and estate to settle slaves debts after death, see Chapter Three.



much more than they traded. Like corn, slave-raised pigs were often consumed locally, usually by slaves themselves. Indeed, it was much more common for slaves to use self-raised pork to supplement their rations than to maintain sows for breeding and trade. On nineteen plantations in Marlboro District, slaves on seven of the plantations continued to keep pigs after the annual hog killing in December. Slaves on seventeen of the nineteen plantations, however, had slave-raised pork among their possessions just before emancipation.<sup>108</sup>

By the end of the antebellum period, growing sectional tensions exacerbated fears of slaves' economic independence among some South Carolinians.<sup>109</sup> This was a minority development on the fringes of planter society. Nonetheless, these planters began to severely restrict slaves' own agricultural production, including the cultivation of corn and the raising of livestock. Restrictions, however, did not necessarily mean all ground production was prohibited. In addition to kitchen gardens for home consumption, some planters allowed slaves to produce vegetables for "truck" or sale, and raise chickens. Barnwell District James Henry Hammond was among this group.<sup>110</sup> In his 1858 plantation book, he recorded the following rules:

Adjoining each negro house is a piece of ground convenient for a fowl yard and garden...Negroes may have patches in various parts of the plantation (always getting permission from the master) to cultivate crops of their own. A field of suitable size shall be planted in pindars [African peanuts] and cultivated in the same manner as the general crop, the produce of which is to be divided equally among work-hands. Negroes are not allowed to grow crops of corn or cotton for themselves, nor have any cattle or stock of any kind of own.

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<sup>108</sup> Claims, Marlboro District, SC, SCC. Slaves also obtained draft animals, which are not discussed here, but nonetheless shaped their ability to operate within the informal economy.

<sup>109</sup> For more on this see the Introduction and Chapter Two.

<sup>110</sup> Plantation Book (1857-1858), James Henry Hammond Papers, LC.

Eliminating corn, cotton and stock was a strategic retreat from the system that they had cultivated years before.

Planters' decision to restrict or completely forbid slave patches was based on both new and old concerns. For example, theft was still one of their primary sources of worry. Slaves who grew the same crops as their masters, they reasoned, had an easy opportunity to steal from the plantation. Slaves, in turn, clandestinely sold their goods to unscrupulous dealers at high prices funneling away the wealth of the plantation, or they simply added their ill-gotten gains to produce from their grounds.

But planters also began to express new concerns reflective of growing sectional tensions. With the institution of slavery in peril, planters attempted to eliminate any possible crack in the armor of the slave system. Slave independence figured high on this list. Cotton was valuable and often yielded potential earnings, which simply gave slaves with too much power. As one planter explained, "They are suffered to raise poultry, but no corn or cotton on their own account, believing as I do that the possession of too much money is calculated to generate bad habits and produce disorder, where sobriety, good feels and happiness should prevail."<sup>111</sup>

The political implications of providing slaves undue economic power became clear in discussions of "slave crops" during the period. In 1860 as one detractor noted, slaves "have patches of such sizes as they wished, and be permitted to work them every time they worked over their master's crop." As a result, the "annual income of their crops was good wages for a white man." "Can such stuff be called management," he asked?<sup>112</sup>

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<sup>111</sup> Foby, "Management of Servants," *Southern Cultivator*, 1853, 301.

<sup>112</sup> A. T. Goodloe, "Management of Negroes---Caution!," *Southern Cultivator (1843-1906)*, October 1860, 130.

With war looming, planters addressed poor white discontent by challenging black privileges.

New theories on scientific racism underscored this anti-paternalist rhetoric. Planters suggested that slaves simply could not be instructed in the manner that paternalists had long advocated. These masters argued that slaves were so inferior that attempts at “improving” them were destined to fail. In 1860 a Georgia man expressed this point of view in a letter to the *Southern Cultivator*. “Mentally he is a child; I treat him as such.”<sup>113</sup> These planters argued that they simply could not be trusted with privileges. Slaves “are thoughtless, and if allowed to do so, will stay up late of nights. Some of them will be [up] all hours,” one planter explained.<sup>114</sup> “They labor at nights when they should be at rest,” he noted, stating “like all other animals he is only capable of doing a certain amount of labor without injury.”<sup>115</sup>

Indeed, some planters attacked the “negro crop” suggesting that planters turn away from long-held notions about race relations and planters’ obligations to shape slave character. In advising fellow planters to cease granting slave privileges they explicitly attacked the humanitarian-based rationale that planters had crafted over the previous three decades. These planters argued that the slave privileges at the heart of planters’ paternalistic vision were ill conceived. Although these dissenters represented the fringes

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<sup>113</sup> Hurricane, “The Negro and His Management,” 1860, 276-7.

<sup>114</sup> Tatter, Management of Negroes, *Southern Cultivator*, 1850, 76.

<sup>115</sup> Tatter, “Management of Negroes,” *Southern Cultivator*, 1850, 76.

of planter ideology, they made their voices heard.<sup>116</sup> Instead of positive incentives, for instance, they argued that force, or in the words of one planter, “that great civilizer—the cow hide,” was the best way to elicit labor from bondsmen and women and to protect the slave system. “To lay down a set of rules for the management of all negroes, would, in my opinion be a very silly act,” one planter reported. He concluded, “[w]ith one, perhaps, moral suasion will do, with another, flattery, while with the majority the fear of punishment is the motive power.”<sup>117</sup>

But even these planters did not wholly abandon other forms of incentives to elicit slave work. Some planters who eschewed “negro crops” simply turned their support to other positive incentives. In 1854 one Georgia cotton planter explained the line of reasoning at length:

It was at one period much the custom of planters to give each hand a small piece of land to cultivate on their own account, if they choose to do so; but this system has not been found to result well. It gives an excuse for trading and encourages a traffic on their own account, and presents at temptation and opportunity during the process of gathering for an unscrupulous fellow to mix a little of his master’s produce with his own. It is much better to give each hand, whose conduct has been such as to merit it, and equivalent in money at the end of the year; it is much less trouble, and more advantage to both parties.<sup>118</sup>

Similarly, another planter who advocated changing the system suggested that planters “spend on them in extra presents as much as their crop (if they had one) would yield.”<sup>119</sup>

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<sup>116</sup> In *Deliver us from Evil* Lacy Ford suggests that after the Turner insurrection, David Walker’s appeal, and abolitionist mail campaigns, the lower South, especially South Carolina fully embraced paternalism.

<sup>117</sup> Hurricane, “The Negro and His Management,” 1860, 276-7.

<sup>118</sup> Collins, Robert. “Management of Slaves,” *DeBows Review* (October 1854), 421. See also the *Southern Cultivator*, July 1854.

<sup>119</sup> Agricola, “Management of Negroes,” *DeBows Review*, 1855, 362.

Dissenters aside, by the 1860s the informal economy had become a part of the paternalistic plantation system. This transition from unregulated patch production to negro fields was the culmination of a long journey for planters. Over the course of the nineteenth century, they continually refined their understanding of mastery, management, and the role of slave informal economic production. The practice of slave patch production, once tacitly accepted by planters had by the late-antebellum become a system marked by “order, discipline, kindness and reciprocity.” By creating “negro grounds” and organizing slaves’ after-hours agricultural production, planters forced the slaves’ economy into their own economic orbit. But the cultivation of “negro crops” was just one form of after-hours slave labor. The next chapter will examine its counterpart, slave jobbing.

## Chapter 2

## “Some Sort of Wages:” Self-hired Slaves, Overtime Labor, and the Informal Economy

Those engaged in almost all employments superior to that of field-hands, in the Southern States, are, nearly always, ‘gratified’ with some sort of wages, or perquisites, or stimulants, to skill and industry, in some form.

—Frederick Law Olmsted, *A Journey in the Seaboard Slave States*, 1856

When journalist and New England native Frederick Law Olmsted embarked on his three-month tour of the southern states in December of 1852, he sought to document the inner workings of the southern economy. In a letter to a friend, published just before his journey, he wrote that he intended to chronicle his “observations on Southern Agriculture & general economy as affected by Slavery; the conditions of the slaves...and the hopes & fears of sensible planters.”<sup>1</sup> When he returned home in 1854, he had produced a large corpus of writing, which he parlayed into a 724-page travel narrative entitled *A Journey in the Seaboard States; with Remarks on their Economy*. In the pages of his book, Olmsted recorded in painstaking detail the precise manner in which slave labor fueled the South’s peculiar economic system.

As a well-educated member of the northeastern elite, Olmsted’s free labor sympathies were apparent throughout his reporting on the *Seaboard States*. But this bias, when combined with his knack for anecdotal writing, led him to describe the precise form of labor relations described in this chapter: “slave wages.” In describing paid slave labor, which often surprised and perplexed him, he typically used such incidents as an opportunity to point out the benefits of such labor relations. In his reporting upon artisan “wages, perquisites, stimulants,” or on “quasi-free” slave lumbermen, or the extra wage

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<sup>1</sup> Frederick Law Olmsted to Raymond Kingsbury, October, 1852. Quoted in Elizabeth Stevenson, *Park Maker: A Life of Frederick Law Olmsted* (Transaction Publishers, 1977), 72.

work that slaves completed on plantations after-hours, Olmsted typically did so within a framework that extolled the virtues of free labor. Although most southerners viewed such activities quite differently from Olmsted, they operated within the same historical context, one that pitted slavery against free labor. How, then, did southerners understand paid slave labor?

This chapter answers this question by analyzing self-hiring and paid slave overtime in South Carolina cotton country between the mid-1790s and 1860. Like patch production, it argues that slave jobbing, or after-hours slave hiring, was a cornerstone of the formal and the informal economy of South Carolina cotton country.<sup>2</sup> It begins by exploring the contours of the overtime labor market and describes the most common forms of slaves' after-hours work in plantation districts. In detailing the tasks that slaves performed, it demonstrates why the system persisted and the benefits that slaves, masters, and society at large derived from it. Indeed, by the 1860s overtime jobbing served as an essential source of local labor. The practice, however, was as controversial as it was pervasive. The second section of this chapter examines this controversy within white political discourse. Throughout the early nineteenth century, white artisans and mechanics championed efforts to restrict forms of slave hiring, especially skilled hiring, in the state. By the late antebellum period, increasing numbers of planters came to agree

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<sup>2</sup> This chapter uses the term “slave jobbing” to describe labor undertaken by slaves afterhours in exchange for cash, credit or goods. Like other forms of nineteenth century “jobbing,” it involved the completion of odd or occasional pieces of work. “Slave jobbing” was almost always part of the informal economic sector. This practice was distinct from owner-negotiated hiring out of bondsmen and women, which involved the legal transfer of slaves from owner to hirer for an agreed upon period of time. For an overview of formal slave hiring see Jonathan D. Martin, *Divided Mastery: Slave Hiring in the American South*, (Cambridge, MA: Harvard University Press, 2004). For examples of informal economic jobbing in the antebellum South, see Damian Pargas, *Slavery and Forced Migration in the Antebellum South* (New York: Cambridge University Press, 2014), 218–83.; Michael D. Thompson, *Working on the Dock of the Bay: Labor and Enterprise in an Antebellum Southern Port* (Columbia, SC: University of South Carolina Press, 2015).

that self-hiring and the economic independence that it afforded slaves could potentially unhinge the slave system.<sup>3</sup> But if artisans advocated state intervention, planters increasingly advocated a planter-based solution. The best line of defense against the potential dangers of slave self-hiring, they determined, was paternalism.

## I.

In South Carolina cotton country, the rules of after-hours hiring were first forged on the plantation. Here, masters and slaves established the boundaries between regular working hours and “slave time.” Both customary practices and locally negotiated delineations between master and slave time combined to create the system. Slaves’ rights to their own time on Sunday and the yearly Christmas holiday, for instance, were long-held agrarian traditions widely recognized across the cotton landscape. But as Chapter One demonstrates, other divisions that separated master and slave time, such as when slaves “knocked off” work, varied between, and even within, individual plantations. The same was true of the circumstances surrounding self-hired slaves’ after-hours labor. This work depended upon masters’ established parameters.<sup>4</sup>

Despite these variations, backcountry South Carolina planters recognized this distinction between slaves’ and master’s time from the moment commercial cotton

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<sup>3</sup> The major arguments against slave self-hire were as follows: First, it could potentially provide slaves with a level of freedom and negotiating power that many whites saw as threatening to the social order. Secondly, it often placed slaves into direct competition with white laborers and compromised white wages. Thirdly, and perhaps most importantly, it often operated in direct opposition to planters’ paternalistic ideal of a closely controlled and monitored internal economy.

<sup>4</sup> The historiography of formal slave hiring also mentions self-hired slaves and other forms of overwork. The most comprehensive, recent treatment of the subject is Martin, *Divided Mastery Slave Hiring in the American South*. For an insightful example of hiring within the context of slave management see, William A. Byrne, “The Hiring of Woodson.” *Ibid.*, 200. H.M. Henry, “The Police Control of the Slave in South Carolina” (Vanderbilt University, 1914), 95–100.



production made inroads into the region. By the mid-1790s both slaveholders and non-slaveholders regularly hired slaves to do extra jobs at night and on Sundays. Camden planter and merchant Duncan McRae, for instance, credited his bondsman, Sandy, for “labor on boat” on a Sunday of May 1795.<sup>5</sup> His business partner, Zachariah Cantey, also paid half a dozen bondsmen general “Sunday wages” in the mid-1790s. Whites other than their own masters hired slaves, too. In 1794, for instance, a local Saluda River merchant credited the account of a local bondsman for one unspecified “days work,” “by cutting trees,” for “driving a cow,” and “by carrying meal home.”<sup>6</sup> Likewise, outside of Camden, a skilled slave named Stephen was paid for producing equipment used in indigo production for four different white planters.<sup>7</sup>

Such patterns of hiring slaves afterhours withstood the rapid rise of cotton and its rigorous labor demands. Indeed, for backcountry residents who increasingly embraced the plantation system and commercial agriculture, overtime hiring helped to clear the way for cotton. Slave-owners and white farmers who wished to cash in on the cotton boom continued to use “Sunday wages” as a means to acquire necessary labor from slaves to clear land, plant, and harvest valuable cotton crops.<sup>8</sup> Hence, by the turn of the nineteenth

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<sup>5</sup> Account Book (1792-1799), May 19, 1795, McRae and Cantey (Camden, S.C.), SCL.

<sup>6</sup> Account Book (1796-1799), 1794, John Black Papers, SCL. In addition the slave traded 3 bushels of corn, one hog hide, and trees. Combined, he earned 2 pounds, nine shillings and ten pence, most of which he used to purchase cloth of various types, including silk, and buttons, along with a quart of whiskey.

<sup>7</sup> Account Book (1792-1799), May 19, 1795, McRae and Cantey (Camden, S.C.), SCL.

<sup>8</sup> Account Book (1796-1799), John Black Papers, SCL. Other forms of jobbing also continued. In 1808, for instance, a slave, Tom, who belonged to a lower piedmont slaveholder, earned one shilling, nine pence for cutting wood on Christmas Day: one shilling, nine pence was roughly the price of a pint and a half of whiskey or a dozen buttons. See Daybook (1808-1813), John Black papers, SCL.

century, a widely recognized overtime labor market had emerged in the South Carolina backcountry.

While this labor market would remain in operation until the Civil War, it did not remain static, but experienced transformation. Beginning around the 1810s, the demand for after-hours field work such as land clearing, planting, and harvesting gradually decreased and came to a virtual halt by the 1830s. Slaves who performed agricultural labor after-hours worked in commodity grounds set aside for that purpose. Slaves continued to hire their time, however. The more common types of after-hours hiring in rural areas included loading, carrying, fetching, chopping, gathering, cleaning, washing, cooking, mending, barbering, sewing, sawing, carpentry, painting, stilling, milling, and forging.

Regardless of the task at hand, overtime jobbing took three distinct forms, each providing slaves with opportunities to earn wages for themselves, and thus partake in the informal economy.<sup>9</sup> The first and most clearly defined was master-managed “extra work.” In this system, masters or other persons in charge of bondsmen and women compensated skilled, domestic, and field slaves for working at night, on Sundays or during the end of year holidays. Often called “extra work” or “overtime,” this kind of labor was integrated into the routine of the plantation in a manner similar to slave crop production, as it fulfilled known labor demands. Both the plantation cook who was paid fifty cents each Sunday for serving her master’s family and the sawyer who shaved

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<sup>9</sup> Loren Schweninger, *Black Property Owners in the South, 1790-1915* (Chicago: University of Illinois Press, 1997), 25–26. Martin, *Divided Mastery: Slave Hiring in the American South*, 8. Spurred on by steady demand for temporary laborers and rising slave prices, hired slaves accounted for a substantial portion of southern slave population—up to 15% according to one recent estimate. For statistics on slave hires see Robert William Fogel and Stanley L. Engerman, *Time on the Cross: The Economics of American Negro Slavery* (New York: W. W. Norton & Company, 1995), 56.

shingles at night for a fixed rate of one half cent each fell into this category. In such instances, planters typically controlled the rates of exchange and the distribution of credit payment.

The second type of overtime jobbing occurred off of their own plantations. It involved slaves working afterhours for whites other than their own masters. Such hiring could include ad hoc service tasks, such as chopping wood for twelve and a half cents on Sunday or agreeing to serve as a church groundskeeper for two dollars a year. Slaves were also commonly hired at ferries, along public highways, and at railroad depots, where they fetched, watered, and carried for whites in need of immediate service. Although rates were often very low, slaves were sometimes able to extract higher wages through haggling when their services were deemed critical. Payments for these services were generally in cash. However, slaves who performed more substantial or long-term jobs also occasionally received credit orders redeemable at local stores.

The third type of overtime jobbing differed from the first two on a structural level. It involved self-hired slaves, bondsmen and women who “hired their own time” from masters, typically at a set weekly or monthly rate. Slaves hired in this way went to find work to earn the “wages” due their masters. Many slaves, however, continued to work after they had reached their masters’ quota, both to earn money for subsistence, and to engage in other forms of petty trade. Such overtime work by self-hired slaves was very common in lowcountry urban centers like Charleston, where slaves of all descriptions “hired out” in order to satisfy the demands of local commerce. In the rural upcountry, however, the practice was primarily reserved for a select group of skilled male slaves, and occasionally female domestics. A prime example of this was upcountry master

carpenters, who used large building contracts to cover their monthly hire, but also took nighttime orders “on their own account.”<sup>10</sup>

Overtime slave labor benefitted slaves, but also offered planters a ready source of cheap labor. The case of Cate, a Darlington seamstress, is a potent illustration of this. In 1827 the Law family to whom she belonged relied heavily upon her to complete sewing orders after her regular workday as a house slave.<sup>11</sup> In a document (see below) entitled “an account of Cate’s work from the third day of January 1827 at night,” the family maintained a tally of the slave’s productivity. The document revealed that over the course of the year, in her after-hours work, Cate sewed of seven vests, three towels, three tablecloths, two sets of curtains, two quilts, two suits, four coats, fifteen shirts, twenty-six pair of pantaloons, seven frocks, four pair of drawers, three caps, four aprons, and six cravats.<sup>12</sup> This prolific production earned Cate seven free Saturdays and some \$21.50 in cash.<sup>13</sup> How and when she produced in overtime, however, depended upon the overall demands of the household. On some weeks, the slave produced little. In early March, for example, she spent most of the week preparing for a Law family wedding. As a result,

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<sup>10</sup> “On their own account” was a turn of phrase by slaves and slaveholders to describe work completed by slaves for themselves.

<sup>11</sup> Cate was a long-time domestic slave of the Law family. In 1818 upon the death of her master, William Law, Sr. she was among the highest valued female slaves on the plantation (\$600). Although it is unclear to whom she passed upon the division of his estate, in 1827 she was housekeeping, cooking and sewing for William Law, Jr. and his widowed mother. Over the course of the year, she maintained a record of her overtime labor as a seamstress, likely under the direction of family matriarch Mary Law. “An Account of Cate’s Work,” 1827, William Law Papers, RL.

<sup>12</sup> Mary Law, the mother of William Law, probably kept Cate’s accounts. Although Cate’s night work was for Law relations, slaves did occasionally work for slaves. On at least one occasion she sewed a shirt for, Sam, a field slave on the Law plantation.

<sup>13</sup> At some point in July, records of payments stopped, likely due to either renegotiation of their arrangement or simply failure on behalf of Law to continue tallying her work.

she completed very few orders. On other weeks, when her household workload was lighter, she was able to complete multiple orders.

an account of Cate's work from the  
 third day of January 1827 at night  
 first week or part of a week  
 finished a pair of pantilines for E. Law  
 made a shirt for Sidney fifty sence for each  
 let her have Saturday to move and clean her hands

2 week too linning Shirts for E. Law 2 dollars  
 give half the day Saturday

3 week one Shirt for William Law one dollar  
 1 pair of pantilines for Thomas Dubois 1 dollar  
 spent one day in family business <sup>part of</sup> ~~part of~~ Saturday

4 one shirt for W. Law one dollar  
 made aprons for Franklin 25 sence  
 one spent in mending clothes of different sort  
 gave her part of Saturday

5 made one shirt and wesote <sup>for Sidney</sup> one dollar  
 2 frocks for Franklin fifty sence  
 one wesote for Sidney 25 sence  
 bound a pair of sheets 25 sence

6 1 shirt for Sidney 50 sence  
 1 frock for Franklin 25 sence  
 2 pair of drawers one for E. Law the other W. Law 50 sence  
 spent one day mending for the family 25 sence  
 gave her Saturday

Figure 2.1: The above account of Cate's work from 1827, which was likely kept by family matriarch Mary Law, demonstrates the manner in which some planters documented overtime slave labor.

Source: "An account of Cate's work," William Law Papers. Courtesy of the David M. Rubenstein Rare Book & Manuscript Library, Duke University.

Demand for valued services spurred other slaveholders to hire their own slaves for after-hours work. Take the aspiring planter John Black, for example. Black owned a store

that traded copious amounts of alcohol. In order to meet the high demand of the 1824 Christmas and end-of-year festivities, Black hired his slave Peter “for three days stilling at Christmas.”<sup>14</sup> Black’s resulting profits more than warranted his action. Indeed, with his investment of \$1.50 in cash to Peter, he was able to significantly increase his production, and hence his profits. What’s more, Peter himself used his cash to buy thirty-two worth of the alcohol that he may have stilled himself.

By the 1860s large cotton planters integrated overtime labor into their regular plantation operations. For planters such as Edward Spann Hammond, this work was vital to the functioning of plantations and their related enterprises. Payment for slave jobbing peppered Hammond’s cash accounts and daybooks.

Table 2.1: Overwork and Craft Payments, Account Book of Edward Spann Hammond, 1857-1860

Year	Month	Day	Description of Services	Pay
1857	January	4	Lucy for extra services, Sunday	\$0.25
		25	Patrick for sundry blacksmith jobs	0.30
		25	Faith for cooking, Sunday	0.50
	February	18	Lottie for knitting a pair of socks	0.25
	February	26	Lucy for two bushels of ashes	0.10
	March	12	To getting shaved	0.125
		29	Nicholas for repairing two wheel barrows	0.50
	April	5	Ed for Haircutting	0.10
		17	Louis for pumping at cistern	0.50
	October	6	Scottie for making 1/2 dozen undershirts	---
1858	April	5	8 negroes for splitting rails on Sunday	4.00
	April	25	For night work, loading steamboat at night twice	8.25
1860	January	8	1 dozen baskets @ .25 from Cowden [plantation]	3.00
		31	To payment for Sunday work, hands loading boat	11.35
	February	6	Scott for piloting over back swamp on hog hunt	1.00
	July	14	For extra work at Cowden [plantation]	14.75
October	7	For coal from Cowden and extra work	7.80	

Source: Edward Spann Hammond, 1857-1860, Account Book, Edward Spann Hammond papers, South Caroliniana Library

<sup>14</sup> Slave Account Book (1824-1827), 45, John Black papers, SCL.

As the above table demonstrates, in addition to non-descript payments to “servants,” he paid plantation cooks, blacksmiths, seamstresses, barbers, and draymen for their “extra” Sunday or evening services.<sup>15</sup> Hammond, like most planters, paid slaves in cash and credit. Depending on the job, slaves could expect to earn between twenty-five to fifty cents for their work.<sup>16</sup> As with trade in plantation commodities, planters strategically, or rather self-servingly, managed slave credit accounts—a topic which will be discussed in greater detail in Chapter Three.<sup>17</sup>

Even slaves whose masters negotiated the terms of hire with the employers were entitled to compensation for work done beyond the terms of the contract. For example, Darlington merchant and planter Caleb Coker, the owner of several plantations and other businesses, hired out slaves to a local river captain, J. Blue, who transported cotton down the Pee Dee River from the Darlington District to the coast. For the hire of his slaves, Coker received between \$15.00 to \$22.00 per month. The captain, in turn, assumed control over the bondsmen and agreed to provide them with adequate food and shelter. In addition to these standard terms of hiring, however, Coker and the captain also laid out slaves’ overtime labor rates and cash bonuses. Blue was to “give Ben \$5 per mo[nth].” In addition the river captain agreed to “pay Dave and Parker 50 cents per day for every Sunday they are confined or employed on the [B]oat.”<sup>18</sup> Finally, Coker stipulated that the captain was to pay the slaves “the regular rate 12 ½ cts. pr. hour for all work they do

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<sup>15</sup> Plantation Account Book (1857-1860), Edward Spann Hammond papers, SCL.

<sup>16</sup> For Edward Spann Hammond, who reported owning \$25,000 worth of personal property in 1860, such compensation was hardly a financial burden. Federal Census of 1860, Darlington District, South Carolina.

<sup>17</sup> Plantation Account Book (1857-1860), Edward Spann Hammond papers, SCL.

<sup>18</sup> “Interview with J. Blue,” March 25, 1847, C. Coker and Brother Records, SCL.

between 9 o'clock at night and daylight." In settling their accounts, Blue and Coker agreed on the amount due to slaves for this extra labor. They counted nights and weekends, subtracting cash advances paid out by the captain to the slaves during the course of their journey.

Table 2.2: Slave Labor Contract, Coker & Brothers, 1847

Trip/Captain	Labor	Compensation	
Cap't Porter			
2 <sup>nd</sup> Trip, Dave work'd	1 night at Cheraw	\$1.00	
	To 3 o'clock at S[ociety] Hill	0.75	
	All night at [Cashway]	1	
	Half night at Moore's	0.5	
	Sunday going down [+steering]	1	
	3 <sup>rd</sup> Trip, March 25	All night Cheraw	1
	By cash of Mr Blue [March] 26		
4 <sup>th</sup> Trip	Half [night] at Cockrun	0.75	
	Half night at Moore's	0.375	
	Sunday going down	0.5	
	Sunday coming up	0.5	
	Monday night 5 hours	0.625	
	Tuesday night 5 ½ hours	0.75	
	Wednesday night	1	
3 <sup>rd</sup> Trip, Parker, March 25	All night Cheraw	1	
	[March] 26 half night at Cockrun	1	
	Sunday going down	0.5	

Source: Interview with J. Blue, March 25, 1847, C. Coker and Brother Records, South Caroliniana Library, University of South Carolina

Slaves participated in these negotiations by confirming the amount of overtime they worked for the captain. Coker, for example, noted that "Dave says Cap't Porter's trip he work'd two nights in Charleston, half night .75 [and] one Sunday .50," in addition to the overtime reported by Blue.<sup>19</sup> Other slaves probably followed the same route as

<sup>19</sup> Slave hiring out contracts operated in a manner akin to slave bills of sale, aimed at protecting the investment of the slave hirer and the proper use of slave property. A settling of accounts akin to the



Dave and Ben and also complained about hirers who failed to respect their privileges to overime wages. Such negotiation between owners, hirers, and slaves pervaded every facet of the southern labor system.

Coker's assiduous efforts at keeping track of his boatmen, through rare, simply formalized customary practices that existed throughout the region. Between the 1820s and 1850s, both individuals and institutions, such as schools and churches, recorded payments to slaves for performing basic service tasks and odd jobs afterhours. Aspiring planter John Black, who served as the treasurer of the local free school, credited the account of one local bondsman for "whitewashing the school house." Additionally, the Laurens schoolmaster Elihu Watson deposited small sums of money into the account of a neighborhood slave, Jim, presumably for services performed for the school.<sup>20</sup> Decades later, the slaves of Darlington native Thomas Cassells Law produced thirteen hundred shingles for the local school, laid the roof, and whitewashed the schoolhouse on their own time.<sup>21</sup> In such instances, Black and Law likely managed such interactions. However, in other instances, slaves themselves entered into agreements with southern institutions. When the congregation of Warrior Creek Baptist Church in Laurens District required a groundskeeper, they hired a slave named Pompey. In May 1852 the church council paid the bondsman for "[s]weaping [*sic*] the house out," and agreed to keep him for another year. The church made good on the contract with the slave, and in May of the following

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above was not uncommon, but typically involved deductions made by the hirer for time lost due to sickness or running away. See Hiring Agreement, March 16, 1835, Boykin Family Papers, SHC.

<sup>20</sup> Slave Account Book (1824-1827), 171, John Black papers, SCL.

<sup>21</sup> For their labor, they received \$7.38, as well as two dollars for laying the roof and two, for whitewashing the building. "Negro Book" (1859-1860), Thomas Cassells Law papers, SCL.

year, paid “Pompy [*sic*] two dollars & a half for Sweaping [*sic*] the house & keeping the Spring.”<sup>22</sup>

Other forms of slave jobbing were much more ad hoc, especially when they occurred in the kitchens, boarding houses, or taverns that hosted itinerant or part-time residents. For example, in an 1821 letter to the Board of Trustees, the illustrious Thomas Cooper of South Carolina College complained that Jacko, the slave who technically belonged to the chemical department, “considers himself as the servant of the students [rather] than of the trustees.” Cooper proposed that Jacko “ought not to be permitted to earn any money in the employ of the students,” and should report only to his superiors, the trustees and professors.<sup>23</sup> This demonstrates the sort of paid ad hoc services for which slaves were sometimes solicited. Slaves’ services were far more commonly utilized at railroad depots and ferries. When a Camden doctor was unable to wake up the regular ferryman at Boykin’s landing during a late-night call, he turned to a slave who slept in a boat that he was unloading, prevailing upon him to “bring the boat to me for half a dol[lar].”<sup>24</sup> Likewise, when planter James Watts needed assistance during visits to town, he requested help from local bondsmen. Among these helpers was the “Boy [J]erry,” who received ten cents for “watering sheep” at “the depot.”<sup>25</sup>

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<sup>22</sup> Records (1843-1896), May 1852, 18-19, Warrior Creek Baptist Church Records, SCL.

<sup>23</sup> Cooper closely associated independent slave earning with slave character. Cooper argued that the slaves’ dealings with students made him “void of veracity and honesty” and “in that respect is a dangerous person to be employed in college.” Cooper’s insistence that the slaves serve one master foreshadowed later arguments regarding independent slave hiring that linked slave “liberty” and “bad habits.” For a brief examination of urban opposition to slave hiring see Richard C. Wade, *Slavery in the Cities: The South, 1820-1860* (New York: Oxford University Press, 1964), 47–54.

<sup>24</sup> Diary (v. 1, 1807), William Blanding Papers, SCL.

<sup>25</sup> James Washington Watts Account book (1839-1857), SCL.

While especially common in urban areas, slave jobbing could occur in any location where a white person was in immediate need of assistance. For example, a Greenville District mistress complained that her own slaves' negligence required her to pay a neighboring bondsman to complete basic household tasks. She informed her absent husband, who was riding the judicial circuit, that the family slave "will neither white wash, scour or cut up wood." As a result, in order to keep warm, she resorted to paying "Mr. Goodlet's Jacob 12 ½ cents for cutting up some wood."<sup>26</sup> The mistress did not elaborate on how she came to hire Jacob, but his ready appearance hinted that such a market for after-hours slave labor knew no boundaries.

## II.

Although such direct exchange between slaves and hirers characterized many overtime transactions, skilled slaves were often involved in much more complex economic and social relations. For example, South Carolina workshops often brought together skilled slaves, their employers, and sometimes black and white free laborers in multi-directional relations of exchange. The resulting complex relations were particularly visible in the workshop of carpenters and gin makers James and Robert McCreight.<sup>27</sup>

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<sup>26</sup> Elizabeth Perry to Benjamin Perry, May 5, 1842, B. F. Perry Papers, SCL.

<sup>27</sup> Michael P. Johnson and James L Roark, *Black Masters: A Free Family of Color in the Old South* (New York: Norton, 1984), 10–11.; Angela Lakwete, *Inventing the Cotton Gin: Machine and Myth in Antebellum America*, Johns Hopkins Studies in the History of Technology (Baltimore: Johns Hopkins University Press, 2003), 81. Fairfield District, was a cradle of cotton gin development and manufacture in the first three decades of the nineteenth century and remained an important center for gin construction, especially in the district's largest town, Winnsboro, a settlement consisting of fifty private residences. South Carolina architect Robert Mills and author of *Statistics of South Carolina*, who was often pessimistic about the state of upcountry industry, noted "two considerable saw gin establishments at that place; from these the country round is supplied with these useful machines, so important to the cleaning of green seed cotton." Robert Mills, *Statistics of South Carolina: Including a View of Its Natural, Civil, and Military History, General and Particular* (Hurlbut and Lloyd, 1826), 546.

They employed a mixture of black and white workers, including their own slaves, hired bondsmen, white jobbers, and apprentices. Among them were skilled slaves “Billy Blacksmith,” “Black Man Tom,” “Denis,” “Caleb,” “Ben,” “Need,” and “War[ing]’s Henry,” and white artisans Beverly H. Randolph and Robert Curlee.

The labor of slave “Caleb,” one of the slave laborers who worked alongside the skilled craftsmen that the McCreights’ employed, reflected the complexity of workshop labor practices. Between 1837 and 1842, the slave earned \$21.56  $\frac{1}{4}$  for painting gins, preparing brushes, “getting saws out” and other unspecified “night work.” Probably an apprentice, he earned shop wages that were higher than the unskilled slave wage. The McCreights paid black laborers either a fixed twenty-five cents per evening of work or an hourly wage that often came to roughly the same total amount. In comparison, Beverly H. Randolph, a white carpenter, earned between \$1.25 and \$1.50 per day.<sup>28</sup> Since slave laborers were not paid for their work during the day, they made less than their white co-workers. However, it is significant to note that whites’ and slaves’ hourly rates were relatively similar.

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<sup>28</sup> The organization of accounts reflected the general needs of the accountholder, which varied according to class and race. Non-slaveholding laborer Beverly H. Randolph earned between \$1.50 and \$1.25 a day in the early 1830s for “day work” earning nearly \$290.00. In the same year, David Milling, earned slightly less, a dollar a day his labors. See Jason McCreight, Account Book (1827-1845), 52, SCL. Although the SCL refers to the owner of the account book as Jason, the owner’s name is probably James. He noted his name, Ja’s, in the account book.

Table 2.3: Account of “Caleb” in McCreight Account Book, 1837-1841

Date	Task	Payment
1837	By 3 night work	\$0.5625
June 10	“ [By] Helped T. [Curlee] with 1300 saw at .50	6.50
Oct 6	“ Bristles in two brush “ 1 night work	0.50 0.25
1840		
May	700 saw got out	3.50
June 3	“ [returned] shoes	2.25
December	715 saws got out 2 mills and 2 gins painted	3.50 1.00
1841		
April 12	“ 8 nights work at .25 Painting two gins and one mill	2.00 0.75
August 28	Painting 2 gins + one mill	0.75

Source: Jason McCreight, Account Book (1827-1845), South Caroliniana Library, University of South Carolina

Other categories of unfree laborers also received pay for overwork. Henry, a slave the McCreights hired for \$200 in the early 1830s from John M. Waring, was among the workmen who received nighttime pay alongside journeymen and apprentices.<sup>29</sup> The McCreights paid Henry’s owner for the yearly hire, but the slave maintained his own account with the artisans, earning \$14.40 for producing slats.<sup>30</sup> Slaves likely understood that skills translated into economic power and privilege. “Black Man Tom,” likely a free black apprentice at the McCreights’ shop, is a good example of this. Tom started earning extra money by trading small amounts of coal and hay between 1830 in 1835. Then, beginning in 1836, he took on more difficult and hence more profitable overtime tasks. He demonstrated his carpentry skills by producing 275 wood slats in 1837, and over 350 the following year. This climb up the labor ladder helped him quadruple his yearly after-

<sup>29</sup> See page 64 and 66 for Henry’s account. Jason McCreight, Account Book (1827-1845), SCL. Federal Census of 1830, Pendleton District, South Carolina.

<sup>30</sup> Ibid. Henry produced 228 slats in overtime. Another workman Denis earned \$60.00 by 1259 slats.

hours earning. By the 1840s he had managed to acquire the skills to labor at the forge, where he bored millstones, and made spindles, washers, screws, picks, clamps and wrenches.<sup>31</sup>

Such skilled and semi-skilled overtime, however, was just one kind of extra-work at workshops like the McCreights. In addition to using bondsmen such as slave carpenters and blacksmiths' after-hours labor, the McCreights also employed unskilled neighborhood slaves. They paid slaves from several local plantations to convert plantation waste into usable materials. Hog bristles, which southern artisans used for upholstering and making brushes, was but one example of the kind of semi-processed raw materials coveted by local industries. In December and January 1835, the McCreights purchased \$17.50 worth of bristles on ten different occasions from neighborhood slaves. They used the bristles for the construction of cotton gins.

Coal, or charcoal, was by far the most common article traded by slaves in the vicinity of Winnsboro, the location of the McCreights' business.<sup>32</sup> Between 1827 and 1847, the McCreights purchased thousands of bushels of coal, both from bondsmen directly connected to the shop and from their neighbors' slaves. In 1834 their firm's cash accounts documented payments to Cicero, January, "Robertson's boy," and "Coleman's boy" among many others. Indeed, in that year, the McCreights recorded forty dollars in small cash payment for charcoal. Of this amount, at least seventeen dollars were paid out

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<sup>31</sup> Ibid. The McCreights in turn sold "repaired slats" for \$0.15 apiece. See William Holmes Account.

<sup>32</sup> For other examples of artisan coal accounts in York District, see Bratton, Lowry and Company records, 1831-1882, SCL.

to slaves.<sup>33</sup> Between February and July 1839, they purchased over seven hundred bushels of coal, enough to warrant the creation of a separate “cole [*sic*] account.”<sup>34</sup> Slaves earned between six and seven cents per bushel, a relatively modest amount. Yet, as slave Jacob Allman put it, it nonetheless provided slaves with a way to “get started.”<sup>35</sup>

Charcoal production was a collective enterprise that involved groups of slaves tending coal yards together.<sup>36</sup> The McCreights’ accounts demonstrated these realities. “Black Man Tom,” for instance, received credit for a load of coal that he then shared with another workman, Sam. In 1835 the firm recorded cash payments to other groups of slaves, such as to “Rosborough and Weldon’s boys for coale [*sic*],” and “Wiley and Nott’s boys for coale [*sic*],” showing the widespread nature of this form of collective work.<sup>37</sup>

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<sup>33</sup> The artisans recorded the remaining 23 dollars as small, nondescript payments “for coal.” Rosborough and Wilbors boys received \$5.00; Willyes and Notts boys, \$4.50; Coleman’s boy, \$4.00. See Cole Account,” Jason McCreight, Account Book (1827-1845), SCL.

<sup>34</sup> Whether the above list referred to slaveholders and “boys” to slaves is inconclusive; however, the following slaveholding heads of household did reside in Fairfield according to the 1830 census. William T. Nott (22 slaves), Hugh Y. Rosborough (16 slaves), James Rosborough (13 slaves), John Rosborough (12 slaves) John A. Rosborough (10 slaves), John C. Rosborough (4 slaves); Martha Weldon (7 slaves), James Weldon (8 slaves), Sarah Weldon (3 slaves), Catherine Wiley (3 slaves), John Wiley (12 slaves), Samuel Wiley (7 slaves); Numerous slaveholding members of the Roberston and Coelman clans also resided in Fairfield District. See Federal Census of 1830, Fairfield District. Although slaves dominated the trade, other locals of limited means stood out for their large coal harvests. In the late 1830s, “Black Man Tom” traded 225 ½ bushels of charcoal earning over 11 dollars.

<sup>35</sup> Claim of Jacob Allman, Marlboro District, SC, SCC.

<sup>36</sup> Olmsted described a slave charcoal pit in Virginia. A mile distant from the owner’s house, he saw “a number of negroes, male and female, lay[ing] streatched out upon the ground near a small smoking charcoal pit.” According to their master they “were burning charcoal for the plantation blacksmith” during their holiday. Like most masters and workmen, he too paid the slaves by the bushel.” Fredrick Law Olmsted, *A Journey in the Seaboard Slave States, with Remarks on Their Economy* (New York: Negro Universities Press, 1968).

<sup>37</sup> Jason McCreight, Account Book (1827-1845), SCL.

Whether the product of independent or collective slave labor, the McCreights coal trade also depended upon local networks of blacks and whites to transport the bulky commodity. At the McCreights, “Need,” a slave or free man of color, assumed this task during the mid-1830s. Between February and May 1836, Need earned cash and credit for “hawling Charles cole [*sic*],” “hawling Billys cole [*sic*],” as well as hauling for Cisro, January, Seppo, Dublin, and John.<sup>38</sup> For each load, the porter Need received \$0.75 to \$1.00 in credit, which the McCreights then deducted from the amount owed the other slaves. Although Need also earned cash for “carage [*sic*]” to Columbia, Abbeville, and elsewhere from the McCreights, his services to the local black population lent an important measure of self-sufficiency to neighborhood slaves participating in local trade. Indeed, the slaves involved in the production of coal for the McCreights relied on local resources rather than their masters.<sup>39</sup>

Workshops were not the only place where skilled slaves were hired for after-hours labor, however. Cotton planters who invested in local industries also used skilled slaves’ overtime work. J. Eli Gregg, a board member of several South Carolina railroad companies, for instance, solicited family slaves and free local craftsmen to make railroad crossties after hours for the Wilmington and Manchester line. Gregg did not hesitate to provide his bondsmen with cash and resources in exchange for extra labor. He employed a

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<sup>38</sup> Ibid. The McCreights maintained an account for Need, because slaves exchanged a portion of their coal for Need’s services. The McCreights did not appear to receive a cut of Need’s hauling profits; they charged slaves a dollar for hauling and credited Need for the same.

<sup>39</sup> Jason McCreight, Account Book (1827-1845), 171, SCL. This, along with the singular appearance of some slaves in Need’s accounts, suggests that Need operated independently, serving as intermediary between local slaves and the McCreight firm. The existence of local black middlemen, such as Need, was most visible among slaves engaged in non-agricultural enterprises and in the marketing of local commodities.



mixed labor force, consisting of both slave and free workmen to perform various tasks.<sup>40</sup>

Collectively, some twenty-four carpenters, of whom at least twelve were slaves, produced

Table 2.4: Railroad Cross-ties in J. Eli Gregg, Slave Ledger, 1851-1859

Account Holder	Crossties (Ct.)	Rate	Earnings
Lonnon	8	\$0.20	\$1.60
Alfred (J. Eli Gregg)	22	\$0.20	\$4.40
Arthur (J. Eli Gregg)	91	\$0.20	\$18.20
Bob (J. Eli Gregg)	150	\$0.20	\$30.00
Charles Brown	175	\$0.20	\$35.00
Dave Wilson	67	\$0.20	\$13.40
Dick (J. Eli Gregg)	4	\$0.15	\$0.60
Emanuel (J. Eli Gregg)	176	\$0.15	\$26.40
George (WMC)	5.5	\$0.20	\$1.10
Harvey Howard	103	\$0.20	\$20.60
Henry Pawley	40	\$0.15	\$7.50
Jacob (J. Eli Gregg)	21	\$0.20	\$2.20
Jefferson (J. Eli Gregg)	180	\$0.20	\$36.00
Jefferson (J. Eli Gregg)	30	\$0.15	\$4.50
Lazarus (J. Eli Gregg)	36.5	\$0.20	\$7.30
Mollow (J. Eli Gregg)	123	\$0.15	\$18.45
Mose (Davis)	110.5	\$0.20	\$22.10
Peter (Davis)	71.5	\$0.20	\$14.30
Peter (Joseph Gregg)	264	\$0.20	\$52.93
Peter (Joseph Gregg)	10	\$0.15	\$1.50
Prince (J. Eli Gregg)	99	\$0.20	\$19.80
Prince (J. Eli Gregg)	49	--	--
Sam (J. Eli Gregg)	110	\$0.20	\$22.00
Sam (J. Eli Gregg)	11	\$0.15	\$1.65
Tom Howard	7	\$0.20	\$1.40
[B]erry Askins	15	\$0.20	\$3.00
William (J. Eli Gregg)	105	\$0.20	\$21.00
Willis (J. Eli Gregg)	76	\$0.20	\$15.20
	2160	2160	\$402.13

Source: Ledger (c. 1847 – 1861), J. Eli Gregg Papers, David M. Rubenstein Library, Duke University

more than two thousand ties for trade.<sup>41</sup> This work earned bondsmen between \$0.15 and

<sup>40</sup> Ledger (c. 1847 – 1861), J. Eli Gregg Papers, RL. Whether the carpenters who traded with Gregg were slaves or free persons of color is unclear. The types of names represented—Lazarus, Prince, Mose, etc. and the manner in which Gregg entered their names—without surnames—suggests that they were slaves. In addition some of the accounts had masters names or initials in parenthesis, another common practice among account keepers dealing with bondsmen and women. Also, at least three of the bondsmen who traded crossties were listed as Gregg family cotton pickers in the same account book.

\$0.20 per item, depending upon when they settled their accounts.<sup>42</sup> For Gregg, their work was well worth it. Indeed, cross-ties sold for the construction of the railroad could fetch up to \$2.00 each.<sup>43</sup> Since the labor cost Gregg just over \$400, we can presume that his net profit was substantial, nearing \$3500. Furthermore, Gregg made additional money from his overtime workers by encouraging them to spend their earnings at his store.

Like at the McCreights's workshop, both skilled and unskilled slaves did "extra work" at Gregg's. Peter, one of Gregg's own slaves, was among the most prolific cross-tie producers. Such skilled work was more lucrative for slave carpenters and blacksmiths than for field hands. In July 1851, Gregg credited 275 ½ ties to Peter's account, earning the slave \$54.43 in credit.<sup>44</sup> For his part, carpenters Mose produced 110 ½ ties, earning him \$22.10, Bob produced 150 ties for a total earning of \$30.00, and Jefferson, 210 ties for \$40.50.<sup>45</sup> Gregg's cross-tie construction also involved field hands, whose contributions demonstrated their varied roles within the plantation economy. For example, slaves Lonnon and Alfred, both working on Gregg's farm, also produced cross-

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<sup>42</sup> Ibid. Gregg, a self-described merchant, was on the board of directors for Wilmington and Manchester Railroad Company as well as the Cheraw and Darlington Railroad. In addition to his interest in railroads, Gregg also served as the postmaster of Society Hill, Darlington District in the 1830s and later was a member of the board of directors of the Merchant Bank of South Carolina in Cheraw, where he also served as president from 1857-1859.

<sup>43</sup> Gregg did not record the price at which he sold the cross-ties. However, based on other accounts, the price would have been roughly \$2.00. See Aaron W. Marrs, *Railroads in the Old South: Pursuing Progress in a Slave Society* (Baltimore: Johns Hopkins University Press, 2009).

<sup>44</sup> Gregg family records fail to demonstrate precisely how, or when, slaves produced ties for trade; however, their earnings, like proceeds from other overtime slave labor, were folded directly into slave accounts, suggesting that the proceeds of such work belonged to slaves alone.

<sup>45</sup> Ledger (c. 1847 – 1861), July 1851, 43-44, J. Eli Gregg Papers, RL.

ties. However, due to their daily field activities, they created only eight and twenty-two ties respectively.



Figure 2.2: The above accounts of Peter, a slave belonging to Joseph Gregg and Jefferson, a slave belonging to J. Eli Gregg, demonstrate several forms of paid slave labor. In Gregg's Ledger (c. 1847 – 1861), above, see credit entries for Peter, probably a self-hired slave, “x ties,” and “work of the week” and Jefferson's “extra work.”

Source: J. Eli Gregg Papers, 1837-1928, Rubenstein Library, Duke University

Since Gregg's craftsmen usually settled with him after producing large amounts of ties, Gregg came to play the role of account manager. Payments were made in store credit, and slaves who had accumulated debt with other slaves often settled through this means. As a result, Gregg often shifted credit from one bondsman to another for monies owed.<sup>46</sup> For example, Mose produced 106 railroad ties himself and received an additional

<sup>46</sup> Ibid, 37, J. Eli Gregg Papers, RL. The significance of such production, like slave commodity producers, bondsmen frequently traded credit earned through labor and craft manufacture, settling debts. Mose, who was among these slaves, produced 106 railroad ties himself, and received an additional 4 ½ from Charles, who also contributed to the accounts of other carpenters. See Gregg, Slave Ledger, 43-44, RL. Gregg credited “38 cross ties from Charles,” and Lazarus, “36 ½ cross ties from Charles.”

4 ½ from Charles who thus settled his debt with him.<sup>47</sup> The slave lumbermen’s accounts documented other credit exchanges with neighborhood slaves in a similar fashion. The formula was repeated by nearly every account holder.<sup>48</sup>

For Gregg’s slaves such overtime labor generally supplied them with household items that added to their comfort and well being, or provided resources with which to engage in underground economic activities. But for a select few, after-hours jobbing provided a pathway to gaining productive property and power. Self-hired slaves—those who hired their own time from their masters—often fit this mold. Marlboro district slave carpenter and builder Thomas David is a case in point. In the late antebellum era, he earned enough money to pay \$26 dollars each month to his master in exchange for “hiring his own time,” and earned substantial “overtime.”<sup>49</sup> Using his overtime earnings, he managed to put aside enough money to purchase a small farm. As a slave, he did not have the authority to purchase the land on his own. Therefore, he relied on his wife Sallie, a free woman of color, to legally acquire the land as well as the necessary stock and tools for farming. She and the family’s eight children, four of whom were old enough to plow, cultivated some 20 acres of corn and cotton, while Thomas was away on building jobs.<sup>50</sup>

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<sup>47</sup> Ledger (c. 1847 – 1861), J. Eli Gregg Papers, RL. Other slaves such as Charles, who was probably a free carpenter, credited Lazarus with 37 ½ ties. Likewise Sam received \$6.00 “by work from Charles.”

<sup>48</sup> Ibid. In 1853 Peter, the slave of J Eli Gregg’s brother, Joseph Gregg, paid various bondsmen in the neighborhood. Gregg deducted monies from Peter’s account, recording that he “paid Dave \$0.25,” “paid Mark \$0.25,” “paid Isaac \$2.40,” and “paid Sancho \$1.00.”

<sup>49</sup> Claim of Thomas David, Marlboro District, SC, SCC.

<sup>50</sup> Ibid.

Owning a farm gave Thomas an unusual amount of power, flexibility, and control. Indeed, he soon operated as a master craftsman, taking on apprentices and hiring fellow slave carpenters to complete large jobs. One of his neighbors, Cudjo McCall provides a good testimony of the special position of Thomas in the slave society and economy. Thomas was “a very good mechanic,” he explained. He added that Thomas often “employ[ed] journeymen carpenters under him.” Sometimes, McCall continued, Thomas “hired three or four carpenters for several months at a time when he had contracts.” Thomas even “fed them while at work for him,” McCall added. By the onset of the Civil War, Thomas had trained a small cohort of slave craftsmen in upper Marlboro. For Thomas, his ability to leverage overtime into a small building operation provided him with not only money, but also made him master.<sup>51</sup>

Even slaves without Thomas’s level of independence could, on occasion, leverage their overtime wages to earn a certain level of freedom. Jacob Allman, who belonged to one of the largest planters in the Pee Dee region, was a carpenter by trade. He “hired [his] time from [his] owner and would thus make little profits and in addition would do extra jobs to make a little money in that way.” He also earned money by working a small five-acre farm that his masters’ wife permitted his family to cultivate. In addition, he rented a small patch of land to cultivate cotton. With money from his trade and his agricultural enterprises, he bought a filly and three head of cattle, purchased a buggy, harness, bridle and saddle, and acquired one hundred and fifty dollars in gold and silver.<sup>52</sup>

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<sup>51</sup> Claim of Thomas David, Marlboro District, SC, SCC.

<sup>52</sup> Claim of Jacob Allman, Marlboro District, SC, SCC.

For slaves who didn't hire their own time, there were fewer options to operate as independently as Allman and David. Some slaves nonetheless found ways to leverage their overtime earnings to acquire a modicum of economic freedom. Crawford Turnage, a mill hand on the cotton plantation owned by the Easterling family, labored on his own account in order to acquire tobacco to trade. For some overtime work, he "took pay...in bacon and tobacco." He then "traded in tobacco with customers at the mill – selling to them in small quantities and making profit." Fellow slaves confirmed his story stating that they "know he used to trade in snuff and tobacco on his own account" since they "often bought snuff and tobacco off him" themselves. Another slave explained that Turnage "traded in all these things with the colored people who came to the mill." Turnage's master also confirmed his story: "I allowed him to work and trade on his own account when not required to do my work." "I never had any interest in his trading," Easterling reported, but "sold him some tobacco on credit to start his trading, but he paid me back in full and after that never owed me anything."<sup>53</sup>

### III.

Of the three forms of overtime hiring, master-managed jobbing elicited the least opposition from planters. Indeed, plantation-based "extra work" was a key part of the effort to implement order and new forms of paternalistic management. As such, it fit neatly within planters' pro-slavery discourse. Off-plantation hiring, however, provoked opposition from multiple quarters of cotton country, and followed a trajectory similar to "negro crop" production. The following two sections will trace how perceptions toward

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<sup>53</sup> Claim of Crawford Turnage, Marlboro District, SC, SCC.

off-plantation slave jobbing evolved over time, and examine the self-serving efforts of late antebellum planters to reconcile this practice with their increasingly paternalistic worldview. Voices of disapproval first emerged among white artisans, who called for increased regulation of jobbing, especially among skilled slaves. Then, the 1822 Vesey scare convinced many white South Carolinians of the potential danger of this practice. As a result, the chorus of protest grew throughout the antebellum period. Yet, these protests failed to trigger any statewide prohibition or meaningful reform. Slave jobbing was too economically beneficial to planters, and too embedded within the cotton economy to be banned. As the Senate's Committee on the Coloured Population explained, whites had become so accustomed to the ready supply of slave labor that informal jobbing provided that it "would take a revolution to drive it away."<sup>54</sup> In addition, slaves themselves favored the practice. Planters recognized this and found it an expedient and profitable means to satisfy the demands of trusted bondsmen and women. Instead of unenforceable state regulations, then, upcountry cotton planters posited that society's best hope was in the hands of slaveholders themselves. If they could commit to reinforce their paternalistic bonds with their slaves, then slaves would likely fulfill their duties and respect the will of their masters.

Before 1820, opposition to off-plantation slaves' self-hiring emerged alongside whites' critique of self-hired slave artisans. Upcountry whites noted with chagrin that slaves who hired their own time were often able to earn extra income for themselves after compensating masters for their hire. This money, they argued, was often put to poor use. In 1818, for instance, a group of Columbia wardens complained that slaves who retained

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<sup>54</sup> "Report on the Colored Population," pamphlet, December 7, 1858. Quoted in Henry, "The Police Control of the Slave in South Carolina," 102.

a portion of their earnings after paying their monthly or weekly wages rarely used their income to improve their “real comforts.” Instead, they indulged in “vicious habits.” Although the wardens didn’t elaborate on these vices, gambling and other underground economic activities were likely high on their list.<sup>55</sup> Such underground economic activity, however, was just one deleterious effect of self-hiring cited by the wardens. By bargaining for jobs on their own, they argued that slaves undersold their labor, which undercut white wages. “The slave who hires his time,” wardens argued “is able to work cheaper and still make his wages[,] than it is possible for white journeymen to do and maintain their families.”<sup>56</sup>

Unsurprisingly, then, white mechanics became the most vocal opponents of self-hiring and the relative economic freedom it bestowed upon bondsmen. In 1819 Richland District, for instance, seventy-one white workingmen appealed to the legislature for respite from the “inconveniences & injuries arising from the aforesaid practice.” And a year later eighty-six “mechanics and undertakers” issued complaint about the “liberty granted by owners of slaves [...] in the town of Columbia who are mechanics.” Those represented in the 1820 petition included John Parr, a Columbia mechanic who owned four slaves, James Peckham, a twenty-three-year-old Connecticut-born mechanic, and James D Glaze, a twenty-five-year-old non-slaveholding blacksmith.

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<sup>55</sup> By the mid-eighteenth century, laws prohibited rural slaves from hiring their own time, largely due to fears that such freedom would encourage underground economic activities. In the comprehensive Act of 1740, for instance, legislators outlawed self-hiring in the province stating that allowing slaves to “go and work where they please” resulted in slave theft as well as “drunkenness, and evil courses.” See Thomas Cooper and David James McCord, *The Statutes at Large of South Carolina* (Columbia, SC: A.S. Johnston, 1836). Other forms of hiring in which masters negotiated slaves’ hire and received “the whole of the earning of such a slave or slave” were, of course, exempt.

<sup>56</sup> Legislative Petition, South Carolina, Richland District, Columbia, 1819.



For these white artisans, the danger to their trade went far beyond the increased competition for individual jobs. Indeed, self-hiring slaves threatened the entire structure of white artisan work, as it was a direct challenge to master artisans, who traditionally controlled the contracting of workmen and the taking on of apprentices. Petitioners argued that “taking of apprentices in the various mechanical arts exercised and practiced in the said town whereby your petitioners are often deprived of jobs & employment in their respective trades.” By taking individual jobs and serving as contractors, self-hiring slaves deprived skilled white mechanics of “jobs, money, [and] employment in their respective trades.”<sup>57</sup>

The Denmark Vesey insurrection scare of June 1822 initially seemed to be a major turning point in the debate regarding slaves’ self-hiring. For many whites, it served as a powerful and salient reminder of the dangers of granting too much freedom to slaves. In the frenzy of the moment, which Charleston anti-paternalists happily fed, a number of voices joined white artisans in demanding strong limitations if not outright banning of slaves’ self-hiring.<sup>58</sup> In 1822, for instance, 289 citizens from Richland District petitioned for laws preventing owners from allowing slaves to hire their own time.<sup>59</sup> According to the petitioners, slave self-hiring was far more than a threat to white artisans’ livelihood. Rather, since “the recent and serious occurrences in the city of Charleston [...] was

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<sup>57</sup> Legislative Petition, South Carolina, Richland District, Columbia Mechanics, 1820. Federal Census of 1820, 1830 and 1840, Richland District, South Carolina.

<sup>58</sup> Lacy K. Ford, *Deliver Us from Evil: The Slavery Question in the Old South* (New York: Oxford University Press, 2009), 272–73.

<sup>59</sup> Legislative Petition, South Carolina, Richland District, 1822. Based on the wording of the petition, it was clearly written in reaction to the Vesey scare.

matured by the machinations of this very class of our black population [self-hiring slaves],” they endanger the whole community.<sup>60</sup> Residents of Union District concurred.

Both the Richland and Union petitions saw slaves self-hiring as a slippery slope threatening to unravel the entire social fabric of southern society. To them, slaves who benefitted from this kind of economic freedom edged dangerously away from their ideal perceptions of slavery. Indeed, they were free blacks in the making, whose mere presence could destabilize a slave population. With manumission no longer an option, slaves who tasted freedom had no recourse but to escape or rebel, as the Vesey scare suggested. Slaves’ self-hiring, they noted, “is productive of similar evils to those which rise from their freedom.”<sup>61</sup> They argued that slaves self-hiring was as dangerous a threat as outright emancipation. Since the legislature had outlawed manumission in 1820, they believed it was only logical that the legislature would take the same strict stance on such “quasi-freedom.”

In 1822 petitioners succeeded in prompting legislative reform by drawing upon the support of some influential planters such as William Henry DeSaussure and state senator Thomas Taylor. In December 1822, roughly six months after the Vesey scare, the General Assembly decided to outlaw self-hire by bondsmen. Owners failing to comply risked having to forfeit their self-hired slave to the state. This extremely harsh penalty suggested to the many white South Carolinians shaken by the Vesey scare that the General Assembly took the matter quite seriously. Ironically, this rather extreme penalty was the very reason the law was never truly applied. Indeed, few officials, if any, were

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<sup>60</sup> Ibid.

<sup>61</sup> Grand Jury Presentment, South Carolina, Union District, 1822.

willing to enforce such punishment. As one editorialist explained some years later, the penalty was “too severe, and consequently was never enforced.”<sup>62</sup> In fact, many previously pro-slave jobbing planters and legislators seemed to have supported this draconian law more out of political expediency than out of a genuine concern to eradicate slaves’ self-hiring. As the Vesey scare slowly faded, so did state politicians and planters’ interest in legislating slaves’ self-hiring. As a result, the practice continued during the antebellum period throughout South Carolina’s short staple cotton producing region.

After realizing that the statewide ban would not be enforced, opponents of slaves’ self-hiring turned their attention to the local level. They pushed for legislation that would at least limit the practice, since a complete ban seemed impossible. Most of these new laws and ordinances were the result of local initiatives where slaves’ self-hiring was at its most conspicuous: market and courthouse towns. For example, in 1827 residents of Columbia pressed for the establishment of a badge system akin to the one used in Charleston.<sup>63</sup> Under this system, masters who hired out their slaves had to buy a badge, and were thus subjected to a tax. This could be a revenue generating measure, but more

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<sup>62</sup> “The Acts Passed at the Last Legislature,” *Greenville Mountaineer*, December 28, 1849, 2. Christopher Memminger of Charleston explained some white fears about efforts to stop slave hiring. In a letter to James Henry Hammond he argued that driving away slave jobbers would leave a vacuum that anti-slavery forces would happily fill. Christopher G. Memminger to James Henry Hammond, April 28, 1849. Quoted in Lacy K. Ford, *Origins of Southern Radicalism: The South Carolina Upcountry, 1800-1860* (New York: Oxford University Press, 1988), 364.

<sup>63</sup> A letter written from James G. Guignard to his father in 1829 suggests that the system was instituted, for he reminded the family patriarch to inform William, a slave carpenter to “remember the Badges required by the incorporation act.” The Guignards owned property in Richland District and throughout the state. In 1827 Columbia citizens advocated that as in Charleston, masters be required to purchase badges for hired slaves. See Arney Robinson Childs, *Planters and Business Men: The Guignard Family of South Carolina, 1795-1930* (University of South Carolina Press, 1957). In 1831, for instance, the Grand Jury of Fairfield District charged some masters with evading self-hiring laws by simply having “agents of the owners” confirm the validity of slave-negotiated contracts. To remedy this, they recommended that owners be prohibited from “hiring slaves (who are mechanics) in any way or manner or for any purpose whatever, for less than three months at any one time.”

importantly, it served as a way for local authorities to regulate the practice.<sup>64</sup> In 1845 the town of Greenville went a little further, and implemented fines for owners of self-hired slaves and hirers. They also outlawed the renting of rooms in town to slaves, hoping to force slaves to retreat back to their master after each day of work. This not only limited the amount of work a slave could achieve in a day, but it also significantly restricted slaves' independence.

Then, in the late 1840s, the debate surrounding slave jobbing returned to the forefront. With sectional tensions rising rapidly, the future of slavery seemed uncertain. Planters were deeply concerned and sought to ensure the survival of the institution. For some, that meant changing sides on the question of slaves' self-hiring. As a result, some influential planters and politicians joined the constantly growing ranks of opponents to slave jobbing and self-hire. In a letter to James Henry Hammond, planter politician Charles Memminger described this growing opposition: "I find an opinion gaining ground that slaves be excluded from mechanical pursuits in everything but agriculture, so as to have their places filled with whites; and ere long we will have a formidable party on the subject."<sup>65</sup> Memminger believed that because "planters generally do not perceive how it affects their interest," they increasingly "chime in on the cry."<sup>66</sup> While the "formidable party" of planters that Memminger feared never quite materialized, opposition to slaves' self-hiring became conspicuously louder and more widespread in the 1850s.

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<sup>64</sup> Loren Schweninger, "Slave Independence and Enterprise in South Carolina, 1780-1865," *South Carolina Historical Magazine* 93, no. 2 (April 1992): 101-25.

<sup>65</sup> Christopher G. Memminger to James Henry Hammond, April 28, 1849. Quoted in Lacy K. Ford, *Origins of Southern Radicalism: The South Carolina Upcountry, 1800-1860* (New York: Oxford University Press, 1988), 364.

<sup>66</sup> Ford, *Deliver Us from Evil*, 364.

In that decade, the question of slave jobbing became the subject of a number of editorials in the South Carolina press. The opinions voiced in the press were nearly unanimous in their opposition to the practice and often called out planters to put an end to it. Some argued that African Americans as a race were not equipped to handle the kind of freedom that self-hiring granted them. For example, in an article entitled “Slaves Hiring their Own Time,” an editorialist for the Abbeville *Independent Press* argued that “[e]veryone who is acquainted with the character of the negro needs not to be told how incompetent he is to regulate his own conduct and how prone to abuse every grant of liberty.” He concluded that “[i]t is therefore not only just but merciful to keep him in subjection, and suits his privileges to his limited capacity.”<sup>67</sup> This line of argument points to one of the most enduring tensions in the slave states. Indeed, while planters often voiced similar ideas about the racial limitation of African Americans, they often acted in direct opposition to it, as in the practice of slaves’ self-hiring. As such the Abbeville *Independent Press*’ editorial was a clear reminder that planters’ ideology and practice did not always align.

An editorial from the *Columbia Bulletin*, reprinted in papers across the state, expanded upon this racial line of reasoning. In language that paralleled other restrictions on slaves’ economic activities, the editorialist noted that it was well known that slaves were “not naturally fond of work,” and would, if permitted, “resort to dishonest means” in order to pay their monthly wages. They would become the “agents” of bad white men and carry traffic in contraband goods.<sup>68</sup> “We see, daily, negroes who are known to have

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<sup>67</sup> “Slaves Hiring Their Own Time,” *Abbeville Independent Press* (SC), March 25, 1859.

<sup>68</sup> “Slaves Hiring Their Own Time,” *The Edgefield Advertiser* (SC), April 6, 1859, 1.

to pay large wages to their masters, who are seldom or never seen working at their several trades; on the contrary, able bodied carpenters are seen, continually, hawking fruits and fish in our streets.”<sup>69</sup> “Idle and unrestrained” they chose whiskey over hard work, and became emissaries of local groggeries.<sup>70</sup> Those who did work, on the other hand, achieved status above their station. As a grand jury complained some years earlier, they not only hired their time, but also purchased expensive items, “owning horses and traveling in buggies and wagons,” eliciting a “spirit of insubordination amongst the slave population.”<sup>71</sup> The *Bulletin* agreed. According to the editorial, hiring had bred “impudence and independence,” and encouraged the slaves to behave like a “colored aristocracy.”<sup>72</sup> “While they lord it over other negroes, they seem to think themselves just about as respectable as the whites around them,” it noted. Why then did masters permit such practices?<sup>73</sup>

The *Bulletin* was certainly not alone in scolding masters for allowing such practices to continue. The Greenville *Patriot and Mountaineer* also voiced its opposition to self-hired slaves. “Too much of this thing is permitted in all the districts,” it argued. “So long as slaves are allowed to hire their own time, become master workmen and contractors,” they explained, illegal trade with slaves would exist, and laws would be

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<sup>69</sup> “Slaves Hiring Their Own Time,” *The Edgefield Advertiser* (SC), April 6, 1859, 1.

<sup>70</sup> *Ibid.*

<sup>71</sup> Grand Jury Presentment, South Carolina, Darlington District, August 8, 1849.

<sup>72</sup> “Slaves Hiring Their Own Time,” *The Edgefield Advertiser* (SC), April 6, 1859, 1.

<sup>73</sup> “Negro Mechanics,” *Southern Enterprise* (Columbia, SC), January 19, 1860, 1.

evaded. “The fault lies with the slave owner,” for he allowed slaves to “compete with white men in all mechanical pursuits.”<sup>74</sup>

The Greenville *Southern Enterprise*, however, went even further by stating what most South Carolinians knew but rarely expressed, namely that it was pecuniary gain that ultimately drove masters. Self-hire gave slaveholders “remunerative employment for their investment in the institution.” It provided a lucrative outlet for economizing masters. Such self-interest, however, had no place in slave society, especially one under the “present precarious conditions of public affairs.” The newspaper demanded that planters stop allowing their slaves to self-hire in order to secure “perfect unanimity of sentiment among all classes of the South.” With the Civil War looming on the horizon and the future of slavery in jeopardy, the *Southern Enterprise* believed, like many South Carolinians with vested interest in slavery, that the best possible defense to preserve slavery was white unity. Planters and legislators thus needed to “expel every distracting cause that may be found to exist in our social organism even though it may cost the sacrifice of our present apparent pecuniary rights and interest.”<sup>75</sup>

This torrent of complaints made the issue unavoidable for planters and politicians. Even if most of them did not want reform, they had to address it or else, as the *Southern Enterprise* argued, they may obstruct white unity, essential to maintaining peace within a slave society, especially one under attack from the North. Without the support of non-slaveholders, their way of life was doomed. As a result, legislators decided to revisit the

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<sup>74</sup> “Scraps and Facts,” *Yorkville Enquirer* (SC), April 17, 1856, 2.

<sup>75</sup> “Negro Mechanics,” *Southern Enterprise* (Columbia, SC), January 19, 1860, 1.

1822 law. First, they remedied a glaring omission from the previous law.<sup>76</sup> Indeed, the 1822 law only outlawed self-hiring for male slaves. Under the 1849 law, women were also prevented from self-hiring.<sup>77</sup> Secondly, they dramatically reduced the penalty. Rather than forfeiting their slave, planters whose male or female slave was guilty of self-hiring were to be fined fifty dollars. This could be seen as a partial victory by protesters since it both enlarged the scope of the law and made it enforceable. In the end, however, the 1849 revisions to the 1822 law hardly reduced the prevalence of the practice.

The revisions to the legislation suggested to South Carolinians that planters and politicians increasingly appreciated the danger of slaves' self-hiring. Indeed, only a year later, former governor and then senator James Henry Hammond provided further evidence that elite planter-politicians shared the fears of many of his constituents. In an 1850 address before the South Carolina Institute, he warned, "whenever a slave is made a mechanic he is more than half freed, and soon becomes, as we too well know, and all history attests, with rare exceptions, the most corrupt and turbulent of his class."<sup>78</sup>

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<sup>76</sup> The fact that women were excluded from the 1822 law reinforced the idea that this legislation was primarily a response to the Vesey insurrection scare and not truly an attempt to reform a ban slaves' self-hiring for good.

<sup>77</sup> The 1849 law was prompted by the presentment of Sumter residents that noted that women were not included in the existing statute. Grand Jury Presentment, South Carolina, Fairfield District, 1831. Wealthy Charleston Merchant and Revolutionary leader, Henry Laurens, took up the cause. See the "An Address Before the Agricultural Society of South Carolina," *Southern Agriculturist*, November 1832, 561, and "An Address Before the Agricultural Society of South Carolina," *Southern Agriculturist*, December 1832, 617. In an address before the South Carolina Agricultural Society, Laurens stated the error of allowing slaves to carry on occupations that "relieves them in a great measure from the wholesome restraint of the master's eye." He argued that to remedy this, as few slaves as possible should be allowed in the city of Charleston. He also suggested that white working be induced to come to the city and that a mechanical institute train children from the poor house.

<sup>78</sup> "Governor Hammond's Address Before the South Carolina Institute, 1850," *DeBow's Review*, June 1850, 518.



However, despite paying lip service to the protesters' cause, neither Hammond nor other elite planter-politicians really pushed for meaningful reform or an end to the practice.

The problem was that while planters may have come to publicly recognize the danger of slave self-hiring, they disagreed with the solution that most opponents proposed: state intervention through legislation. In fact, for planter-politicians like Charles Memminger, banning slave jobbing was far more dangerous to the southern social order and to the institution of slavery than letting the controversial practice endure. "Drive out negro mechanics and all sort of [Negro] operatives from our cities, and who must take their places"? he rhetorically asked.<sup>79</sup> The only option, Memminger concluded, was northern men. With their free labor ideals and their potential anti-slavery tendencies, these men would be far more subversive to the peculiar institution than self-hired slaves.

Memminger's logic hinted at the root of the problem. Since slave jobbing had become such an integral part of the state economy, banning it would require a major restructuring of the labor system. And as Memminger pointed out, this new system was likely to be, at least initially, equally, if not more problematic, than the status quo. This view, namely that reform would be too difficult to be possible or even desirable, was widely shared among elite planter-politicians. The Senate Committee on the Coloured Population's responses to numerous petitions and grand jury presentments requesting that existing laws be enforced is a good illustration of this.<sup>80</sup> In all instances, the committee suggested that prohibiting slaves from taking on non field-related jobs, whether skilled or

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<sup>79</sup> Christopher G. Memminger to James Henry Hammond, April 28, 1849. Quoted in Ford, *Origins of Southern Radicalism*, 364.

<sup>80</sup> Petitions were sent from the South Carolina Mechanics Society. Grand jury presentments came from Kershaw, York, Charleston and Newberry.

unskilled, simply was not feasible. They explained that “domestic servants, most of the common laborers and porters, draymen, wagoners and cartmen and on the seaboard stevedores” were generally “negroes.”<sup>81</sup> These categories of hired labor were all included in the acts of 1822 and 1849, and as such, were outlawed. The committee argued that replacing them would trigger a logistical nightmare: “It would be impossible to have this sort of slave labor, if there must be a contract with the owner for every specific job—as for instance the transportation of a load in a wagon or dray, the carrying of a passenger’s trunk to or from the railroad, etc.”<sup>82</sup> Instead, planters believed that paternalism, rather than state intervention, was the best way to handle the problem.

If slaves’ self-hiring and the ensuing economic independence provoked loud protests among white artisans and some politicians, upcountry planters relying on the controversial practice were conspicuously silent on the issue. They rarely wrote editorials or gave speeches defending slave jobbing. Instead, they simply maintained a quiet front, bolstered by their conviction that slaveholders were entitled to use their slave property as they wished. Nonetheless, over the course of the antebellum period, some slaveholders sought to reconcile the economy surrounding self-hired slaves and mechanics with their pro-slavery ideas.

For example, northern reporter Frederick Law Olmsted, an astute observer of the southern economy, gauged planters’ opinions on the issue during his travels through the slave states. During his visit to South Carolina in the early 1850s, he asked cotton planters about privileges proffered to such slaves. On cotton plantations, he found that

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<sup>81</sup> “Report on the Colored Population,” pamphlet, December 7, 1858. Quoted in Henry, “The Police Control of the Slave in South Carolina,” 102.

<sup>82</sup> “Report on the Colored Population,” pamphlet, December 7, 1858. Quoted in *Ibid.*

planters were eager to praise the accomplishments of their slave craftsmen, a marked contrast to whites in the Upper South. Olmstead had spent several weeks in the Upper South among men anxious to convince him that “no negro-mechanic could ever be taught, or induced to work carefully or nicely.” In the cotton country, however, planters often boasted about the skilled craftsmanship exhibited by their slave artisans.<sup>83</sup>

Upcountry cotton planters’ propensity to showcase talented slaves to northern visitors like Olmstead was primarily intended to refute free labor proponents’ claims that slavery degraded skilled labor. In this case, planters had their work cut out for them. Indeed, Olmstead himself believed that slavery was an economically inferior system to free labor. Fully cognizant of this fact, planters did not bother with subtlety. One planter for example “called [Olmstead’s] attention to the excellence of [his skilled slaves’] workmanship.” He pointed out to Olmstead “some carpenter’s work, a part of which had been executed by a New England mechanic, and a part by one of his own hands” in order to show that “the latter was a much better workman.”<sup>84</sup>

The slaves’ skills alone, however, were not the only reasons that planters used to explain the supremacy of slave labor. Indeed, planters also suggested to Olmstead that their superior management skills were also an important part of the equation. The same South Carolina slaveholder, for instance, commented on his careful stewardship of a trusted skilled slave. The slave in question was by the time of Olmstead’s visit supervising all of the plantation’s mechanics. When Olmstead asked how he had come to

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<sup>83</sup> Fredrick Law Olmsted, *The Cotton Kingdom: A Traveller’s Observations on Cotton and Slavery in the American States. Based upon Three Former Volumes of Journeys and Investigations ...* (New York: Mason Bros, 1861), 186.

<sup>84</sup> Fredrick Law Olmsted, *The Cotton Kingdom: A Traveller’s Observations on Cotton and Slavery in the American States*, 186.

have such confidence in the slave, the planter explained that the bondsman was the son of a privileged and trusted house slave. Upon coming of age, he had requested to be taught the blacksmith's trade. At first, he was employed in the plantation shop. Then his master sent him out to an off-plantation workshop for apprenticeship in machinist work. "After he had become a skillful workman, he obtained employment, as an engineer," the planter noted, "and was allowed to spend his wages for himself."<sup>85</sup> However, he soon acquired "dissipated habits and wast[ed] all his earnings."<sup>86</sup> Despite his protest, his master brought him back to the plantation. He did, however, continue to receive "peculiar privileges" and "duties wholly flattering to his self-respect."<sup>87</sup> In this way, the planter explained, the slave became a very valuable workman, one essential to the operation of the plantation.

Not all planters explained the granting of privilege in explicitly paternalistic terms. Some had more pragmatic explanations, and simply suggested that they had provided privileges as a means to elicit profit from especially hard working, skilled slaves. One planter, for instance, bragged that one of his slave carpenters had an uncanny talent with numbers. Even without specific instructions, the slave could "give very close and accurate estimates for the quantity of all descriptions of lumber, to be used in building a large and handsome dwelling, of the time to be employed upon it, and of its cost."<sup>88</sup> The slaveholder encouraged the bondsman to take on increasing responsibilities, and soon he was taking on contracts. The slave usually received two dollars a day for his

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<sup>85</sup> Fredrick Law Olmsted, *The Cotton Kingdom: A Traveller's Observations on Cotton and Slavery in the American States*, 186.

<sup>86</sup> *Ibid.*

<sup>87</sup> *Ibid.*, 141.

<sup>88</sup> Olmsted, *A Journey in the Seaboard Slave States, with Remarks on Their Economy*, 553.

work, which he gave to his master, but also “earned considerable money besides...by overwork at his trade.”<sup>89</sup> Olmsted visited the slave, who was then at work on a parcel of land that his master owned. He was “engaged, with two black men and one white—a native, country fellow—in putting up a fence.” The slave explained to the reporter that in order to complete the work with the very short delay required, he had hired the three men himself, without formal consent of his master. These men, including the white fellow, were working under the slave’s orders. When Olmsted asked the carpenter slave’s owner about the arrangement, he confirmed that he had confidence in the slaves’ discretion, for he was “an excellent workman.”<sup>90</sup> As such, the slaveholder rarely directed his labor. Such willingness to utilize labor in this way suggests that for many slaveholders, skilled overtime was worth the potential pitfalls.<sup>91</sup>

In South Carolina cotton country overtime jobbing often reaffirmed the central logic of slave society. Paid labor brought slaves into a marketplace imbued with the complex subtleties and social meaning that marked all relations between blacks and whites in the antebellum South. Despite this, some bondsmen were able to leverage overtime to achieve a modicum of economic independence. Many whites found such activities problematic not only because such slaves competed with white laborers, but also because it fostered a level freedom that contradicted the central tenets that governed the South Carolina social order. Politics exacerbated these tensions, especially as sectional conflict grew increasingly intense. Although some planters tried to fold slave overtime into the rhythm of the plantation, they were generally unsuccessful in

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<sup>89</sup>Olmsted, *A Journey in the Seaboard Slave States, with Remarks on Their Economy*, 554.

<sup>90</sup>Ibid, 553.

<sup>91</sup> Ibid, 555.

rationalizing this practice. They recognized that these activities could potentially threaten the racial order by empowering some slaves. But the combination of profit and convenience was too strong for South Carolina slaveholders to resist.

## Chapter 3

“Negroes Indebtedness:” Masters, Merchants, and Slave Marketing in Cotton Country

[P]lease find the amount of your negroes indebtedness, which I verry [*sic*] much regret is not as you desired....

— F. W. Cooper to William Law, December 20, 1853

In December of 1853, Darlington District storeowner F. W. Cooper informed slaveholder William Law that his slaves had overspent their store accounts. “The amount of your negroes indebtedness,” Cooper explained, “is not as you desired.” Owing to a delay in the mail, Cooper had received Law’s instructions regarding slaves’ account balances after slaves had already made their purchases. Since Law’s bondsmen and women were typically allowed to purchase goods during the Christmas holiday using their crop earnings, Cooper had permitted them to buy what they wished: over two hundred dollars’ worth of goods. Perhaps unimpressed with Cooper’s response, Law temporarily stopped doing business with Cooper’s shop in 1854. The following year, his slaves maintained accounts at a rival store, Huggins and Brunson. In the tightly controlled world that planters like Law sought to orchestrate, there was no room for such an error.<sup>1</sup>

By the 1850s indebtedness served an important role in the management schemes of paternalistic planters. Through strategic oversight of slave accounts, planters created complex webs of credit and debt that tied them to their bondsmen and women. This chapter charts master/slave exchange and the informal economy in late eighteenth and

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<sup>1</sup> F. W. Cooper to William Law, December 20, 1853, William Law Papers, RL.

early nineteenth century cotton country. It demonstrates that in the first three decades of commercial cotton production, planters permitted slaves measured access to crossroads stores, public ginners, and millers. Over the course of the antebellum period, however, they gradually restricted these direct encounters, and increasingly served as intermediaries between their slaves and the market. Instead of allowing slaves to peddle their own goods, planters exchanged commodities on behalf of their slaves or purchased them outright. In addition, instead of permitting slaves to autonomously manage their own accounts at stores, they created on-plantation alternatives or established relationships with trusted merchants who deferred to masters in their dealings. And finally, rather than casting such transactions in market terms, they reinforced exchange as a privilege or allowance—an extension of the unequal, duty-bound relations between master and slave.

By examining slave, master and merchant interactions this chapter adds to a small, but growing body of literature on slave exchange. In “‘A Kind of Freedman:’ Slave Market Activities in the South Carolina Upcountry” (1991), for example, John Campbell examined the shift from a more open, cash-based slave marketing system to a more rigid, master-controlled internal economy of the late-antebellum period. This chapter builds upon this framework; however, it diverges from Campbell’s interpretation, by taking seriously the impact of pro-slavery paternalistic discourse in bringing about this shift. Debate surrounding slaves’ material circumstances and their religious life, and the role of the planter in shepherding slaves in these areas provided a powerful impetus for the managerial reforms of the antebellum period. This carefully crafted view of the plantation world, while certainly informed by the economic transformations Campbell explores, was equally the product of politics and social transformations. Kathleen



Hilliard's work on antebellum slave consumption practices is more in line with my interpretation that the internal economy strengthened the southern social order. Hilliard's approach, however, self-consciously eschews what she calls the "case study" approach to informal economic studies. As such, she pays little attention to change over time. According to Hilliard, "[m]easuring how change affected the master-slave relation in precise chronological terms is difficult."<sup>2</sup> This may be true when examining the South as a whole, but one can discern trends in planters' approach to slaves' domestic life based upon specific events—events that complicate Hilliard's static interpretation of paternalism.<sup>3</sup>

## I.

Before the 1820s, managers on South Carolina plantations, especially those in the lowcountry, permitted slaves to travel to town to trade during their "free time" on Saturday evenings and Sunday.<sup>4</sup> Some of these slaves trekked substantial distances in order to peddle their goods from market stalls, carts, wagons and canoes, or pass their wares on to market intermediaries. Moving along meandering lowcountry waterways that

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<sup>2</sup> Hilliard, *Masters, Slaves, and Exchange*, 14.

<sup>3</sup> See Kathleen M. Hilliard, *Masters, Slaves, and Exchange: Power's Purchase in the Old South*, Cambridge Studies on the American South (Cambridge: Cambridge University Press, 2014); John Campbell, "'A Kind of Freedman': Slave Market Activities in the South Carolina Up Country, 1800-1860.," in *Cultivation and Culture: Labor and the Shaping of Slave Life in the American South*, ed. Ira Berlin and Phillip D. Morgan (Charlottesville, VA: University Press of Virginia, 1994).

<sup>4</sup> Such connections fueled the lowcountry internal economy. See Betty Wood, *Women's Work, Men's Work: The Informal Slave Economies of Lowcountry Georgia* (Athens, GA: University of Georgia Press, 1995); Campbell, "'A Kind of Freedman': Slave Market Activities in the South Carolina Up Country, 1800-1860"; Robert Olwell, *Loose, Idle, and Disorderly: Slave Women in the Eighteenth-Century Charleston Marketplace* (Bloomington, IN: Indiana University Press, 1996); Timothy James Lockley, *Lines in the Sand: Race and Class in Lowcountry Georgia, 1750-1860* (Athens, GA: University of Georgia Press, 2001).

connected the country to commercial centers such as Charleston and Savannah, late eighteenth-century and early-nineteenth century bondsmen and women forged extensive trade networks, tacitly condoned by planters.<sup>5</sup> As one white observer noted, the connection between plantation slaves and urban marketers was a strong one. “[African American market] women have such a connection with and influence on the country negroes who come to market,” she noted, “that [African American women] generally find means to obtain whatever they may chuse [*sic*], in preference to any white person.”<sup>6</sup>

Lowcountry plantation managers implicitly helped to facilitate the formation of these networks. Rosewell King’s management of the Butler Plantations provides a good example of this general approach to trade. He explained that he permitted “a certain number [of slaves]” to “go to town on Sundays to dispose of eggs, poultry, coopers’ ware, canoes, &c.” as long as they returned home sober and before curfew.<sup>7</sup> Butler slaves were not alone in partaking in trading activities on Sunday. Indeed, Sunday off-plantation trading became a well-established tradition along the South Carolina coast.<sup>8</sup>

On the pre-antebellum Carolina cotton frontier, these practices were adopted on inland cotton plantations, where slaves also obtained direct, if measured, access to local markets during their off time. However, in the Carolina backcountry trade operated

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<sup>5</sup> This practice assumed its fullest form in the Caribbean where Sunday markets became a permanent fixture in slave society. Noted abolitionist Thomas Clarkson explained, “Sunday is, by the confession of all, the negro market day, on which they alone can dispose of their own produce.” See T Clarkson, *Thoughts on the Necessity of Improving the Conditions of Slaves in the British Colonies with a View to Their Ultimate Emancipation* (London: Richard Taylor, 1823).

<sup>6</sup> Olwell, *Loose, Idle, and Disorderly: Slave Women in the Eighteenth-Century Charleston Marketplace*, 101.

<sup>7</sup> Roswell King, “On the Management of the Butler Estate, and the Cultivation of the Sugar Cane,” *Southern Agriculturist and Register of Rural Affairs (1828-1839)*, December 1828, 525.

<sup>8</sup> Fanny Kemble, for instance, mentions such transactions in her journals. See Fanny Kemble, *Journal of a Residence on a Georgian Plantation in 1838-1839*, New York: Knopf, 1961.

differently. As Chapter Two points out, although Sundays continued to be slaves' own day to labor for themselves, they did not often work on commodity grounds, and thus did not, like lowcountry slaves, trade extensively in farm produce.<sup>9</sup> Instead, as labor was in dire need in the newly settled cotton country, a system emerged allowing cotton producers to extract extra-labor from slaves on Sundays in exchange for a wage. Slaves could earn "overtime" wages both on or off of the plantation. Constantly looking for labor to ride the wave of cotton, non-slaveholding whites and overseers regularly hired field hands from neighboring plantations for chores such as clearing land or picking cotton.<sup>10</sup>

Charles Ball's experiences reveal how widespread this practice was. When he first arrived in cotton country, he earned cash working "with a man who was clearing land two miles off." He later worked for one of the plantation's overseers who had a small cotton farm. Since the overseer "owned no slaves," he was "obliged to hire people to work it for him, or let it lie waste." Ball reported that he worked for "more than twenty different persons" in a similar capacity, clearing land or picking cotton. Ball mentioned that he was far from exceptional in earning money this way. Indeed, he noted that "a large number of the men, as well as some of the women" worked on Sunday for wages.<sup>11</sup> Masters rarely

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<sup>9</sup> Instead, slave families used vegetables such as onions, cabbages, cucumbers, and melons for themselves, as Charles Ball explained. "The vegetables that grow in [slave] patches, were always consumed in the families of the [slave] owners," he reported, unless exchanged with near neighbors to add variety to their daily fare. During one evening meal in the [summer] of 1806, he recalled, "Nero had corn in his patch, which was now hard enough to be fit for boiling, and my friend Lydia had beans in her garden. We exchanged corn for beans and had a good supply of both." Charles Ball, *Fifty Years in Chains; Or, The Life of an American Slave*, (New York: H. Dayton, 1858), 118.

<sup>10</sup> For a description of this system see Campbell, "'A Kind of Freedman': Slave Market Activities in the South Carolina Up Country, 1800-1860."

<sup>11</sup> Ball, *Fifty Years in Chains; Or, The Life of an American Slave*, 187.

served as mediators in these interactions. Rather, prospective hirers usually directly negotiated with slaves with whom they came into contact in their daily lives.<sup>12</sup>

In labor-intensive seasons, particularly during the annual cotton-picking, planters even hired their own slaves to work on Sundays. However, unlike antebellum planters, they did not generally oversee the distribution of slaves' payment. Instead, overseers were tasked with this. For instance, when Ball and other slaves stayed on the plantation to earn their "Sunday wages," overseers paid slaves for the cotton they brought in, "punctually... on Sunday evening." Likewise, when slaves earned bonuses for picking over quota, they received their money weekly from overseers on Saturday. This system differed markedly from the strategies employed by planters in the later antebellum period. It was a pragmatic system that was devoid of the paternalistic vision that would later arise.<sup>13</sup>

In the early national period, cash emerged as one of the primary means of exchange. Since planters' major concern regarding internal economic exchange was theft on their plantations, slaves could expect less oversight from planters by exchanging cash rather than goods. Indeed, as long as slaves were not suspected or found trading in stolen goods such as corn or cotton, they could expect little oversight from planters. To that effect, a number of Charleston merchants, pledged, "[w]e shall not receive in barter from

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<sup>12</sup> Campbell, "'A Kind of Freedman: Slave Market Activities in the South Carolina Up Country, 1800-1860.'" Hilliard, *Masters, Slaves, and Exchange*. In this regard, my approach is more in line with Lacy K. Ford, *Deliver Us from Evil: The Slavery Question in the Old South* (New York: Oxford University Press, 2009), than Hilliard's. Finally, this chapter, while interested in slave consumerism does not attempt to broadly integrate consumer studies into its framework in the way that Hilliard does.

<sup>13</sup> Ball, *Fifty Years in Chains; Or, The Life of an American Slave*. Duncan McRae and Zachariah Canteay recorded payments to five of their slaves for "Sunday Labor." Between 1792 and 1797, Big Jack, Dick, Mingo, Peter, and Toney worked a total of forty-three Sundays at the standard rate of one shilling, six pence per day. Account Book (1792-1799), May 19, 1795, McRae and Canteay (Camden, S.C.), SCL.

any slave whatever, without a written ticket from the owner or other person having charge of such slave, any goods, wares or merchandize whatsoever; but we shall presume to construe said law, by viewing money in the same light as we would a ticket, from the slave of any customer who is accustomed to deal with us, and believed by us to be sent by his owner or other person having charge of him.”<sup>14</sup> This freedom to use cash helped boost the standing of slaves with storeowners. As Charles Ball noted, “The store-keepers are always ready to accommodate the slaves, who are frequently better customers than any white people; because the former always pay cash, whilst the latter almost always require credit.”<sup>15</sup> This practice persisted into the second decade of the nineteenth century. In Camden, one tavern keeper, J. B. Mathieu, confirmed that storeowners viewed slave money as a kind of “pass.” In 1816 he reported that it was general practice for storeowners to accept small sums of money from slaves, with or without masters’ explicit consent. Storeowners, he explained, refrained from “*purchasing* from a slave, but not *selling* to one.”<sup>16</sup>

Before 1820 planters also allowed slaves to use self-manufactured goods to trade at stores. Indeed, as Ball explained, in addition to accepting cash, storeowners also openly purchased slave manufactures—goods “that [were] known [to be] the usual products of the ingenuity and industry of the negroes.” Ball was permitted to trade wooden bowls to his local storeowner—located five miles from his Columbia plantation. Other frontier slaves traded corn shuck collars, baskets, coal, and more in exchange for

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<sup>14</sup> *City Gazette* (Charleston, SC), November 15, 1783, 1.

<sup>15</sup> Ball, *Fifty Years in Chains; Or, The Life of an American Slave*, 191.

<sup>16</sup> *Gazette* (Camden, SC), May 9, 1816, n.p.

store goods. While planters would continue to allow slaves to trade with cash and self-made goods in the antebellum period, they came to exercise much greater control over such matters.<sup>17</sup>

Before slaves were allowed to leave the plantation, planters required slaves to obtain written permission in the form of a pass or ticket to trade. With this permission in hand, slaves were allowed to market their goods for themselves. Planter Alexander Telfair, who owned an inland cotton plantation along the Savannah River, provides a good example of this type of oversight. Telfair prepared a detailed list of plantation rules and procedures for his overseer. In these documents, he instructed his overseer to “give [slaves] tickets to sell what they make,” as long as slaves did not intend to market cotton.<sup>18</sup>

Through this pass or ticket system, planters provided slaves with measured freedom to trade. For example, some planters allowed slaves relatively free reign, or “pass and repass.” This level of mobility did not go unnoticed. In 1831 nineteen Edgefield patrollers petitioned the legislature to outlaw the so-called “pass and repass,” arguing that “negroes having tickets to pass and repass such a length of time without stating where they are going are in the habit [of] visiting [...] places where they would not be willing to be seen by their masters[,] and where their owners are not willing for them to go.”<sup>19</sup> Another planter commented on the custom, stating that for many years,

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<sup>17</sup> Ball, *Fifty Years in Chains; Or, The Life of an American Slave*, 191.

<sup>18</sup> Ulrich Bonnell Phillips, *Plantation and Frontier Documents: 1649-1863: Illustrative of Industrial History in the Colonial & Ante-Bellum South* (Cleveland, OH: A. H. Clark Company, 1909), 129.

<sup>19</sup> Grand jury presentments also challenged the pass laws, though on slightly different grounds that sought to restrict masters from providing slaves with extended passes to trade. They recommended that “Owners of slaves[,] giving them a permit to traffic and trade generally through the country[,] be

“planters in the country...give their negroes passes from Saturday night till Monday morning.”<sup>20</sup>

Some planters, however, were less lenient and as such far more explicit in their parameters. The tickets brought before Spartanburg merchants and hat makers Catherine and Moses Stone in the late 1820s and early 1830s are a case in point.<sup>21</sup> The Stones received a number of slave passes, which listed the intended recipient, the slave’s name, the master’s name and the date, along with a brief description of the slave’s business. One B. Foster, for example, simply informed the merchant, “Mrs. Stone, You are at liberty to trade with Atty as he wishes to by [*sic*] a hat, [Saturday] December 4, 1830.” Others were even more specific. One William Cantrell, for instance, clearly indicated that his slave, Seal, intended to trade chickens for the merchants’ wares. Another slaveholder, W. H. Hayes reported that to the Stones that Saturday, April 21, 1832, “Julius has leave to sell his fur and collect pay for the same.”<sup>22</sup>

Planters who permitted slaves to trade for themselves allowed bondsmen and women to hawk their goods at local gathering places—along stage routes, at ferries and even at church or camp meetings. Maxcy Gregg, an avid sportsman, recorded that while on an outing in the environs of his Columbia home, he met several slaves on route to market and purchased their wares. “Meeting as we got into [the] main road two boys,

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prosecuted.” Both petitions did not result in a bill to amend the slave code. See Grand Jury Presentment, South Carolina, Edgefield District, 1831 and Grand Jury Presentment, South Carolina, Sumter District, 1844.

<sup>20</sup> A. T. Goodloe, “Management of Negroes---Caution!,” *Southern Cultivator* (1843-1906), October 1860, 130.

<sup>21</sup> In the 1820s, planters began to institute new legal restrictions on slave movement; passes likely reflected this. Evidence suggests that this was the case, but few slave passes of this nature survive.

<sup>22</sup> Slave passes, 1830 - 1832, Stone Family Papers, SHC.

bringing Deer to market, we bought it for five dollars, so to make sure of our game, and sent it back to the ferry, while we went out on our drive.”<sup>23</sup> Such trading did not go unnoticed by local whites. Camden’s Lucy Carpenter, for example, described one such scene for her brother, a physician residing in Massachusetts. “I said we were getting quiet, [but] since I wrote that [I] looked towards the ferry and see the road is fill’d with wagons bringing fodder and various articles of their own manufacture, the negroe, I mean.”<sup>24</sup> Cotton slaves used such venues to trade at week’s end.

The most important location for master-condoned trading before the mid-1830s, however, was the crossroads store. Stores in the upcountry provided essential services for inland residents—both black and white. The lack of roads and infrastructure made overland travel very difficult in many areas of the cotton frontier. As such, trading posts became essential intermediaries between upcountry farmers and coastal markets. By providing an easily accessible site for local exchange, these crossroads stores allowed farmers to sell goods to a wider market as well as redistribute farming commodities locally. Likewise, stores provided residents of the backcountry with a means to acquire manufactured goods from distant markets. As one observer noted in the 1820s, “All country produce was brought by wagons, and the farmers from a distance, when selling their crops, bought their annual supplies of such necessaries as they failed to produce at home.” Since they lacked the “present facilities for readily replenishing their stocks,”

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<sup>23</sup> Sporting Journal (1839-1860), November 1843, Maxcy Gregg Papers, SCL.

<sup>24</sup> Lucy Carpenter to William Blanding, December 27, 1848, William Blanding Papers, SCL. Whites, especially those located below or along the fall line where navigable rivers permitted ferrying to the coast, mentioned bluffs, ferries and depots as sites of formal and informal trade, as goods arrived via river from the coast. See William Bartell, Jasper Bartell, and Nell Morris, *The Journals of William and Jasper Bartell, 1823-1864* (Hemingway, S.C. Three Rivers Historical Society, 2002).



merchants kept a large supply of goods on hand that they bought in Charleston on credit.<sup>25</sup> The informal economy of the cotton frontier depended on these stores.

In addition to inviting commercial exchange with a broad section of society, these crossroads stores also facilitated social intercourse.<sup>26</sup> Merchants often ran multiple businesses in conjunction with their mercantile operations. These included public grist and saw mills, cotton gins, ferries, hotels, and taverns. Their myriad functions, along with their propensity to serve alcohol, made them popular places for gathering. In 1820s Sumter, state geographer Robert Mills reported “in taverns this district unfortunately abounds; almost every store presents one.”<sup>27</sup> Likewise, Mills noted that Newberry District, residents “meet at some store or place where liquor is sold, and spend their time at whist, or pitch dollars.”<sup>28</sup>

John Black was the proprietor of one such establishment. An immigrant, born in Edinburgh, Scotland, Black migrated to North America where he served as a store clerk, before assuming control of a mercantile store in the crossroads hamlet of Milton around 1803.<sup>29</sup> By the 1820s he was engaged in multiple business ventures; he operated a gin,

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<sup>25</sup> Edwin J. Scott, *Random Recollections of a Long Life, 1806 to 1876* (Columbia, SC: C. A. Calvo, Jr., 1884), 78.

<sup>26</sup> Marjorie Stratford Mendenhall, *A History of Agriculture in South Carolina, 1790 to 1860: An Economic and Social Study* (Chapel Hill, NC: University of North Carolina, 1940), 131.

<sup>27</sup> Robert Mills, *Statistics of South Carolina: Including a View of Its Natural, Civil, and Military History, General and Particular* (Hurlbut and Lloyd, 1826), 746.

<sup>28</sup> *Ibid*, 652.

<sup>29</sup> Slave Account Book (1824-1827), John Black papers, SCL. Black leased the store from the trustees of the local free school in 1803 for 714 dollars. Lease, William Burnside, Esq. to John Black, May 5<sup>th</sup> 1803, John Black Papers, SCL.

Table 3.1: Slave Ledgers and Accounts Examined

Merchant	District	Account Type	Date Span
McRae and Cantey	Sumter District (Later Kershaw), SC	Slave Ledger	1792-1799
Anonymous	Saluda River (possibly Richland District)	General Ledger	1796-1799
Black, John	Laurens District, SC	Slave Ledger	1824-1833
Black, John	Laurens District, SC	General Ledger	1806-1807, 4/1822- 10/ 1823, 1/1826- 2/1826, 1823-1826
Black John	Laurens District, SC	Daybook	1806-1813, 1812-1814, 1824, 1827, 1829
Boyle, John C.	Fairfield District, SC	Slave Settlements, Closure Accounts	1830-1839
Brackin, A. F.	Alamance County, NC	Slave Ledger	1836-1838
Charles, E & H	Darlington, SC	Store, Slave Account Ledger	1847-1863
Charles, E. W.	Darlington, SC	Store, Slave Account Ledger	1853-1856
Charles & Milling	Darlington, SC	Merchant Correspondence, Slave Bills	
Glenn, John A.	Newberry, SC	Store, Slave Ledger	1849
Coker, Caleb	Darlington, SC	Store, Petty Account Book	1852
Newberry (Anonymous)	Newberry, SC	Store, Slave Ledger	1857-1859
Mann, G. A.		Merchant/ Planter Correspondence, Slave Bills	1856
Cathin & Perrin	Abbeville, SC	Merchant/ Planter Correspondence, Slave Bills	1860
Cooper, F. W	Darlington, SC	Merchant/ Planter Correspondence, Slave Bills	1857
Means, Mary Hart	Darlington, SC	Plantation, Slave Ledger	1858-1860
Gregg, J. Eli	Marion, SC	Plantation, Slave Ledger	1859-1860
Law, Thomas C.	Darlington, SC	Plantation, Slave Ledger	1859-1860

Sources: South Caroliniana Library, David R. Rubenstein Library, The Louis Round Wilson Library, South Carolina Department of Archives and History, Library of Congress

mill, and still, and planted small amounts of cotton.<sup>30</sup> Goods flowed between the merchant, his enterprises, and slave and free residents of southeastern Laurens District.

Black maintained careful records for his various businesses, providing a comprehensive sample of his dealings with blacks and whites over thirty years. At his store, he first recorded daily transactions in his “day book,” a list of goods sold and cash and credit brought in. These daily records distinguished for whom transactions took place and “per,” or by whom. Black also kept journals or informal ledgers, which summarized transactions from his day books and other business accounts. These provided space to gather information in preparation for final entry into formal account ledgers. Merchants organized these formal account ledgers, which often spanned years, by account holder. For Black, and other such merchants, these accounts provided a means to manage the legal complexities of dealing with slaves. A key function of his bookkeeping was to designate slaves who carried out business for their masters, slaves who did business for themselves, and masters who did business for their slaves “per order.”

Customers visiting the store of John Black purchased a variety of goods. One Saturday in early April of 1811, Black made note of six exchanges. Thomas Cobb, probably a free person of color, bought alcohol. Cobb, who would later work for the merchant as a “stiller” and general jack-of-all-trades, purchased one pint and three “gills,” or individual servings, of whiskey. In addition to Cobb, a white yeoman bought gunpowder; another free account holder, medicine, and a slave of the Blackarby family, Allan, purchased a dozen buttons and buttonmolds.

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<sup>30</sup> Between 1803, when Black took control of the Milton store until his death in 1835, the merchant steadily increased his wealth and social standing. A non-slaveholder when he began in trade, in 1808, he married Sarah Conway Ewell, who brought 7 slaves into their household; by 1820, the couple owned 22 bondsmen and women and employed two free persons of color. Federal Census of 1820, Laurens District.

In addition to providing goods for slaves, Black served as middleman, purchasing corn and cotton. In the early years of Black's establishment, he maintained barter and trade accounts with both groups. In 1806, Joseph Blackarby, Sr., who frequented the store for periodic drinks of whiskey, sold nearly two-thousand pounds of unginned seed cotton to Black.<sup>31</sup> In the same year, Blackarby permitted his sixteen slaves to also trade small amounts of cotton. In 1806 they bartered fifty-five pounds, and a year later nearly five hundred pounds.<sup>32</sup> Slaves and other masters interacted with the store in much the same way.<sup>33</sup> Black made official records of these transactions in his daybooks, his ledgers, and his yearly "cotton accounts."

Over time this trade grew substantially, and by 1824 Black maintained a separate slave account book.<sup>34</sup> Between 1824 and 1833, Black recorded over two thousand transactions in the book, which maintained individual accounts for 133 different bondsmen and women. These slaves belonged to over four-dozen masters.<sup>35</sup> Black clearly designated to whom each slave customer belonged. He also added notes regarding whether masters served as "security," and if so for how much, and noted if slaves had leave to patronize the store at will or "per order to trade."

Black's store attracted customers from a rather large radius, across Laurens and neighboring Newberry, Edgefield, and Abbeville. However, slaves who frequented

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<sup>31</sup> General Ledger, 1806-1807, John Black Papers, SCL.

<sup>32</sup> Ibid. Joseph Blackarby, Sr. of Laurens District owned 18 slaves in 1810.

<sup>33</sup> Ibid. The two slaves of the Benjamin Brown, for instance, traded small amounts of cotton alongside their master.

<sup>34</sup> It is clear to me that masters condoned a large number of these transactions. Black hinted at this in a note written in his daybook on July 20<sup>th</sup>, 1824. It reminded the merchant to enter \$85 into his books for "sales to Negros this month taken from N[egro] Book traded pr. order of masters."

<sup>35</sup> Slave Account Book (1824-1827), 45, John Black papers, SCL.

Black's store lived anywhere from a few miles to up to more than ten miles. William T. Burnside was probably one of Black's closest neighbors. His land was located just over two miles from Black's store. Six of Burnside's twenty-one slaves, Allen, Blueford, Larkeny, Sam, George and Jim maintained accounts with the merchant. Other plantations, however, were located some distance away. Dr. John W. Simpson, whose slave Amos visited Black's regularly, lived about eight miles distant. William Ligon and four of his slaves who maintained accounts resided some ten miles away, as the map below demonstrates.<sup>36</sup>

Before the 1830s planters allowed slaves surprising leeway over spending, permitting bondsmen and women to purchase goods, such as alcohol, that they would later outlaw. Spirits were by far the most frequent item purchased by slaves before laws prohibited its sale to slaves. At one Laurens District store operating in the late 1790s, for example, slaves traded cash, chickens, and labor for alcohol. Doctor George Ross, who owned four slaves in 1800, allowed his slaves "Tommy" and "Toney" to purchase rum and whiskey in November, February, and December of 1797.<sup>37</sup> They continued to trade over the next decade, both purchasing goods and drinking at the store.<sup>38</sup> Between 1792

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<sup>36</sup> Charting the distance that slaves and their masters travelled to trade with Black is difficult to determine for several reasons. First, the merchant typically designated slave owners' surnames, leaving off first names. Many of these surnames were quite common in the region. However, by cross-referencing Black's slave accounts with his daybooks, a number of masters names can be identified. The locations of their plantations, however, are much more difficult to determine. Maps, such as *Robert Mill's 1825 Atlas of the State of South Carolina* identified the location of some area families, but also only listed surnames.

<sup>37</sup> Account Book (1796-1799), John Black Papers, SCL. Federal Census of 1800, Laurens District, South Carolina.

<sup>38</sup> Ibid.



Figure 3.1: Black's Store was located at Milton crossroads, on the road from Newberry District to Laurensville (top left corner of the map). Slaves with whom he traded lived between 5 and 10 miles distant.

Source: *Atlas Of The State Of South Carolina, Made Under The Authority Of The Legislature; Prefaced With A Geographical, Statistical And Historical Map Of The State.* By Robert Mills, Of South Carolina.

and 1797, merchants and planters Cantey and McRae, among the largest slaveholders in Kershaw County, also allowed slave customers at their store to purchase brandy, whiskey, rum and gin.<sup>39</sup> This master-approved practice of permitting slaves access to alcohol continued at Blacks' store. Between 1824 and 1833, 35 percent of all slave purchases at the store were for alcohol. Whisky was slaves' drink of choice. However,

<sup>39</sup> Account Book (1792-1799), McRae and Cantey (Camden, S.C.), SCL. The slaves of McRae: Camden, Lewis, Tobey, Peter, Mingo, Pompey, Will, Juba, Tina, Will, Dick, Lewis, Sandy, Davy, Toney, Britain, purchased the following goods: thimbles, needles, pins, buttons, handkerchiefs, brandy, whiskey, rum, gin, sugar, brandy, coffee, sugar, bacon, flour, linen, plains, calico, osnaburgs, linsey, silk, ribbons, shoes, padlock, scissors, hooks, pipes, cotton cards, paper pins.

Black recorded sales of brandy, rum, cider, beer, and wine to bondsmen and women, which he sold for both on-site consumption, and in larger quantities for at-home consumption.

Table 3.2: Slave Consumption at John Black's Store by Frequency of Transactions, 1824-1833

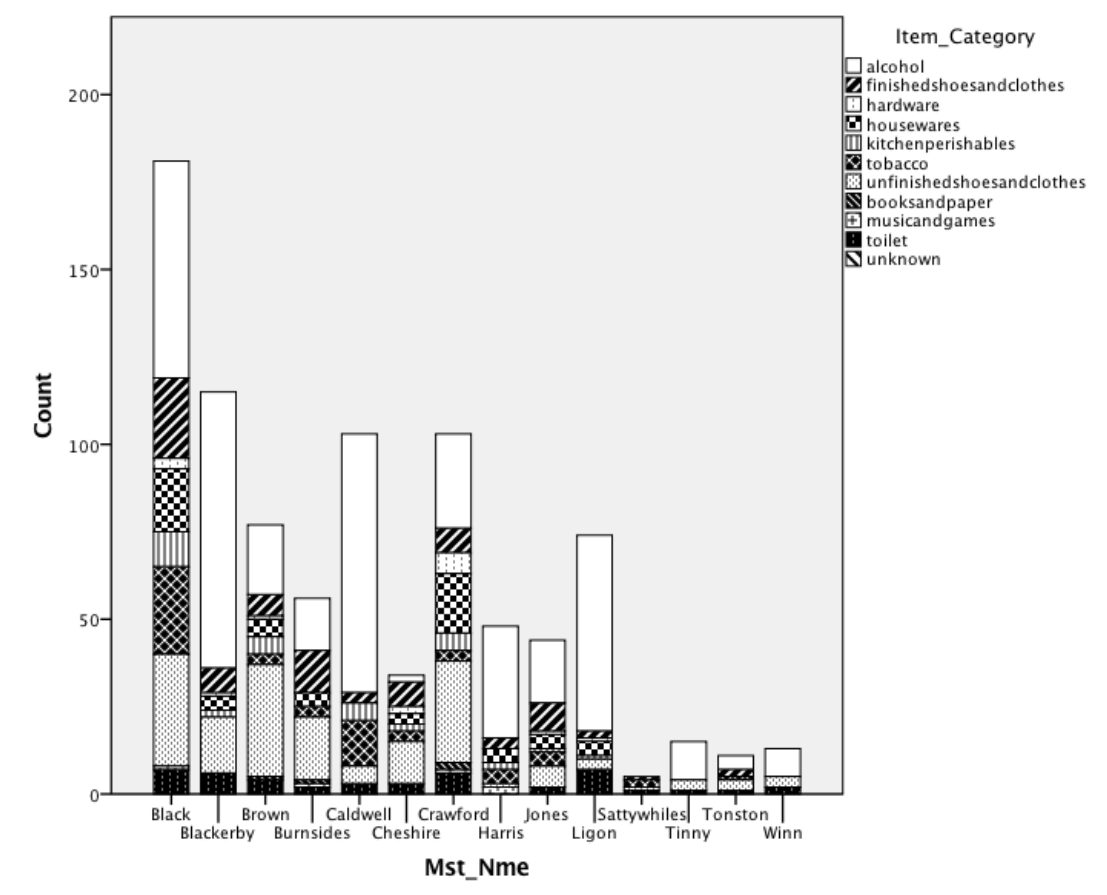
Slave Purchases	Frequency
Alcohol	805
Cloth, thread, leather, etc.	512
Shoes and finished clothes	227
Housewares	181
Tobacco	155
Toiletries	122
Kitchen perishables	92
Hardware	61
Books and paper	19
Entertainment items (Music/Games)	10

Source: Negro Account Book," John Black Papers, South Caroliniana Library

John Black also sold other goods to slaves that would later be outlawed. Although fairly rare, slaves purchased books and readers. In March and September of 1825, Gabe, the slave of the Crawford family, purchased a primer and a dictionary.<sup>40</sup> In August of 1827, John Young's slave Frank also purchased multiple spelling primers and some paper tacks. And in April of 1826, Peter, a slave of the Babb family, purchased a copy of *Watts Psalms and Hymns*.<sup>41</sup> Slaves also purchased cloth and finished clothes, housewares and sugar, coffee and other kitchen items, as the above chart and graph below demonstrate.

<sup>40</sup> "Slave Account Book (1824-1827), 83, John Black papers, SCL.

<sup>41</sup> Much more work needs to be done on slave consumption. For one excellent, recent study on the subject see, Hilliard, *Masters, Slaves, and Exchange*. Hilliard uses Black's slave account book to examine consumption, but spends relatively little time on the consumption of alcohol. My preliminary examination of the categories of consumption at Black's store, listed in the above table, serves to highlight the frequency with which slaves purchased goods that would later be banned by increasing planter restrictions.



Graph 3.1: Slave Purchases on Selected Plantations, John Black's Store, 1824-1833

Note: The plantations represented above had the following number of slaves with accounts. Black (11); Blackerby (1); Brown (2); Burnsid (6); Caldwell (3); Cheshire (3); Crawford (2); Harris (1); Jones (2); Ligon (2); Sattywhiles (1); Tinny (1); Thonston (1); Winn (1)

Finally, in the very early years of cotton production, planters permitted slaves to use funds acquired through exchange with merchants to purchase their freedom, which like alcohol and books would come under attack. This practice virtually ended in the 1820s. Within the store records of Camden flour merchants Zachariah Cantey and Duncan McRae, a surprising number of "free negroes" appeared. In addition to forty-three slaves, five designated free persons of color and thirteen unspecified "Negroe" laborers traded with the merchants. At least one of these former slaves, Bonds Conway,



used one of the merchants to purchase himself. Cantey purchased the slave “with his [Conway’s] own money” and then “relinquished any title or claim to him.”<sup>42</sup> Conway, who belonged to slaveholder Edwin Conway, appeared in the merchants’ 1797 accounts and continued to live and work in Camden moving between black and white circles.<sup>43</sup> Only one such mention of self-purchase appears in early accounts; nonetheless, the direct link between commerce in the early national period and slave manumission deserves mention. Even if rare, the practice must have had an important effect on slaves’ consciousness and on their understanding of the informal economy.<sup>44</sup>

## II.

Beginning in the 1820s, paternalistic planters began to advocate for greater control over internal economic exchange. As they encouraged the production of “negro crops,” planters devised a system for marketing slave produce and distributing slave income. In essays and orations on plantation management, planters suggested that fellow slaveholders oversee the marketing of slave crops—by buying them outright or negotiating their purchase. When an anonymous contributor to the *Agriculturist* offered his remarks on slave crops in 1832, for instance, he noted, “when the crop of corn is

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<sup>42</sup>See Bonds Conway Papers, SCL. See Lindsay Crawford, et. al. “African Americans in Camden: The Colonial Period through the Civil War,” “The Camden African-American Heritage Project,” 2006, [http://scholarcommons.sc.edu/pubhist\\_books/1](http://scholarcommons.sc.edu/pubhist_books/1), 9. According to the 1790 census, Edwin Conway, Bonds Conway’s owner, owned eight slaves. Federal Census, Kershaw District, 1790.

<sup>43</sup> Laura F. Edwards, *The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South* (Chapel Hill, NC: University of North Carolina Press, 2009).

<sup>44</sup> Conway went on to operate a successful construction business in Camden and became a slaveholder himself. For a discussion of another prosperous free person of color from the upcountry see: Michael P. Johnson and James L. Roark, *Black Masters: A Free Family of Color in the Old South* (New York: Norton, 1984).

gathered in, it should be under the direction of the master, and disposed of by him.”<sup>45</sup>

Two years earlier, planter B. McBride similarly suggested that masters’ manage slave crops in a like-minded manner. In his plantation guidelines for 1830, he stated in addition to providing land for slaves to cultivate, he also planned to buy their crop, “as I have hitherto done...at a fair price from them.”<sup>46</sup>

Planters arguing in favor of such a system in the 1830s declared that managing slave marketing in this way was a key component of benevolent mastery. They posited that by acting as slaves’ market intermediary, and thereby ensuring that bondsmen and women received fair prices for their goods, they would fulfill their duties to protect their slaves. Slaves, by virtue of their inferior status, could not act as equals with whites in the marketplace, and would, as a result, always receive poor rates of exchange. If planters negotiated on behalf of their slaves, they reasoned, “[m]ore justice will be done them than if disposed of by themselves, which is always at a less price than can be obtained by the master, and that in traffic.”<sup>47</sup> Indeed, masters, they argued, should establish themselves as slaves’ sole provider—the source of all slave comforts. “[You] must provide for him yourself,” one planter recommended, “and by that means create in him a habit of perfect dependence on you.”<sup>48</sup> Purchasing and marketing crops, they reasoned, were proactive means to prevent slaves’ abuse of freedom. Too much economic autonomy, they argued,

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<sup>45</sup> A Practical Farmer, “Observations on the Management of Negroes,” *Southern Agriculturist and Register of Rural Affairs (1828-1839)*, April 1832, 181-184.

<sup>46</sup>B. McBride, “Directions for Cultivating the Various Crops Grown at Hickory Hill,” *Southern Agriculturist and Register of Rural Affairs (1828-1839)*, April 1830, 237-240.

<sup>47</sup> A Practical Farmer, “Observations on the Management of Negroes.” *Southern Agriculturist and Register of Rural Affairs (1828-1839)*, April 1832, 181-184.

<sup>48</sup> “On the Management of Slaves,” *Southern Agriculturist*, 1833, 281-287.

overtly challenged masters' authority. "Allow it once to be understood by a negro that he is to provide for himself, and you that moment give him an undeniable claim on you for a portion of his time to make this provision," he noted. Concluding, "[s]hould you from necessity, or any other cause, encroach upon his time, disappointment and discontent are seriously felt."<sup>49</sup>

Sending slaves unchaperoned into the marketplace, they argued, would promote the mistaken notion among slaves and other whites that bondsmen and women could legitimately operate as independent actors. As one reformer pointed out, in South Carolina all unregulated trade by slaves was, by definition, an act of trafficking or underground trade. He explained, "If a negro is suffered to sell anything he chooses without inquiry being made...both means and time are necessary, neither of which he of right possessed." Instead of lawful order, "a spirit of trafficking is at once created."<sup>50</sup>

Under such conditions, these planters warned, slaves would be consumed by the impulse to trade all goods in their possession. "A negro would never be content to sell only what he raises of either corn, poultry or the like," one planter mused, and would also sell off his food allowance in exchange for less nutritious fare. Others agreed. As one South Carolina planter warned, "Every planter knows that there are many negroes who...will trade away their allowance with more industrious fellow-workers for one half," or "barter away their whole weekly allowance to some neighboring dram shop for a gallon of whiskey or a pound or two of tobacco or bread." Planter control of slaves'

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<sup>49</sup> McBride, "Directions for Cultivating the Various Crops Grown at Hickory Hill," 237-240.

<sup>50</sup> "On the Management of Slaves," *Southern Agriculturist*, 1833, 281-287.

networks of trade, they argued, could stem these practices.<sup>51</sup> As one planter warned, “by permitting slaves to leave the plantation with the view of selling more is lost by the owner than he is generally aware of.”<sup>52</sup>

By the 1850s most planters adopted similar rationales for organizing slave marketing. Since bondsmen and women were impressionable, inexperienced, and incompetent, planters believed that they had a responsibility to protect them from the potentially dangerous social and economic forces stirred by commerce. “Everyone who had any thing to do with negroes must know that they are not capable of managing, and if left to themselves would not obtain support.”<sup>53</sup> Planters assumed that slaves’ character was so weak that they could not handle the strong temptations that the market provided. Purchasing slave crops directly helped limit slaves’ opportunities to act out their innate “roguery.” Slaves were ever inclined to steal, masters lamented. “The negro race we know are [*sic*] almost universally deceptive and the only fear they have of lying is being detected.” Indeed, Law argued, “to deceive, lie and steal” from their owners “is inculcated in them from the cradle.”<sup>54</sup> ““Lead us not into temptation’ should be his daily prayer,” one planter suggested, “he has no power to resist temptation; he yields to it without struggle.” The sensible master, he argued, “kept this temptation out of their

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<sup>51</sup> A Planter, “Notions on the Management of Negroes,” *Farmer’s Register; A Monthly Publication (1833-1843)*, December 1, 1836, 574-575.

<sup>52</sup> An Overseer, “Part 1: Original Communication: On the Conduct and Management of Overseers, Driver, and Slave,” *Southern Agriculturist and Register of Rural Affairs (1828-1839)*, May 1836, 225-231.

<sup>53</sup> A Practical Farmer, “Observations on the Management of Negroes,” 181-184.

<sup>54</sup> Thomas Cassells Law, “Report on the management of slaves duty of overseers and employers,” August 10, 1852, Thomas Cassells Law Papers, SCL.

reach” by managing trade.<sup>55</sup> Slaves, of course, saw this differently, often citing that they earned the produce their pilfered through hard work.

If planters were clear that they should manage the sale of slaves’ crops, they were less united in their opinions regarding how to manage the distribution of slaves’ earnings. In the 1830s, while some planters continued to use cash, others transitioned to trading in goods. By the 1840s and 1850s increasing numbers of slaveholders began to establish plantation stores, or identify “approved” merchants, whose interests closely aligned with their own. Regardless of the system adopted, planters who managed slave consumption acquired powerful tools to bend slaves to their will.

Like planters on the cotton frontier, some antebellum slaveholders continued to use cash as their preferred medium of exchange. As one planter wrote, once the crop is sold, “money” should be “paid over to each claimant, according to his due.”<sup>56</sup> But by the mid-1830s, however, planters began to caution against this practice. Instead, they argued, masters should simply supply slaves directly with goods. Do not make the mistake of “paying [slaves] money,” one planter warned in the mid-1840s; instead, simply “[purchase] such articles as they need.”<sup>57</sup> Twenty-seven-year-old planter and physician Gabriel Guignard, for instance, regularly acquired goods on behalf of his slaves to use to barter with.<sup>58</sup> Guignard, who was a new cotton planter, embraced the rhetoric of

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<sup>55</sup> Tattler, Management of Negroes, *Southern Cultivator*, 1850, 162-64. Hurricane, “The Negro and His Management,” *Southern Cultivator*, September 1860, 276-277.

<sup>56</sup> A Practical Farmer, “Observations on the Management of Negroes,” 181-184.

<sup>57</sup> Bass, Nathan. “Essay on the Treatment and Management of Slaves,” Southern Central Agricultural Society of Georgia, Transactions, 1846-1850, 195-201.

<sup>58</sup> Guignard Family Papers, 1742-1852, SCL. Gabriel Guignard, or John Gabriel Guignard II (1801-1857), was the son of John Sanders Guignard, and the grandson on John Gabriel Guignard I, for whom he was named. Hopewell was later renamed Evergreen.

agricultural reform when he settled on the plantation sometime in 1828. He pledged to “put this plantation in proper trim,” and took steps to order and systematize.<sup>59</sup> He supervised one overseer and a slave workforce of about ten plow hands and seventeen hoe hands, as well as a cook, stock minder, and carpenter, and maintained careful records of his planting endeavors.<sup>60</sup> Among his many lists were the goods that he purchased from Hopewell slaves: rice, fodder, hogs, ducks, chicken, and eggs.

In his plantation records and correspondence, Guignard demonstrated the process through which he settled accounts with slaves. As a new planter, he consulted with his father in order to determine the proper rate of exchange for slave goods. In one letter, he asked, “Prince is to get ready a half bushel of his rice for you and take it out in cloth...what should I allow the negroes for a bushel of clean rice”? Upon settling upon the sum of \$1.00, he recorded the transaction in a list of credits owed to Hopewell slaves.

Over the course of the next two years, Guignard made similar calculations for some twenty bondsmen and bondswomen, crediting the value of fodder, pigs, and fowl to slave accounts. In the fall of 1828, Jack’s one hundred weight in fodder, valued at fifty-six and one fourth cents, Dinah’s three ducks, valued at seventy-five cents, Dorcas’s eggs, valued at twelve and a half cents, earned the slaves homespun, “blue cloth,” and knives. Guignard, who entered into such agreements throughout the course of the year, found the constant juggling of slave wants tiresome. “The negroes are constantly pestering me for

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<sup>59</sup> James S. Guignard from John G. Guignard, March 16, 1829, Guignard Family Papers, SCL. Guignard read the *Southern Agriculturist* as early as 1829, which, no doubt, influenced his plantation management strategies.

<sup>60</sup> Arney Robinson Childs, *Planters and Business Men: The Guignard Family of South Carolina, 1795-1930* (University of South Carolina Press, 1957). It appears that the number of slaves laboring at Hopewell declined between 1829 and 1830, some having been sent to labor on the family’s Mississippi plantation.

white homespun,” he informed his father. “You had as well send another piece down,” he requested. For Guignard, however, the advantages outweighed the disadvantages.<sup>61</sup>

Other planters recommended similar schemes, which involved acquiring various items in bulk and then storing them on the plantation. In 1836 “An Overseer” urged planters to keep materials at the ready. “Let each planter have upon his place a store of articles as his slaves usually purchase elsewhere” he urged. “These can be dealt out to them for corn and such things as they have to sell.”<sup>62</sup> Another stated that the planter should “supply himself with all the articles which they require such as sugar, molasses, tobacco, homespun, soap, &c.”<sup>63</sup>

Such management, planters noted, made financial sense. By cutting out the middleman, slaves would get a better return on their labor, which in turn would benefit planters. In providing for slaves in this way, one planter explained, “your negroes will be better and more cheaply provided,” if they went elsewhere.<sup>64</sup> One planter explained that purchasing slave goods in bulk “can be done to advantage by getting large supplies, and let them have these things as they want, at the original cost.”<sup>65</sup>

Although interested observers recommended its adoption, the turn to such a system was not immediate. Indeed, reports suggest that even by the 1840s, this practice had not yet taken hold in all of cotton country. The State Agricultural Survey of Saint

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<sup>61</sup> James S. Guignard from John G. Guignard, October 10, 1828, Guignard Family Papers, SCL.

<sup>62</sup> An Overseer, “On the Conduct and Management of Overseers, Drivers, and Slaves,” *Southern Agriculturist*, April 3, 1836, 225-231.

<sup>63</sup> An Overseer, “On the Conduct and Management of Overseers, Drivers, and Slaves,” *Southern Agriculturist*, April 3, 1836, 225-231.

<sup>64</sup> *Ibid.*

<sup>65</sup> R, “On the Management of Negroes,” *Southern Cabinet of Agriculture, Horticulture, Rural and Domestic Economy (1840-1840)*, May 1840.

Matthews Parish in northwestern Orangeburg District described the kind of semi-internalized marketing system that developed among some cotton slaves in the region. The report noted that “All things raised or grown by them [slaves] are usually purchased by the master; to purchase whatever he has to sell, which he knows to be the product of their industry, whether he has need for the articles are not.” In the lowcountry parish of St. John’s Berkley, the commissioners observed, “many if not all of the Planters, purchase in large quantities, such groceries and other articles as are most likely to be in request among the negroe, which they let them have at cost and which secures it to them at wholesale prices.” In St. Matthews Parish, Orangeburg District, however, they observed, “We did not learn that this plan has been adopted in St. Matthews, and we believe it is not. We would, however, recommend it for trial at least.”<sup>66</sup>

By the 1850s, however, most elite slaveholders chose to operate plantation stores akin to those in St. John’s Berkeley. These planters purchased goods on their own account from local stores or in bulk from Charleston and distributed these goods to slaves. Slaveholders who operated in this manner acted much like merchants: keeping a plantation daybook of slave credit and debts, which slaves incurred over the course of the year. Thomas Cassells Law was among the planters who implemented such a system. Law maintained accounts with about twenty-seven of his sixty-four bondsmen and women between 1859 and 1863. The commodity he most frequently exchanged with his slaves was unginned cotton, which he purchased at just under the typical market rate—

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<sup>66</sup> Agricultural Survey of the Parish of St. Matthews, So. Ca., *Carolina Planter*, May 20, 1840, 148.



three to four cents per pound.<sup>67</sup> He also bought slave corn, wheat, boards, charcoal, shingles, and baskets in smaller amounts and paid slaves wages for overtime jobbing.<sup>68</sup> Law did not, as a rule, overcharge slaves for goods. But he likely made a profit on goods that he purchased wholesale. He charged slaves the same prices as local merchant E & H Charles.<sup>69</sup>

It is unclear whether Law or his slaves determined how these accounts were maintained, for he dealt with both individual slave men and women and the heads of slave families. He traded with his slave Elleck for goods produced and consumed by the bondsman, his wife, and the couple's nine children. During the 1859/1860 agricultural season, he credited the family \$24.99 for 833 pounds of seed cotton, as well as \$1.97 for coal and \$0.57 for boards, and \$9.07 for odd jobs. This covered a long list of debts that the family had incurred in 1859, which are digested below.

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<sup>67</sup> In 1860 ginned cotton fetched about ten cents per pound. Unginned cotton was typically exchanged for about a third of the price of ginned. See Alan L. Olmstead and Paul W. Rhode, "Biological Innovation and Productivity Growth in the Antebellum Cotton Economy," *The Journal of Economic History* 68, no. 4 (2008): 1123–71.

<sup>68</sup> "Negro Book" (1859-1860), Thomas Cassells Law papers, SCL. The slaves who maintained accounts were Bess, Boston, Charles, Charlotte, Cyrus, Derry, Dorcas, Elleck, Hannah, Henry, Howard, John, Linah, Louisa, Lucy, O. Sophy/ Ann, Peter, Randolph, Retta, Rose, Rozena, Sam, Sambo, Serena, Sidney, Wash, Wesley

<sup>69</sup> This is based on a very rough comparison. Nonetheless, prices appeared to be comparable to a nearby store. Charles charged nine cents for shirting, twelve cents for homespun and \$1.00 to 1.50 for shoes, twelve cents for a spool of thread. Law charged ten cents for shirting, ten cents for homespun and \$1.50 for shoes, and thirteen cents for a spool of thread. E & H Charles Ledger (1847-1863), Charles and Company Records, SCL.

Table 3.3 Credits of Elleck, Thomas Cassells Law “Negro Book,” South Caroliniana Library, University of South Carolina

Year	Credit	Amount
1859	Coal	\$1.97
1859	Long boards	\$0.51
1859 (circa)	833” cotton @3	\$24.99
n.d.	603” cotton @3	\$18.09
n.d.	340 boards @ 2	\$0.68
n.d.	1866 slats @1	\$1.86
1862	882” cotton @4	\$35.28
1863	17½ bushels of corn @ \$1.20	\$21.56

Table 3.4: Purchases of Elleck, 1859, Thomas Cassells Law Negro Book

Items Purchased	Cost	Items Purchased	Cost
1 coat, 3 boys caps	\$4.75	14 yards of homespun	1.40
1 cloak, 1 hoop	2.50	8 yards of calico	1.00
2 handkerchiefs, 2 pair of stockings	0.75	5 yards of shirting	0.50
bed tick	0.90	1 set of knives and forks	.10
2 silk handkerchiefs	1.13	Flax Thread	0.13
6 yards [cloth]	2.25	1 frock	0.3
4 pounds of cheese	0.50	1 pitcher	0.25
[yards] jeans	1.12	1 set of plates	0.58
33 1/2 yards of shirting	4.13	1 pr of shoes	1.50
7 1/2 yards [cloth]	0.75	Total	\$24.29

Other upcountry planters, however, chose to use off-plantation stores willing to manage slave business on their behalf. These merchants of the late-antebellum period differed substantially from earlier crossroads storekeepers. First, they were typically substantial slaveholders themselves. Caleb Coker, Jr. of Society Hill, a merchant planter who traded with slaves throughout the district of Darlington, reported property holdings that exceeded \$160,000, including one hundred slaves.<sup>70</sup> Other storeowners who traded

<sup>70</sup> Lewis Eldon Atherton, *The Southern Country Store, 1800-1860*. (Baton Rouge, LA: Louisiana State University Press, 1949). According to Atherton, as early as 1840, some 671 retail establishments operated in South Carolina outside of Charleston proper. This chapter examines a handful of these planter-approved mercantile stores and their role in the operation of the internal economy between 1774 and 1865.

with slaves had more modest holdings but still warranted the title of planter. Brothers and business partners Edgar Wells and Hopkins Garner Charles, who managed the slave business of thirteen neighborhood planters, owned sixty-one and forty-one slaves respectively.<sup>71</sup> And slaveholder J. Eli Gregg, who ran a store in Mars Bluff, on the border between Marion and Darlington District, owned fifty-eight slaves.<sup>72</sup>

Plantation owners who utilized off-plantation merchants' services were often tied by extensive webs of kinship. Earlier merchants, such as Black, who dealt with slaves, were often recent immigrants to the region; however, later merchants such as the Charles brothers were native to the region, and maintained accounts for slaves belonging to the Brockington, Law, DuBose, McCall and Wilds families, all of whom were related to the Charles family.<sup>73</sup> The Coker family was even more connected. Caleb Coker was kin to the Means, Law, Bacot and Hart families each of whom permitted slaves to trade at his store. And Thomas C. Perrin, who sent his slave accounts to Cothran & Perrin, likely did so in part due to family ties. Such dealings leveraged shared family interests. Through the store, slaves provided services and goods across kin networks. But perhaps more importantly, with familial connections came trust.<sup>74</sup>

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<sup>71</sup> In the late 1840s and early 1850s, merchants H. G. and E. W. Charles kept accounts for slaves and free accountholders together in their petty account book, in addition to accounts for the local free school, Son's of Temperance, and St. David's Lodge. E & H Charles Ledger (1847-1863), SCL. The social and economic character of the southern country store has generally been neglected. For an early study see Ted Ownby, *American Dreams in Mississippi: Consumers, Poverty, & Culture, 1830-1998* (Chapel Hill, NC: University of North Carolina Press, 1999).

<sup>72</sup> Federal Census of 1850, Marion District.

<sup>73</sup> Charles Ball makes this point regarding foreign merchants. See Ball, *Fifty Years in Chains; Or, The Life of an American Slave*. E & H Charles Ledger (1847-1863), Charles and Company Records, SCL; E & H Charles Ledger (1852-1875), Charles and Company Records, SCL; E. W. Charles (1853-1856), Charles and Company Records, SCL.

<sup>74</sup> Cothran and Perrin to Thomas C. Perrin, n.d., Perrin Family Papers, SHC.

Masters who utilized their planter kin to maintain store accounts in the late antebellum period typically devised sophisticated accounting practices to translate slave production into money. Abbeville slaveholder Thomas Chiles Perrin is a case in point. Like many planters of his class, Perrin was frequently away from his plantations.<sup>75</sup> During the majority of the year, he, his family, and twenty-four of his slaves resided in the courthouse town of Abbeville. Despite the distance, the planter maintained a close watch on his two plantation operations at Cotton Level and Fonville. Over the course of the year, Perrin's plantation overseers communicated with him regularly—especially on issues related to the informal economy. A flurry of small notes or receipts informed Perrin of the precise amount of goods his slaves produced, sometimes as they produced them and sometimes at the end of the year. They represented a significant proportion of the everyday, small-scale financial management of the estate, especially at year's end. Perrin held sway over these dealings, keeping final record of all accounts based on letters or individual receipts that his overseers sent to him.<sup>76</sup>

Perrin's slaves, who grew cotton, corn and fodder on their own account, typically settled with the planter at year's end. The planter and his overseers used the Christmas holidays for this reckoning of accounts, a custom common among planters seeking to cast slave earning as gifts. On December 24, 1856, M. B. Kennedy, for instance, issued receipts to fourteen slaves, for cotton, corn and fodder. The following year, P. Elmore of Cotton Level did the same. Such notes typically described the end-of-year amounts produced. On December 24, 1857, for instance, Elmore reported that Perrin's slave Shack

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<sup>75</sup> Perrin served as Abbeville's state representative from 1842 to 1846 and senator from 1846 to 1848, before assuming the presidency of the Greenville and Columbia Railroad.

<sup>76</sup> Cothran and Perrin to Thomas C. Perrin, n.d., Perrin Family Papers, SHC.

“has two thousand pounds of cotton, likely his year-end sum. He bought two [bushels] and three peck of wheat, two gals of molasses.”<sup>77</sup> In other years, notes read much the same. One BDB, possibly the overseer B. Dill, wrote out 19 notes for slave-produced cotton, each of which followed the same pattern, “[To Thomas C. Perrin], Mark has 213 lbs. cotton [signed BDB],” “[To Thomas C. Perrin], Matilda has 40 lbs. cotton [signed BDB],” etc. Occasionally, he included other slave produce such as coal alongside their cotton transactions.<sup>78</sup>

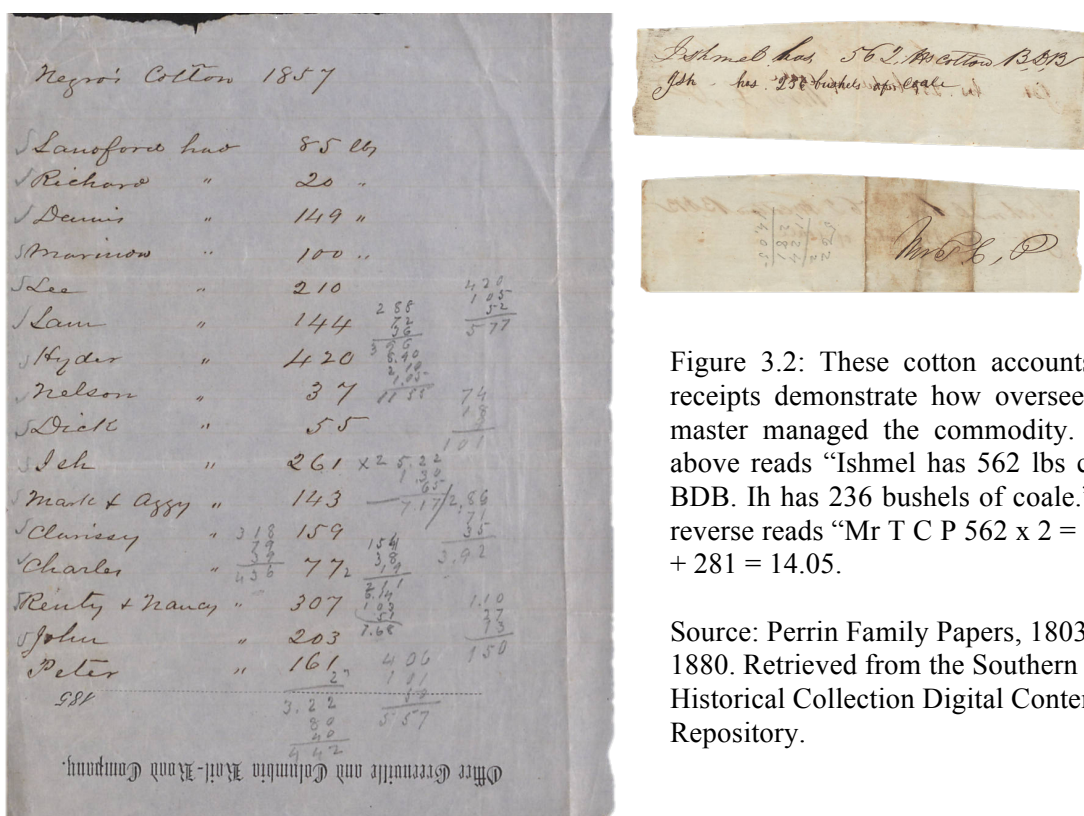


Figure 3.2: These cotton accounts and receipts demonstrate how overseer and master managed the commodity. They above reads “Ishmel has 562 lbs cotton BDB. Ih has 236 bushels of coale.” The reverse reads “Mr T C P 562 x 2 = 11.24 + 281 = 14.05.

Source: Perrin Family Papers, 1803-1880. Retrieved from the Southern Historical Collection Digital Content Repository.

<sup>77</sup> Receipt, December 24, 1857, Perrin Family Papers, SHC. Receipt, December 24, 1857, Perrin Family Papers, SHC. Receipt, n.d., Perrin Family Papers, SHC

<sup>78</sup> Ibid.

Casting compensation as gifts in this manner was common.<sup>79</sup> And indeed as one recent historian has suggested, “Some slave owners pegged gift giving to an incentive system, and apportioned gifts according to their perceptions of the quality of slave labor over the course of the previous year.”<sup>80</sup> An article in *DeBows Review* assessing typical expenses of a large cotton planting operation confirms that this was indeed the case. It reported that on the Williams’ plantation of Society Hill, the planter distributed clothes, shoes, blankets, and foodstuffs, as well as \$175.00 dollars labeled as “Christmas presents, given in lieu of “negro crop.”<sup>81</sup>

Other slave commodities such as chickens, garden produce, and coal flowed more freely over the course of the year from plantation to town. One letter, sent from overseer A. J. Ferguson, demonstrates the nature of this non-crop exchange and the role of master and mistress in this process. On April 18, 1857, he informed the slaveholder that he had sent a wagon to pick up provisions and send chickens.

Please send some salt and a little coffee. We had some sugar. I have let the Negroes have the last sugar that was sent... something over 100 lbs. The Negroes [sent] some chickens up to you. Sue sends Mrs. Perrin a few of her onions... Sue’s chickens is in the basket and some of them [are] small at that...but did not no when she would get the chance again.

One of the plantation slaves, Jeff, who drove the wagon, informed Perrin precisely who sent what. The planter noted, “Jeff says Jenny sent 30 chickens, Mark 25, Noble 8, Jeff

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<sup>79</sup> For an interesting discussion of how planters utilized a language that reified their position, see Hilliard, *Masters, Slaves, and Exchange*.

<sup>80</sup> 12/14/16 2:09:00 PM

<sup>81</sup> “Cotton—Cost of Producing,” *DeBow’s Review*, 1852, 161.

10 and Ben, Shack, Billy and Charles, 16.”<sup>82</sup> After doing small sums on the back of each receipt, he transferred monies owed each slave into more formal “negro accounts.”

Perrin’s role in these exchanges was that of master and market middleman, and as such he took a significant cut of slaves’ earnings. He allowed between two to two and a quarter cents per pound for their seed cotton, undercutting them one to two cents per pound.<sup>83</sup> Other planters did the same, paying slaves significantly less than their cotton was worth. When John C. Boyle maintained slave cotton accounts in 1836 for his uncle Daniel H. Kerr of [York] District, he recorded cotton produced by twenty-two of Kerr’s slaves. Although Boyle’s method of bookkeeping precludes systematic analysis, he paid slaves one and a half cents for regular slave cotton and two and two thirds cents for prime—slaves such as Hagar, who traded at the regular slave rate, received \$5.37 ½ cents for his 358 pounds of the commodity, while Rose earned \$2.62 ½ for 95 pounds of better quality cotton.<sup>84</sup> Some paid fairly and some did not.

Perrin also assumed responsibility for keeping track of slave production against slaves’ store accounts of Cothran and Perrin. The two communicated regularly regarding slave balances. In 1860, for instance, when twenty slaves of Perrin accrued approximately \$300.00 debt from purchases made on credit, the firm alerted him—“We

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<sup>82</sup> A. J. Ferguson to T. C. Perrin, April 18, 1857, Perrin Family Papers, SHC.

<sup>83</sup> Negro Crops 1860, Perrin Family Papers, 1803-1880, SHC. Other planters, however, remained true to their pledge to treat their bondsmen and women fairly, and did trade at market prices. See also Thomas Cassells Law papers, SCL.

<sup>84</sup> John C. Boyle to Daniel H. Kerr, 1836, Kerr and Crooks Family Papers, SCL.

send you the above [negro accounts],” they wrote, “fearing that you might settle with them and not know what they owe.” They asked, “You will please save it for us?”<sup>85</sup>

Planters like William Law managed their slave accounts in a very similar manner, keeping various tallies before the end-of-year reckoning. And like Perrin, Law also communicated with the store of F. W. Cooper, which he chose for his slave business. Law sent Cooper slaves’ available credit balances.<sup>86</sup> In 1857, for example, he instructed Cooper to “discount or pay my negroes the am’ts opposite their several names and I will send you cash for the same shortly.”<sup>87</sup> Oversight was required to ensure slaves didn’t accrue large balances.

Whether they distributed goods themselves or forged relationships with approved stores, planters’ agreed that by controlling slave consumption, they could positively influence the choices of their bondsmen and women. These planters warned of slave frivolousness and their duty to reform slaves’ poor habits in this regard. As one planter explained, “If the money were paid to them, most of them would squander it for something useless.”<sup>88</sup> Planters also argued that from a managerial standpoint control over how slaves spent their limited income could prove powerful. Planters could, for instance, use slave goods as rewards and punishments. Such messages of slaves’ worth were often subtle. One planter explained that he distributed the proceeds of slaves’ crops this way;

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<sup>85</sup> Cothran and Perrin to Thomas C. Perrin, 1860, Perrin Family Papers, SHC. Two such accounts survive. One from 1860 and the other undated. In the margins of their account books most merchants indicated when masters purchased items directly, when slaves purchased items for masters, and when slaves purchased items for themselves.

<sup>86</sup> Walker, *The Southern Business Directory and General Commercial Advertiser*, 1854.

<sup>87</sup> “William Law to F. W. Cooper, February 21, 1857,” William Law Papers, RL.

<sup>88</sup> Bass, Nathan. “Essay on the Treatment and Management of Slaves,” Southern Central Agricultural Society of Georgia, Transactions, 1846-1850, 195-201.



first he gave the “older and more judicious” of his bondsmen and women freedom to “lay out their money as they see proper, with the advice to spent it for substantial comforts, which they do.” For a second group, however, he controlled consumption. “For the less thoughtful,” he noted “the proceeds of their crops are expended for such articles as they may need, allowing them to make selections,” but in a more measured manner.<sup>89</sup>

That masters saw slave accounts as one important aspect of paternalistic management is perhaps most clear, however, in the ways in which they managed the ultimate reckoning of accounts: when slaves were sold off the plantation, or when they died. Upon the sale of slaves some masters attempted to manage the sale of slave crops, viewing such intervention as “kindness.” A letter from John Yarlton of Mobile to future]South Carolina governor, John Manning, for example, shows how he organized the sale of slave produce, before slaves themselves were sold. “The negroes have (at least several of them) some 20 to 40 bushels of corn for sale and I will endeavor to dispose of it for them (as it would be unkind to deprive them of it all of which I can arrange by that time).”<sup>90</sup>

Upon the death of a slave, planters acted in a similar manner. When the slave on the Pettigrew family plantation died in 1850, the slaveholder organized his estate, taking into account his widow who belonged to a neighboring planter. At the time of his death, Prince, who regularly produced corn and worked overtime at sawing, had accrued a “substantial” amount of credit. Pettigrew first used this credit to pay off debt to fellow

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<sup>89</sup> Rusticus, “Plantation Management and Practice,” *American Cotton Planter and Soil of the South*, 1857 372-375.

<sup>90</sup> John Yarlton to John L. Manning, December 26<sup>th</sup> 1838, William-Chesnut-Manning Papers, SCL.

slaves. He then noted that, “at the time of Prince’s death[,] I was in his debt...which has been reduced to \$18.19.”<sup>91</sup> Pettigrew reserved this amount for Hetty, Prince’s “poor widow,” noting again in 1853 that “At time of Prince’s death I was considerable [in] his debt for sawing; which sum is to be paid to his widow, Hetty [18.19].”<sup>92</sup> By fashioning the distribution of Prince’s property as an expression of “humanity” and basing this distribution on white cultural norms, Pettigrew recast slave “overtime” wages and commodity production into a form in concert with proslavery thought.

Other planters took on a similar role. Darlington planter William Law, for instance, maintained slave wills, which read like a miniature version of a freeholder’s probate. In “Division the est. of Old Sam,” which Law created in 1859, he divided Sam’s account into two parts. The first tallied Sam’s property and settled debts to and from fellow slaves. This balance sheet included three sources of income: cattle, cotton and cash, \$29.00 in cattle, \$20.00 in cotton (his “portion of the cotton crop he cultivated with his son George.” From this total, he subtracted an outstanding debt to an elderly plantation slave, Wanika, which resulted in \$46.00 dollars total.<sup>93</sup>

In the second portion of the document, Law divided this amount among a handful of Law family bondsmen and women in amounts ranging from \$1.50 to \$7.00. Three slave men, probably Sam’s children, received the greatest behest. To George, Sam Jr. and Mark, he left an “amount in legacy” of \$7.00 each. The remaining \$25.00, he distributed

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<sup>91</sup> Account Book (1849-1853), Pettigrew Family Papers, SHC.

<sup>92</sup> Account Book (1853-1860), Pettigrew Family Papers, SHC.

<sup>93</sup> Old Sam's probate was in the undated portion of the Law collection; however according to other Law family records, Old Sam died before the war. Both Sam and January were also present in the Law's pre-war cotton accounts. “Estate of Old Sam,” William Law Papers, RL.

among fourteen children of four slave women. Celia's six children, Charlotte's five children, and Dicey's two children received \$1.50. Excell's one child received \$2.00.

Other slave estates on the Law plantation were managed in a similar manner, revealing the extent to which Law sought to control the distribution of slave property. Although Sam's will was the only document of its kind to survive in Law's records, among the debts owed Sam's estate was the "estate" of Law slave, January.<sup>94</sup> By recognizing and distributing property upon slaves' deaths, planters demonstrated the rhetoric of paternalistic "indulgences" related to the internal economy at work.

### III.

Planters' increasing control of slave consumption arose amid a series of religious reforms, each of which compelled planters to impose new regulations on trade. The Second Great Awakening, the major Protestant religious revival brought increasing numbers of believers to the fold. This fueled the rise of paternalism and transformed planters' approach to governing slaves, especially on Sunday. Religious reformers chastened the notion of Sunday trade. In the early 1840s, Charles Colcock Jones admitted that "where Sunday markets are tolerated," slaves often spent the day "in trading." This, he reasoned, was the fault of masters: "The necessity for the few Sunday markets which may exist, is lain in the cupidity and selfishness of those in authority; and the deeper condemnation of the iniquity will be visited upon them."<sup>95</sup>

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<sup>94</sup> "Estate of Old Sam," William Law Papers, RL.

<sup>95</sup> Charles Colcock Jones, *The Religious Instruction of the Negroes in the United States* (T. Purse, 1842), 138.

Into the 1850s religious-minded masters continued this assault on Sunday trade. When in 1853 one planter suggested that “two, and only two boys” be permitted to go to town on Sunday to trade, religious-minded planters responded in full force.<sup>96</sup> “As owners of slaves are to some extent responsible for their morals,” one critic challenged, “it behooves them, yea it is their imperative duty, while providing for the bodily comfort to impress their minds with the importance of observing, as far as they are capable, the precepts of the Bible, which have been given us as a rule of action.” To “[l]et the servants, by the permission of their masters visit town for the purpose of trading on the Sabbath” he cautioned, meant allowing slaves to “let them there come in contact and indulge in association with the vilest of the vile that are always to be found in such places, and their morals are as certain to be corrupted as that any effect follows its cause.”<sup>97</sup> Another simply responded, “trading on the Sabbath is not to be commended, either in black or white, as it is a day of rest and we are commanded to keep it holy.” To suggest to slaves otherwise was an evil that could only lead to confusion. “Who is right,” he asked, “master or Bible?”<sup>98</sup> Religious slaveholders voiced similar concerns on drinking. When a planter proposed that slaves receive eggnog during the Christmas holiday, several planters stated their opposition to such schemes, mocking the self-professed benevolence of the author. “On drinking, weak minded and weak moraled ‘children only of a larger growth,’” one detractor argued, “cannot be forbidden whiskey at one time and encouraged to drink it at another. If wrong in June, it is likely to be

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<sup>96</sup> Foby, “Management of Servants,” *Southern Cultivator* (GA), 1853, 226-228.

<sup>97</sup> Agricola, “Management of Servants—Strictures on Foby’s Article.” *Southern Cultivator* (GA), 1853, 300-301.

<sup>98</sup> Celia, “Management of Servants,” *Southern Planter* (Richmond), 1843, 175.

wrong in December.”<sup>99</sup> Such opposition would help shape the underground economy, the subject of Chapters Four and Five.

Whether an attempt by planters to control slave bodies or their souls, such planter-driven reforms represented a transformation in meaning of slave marketing. Over the course of the antebellum period, such exchange of goods became a means among planters to control the slaves’ economy. This change occurred slowly but decidedly. On the cotton frontier planters expressed little paternalistic concern over the trading activities of their bondsmen and women. Although they regulated off-plantation trade by issuing passes, they viewed these efforts as police control aimed at punishing illicit slave activities, rather than humanitarian or reform-oriented oversight. They did not, as a whole, view slaves’ income-generating activities as a means to reinforce the bonds between master and slave. By the late antebellum period, however, planters assumed ever-increasing control over slaves’ accounts. Through their elaborate systems of record keeping and oversight, they forged powerful tools for achieving ideological, as well as physical control over bondsmen and women. By making trade a function of the master slave relationship, planters identified a means to fulfill their duties as benevolent masters, while simultaneously reinforcing slave dependency and financially benefitting them in the process. As Chapters 4 and 5 demonstrate, however, placing property in the hands of slaves often had unintended consequences that threatened the paternalistic world that planters sought to create.

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<sup>99</sup> M. C. B. “Management of Negroes,” *Southern Cultivator*, 1853, 302.

## Chapter 4

## Slaves, Masters, and the Creation of an Underground Economy

He said that it was Negroes' business, and [that] he [Moses] would know what to do about that.

—Testimony of Slave Moses, Laurens Magistrates and Freeholders' Court, 1859

One Sunday morning in the spring of 1851, Joe, a slave from Anderson, South Carolina, awakened Henry, a bondsman from a neighboring farm. Several hours prior, the two had met at the local store. There, Henry had agreed to buy two turkeys “which Joe had in his power” for ten cents apiece. Joe agreed to deliver the goods to Henry later that evening and paid Sam, another bondsman, ten cents to help transport the turkeys as well as a sack of corn. Although the three slaves reached their arranged meeting place, the transaction never took place. A white neighbor caught the two parties and brought the case to the local magistrate’s attention. Two days later, the slaves were charged with larceny and illegal trading and were sentenced to a “severe whipping on the bare back.” During the trial, Leak, a bondswoman who hosted Henry, testified that “Henry was lying on the floor and she wanted him to go to bed. He said he wouldn't go to bed, that he had a man to do business for him. When Joe and Sam was gone Henry sa[id], Joe loves money, don't he?”<sup>1</sup>

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<sup>1</sup> *State v Joe, Henry*, May 5, 1851 (Anderson District Court of Magistrates and Freeholders) 33.

The underground economic activities of Joe and fellow cotton slaves in the South Carolina midlands and upcountry provoked concern among planters.<sup>2</sup> Thievery, nighttime wanderings, and “love of money,” ran directly counter to the lessons that paternalistic slaveholders hoped to teach their bondsmen. This chapter explores these underground economic activities.<sup>3</sup> It argues that planters’ paternalistic program had unintended consequences. The influx of property into slave communities and the concomitant attempts to control slaves resulted in an explosion of underground economic activity.<sup>4</sup>

This chapter examines the contours of this underground trade in South Carolina cotton districts between 1793 and 1861. Targeted by planters, slave patrols, and southern

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<sup>2</sup> Scholarly treatments of the underground economy first appeared in discussions of slave theft. These studies, generally framed theft within the context of slave morality. Eugene Genovese, for instance, argued that slaves understood theft within the context of Christian morality and did not possess a slave-specific “alternative morality.” Although such acts could challenge the authority of planters, he argued, they did not represent a “counter-hegemonic” impulse because slaves measured such activities in religious terms, which characterized stealing as wrong. Others have agreed that slaves did not view theft in moral terms unique to slaves. For scholars such as Lawrence Levine and Edward Ayers, slaves simply understood theft as a practical necessity. This necessity, they suggested, “neutralized” the tension between such behavior and prevailing moral codes. Unlike Genovese, Ayers, and Levin, Alex Lichtenstein has argued that slaves did operate according to a unique moral code, and that acts of theft directly and purposefully encroached upon planters’ paternalistic vision of society. Citing the work of E. P. Thompson, he argued that slave theft operated as a kind of “moral economy.” “Slaves”, he argued, “stole in an effort to reclaim previously held economic rights, which they viewed as legitimate.” According to Lichtenstein, such theft revealed the “struggle between slaves and masters to define conflicting notions of authority, property and customary rights.” See Edward L. Ayers, *Vengeance and Justice: Crime and Punishment in the 19th Century American South* (New York: Oxford University Press, 1984); Edward P. Thompson, *The Making of the English Working Class* (New York: Vintage Books, 1966); Eugene D. Genovese, *Roll, Jordan, Roll: The World the Slaves Made* (New York: Pantheon Books, 1974); Lawrence W. Levine, *Black Culture and Black Consciousness: Afro-American Folk Thought from Slavery to Freedom* (New York: Oxford University Press, 1977). See Alex Lichtenstein, “‘That Disposition to Theft, with Which They Have Been Branded’: Moral Economy, Slave Management, and the Law,” *Journal of Social History* 21, no. 3 (1988): 413–40.

<sup>3</sup> This chapter defines the “underground economy of slavery,” as economic exchange involving slaves that defied plantation law or warranted local court intervention. It is important to note, however, that in general this chapter does not deal with activities that were technically illegal according to state law, but permitted by planters, such as approved visits to stores or peddling of produce. These activities are the subject of Chapters One, Two, and Three.

<sup>4</sup> Lichtenstein suggests this in his work on slave theft. Lichtenstein, “‘That Disposition to Theft, with Which They Have Been Branded.’”

jurists, slaves confronted seemingly insurmountable obstacles at every turn. In order to overcome these barriers, bondsmen and women created complex clandestine systems within which goods circulated widely. This system relied upon the most powerful resource at slaves' disposal—their social ties.<sup>5</sup> Interacting with one another across plantation lines, slaves created new clandestine markets, free of intermediaries. This trade brought important material rewards: it allowed slaves to obtain goods that enhanced their quality of life and domestic comfort. But it also had important social implications within slave society. Participants traded both goods and social obligations as buyers, sellers, and facilitators in underground networks. By circumventing masters, underground traders established their own social and gendered hierarchies, and created an arena within which they could exert control.<sup>6</sup>

## I.

Paternalistic planters sought to control every aspect of slaves' domestic life.<sup>7</sup>

They firmly believed that keeping slaves within reaches of their influence was their

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<sup>5</sup> This chapter draws upon the work of Dylan Penningroth. Penningroth focuses on how social connections defined the parameters of legitimate property ownership within slave communities. This chapter also emphasizes the relationship between social connections and the slaves' economy. See Dylan C. Penningroth, *The Claims of Kinfolk: African American Property and Community in the Nineteenth-Century South* (Chapel Hill, NC: University of North Carolina Press, 2003). See also Anthony E. Kaye, *Joining Places: Slave Neighborhoods in the Old South*, The John Hope Franklin Series in African American History and Culture (Chapel Hill, NC: University of North Carolina Press, 2007).

<sup>6</sup> Underground traders created dependencies that defined relations between slave men and women and between members of the same sex. Indeed, this male-dominated world of clandestine trade served an important role in defining slave masculinity. It provided bondsmen with a means to rebuke paternalists' interventions. In doing so, clear fault lines emerged within the slave community. While some slaves clearly leveraged paternalistic privilege to assume "respectability," others would or could not.

<sup>7</sup> In the antebellum South, slaves were governed by two codes: plantation law and state statutes. Of the two, plantation law dominated, in part because state laws specified that masters' consent defined the legality or illegality of many slave actions. Masters established the boundaries of this consent through written plantation laws. By the antebellum era, however, planters began enacting far more comprehensive lists of rules. In so doing, they eliminated the grey area that previously prevailed between slaves' legal and



paternalistic duty. They reasoned that in order to mold their slaves into productive workers, they had to limit potentially disruptive outside influences. In order to accomplish this, planters took drastic measures to keep slaves on their plantations. Planter John Blount Miller is an extreme but representative example of one such slave owner. In an undated letter, likely from the mid-1840s, Miller sketched a fortress-like slave quarter expressly designed to monitor slaves' movements. Among its chief purposes was to prevent slaves from wandering at night and stealing. Planters, he argued, should build sturdy brick houses facing inward into a shared yard. All windows should be secured and "the whole should be locked up at night from 9 in the evening until sunrise." In Miller's estimation, slaves should be kept under lock and key, within a quasi-prison intended to "protect" and reform innately errant bondsmen and women.<sup>8</sup>

In addition to locking up slaves, Miller also recommended that planters keep slaves' domestic sphere within their purview. They should locate gardens next to slave houses and place slave fields just a short distance further away. They should position slaves' "fowl house[s]" within the enclosure, keep the clothesline nearby, and keep a cornercrib on site. Miller's reasons for suggesting such drastic measures paralleled rationale cited by paternalists in favor of promoting the internal economy. Encouraging on-plantation activities such as after-hours cultivation and discouraging after-hours

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illegal economic activities. Hence, in a legal sense, antebellum paternalistic planters invented the underground economy.

<sup>8</sup> Letter from John B. Miller to the 1845 Charleston Convention. Miller-Furman-Dabbs papers, SCL. For a reproduction of Miller's fortress-like ground see Kathleen M. Hilliard, *Masters, Slaves, and Exchange: Power's Purchase in the Old South*, Cambridge Studies on the American South (Cambridge: Cambridge University Press, 2014), 38. Miller was especially detailed in sketching his quarter. He recommended that planters build one room houses, 12ft. x 16 ft in size, and two-room houses 24 ft. by 16 ft. He also recommended that houses be one brick thick with 2 ft. cellars, and also have closets with shelves.

wandering and theft worked in tandem. The first instilled in slaves a work ethic, taught slaves to respect private property, and fostered an attachment to the plantation. The second ensured that these lessons would remain unchallenged. Planters like Miller believed that the entire paternalistic enterprise depended upon “protecting” slaves from outside influences that would lead slaves to steal, trade, drink, and gamble. Slaves, they reasoned, had to be guarded against such immoral acts or they would easily fall prey to evil’s temptations. “They are very careless” Miller explained, “and require the same watchful care of children.”<sup>9</sup>

Most planters concerned about slave control did not lock up slaves, but they did define clear rules governing slave mobility and behavior. These planters created extensive lists of punishable rules, and duly enforced them. Andrew Flinn, for instance, created a gradation of plantation offenses, which he punished according to their level of seriousness. Alcohol possession or inebriation was the most serious crime a slave could commit, save running away. Although many planters permitted slaves small amounts of liquor on holidays or an occasional dram on a cold day, most agreed that unchecked access to alcohol ruined slaves’ health and excited their passions.<sup>10</sup> After drinking, Flinn cited stealing as the next most severe plantation crime. Many prominent planters like Charles Colcock Jones and Thomas Cassells Law believed that thievery was an innate African American characteristic that was reinforced in lessons passed down from slave parents to children. They often complained bitterly of pilfering bondsmen and women, especially when slaves traded valuable plantation commodities to unscrupulous dealers.

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<sup>9</sup> Ibid.

<sup>10</sup> There was extensive debate among planters regarding alcohol consumption.

As one planter explained, slaves would happily “barter away his owner’s effects for a dram of stinking rot-gut, or an old check handkerchief.”<sup>11</sup> Whether to improve slave character or as a means to protect plantation finances, thieving had to be punished.<sup>12</sup> The fifth most important offense laid out by Flinn was leaving the plantation without permission. Miller’s regulations also made clear that slaves were to remain within the protective boundaries of the plantation. Bondsmen and women were not only prohibited from leaving the plantation without permission during the week, but they were also to be home in bed at night on Saturdays. He emphasized that slaves should refrain from going to “any village store, shop or tavern, without my express permission, nor to any place suspected of trading with negroes.” Any slave found guilty of these or other offenses such as “drunkenness, cursing, lying stealing or other sins” were to be duly “corrected.”<sup>13</sup>

“Correction” varied widely among plantations. It could include non-violent punishments, such as rescinding privileges, or on occasion, instituting fines.<sup>14</sup> Whipping, however, was the most common disciplinary measure used. Indeed, many paternalistic planters saw inflicting corporal punishment as part of their moral mission. By punishing slaves, they might teach them to become hard-working, honest, and docile servants. As Darlington planter, Thomas Cassells Law remarked, “[t]o manage the slave without an

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<sup>11</sup> Charles Colcock Jones, *The Religious Instruction of the Negroes in the United States* (Savannah, GA: Thomas Purse, 1842), 135.

<sup>12</sup> In 1835, James Henry Hammond discovered that his slaves had been “constantly in the habit of stealing [his] hogs.” Hammond was probably not alone in his rage over this kind of theft. In Flinn’s list of rules stealing constituted rules three and four. Rule three was for stealing hogs and rule four for stealing in general. See Drew Gilpin Faust, *James Henry Hammond and the Old South: A Design for Mastery* (Baton Rouge, LA: Louisiana State University Press, 1982).

<sup>13</sup> Plantation Book (1857-1858), James Henry Hammond Papers, LC.

<sup>14</sup> For an example of this see “Negro Book” (1859-1860), Thomas Cassells Law Papers, SCL.

occasional resort to the lash is as much a matter of impossibility as to manage children without it.”<sup>15</sup> Spare the rod and spoil the child, he reminded planters.

For slaves, punishment constantly loomed as a possibility. Indeed, in some cases, in order to avoid punishment slaves not only had to refrain from committing crimes themselves, but also had to ensure that others would not either. Planters did not hesitate to punish slaves indiscriminately in order to impart fear and discourage further depredations. In response to slaves’ appropriation of hogs on the plantation of James Henry Hammond, the slaveholder simply “had a number [of slaves] well flogged” to teach them all a lesson.<sup>16</sup> Other planters used violence to extract confessions, making such confessions suspect at best. In 1856, one Statesburg planter noted in his plantation diary that he “convicted” his slave, Canada, of stealing after he “punished” him and another slave “into confession.”<sup>17</sup> This resulted in some innocent slaves being punished, a reality of slave life that provoked bitterness within the slave community.<sup>18</sup> Slaves understood, then, that crimes often had repercussions beyond the person who committed them. Hence, for slaves who broke plantation laws, the stakes were high.

Despite being warned and witnessing much punishment, however, slaves often defied plantation law. They infuriated their masters by routinely testing boundaries,

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<sup>15</sup> Thomas Cassells Law, “Report on the management of slaves duty of overseers and employers,” August 10, 1852, Thomas Cassells Law Papers, SCL. “Negroes who will not do their work, like boys who will not get their lessons, must sometimes be flogged.”

<sup>16</sup> February 15, 1833, Plantation Book (1833), James Henry Hammond, LC. Many ex-slaves recalled with bitterness whippings for offenses that they did not commit. Hilliard likewise stresses this point in *Masters, Slaves and Exchange*. John B. Miller and other planters wrote punishments into their plantation laws such as withholding provisions from the whole slave community when slaves ran away.

<sup>17</sup> Diary of John Benjamin Anderson (1853-1857), Borough House Books, SHC.

<sup>18</sup> Sergio Lussana, *My Brother Slaves: Friendship, Masculinity, and Resistance in the Antebellum South*, New Directions in Southern History (Lexington, KY: The University Press of Kentucky, 2016). Lussana, uses the Court of Magistrates and Freeholders’ papers to explore slave masculinity.

seemingly at every turn. When young slaveholder Octavius Porcher discovered with surprise four of his plow hands sneaking out at night, he took immediate action. “I had ordered my Negroes never to leave the yard at night,” he stated angrily, “[and yet] as I stood at the window[,] I heard them come out and start for their visiting.” Although he locked one bondsman in the house and sent the others back to the quarter, he admitted, “I was worried – I could hardly sleep for I knew that if they commenced going off at night they would be ruined.”<sup>19</sup> The next day he whipped each of the slaves. Such resistance to plantation rules, despite the consequences, appeared on nearly every plantation in some form.<sup>20</sup>

## II.

Once off of the plantation, however, dangers continued to lurk around every corner for underground traders. The first line of defense for whites was the slave patrol. Charged with controlling slave movement and misbehavior at night, these state-employed police forces canvassed roads and crossed plantations late into the night, searching for wayward bondsmen and women. If they encountered such slaves in their travels, they demanded the offending slave produce a pass. They also searched the slaves’ person for potentially stolen property, confiscating any goods deemed suspect. If slaves failed to comply, they were whipped, often brutally.<sup>21</sup> Indeed, by the late antebellum

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<sup>19</sup> The following day, Procher proceeded to punish the culprits. “I spoke to them kindly,” he noted, “shamed them, and then whipped them.” The punishment, he concluded, was a success. “I never saw a whipping have a better effect in my life.” “They cried like children, acknowledged they were wrong and begged my pardon,” he noted with satisfaction.

<sup>20</sup> For an overview of slave resistance in South Carolina see Norrece T. Jones, *Born a Child of Freedom, Yet a Slave: Mechanisms of Control and Strategies of Resistance in Antebellum South Carolina* (Middletown, CT: Wesleyan University Press, 1990).

period, slaves and planters alike complained of disorderly patrols quick to punish slaves, demonstrating division with the white community.

In addition to patrols, other whites, especially white yeoman, were ever ready to report slave property crimes to local magistrates responsible for administering slave courts.<sup>22</sup> The procedure for trying slaves was established in the slave code of 1740. According to the code, accused slaves were to appear before local magistrates, or justices of the peace, who assembled nearby white freeholders. For capital crimes, two justices and three to five freeholders were ruled sufficient, and for non-capital offenses, one justice and two freeholders constituted a quorum. Such courts, the law noted, could convene at any place in the county where the magistrates and freeholders could “most conveniently assemble.”<sup>23</sup>

Whites of modest means prosecuted slaves within these Courts of Magistrates and Freeholders for all manner of offenses ranging from theft to causing disturbances. Indeed, in a survey of sixty individuals who initiated court proceedings against slaves suspected of larceny, housebreaking, and trading from 1816 to 1850, only seven prosecutors owned ten or more slaves, and over half owned no slaves at all.<sup>24</sup> Some of these prosecutors, such as Jesse S. Nettles, simply reported suspect behavior. When Nettles saw a rogue

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<sup>21</sup> Sally E. Hadden, *Slave Patrols: Law and Violence in Virginia and the Carolinas*, Harvard Historical Studies ; v 138 (Cambridge, MA: Harvard University Press, 2001).

<sup>22</sup> The relationship between yeoman, poor whites, slaveholders and slaves will be discussed in greater detail in Chapter 5.

<sup>23</sup> Thomas Cooper and David James McCord, *The Statutes at Large of South Carolina* (Columbia, SC: A.S. Johnston, 1836), XII, 400-405.

<sup>24</sup> This survey included Kershaw, Fairfield, Laurens and Anderson. Prosecutors slaveholdings were as follows: Non-slaveholder (32 prosecutors), 1 slave (5), 2 slaves (7) 3 slaves (1), 4 slaves (1), 5 slaves (1), 6 slaves (1), 7 slaves (3), 8 slaves (1), 10 slaves (2) 11 slaves (2), 14 slaves (1), 15 slaves (1), 75 slaves (1).

slave butchering a hog outside of Camden, for instance, he reported it to the local magistrate leading to the prosecution of the slave.<sup>25</sup>

Table 4.1: Number of Trials and Indictments by District

District	Region	Number of Trials	Number of Indictments
Camden/Kershaw (1793-1861)	Middle country	126	205
Fairfield (1839-1865)	Lower piedmont	54	120
Laurens (1808-1860)	Lower piedmont	52	68
Pendleton/Anderson (1819-1865)	Upper piedmont	429	938
Pickens (1849-1856)	Upper piedmont	20	39
Spartanburg (1824-1865)	Upper piedmont	302	579
Greenville (1852-1864)	Upper piedmont	34	36
Total		1017	1985

Note: The number of trials for which records survive likely represents a fraction of all trials that took place. In many instance multiple slaves were indicted and tried at the same time. As the above table shows, in Fairfield District the court heard 54 trials that involved 120 slave defendants.

Source: South Carolina Department of Archives and History, Court of Magistrates and Freeholders Trial Papers

Other whites, however, also used local courts to punish slaves suspected of thieving property from their own farms and houses. When planters refused to act, men such as Jackson Smith, a mechanic from Fairfield, used legal means to seek justice. Smith complained that three slaves of a local planter had entered his house and stolen bedclothes from him and his wife. To recoup the property, he visited the slave's quarter with a fellow yeoman farmer.<sup>26</sup> The two found the missing goods and notified the planter, but Smith reported that he was denied "satisfaction." As such, he "resorted to the law for protection." The court of law, which consisted of the magistrate, one planter and two

<sup>25</sup> *State v Fed*, February 12, 1843 (Kershaw District Court of Magistrates and Freeholders) 103.

<sup>26</sup> Jackson Smith was listed as a "mechanic" in the 1850 census. The farmer who accompanied him was Robert Robinson. He owned 20 dollars worth of real estate in 1850.

non-slaveholding freeholders, was sympathetic to his pleas and sentenced the slaves to one hundred lashes each.<sup>27</sup>

Such trials of slave theft that crossed plantation lines appeared regularly in the slave courts and often involved underground trade. Indeed, the court spent a majority of its time assessing underground economic activity. Theft, illicit trade, and gambling accounted for 56.8 percent of nearly two thousand slave indictments reported to magistrates in Kershaw, Fairfield, Laurens, Anderson, Pickens, Spartanburg, and Greenville.

Slaves who committed these crimes and appeared before courts were often punished; however, while judgments could be biased, courts did not punish as a matter of course. As noted on the chart below, 750 slaves were indicted for larceny. Of these, 393 slaves, just over 50%, were found guilty. As the following table shows, conviction rates were even lower for crimes like drinking and gaming. The nature of some of these crimes explains this in part—slaves who were brought to court for these offenses were often charged for being in proximity of the activity in question, whether they actively participated in it or not.

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<sup>27</sup> *State v Alexander, Sophia and Elias*, January 5, 1850 (Fairfield Court of Magistrates and Freeholders), 22: the three freeholders, planter William McConnell and yeoman Adam F. Turnupseed and William Frazier.



Table 4.2: Slave Indictments by Crime in South Carolina Midlands and Upcountry

		Count	Percent
Crimes against property	Larceny/stealing	750	37.8 %
	Housebreaking/burglary	98	4.9 %
	Concealing stolen goods	42	2.1 %
	Trading	19	1 %
Total		909	45.8 %
Crimes against propriety	Drinking	53	2.7 %
	Selling liquor	63	3.2 %
	Gaming	101	5.1 %
Total		217	11 %
Crimes against persons	Assault <sup>28</sup>	342	17.3 %
	Murder <sup>29</sup>	98	5.1 %
	Insurrection <sup>30</sup>	25	1.3 %
	Arson/ Damaging Property	58	3 %
Total		523	26.7%
Crimes of status	Race/Status <sup>31</sup>	104	5.3 %
	Other Slave Offenses <sup>32</sup>	168	8.6 %
	Free Persons of Color/ Poor White Offenses <sup>33</sup>	31	1.6 %
Total		303	15.5%
Unknown		33	1.7 %
Total, All Offenses		1985	100%

Source: Court of Magistrates and Freeholders Trial Papers, South Carolina Department of Archives and History

<sup>28</sup> This broad category of “assault” includes assault and battery, riot, resisting patrol, assaulting a white man, assaulting a white woman, rape.

<sup>29</sup> Includes murder, murder-accessory, murder-attempted, stabbing, coroner’s inquest, infanticide, poisoning.

<sup>30</sup> Includes insurrection and Carrying Firearms.

<sup>31</sup> Includes impudence, perjury/lying, slander, and threatening language.

<sup>32</sup> Includes carrying firearms, running away, trespass, unlawful assembly.

<sup>33</sup> Includes illegally entering or refusing to leave the state, not having a guardian, vagrancy.

Table 4.3: Underground Economy Crime, Percentage of Guilty Verdicts

	Total No. Indictments	Total No. Convicted	Percent Convicted
Housebreaking/burglary	98	20	20%
Larceny/stealing	750	393	52.4%
Concealing stolen goods	42	8	19%
Drinking	53	9	17%
Selling liquor	63	43	68.3%
Trading	19	8	42.1%
Gaming	101	61	60.4%

Source: Court of Magistrates and Freeholders Trial Papers, South Carolina Department of Archives and History

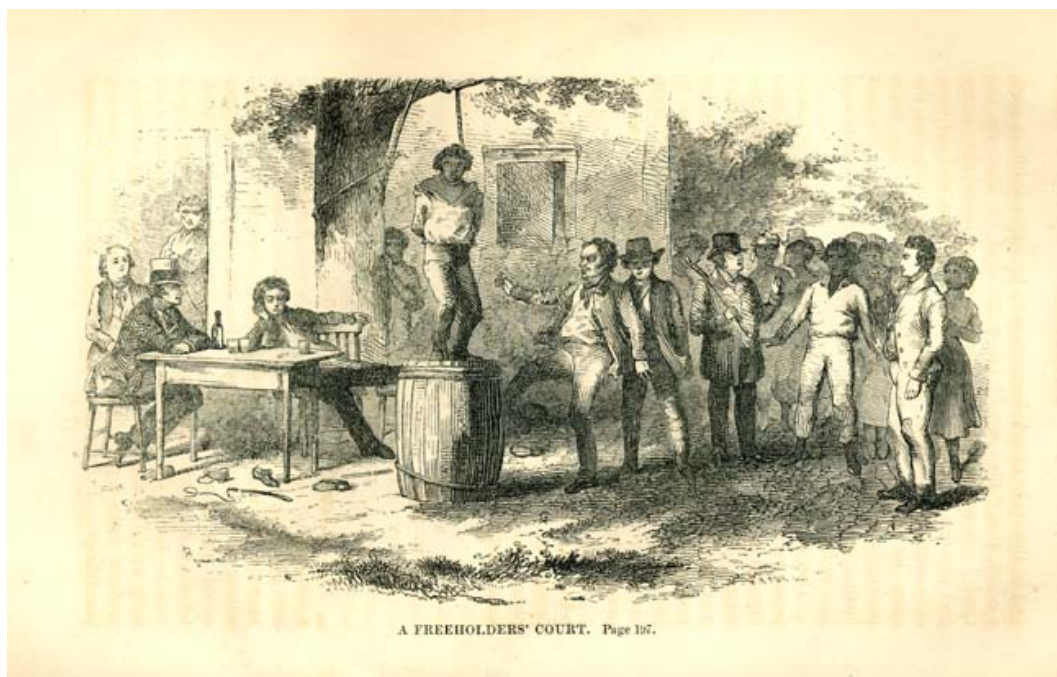


Figure 4.1: Richard Hildreth, “A Freeholders’ Court,” *The White Slave; or Memoirs of a Fugitive*, 1852.

Note: Slaves lack of recourse to the law was often the subject of abolitionist attacks. This depiction, while extreme, nonetheless hints at the ad hoc nature of most trials.

For slaves who were found guilty, however, punishment could be severe. Slaves convicted of the most common offense, larceny, received an average of 55 lashes. In

individual cases, however, this number could be much larger. In several cases punishments reached 600 lashes delivered over the course of several months. In others, however, due to age, infirmity or other mitigating circumstances punishment could be minimal. The large variation in the system of punishments demonstrates the arbitrary

Table 4.4: Court of Magistrates and Freeholders Sentence by Number of Lashes

	Average Number of Lashes	Most Common Number of Lashes	Minimum	Maximum
Housebreaking/burglary	105	25	15	600
Larceny/stealing	55	50	1	600
Concealing stolen goods	47	15	15	125
Drinking	20	14	5	58
Selling liquor	42	25	1	300
Trading	54	39	5	234
Gaming	34	20	10	96

nature of the system that policed illicit trade. Under this code, slaves could, and often were, punished according the dictates of state law. Despite this, slaves created sophisticated networks of underground exchange.

### III.

Male slave mobility was the foundation of the underground exchange networks. Bondsman often journeyed to multiple quarters over the course of an evening, serving as couriers and forging the social connections that sustained trade networks. In the eastern division of Anderson District, for instance, two slaves, Isaac and Henry, detailed their movements one Saturday and Sunday in May of 1850. The pair first met on Saturday at sundown for supper at the house of Amy and Ed, two slaves who resided on the

neighboring farm of small slaveholder W. K. Clements.<sup>34</sup> After dinner Isaac departed to pick up a pair of pantaloons and returned to the Clements' for the remainder of the night. Henry stayed for the evening playing cards with Ed, but departed around midnight, eventually arriving at the neighboring Clinkscales' plantation with a basket of fish in toe. Around sun-up on Sunday he left to return home, where he remained until Sunday evening. Isaac also made his way to the Clinkscales', but later on Sunday and remained there until late into the night.<sup>35</sup>

Such mobility explains in part why the underground economy was so difficult for whites to control. Bondsmen and women deliberately used such cross-plantation partnerships to obscure the origins of pilfered plantation property. In many cases this simply involved passing goods from one plantation to another. In 1846 Fairfield slave trial for theft and traffic, for instance, a slave Frank suggested to Captain that the two go into business. If Captain would steal corn from his plantation, Frank would sell it and the two would split the proceeds. They made such an exchange on two occasions, before a patrol spied Captain depositing a basket intended for Frank on "a certain fence corner."<sup>36</sup> Captain and Frank hid under the cover of plausible trade before they were found out. They claimed that they had been trading corn shucks to be made into collars; when it was

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<sup>34</sup> Clements owned 11 slaves in 1850. Federal Census, Anderson District, 1850.

<sup>35</sup> *State v Isaac and Adeline*, May 27, 1850 (Anderson District Court of Magistrates and Freeholders) 222. For another example of slave mobility see: *State v Norman*, November 27, 1849 (Spartanburg District Court of Magistrates and Freeholders) 111. For an example of meeting at patches, see *State v Joe*, August 27, 1855 (Laurens District Court of Magistrates and Freeholders) 33.

<sup>36</sup> *State v Frank and Primus*, June 5, 1846 (Fairfield District Court of Magistrates and Freeholders) 4.

discovered that Captain's master had recently cleared the crib of all shucks, the two were convicted.<sup>37</sup> Such trade required organization among slaves.

Other bondsmen and women experimented with ways to conceal stolen property with varied levels of success. In 1846 Fairfield, Hannah and Henry placed a big hog, "concealed under the bed, rapped [*sic*] in a blanket," the hair yet to be removed to make brushes.<sup>38</sup> Another slave found guilty of stealing leather bands used in a local mill hid them under his bed as well. His master recovered them and submitted them as evidence.<sup>39</sup> Former slave Jacob Stroyer likewise explained that on his plantation slaves hid stolen pigs in the woods under leaves to be retrieved at a later time. Likewise, in 1850 Anderson, when a slave purportedly broke into a local grocery to steal liquor, he put the keg in the woods. He and fellow slaves drank from it, until they were found out.<sup>40</sup> And in the spring of 1845, two slaves belonging to William Bowen confessed to taking the honey of "old Mr Wallis," a neighboring farmer.<sup>41</sup> To conceal it, they wrapped it in a sheet that they stole from the quarter and hid it in the straw pen."<sup>42</sup> Only when Wallis complained and the slaves' co-conspirator admitted to the offense were its whereabouts revealed.

Other slaves hid stolen goods by combining them with produce from their own patches and yards. According to one account some masters made such activities easy, by

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<sup>37</sup> *Ibid.*

<sup>38</sup> *State v Hannah and Henry*, October 6, 1846 (Fairfield District Court of Magistrates and Freeholders) 7.

<sup>39</sup> *State v Willis*, August 25, 1853 (Laurens District Court of Magistrates and Freeholders) 29.

<sup>40</sup> *State v Joe*, August 14, 1850 (Anderson District Court of Magistrates and Freeholders) 227.

<sup>41</sup> Jesse Wallace owned 50 dollars worth of real estate in 1850.

<sup>42</sup> *State v Guy*, April 26, 1845 (Laurens District Court of Magistrates and Freeholders) 11.

distributing passes freely.<sup>43</sup> Tempa, a slave in Laurens District, used one such pass to trade her own chickens, but also used it as cover to trade in stolen fowl. Her master, James Henderson, confirmed, “he allows his negroes to rais [*sic*] chickens [in] and about a coop on the spring path.”<sup>44</sup> Tempa’s thievery, however, resulted in 65 lashes.<sup>45</sup> Whites were not keen on slaves taking advantage of the informal economic privileges that they were allowed.

Other forms of theft required a much greater level of organization. In upcountry Anderson, a bondsman Alexander, the slave of prominent planter Zacharias Taliaferro, skimmed cotton by climbing on the roof of the plantation cotton house and entering the locked dwelling unseen. He boasted to a fellow slave that “he could not get cotton enough out the gin house,” and that “his master had never found out the loss of the cotton.” Getting such cotton to market, however, was no easy task. Through an accomplice, Ben, who had a pass to trade, the slave found a willing buyer small-slaveholder David Cherry for a portion of the cotton. The rest, however, they sent out to be weighed at a public gin. Knowing that he couldn’t weigh the cotton at Taliaferro’s plantation, the slaves collected it in stolen twill bags and field blankets and brought it to the machine of W. John P. Benson in the early morning. There they were found, and a trial ensued.<sup>46</sup>

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<sup>43</sup> See Jacob Stroyer, *My Life in the South*, New and enlarged edition. (Salem, MA: Salem Observer Book and Job Print, 1885) 48.

<sup>44</sup> *State v Tempa*, August 4, 1859 (Laurens District Court of Magistrates and Freeholders) 43.

<sup>45</sup> *Ibid.*

<sup>46</sup> *State v Alexander, Bartlett, Trim*, March 27, 1824 (Anderson District Court of Magistrates and Freeholders) 7.

Although Benson viewed such activities with suspicion, other whites such as Cherry sought out slave traders. As historian Jeffery Forret has cogently pointed out in his examination of the underground economy, exchange between slaves and poor whites was very common.<sup>47</sup> While property-holding yeoman often policed slaves, poor white traders were typically lived on the margins of society. Although planters came to blame white traders for these activities, slaves found guilty of such trade also periodically appeared in court. In one trial, for instance, “Bob,” reported one Mr. Jameson, “requested him to bring him some corn – that if he would that he the would pay him for it – that it would not bee [*sic*] stealing and would be nor harm.” Bob confessed to the crime, stating that one night he “took five hamper basket [*sic*] full and that he stole it from his master.”<sup>48</sup> In their narratives, former slaves typically described these white traders who sought out bondsmen for illegal activities with distain.<sup>49</sup>

Both non-elite whites and free persons of color provided a ready avenue for slaves’ funneled goods. When Anderson, Mose, and Jack, slaves in Laurens District, stole chickens and turkeys from a neighborhood planter, they had already decided to whom they would sell the goods. Anderson explained that he “knew where he could sell chickens and turkeys before he stole them,” that he had traded many times with a young free black man named George Gibson. Gibson had informed Anderson that he “would receive anything that [the slave] would bring him,” and Gibson made good on his promise, paying the slaves two dollars for the fowl the Sunday morning after they were

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<sup>47</sup> Jeff Forret, *Race Relations at the Margins: Slaves and Poor Whites in the Antebellum Southern Countryside* (Baton Rouge, LA: Louisiana State University Press, 2006).

<sup>48</sup> *State v Bob*, August 27, 1851 (Anderson District Court of Magistrates and Freeholders) 238.

<sup>49</sup> John Andrew Jackson, *The Experience of a Slave in South Carolina*, 1862, 33–34.

stolen.<sup>50</sup> Although the circumstances surrounding such arrangements varied widely from case to case, slaves described dozens of similar relationships with fellow slaves, poor whites, and free persons of color in court testimony.

Slave thieves and marketers used their connections to obtain assistance from other slaves. In Anderson District, a bondswoman Adeline testified, “Isaac came there [to her plantation] and persuaded her to steal flour and meat.” Perhaps unable to carry the meat herself, she then enlisted the help of fellow bondsman, Peter, giving him some of their booty as payment. She reserved for herself, however, the fifty cents that Isaac promised her after he marketed the goods.<sup>51</sup> “Hiring” fellow slaves by providing them small sums of money or goods in exchange for their assistance with transporting or concealing goods was a frequent occurrence.<sup>52</sup> Indeed, the practice was so common that one Spartanburg slave exonerated himself by insisting that he was simply a courier of the jug of alcohol that he had in his possession. He explained that he was “hired to carry it there by Daniel [and] that he [Daniel] paid him 18 cents” for bringing it to him.<sup>53</sup>

Slaves also asked neighbors to store purloined goods on their behalf. In September of 1851, for instance, a slave Calvin, who belonged to W. Walker of Spartanburg, brought bacon to his neighbor Martha and asked her to keep it for another

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<sup>50</sup> *State v Anderson, Mose and Zach*, March 3, 1855 and *State v George Gibson*, March 6, 1851 (Laurens District Court of Magistrates and Freeholders) 30, 31.

<sup>51</sup> *State v Isaac, Adeline, Peter*, February 16, 1850 (Anderson District Court of Magistrates and Freeholders) 219.

<sup>52</sup> As the opening vignette demonstrates, Joe paid fellow bondsman Sam 10 cents to help transport heavy turkeys and a sack of grain to Henry in May of 1851. See *State v Henry, Joe*. May 5, 1851 (Anderson District Court of Magistrates and Freeholders) Several years later in Spartanburg, a bondswoman hired Bruce to “carry a piece of meat” from the meat house of a local merchant. See *State v Bruce, Patience*. April 14, 1865 (Spartanburg District Court of Magistrates and Freeholders); According to the 1860 census, G. W. Brown was a “merchant” with \$1,000 in real estate and \$650 in personal estate.

<sup>53</sup> *State v Daniel*, July 16, 1840 (Spartanburg District Court of Magistrates and Freeholders) 31.



slave, who would later come and pick it up. Martha agreed, but was soon warned by a fellow bondsman who had heard “whispering” that Calvin had stolen the bacon and told her to hide it. She followed his advice and moved it from her cabin loft to the woodpile, but it was discovered, nonetheless.<sup>54</sup>

As the above cases suggest, whether working as thieves, couriers, or marketers, slaves’ participation in the underground economy varied by gender. In general, off-plantation underground economic activity was overwhelmingly a male domain. Since men primarily ran errands for masters and assumed the responsibility of travel when visiting spouses, they had significantly more opportunities to appropriate and sell goods beyond plantation boundaries. Trial records demonstrate this reality. In reported instances of housebreaking, for instance, 93 of the 98 slaves indicted were men. Women participated more in other kinds of theft, but the numbers still greatly favored men. Only 99 women were charged with the offense, compared to 650 men.

In most cases slaves sought pecuniary rewards for stealing, perhaps desiring a quick way to earn cash. In describing how he acquired money to buy his wife dresses one bondsman explained that “he got the money by knocking about, by buying and selling things [as] buying and selling whiskey.”<sup>55</sup> Others made similar passing references to cash in their testimony. One slave coaxed another into stealing his master’s keys, by simply asking the slave “if he did not want to make money.”<sup>56</sup>

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<sup>54</sup> *State v Calvin*, September 12, 1851 (Spartanburg District Court of Magistrates and Freeholders) 140.

<sup>55</sup> *State v Andrew*, (Anderson District Court of Magistrates and Freeholders) 129.

<sup>56</sup> *State v General, Moses and Dave*, July 13, 1852 (Spartanburg District Court of Magistrates and Freeholders) 147.

Dictating the terms of clandestine bargains was likely part of the appeal. In Spartanburg, a bondswoman, asked a neighborhood bondsman Isaac to trade corn on her behalf. She told him “he must get 50 cents in cash for the corn when he sold it.”<sup>57</sup> One slave from nearby Anderson likewise explained that he “stole the wheat from home and carried it to the Negro house at James Rhodes and delivered it to Green a Negro Boy belonging to James Rhodes. Green was to sell it to whoever would buy it and pay him one dollar and a quarter for it.”<sup>58</sup>

In establishing such direct, unmediated partnerships with slaves, underground traders created a highly organized network with a shared logic. This logic was accepted by some and rejected by others, but understood by most. In Laurens District, for example, a bondsman, Chelsey, had acquired shoes and tobacco that a fellow bondsman had stolen from a local mercantile store.<sup>59</sup> When peddling the goods to a fellow churchgoer one Sunday, Chelsey warned the slave that the trade was to be “low down.” He said it “was negroes’ business, and [that] he [Moses] would know what to do about that.” Moses decided not to make the trade; however, several weeks later, a slave John, gladly purchased some of the Chelsey’s stolen shoes for his wife.<sup>60</sup> Some slaves clearly refused to purchase ill-gotten goods, while others accepted such property without question.

In most cases, women and not men voiced disapproval of underground activities. When Sam, a slave in Fairfield, brought a fine bed cover to his wife, she refused it

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<sup>57</sup> *State v Elic, Isaac, Eliza, Hanah*, April 2, 1852 (Spartanburg District Court of Magistrates and Freeholders) 145. Eliza belonged to P W Head. Isaac to R. Berry.

<sup>58</sup> *State v Isaac, Adeline, Peter*, February 16, 1850, 219 and [State v Jefferson] *State v Ellison*, January 19, 1850 (Anderson District Court of Magistrates and Freeholders), 217.

<sup>59</sup> *State v Miles*, July 12, 1859 (Spartanburg District Court of Magistrates and Freeholders) 225.

<sup>60</sup> *State v Chelsy*, July 27, 1859 (Laurens District Court of Magistrates and Freeholders) 44.

outright. She told her husband that it was surely stolen, for it was “too good to belong to a negro” and requested that he take it back to wherever he got it from.<sup>61</sup> Indeed, some women were quite frank in their criticism of such behavior. In one case, a bondswoman stated in no uncertain terms that she did not want Sam, a fellow slave, to go out trading. “She told Sam not to go with Joe, that he might get into a scrape,” but that Sam went off into the night nonetheless. Later, she told the court that “Joe is like the rest of them she reckoned.” He “was not to be depended on.”<sup>62</sup> This was likely due, in part, to women’s confinement on plantations. They were far less likely to venture far from their quarters, limiting their ability to engage in underground trade.

Whether slaves approved of such activities or not, most agreed that one should avoid detection at all cost. In a case of some stolen iron, Philip, a blacksmith, told a neighbor that he was in trouble and that “it was a bad scrape and if he did not get someone to help him out of it would be a powerful scrape.” A slave had brought the iron to Phillip, requesting that he work the iron for him and he felt he could not refuse. He received forty lashes for his collusion with the thief.<sup>63</sup> And indeed, not avoiding detection could cause all manner of problems for slaves and their accomplices. One Sunday in September, Isaiah, a slave in Spartanburg, visited the farm of Daniel McHam in order to repay a debt to a fellow slave. Around eleven o’clock he inquired for Lesel “who was at the courthouse at preaching.” According to a person on the scene, Isaiah said, “he had

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<sup>61</sup> *State v Jacob and Dave*, 1833 (Fairfield District Court of Magistrates and Freeholders) 8.

<sup>62</sup> *State v Joe, Henry*, May 5, 1851 (Anderson District Court of Magistrates and Freeholders) 232. The extent to which some slaves colluded with whites deserves greater attention. In one case from Laurens, a bondswoman was charged with “being so much like white folks that she would tell them anything.”

<sup>63</sup> *State v Phillip and Washington*, May 27, 1850 (Anderson District Court of Magistrates and Freeholders) 223.

some things he wanted to sell him, as he was owing him some any how.”<sup>64</sup> A fellow bondsman said that he could leave the goods, which Lesel later purchased from Isaiah. Although Lesel explained that he did not know the goods were stolen, he was sentenced to be whipped anyway. Voicing his frustration regarding the sentence, the court ordered a further punishment for insolence. “After Lesel had received his twenty five strips for his saucy talk and threats he was taken up again and tried by the same court and sentenced to receive fifty lashes in addition to what he had before received.”<sup>65</sup> Innocent bystanders could easily become complicit in the “scrapes” of fellow slaves, unbeknownst to them.

Indeed, not all slaves were on the same side. This was especially apparent when slaves stole from other slaves. This could prove dangerous at times. In one instance, a slave, Jeff, bit off the ear of another bondsmen, Wiley, after it was discovered that he had stolen tobacco and fifty cents from him.<sup>66</sup> Other disturbances were less dramatic, but nonetheless demonstrated the seriousness with which slaves took thieving amongst themselves. In Laurens District, for instance, one slave Willis, who belonged to James Neeley inadvertently bought stolen flour from Harry, a slave belonging to Jacob Elledge. Harry was given fifty cents to purchase flour for “the sick negro” Willis one Saturday evening. He was to acquire the goods from Clayborn, a fellow slave who worked at the mill of John Culbertson. Instead of making the trade, however, Harry pocketed the money, and stole flour to give to Willis. When he was found out, he accused another slave who belonged to G. W. Sullivan of orchestrating the theft, but later admitted, “He

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<sup>64</sup> *State v Leslie, Martha, Isaiah*, December 22, 1853 (Spartanburg District Court of Magistrates and Freeholders) 158.

<sup>65</sup> *Ibid.*

<sup>66</sup> *State v Jesse and Wiley*, October 11, 1853 (Pickens District Court of Magistrates and Freeholders) 11.

accused Sullivan's boy wrong, [and] that he brought in his name to avoid a fuss with Neeley's negroes."<sup>67</sup>

Whether or not slaves approved of such activities, most bondsmen and women regularly encountered stolen goods or cash earned through underground trade. This, like property earned via master-managed informal economic activity, created social distinctions among slaves. By serving as lender and extending loans to bondsmen and women, slaves with a substantial amount of cash could create complex webs of dependence. When Madison attempted to sell a gold ring at a store the clerk "asked him [Madison] where he got it; he hesitated to give him an answer." Later, when asked about the money, a bondswoman testified, "he [Madison] gave her three dollars and 90 cts last spring. [Ellen] Says that Dinah bought the dress for her & that she paid her 3.90 in part & that she yet owed him 10.00 [&] that he let her have the money all the year 90 cents at a time." She also testified that she "saw Madison have a 10 & 29.00 bills – and also 5 or 6 dollars in silver...." The court concluded that "Madison generally had money" and was not responsible for the theft.<sup>68</sup> In such instances, the informal economy and underground economy intertwined—at least in the minds of whites. That the court exonerated Madison, however, shows that they recognized some property as legitimate.

But cash acquired underground also created relations of dependence between slaves. A case brought to trial over the theft of \$50.00 worth of shoes revealed how

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<sup>67</sup> *State v Harry, Henry, Clayborn and Henry*, May 5, 1859 (Laurens District Court of Magistrates and Freeholders) 41.

<sup>68</sup> *State v Madison* November 5, 1850 (Spartanburg District Court of Magistrates and Freeholders) 125.

slaves could use stolen property to exert influence over fellow slaves. The disagreement over rights to shoes, an oven, watermelon and cash deserves quotation:

Amos said he has owed him about a year and that he though[t] it time to pay it... Ned acknowledged that he owed 75 cents and that he would pay it....

Emory... said Amos told Ned he wanted him to pay the \$3.75/100 he owed him, that Amos said he had let Ned have 3 pair of shoes at 75 cents cash + 1.00 on credit + 1.00 for an oven. Ned said he had given him forty watermelons at 5 + 10 cents and that they called on him to calculate what they came to and he told them \$3.00. Ned acknowledged that he had bought the shoes and oven from Amos.

Henry... said he heard Amos have three pair of shoes for which Ned was to pay 75 cents cash or \$1.00 on credit. That this took place on the [*sic*] they went to fight – heard nothing said about the watermelons or the oven.<sup>69</sup>

In such cases barter and cash payments were used interchangeably. Indeed, bondsmen and women often used a complex combination of cash and barter to settle debts for services or goods rendered. When a slave Bob, acquired a stolen watch from a fellow slave, they asked if he had bought it. He said “partly.” He had paid a portion of the \$15.00 he owed in shoes up front and then later in the week promised the remainder of the balance.<sup>70</sup>

It is clear that the underground economy was the means through which some slaves settled debts. In Kershaw District, for instance, a slave Jack acquired a hat from a fellow bondsman. He testified, “He got the hat from Henry for a debt Henry owed him-- he did not suspect that Henry came dishonestly by it.”<sup>71</sup> Likewise, in the mid 1850s,

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<sup>69</sup> Ibid.

<sup>70</sup> *State v Bob*, August 14, 1855 (Anderson District Court of Magistrates and Freeholders) 282.

<sup>71</sup> *State v Tamer*, January 5, 1844 (Kershaw District Court of Magistrates and Freeholders) 105.

when a slave, William, owed a debt to another bondman, Adam, he stole some shoes. Adam explained that “he met with William last Sat night week and asked him about the money.” William responded that he did not have it but “would bring him a pair of shoes in place of it an[d] I told him I would take them if they suited me.”<sup>72</sup>

Goods obtained via the underground economy served many purposes, not least of which included satisfying the needs of families and households. Jacob, who resided on a plantation of some 20 slaves, wished to buy his wife some shoes but had no money. To obtain some, he stole some cloth and made a bargain with a fellow bondsman. In trying to peddle some stolen shoes, one bondsman pointed out to another, “one pair would about suit his little girl and the other would about suit his wife.” He did not, however, make the sale.<sup>73</sup>

In many cases bondsmen assumed responsibility in providing material goods for spouses and families. In 1851 a bondsman, Sam, was charged with assault for breaking into the house of his estranged wife, who lived on the farm of E. Wyatt. According to reports Sam tore the lock from the door, broke open two chests, tore up a feather bed and stole several dresses and bed quilts. One of Wyatt’s slaves assisted Sam, who explained that Sam had purchased all of the items for his wife and as such they belonged to him. Even the lock of the door, which they pried off with a plow, belonged to Sam, he reported.<sup>74</sup> Other bondsmen clearly stole with women in mind. When Brister and Peter purportedly stole goods from a roving peddler, they selected a pair of fine boots. The

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<sup>72</sup> *State v William*, July 5, 1856 (Anderson District Court of Magistrates and Freeholders) 306.

<sup>73</sup> *State v Chesly*, November 20, 1857 (Laurens District Court of Magistrates and Freeholders) 44.

<sup>74</sup> *State v Sam*, April 13, 1850 (Anderson District Court of Magistrates and Freeholders) 221.

boots circulated first to a bondsman, who took them on credit. He testified that “he ask[ed]] to give him 3 dollars and a half for them.”<sup>75</sup>

For consumers of stolen property, the risk was substantially less than for thieves and traders. Slave buyers could simply deny knowledge that property purchased was stolen. Indeed, in general slaves did not view the purchase of stolen materials as a crime, especially if one bought such goods with the belief that they were legitimately acquired. Slave consumers did, at times, ask where property came from, but thieves typically denied that goods were stolen. When one slave sold boots to another, for instance, he explained that he had just bought them but “wanted to sell them because they were too small for him.” In another instance, when a buyer asked about the origins of a stolen watch, the seller replied cryptically, “that was not for him to tell.”<sup>76</sup>

Indeed, obtaining money and coveted consumer goods was an important reason for participating in underground trade. As historian Kathleen Hilliard has aptly demonstrated in her study of slave consumption, slaves used stolen goods to exercise choice over the selection of “luxury” goods, otherwise unattainable. Slaves circulated a dizzying variety of stolen goods to black and white neighbors. Hilliard found that the four most commonly stolen items mentioned in the trial record of upcountry Anderson and Spartanburg districts were clothing (16.5 %), cash (9.2 %), bacon (7.3%), and corn (6.6%).<sup>77</sup> Indeed, a wide array of individual items that ranged from cloth to cotton to

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<sup>75</sup> *State v Johnson, Brister, Sally, Jane*, July 25, 1851, (Anderson District Court of Magistrates and Freeholders) 235. *State v Peter* July 26, 1851 (Anderson District Court of Magistrates and Freeholders) 236.

<sup>76</sup> *State v Bob*, August 14, 1855 (Anderson District Court of Magistrates and Freeholders) 282.

<sup>77</sup> Hilliard, *Masters, Slaves, and Exchange*. Hilliard examined 234 indictments for property crimes from two upcountry districts, Pendleton (which later became Anderson District) and Spartanburg. Hilliard’s estimates are broken down differently from Hindus; eventhough, they use the same set of records. Hindus



cologne also circulated within the underground economy, which introduced consumer goods that slaves desired.<sup>78</sup>

Slaves seeking such property expressed the pleasures and desires that goods could bring. In one trial involving stolen shoes, a slave admitted that he purchased them because “he wanted new store shoes.”<sup>79</sup> Another slave expressed pleasure when he found a hat near the railroad. It was, he said “[a] very good hat...white with black binding on the edge.” The slave passed it around to his brother and later to a little boy on the plantation who asked “let me try it on, I believe it would fit me.”<sup>80</sup>

Goods such as watches, for instance, carried with them a certain status, perhaps because their value was beyond the reach of most slaves. In a somewhat confusing case involving a stolen watch, Henry gave Dick 10 dollars, two pairs of pantaloons and a waistcoat in exchange for a watch and key, but Dick “refused to sell the gold chain.” A half-dozen slaves testified that they saw the watch in Dick’s possession and that he “used common carriage paint” on “the hands to tell time at night.”<sup>81</sup> In another case involving watches a slave testified “about three weeks ago he showed him the watch. Several slaves were present, were showing watches.”<sup>82</sup>

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emphasizes foodstuffs, while Hilliard focuses on clothes. Michael S. Hindus, *Prison and Plantation: Crime, Justice, and Authority in Massachusetts and South Carolina, 1767-1878*, 1 edition (Chapel Hill, NC: The University of North Carolina Press, 1980).

<sup>78</sup> For an example of stealing bacon in order to trade for a fiddle see *State v Bolling and George*, July 27, 1850 (Anderson District Court of Magistrates and Freeholders) 225.

<sup>79</sup> *State v Amos*, September 10, 1852 (Anderson District Court of Magistrates and Freeholders) 245.

<sup>80</sup> *State v Henry*, August 24, 1855 (Anderson District Court of Magistrates and Freeholders) 284.

<sup>81</sup> *State v Dick*, September 10, 1851 (Anderson District Court of Magistrates and Freeholders) 241.

<sup>82</sup> *State v Simon, Alfred*, July 14, 1860 (Anderson District Court of Magistrates and Freeholders) 350.

Such consumer goods could circulate widely between multiple plantations. In the case of four stolen bed linens in Fairfield District, at least six slaves of four different owners were involved as distributors or clients. The thief passed the goods to two middlemen, who then peddled them to a bondsman and his wife and another local bondswoman.<sup>83</sup> In another trial involving stolen shoes, the thief traded the goods to one bondswoman and two bondsmen, each of whom resided on different plantations. Slave Sophy purchased the shoes for a dollar and Alfred, 62 cents.<sup>84</sup>

News of such exciting, recently acquired goods circulated throughout slave neighborhoods. When a bondswoman, Mary, acquired a fine white bed cover, for instance, two women on adjoining plantations took notice. First, Caroline saw the cover while visiting Mary's house. Later upon arriving home she told fellow slaves about it. One bondswoman, Dinah, told the court that she "heard Caroline talking about a counterpane."<sup>85</sup>

Consuming luxury goods was not the only pleasure of participating in the underground economy. Slaves, particularly bondsmen, used the same networks and cash derived from them to engage in forbidden activities such as gambling and drinking. In trial records from six districts, twenty cases of illegal gaming, which included over one hundred indicted slaves and free persons of color, appeared before local slave courts. These cases generally involved some crime besides gaming, such as breaking the

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<sup>83</sup> *State v Jacob and Dave*, September 30, 1846 (Fairfield District Court of Magistrates and Freeholders) 8.

<sup>84</sup> *State v Joe*, October 30, 1850 (Anderson District Court of Magistrates and Freeholders) 230.

<sup>85</sup> *State v Jacob and Dave* September 30, 1846 (Fairfield District Court of Magistrates and Freeholders) 8.

Sabbath, gambling near a church, or fighting. All of the slaves involved were men. In many of these reported instances, such events were community affairs that extended far beyond individual plantations. One Anderson District trial from the spring of 1859, for example, involved one free man of color and fifteen slaves belonging to ten different masters.<sup>86</sup> Ten years earlier, a trial from Spartanburg likewise involved slaves from several different farms: in total, ten slaves owned by seven masters.

It is no accident that slaves were often found gaming in close proximity to churches, important master-approved gathering places. One bondsman, Jess, the property of C. Wakefield, stated, “he saw Berry, Joe, Jink and Green at the Church about ½ hour by sun in the evening, [and he], left them at the meeting house when church broke.” Before he left, he heard one of the bondsmen suggest that they remove to the woods to play cards, and later saw them there. Although it’s unclear what they were betting, it was likely Sunday clothes. After playing for some time, another slave observer reported that a fight broke out when two of the bondsmen forcibly tried to remove the coat of their companion.<sup>87</sup> In cases of gambling, slaves testified that they saw bondsmen play for money and property. A bondswoman, Nelly, said, “that they was playing cards under [*sic*] that John Harper’s Si lost all his clothes.”<sup>88</sup> Gambling, while an “amusement” was also viewed by some bondsman as a way to earn income. And indeed, slaves wagered on

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<sup>86</sup> They included the following persons Jo Berry, a free man of color, and slaves (with masters’ last names) Jim Gibbs, Joe Gun, Peter Gun, Morris Gun, Alex Harkness, John Kay, Sam Martin, Prince Norris (Robert B. Norris), Manus Rutledge, Morris Rutledge (Richmond J. Rutledge), Bray Vandivar, Stephen Williams, Jim Warnack, Scip Warnack Jim Warnack may have also been a free man of color. None of the slaves were punished for the offense, although five of the bondsmen were found guilty of another charge, retailing liquor, and received between 30 and 40 lashes each.

<sup>87</sup> *State v Jink, Joseph, Green, and Berry*, June 4, 1858 (Anderson District Court of Magistrates and Freeholders) 327.

<sup>88</sup> *State v George and Manuel*, November 19, 1860 (Anderson District Court of Magistrates and Freeholders) 354.

many types of activities. In Spartanburg District, for instance, Samuel Shurbutt and a bondsman named George were caught fighting after betting on a race of which both were participants. Shurbutt admitted that he ran a foot race with [the] slave a day or two before they fell out,” and noted, “they bet a dollar on the race.”<sup>89</sup>

Cards, however, were the typical game used for betting small sums of cash. In 1857 Anderson District, one bondsman reported that a group of local slaves played for a half dollar.<sup>90</sup> Likewise in 1851, one observer in Spartanburg District testified, “Mill and Charles was gambling[,] saw 50 cents down.”<sup>91</sup> Nearby in Greenville, ten cents was the buy-in during a card game in the late 1850s. When one bondsman, Martin, the slave of the Zadrick family, visited the McBee quarter, he “looked through a broken pane of glass where he saw four slaves playing cards on a bench.” One of McBee’s own slaves, Harry, corroborated Martin’s account, noted that he too “saw the money exchanged.”<sup>92</sup>

Gambling, like illicit trade, brought slaves into the contact of local whites and free persons of color. In August of 1859, for instance, a Laurens man reported that he saw four black men in his woods, one of whom was free person of color, Tom Wilson, along with a white man Edward Neil. Neil later explained that he joined the game because “Tom owed him a dollar,” which he likely hoped to recoup.<sup>93</sup> Likewise, to the west in Spartanburg District, free persons Drewry Cash and Green Turner were found gambling

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<sup>89</sup> *Spartanburg Trial Papers*, September 2, 1861 (Spartanburg District Court of Magistrates and Freeholders) 235.

<sup>90</sup> *State v John, Silas, George, Jeffery, Henry and Aaron*, January 30, 1857 (Anderson District Court of Magistrates and Freeholders) 313.

<sup>91</sup> *State v Will*, April 19, 1851 (Spartanburg District Court of Magistrates and Freeholders) 135.

<sup>92</sup> *State v Spense*, February 24, 1857 (Greenville District Court of Magistrates and Freeholders) 14.

<sup>93</sup> *State v Tom Wilson*, August 15, 1859 (Laurens District Court of Magistrates and Freeholders)

with Lynn's Isaac, Cash's Lum, Scrugg's Jeff and Dewberry's Charles.<sup>94</sup> Isaac Stag, a free person of color, was charged with gambling and illegal vending as well, and was convicted with evidence provided by his white patrons. Alfred Davis said "three months ago he bought 2 gal for 37 cents, and Matthew Moore described, "a number of drunken men gambling around the shop—."<sup>95</sup> Stag was not alone in vending alcohol to slaves. Other such grog shops, which catered to inter-racial clientele, peppered the countryside. Referred to by any number of names, these doggeries, groggeries, dram shops, retail establishments, groceries, or grog shops existed for the sole purpose of vending small quantities of alcohol to be consumed onsite. Unlike stores, which legally retailed by the gallon for off-site consumption, the grog shop sold liquor by the dram or gill.<sup>96</sup> And unlike taverns and hotels, which offered accommodation for travelers, the grog shop's primary purpose was vending, although some traded under the cover of tavern licenses or vended outside of the law.

Such shops appeared in every corner of the state, and were important sites of slave amusement as well as underground exchange. One white observer noted they could

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<sup>94</sup> *State v Will and Berry*, 1851 (Spartanburg District Court of Magistrates and Freeholders) 135. Drinking could overlap with theft. Ben, a slave of Pendleton Doctor George Hall, was found intoxicated on a Tuesday night alongside the road with a collection of stolen spoons. When asked whether he was guilty of theft, he freely admitted that he "got drunk and does not know whether he took the spoons or not." By the end of the trial he conceded that "he believed that he may have." See *State v Ben*, 1826 (Anderson District Court of Magistrates and Freeholders) 18.

<sup>95</sup> *State v Isaac Staggs*, 1850, (Spartanburg District Court of Magistrates and Freeholders) 121.

<sup>96</sup> In South Carolina to legally vend alcohol, one had to obtain a license. These licenses came in two forms. The first, called a retailing license, prohibited the sale of small quantities of liquor, typically under a quart. The second, called a tavern license, permitted the sale of small quantities of alcohol, but only as entertainment for travelers. As such they were required to offer lodging. Such vendors of alcohol did obtain licenses throughout the period; however, by the antebellum period, many taverns operated first as a bar and offered only basic accommodation, if any at all. Grog shop owners often operated outside of the law, or obtained a license, but did not abide by its terms. For a discussion of the distinction between the two see *State vs. John Chamblyss*, Cases at Law Argued and Determined in the Court of Appeals, 1839-1840.

be found “in cities and towns, in the most retired hamlets, and at every cross-roads.”<sup>97</sup> Most of these retail shops operated out of the homes of poor whites or in shacks built for the particular purpose of vending liquor. One observer explained that the “southern groggery” was typically “a small wooden building, with two rooms; one intended for a sleeping room but used mostly for playing cards in, and the other devoted to retailing ardent spirits.”<sup>98</sup> Others, like Isaac Stagg, however, simply used their homes. Several residents of Abbeville complained that neighbors “purchase spirits by the Barrell [*sic*] and retail it to their neighbors” adding “and we fear to our slaves.”<sup>99</sup>

Still others, including slaves, simply vended on the open road and at every opportunity, making it “a regular business to peddle spirits through the country, frequenting our muster grounds and public gatherings and often encamping near our plantations and corrupting our slaves by selling them spirits.”<sup>100</sup> Slave vendors like Ben, who retailed spirits for a six-month period, fell into this category.<sup>101</sup> Another slave, Patrick, was charged with “having spirituous liquors in his possession” and “vending and retailing the same within 4 or 5 months last past.” Patrick had let one free man of color,

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<sup>97</sup> *Ibid.*, 225.

<sup>98</sup> Hundley, *Social Relations in Our Southern States*, 227.

<sup>99</sup> And indeed, some illicit traders were among the class of poor whites in the South who often moved in and out of productive society and were generally, although not always, non-slaveholders. Although few owned land for an extended period of time, other holdings were much more limited, typically possessing very small amounts of property and some income from gambling, wages, or peddling. Edward Isham or “Hardaway Bone,” is a case in point. In between evading the law, the convicted murderer maintained a grog shop with several companions for a time. After making shingles and cutting lumber, Isham and three others “formed a company to fish and trade.” At this “grocery on the river,” he reported, they “used to have great crowds” for fishing, gambling and drinking. He continued to live at his “shantie on the river,” until he was once again run out of town by one of his rivals. Edward Isham, *The Confessions of Edward Isham: A Poor White Life of the Old South* (Athens, GA: University of Georgia Press, 1998).

<sup>100</sup> Grand Jury Presentment, South Carolina, Abbeville District, 1848.

<sup>101</sup> *State v Ben*, October 18, 1839 (Fairfield District Court of Magistrates and Freeholders) 2.

Bob, have a tin full of spirits after a camp muster.<sup>102</sup> Indeed, some slaves behaved in a manner similar to roving white peddlers. One Saturday a slave Phil visited a neighboring quarter. There he went from cabin to cabin with a five-quart jug, selling whiskey to three bondsmen and one bondswoman. They each paid cash for quantities between two pints and a dram.<sup>103</sup>

Some bondsmen, however, distributed alcohol more informally and on an ad hoc basis, sometimes sharing it with friends and other times vending it. When describing the movements of a fellow bondsman Norman one Saturday, a fellow bondsman testified that “they went to Mark’s house at 9 o’clock, that he then went to Norman’s house and got some whiskey and then went a hunting about 1 o’clock he came back to Norman’s house for more whiskey; that Norman was at home both times when he was there.”<sup>104</sup>

In public, however, finding ways to distribute spirits while under constant surveillance meant slaves had to hide spirits. In Sandy Springs, John Cunningham, saw one slave, Mose “with a jug without a handle pouring out something into a cup like a pepper box.” Another slave shared the contents of the jug in a tin cup that he had hidden under the leaves and later retrieved.<sup>105</sup> In upcountry Spartanburg, a slave, Daniel, similarly hid his jug of spirits below the church. During intermission, Charles, a bondsman who belonged to A. Coan, noted, “he saw in one place 6 or 7 black men[,]”

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<sup>102</sup> *State v Patrick*, March 8, 1852 (Spartanburg District Court of Magistrates and Freeholders) 144.

<sup>103</sup> *State v Phil and Lige*, October 31, 1857 (Anderson District Court of Magistrates and Freeholders) 321.

<sup>104</sup> *State v Norman*, November 27, 1849 (Spartanburg District Court of Magistrates and Freeholders) 111.

<sup>105</sup> *State v Calvin*, March 14, 1851 (Laurens Anderson District Court of Magistrates and Freeholders) 15.

[and] that there was liquor amongst them[,] and that he drank a dram.” Likewise, Bob reported that he, too, “saw liquor and bought some from Daniel below the meetinghouse.”<sup>106</sup>

Even when distributed among friends, however, drinking often involved some form of exchange. E. Poole, for instance, testified that he saw Mose receive fifteen cents in exchange for a dram, and many others did the same. Indeed, he heard one of his companions tell the bondsman not to sell it all before he could get some more. And one of the slaves released for giving states’ evidence, testified he knew there was alcohol at the gathering because “he bought some.”<sup>107</sup> Buying and selling were important parts of the bargain.

Whether exchanging stolen goods, trading banned goods, or engaging in illegal activities such as gambling, the underground economy of slavery was, at its core, a social enterprise. Through it, slaves created social ties that defined their status within the slave community. Risky by definition, participation often resulted in violent retribution. For slaves, however, the benefits they derived outweighed these dangers. Dissatisfied with planters’ ever-growing incursions into their domestic life, slaves, especially slave men, used clandestine networks to create social ties beyond the purview of their masters. As they sustained underground trade networks they possessed a powerful means to challenge the precepts of paternalism.

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<sup>106</sup>*State v Willis, Dick, Charles, and Lon*, 1854, (Spartanburg District Court of Magistrates and Freeholders) 66.

<sup>107</sup>*State v Jim*, May 16, 1851 (Laurens District Court of Magistrates and Freeholders) 21.



## Chapter 5

“Uncultivated of Mind, Devoid of Principle, a Sabbath-Breaker and a Blasphemer:” The Negro Trader and the Underground Economy

A groggery-keeper in the South is usually a man of uncultivated mind, devoid of principle, habitually a blasphemer and Sabbath-breaker, a reviler of religion, and is sometimes also an abolitionist—owing to his secret traffic with the slaves.

—David Robinson Hundley, 1860

In his 1860 commentary on social relations in the slave states, writer David Robinson Hundley classified the southern groggery-keeper as among the lowest classes of white society. He was a “southern bully”—“a swearing, tobacco-chewing, brandy drinking bully, whose chief delight is to hang about the doors of village groggeries and tavern tap-rooms, to fight chicken cocks, to play Old Sledge, pitch-and-toss, chuck-a-luck, and the like, as well as to encourage dog-fights, and occasionally to get up a little raw-head-and-bloody-bones affair on his own account.” Uncouth and vulgar, he was no friend to the slaveholder, Hundley noted, for he was known to be a “negro trader,” one who engaged in “secret traffic with the slaves.” The “extent to which this species of traffic is carried on would stagger credulity,” he stated. By 1860 it had reached endemic proportions.<sup>1</sup>

This chapter examines the contours of such “negro trade” in South Carolina cotton country between the mid-1790s and 1860. It explores planters’ efforts to control white trade with slaves, and demonstrates how the policing of this trade changed in accordance with broad economic and political transformations at the state level over the

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<sup>1</sup> Daniel Robinson Hundley, *Social Relations in Our Southern States* (New York: H.B.Price, 1860), 223–24.

course of the nineteenth century. It argues that planters' gradual adoption of pro-slavery paternalism led them to see unregulated slave/white exchange as a threat to the southern way of life, as well as an issue of slave disobedience. As a result, planters dramatically increased their efforts to police white "negro traders," first utilizing legal channels before turning to vigilantism.<sup>2</sup> By the Civil War, planter societies branded non-elite traders as dangerous forces that threatened to unravel southern society. Their collective efforts to root out these "abolitionists in disguise" added fuel to the flames of fear in the state. As the Civil War loomed, planters became increasingly convinced that "negro traders" were a menace that drove a dangerous wedge between masters and slaves.

## I.

Laws that regulated the underground economy of slavery were as old as the Carolina colony.<sup>3</sup> Often passed following insurrections, insurrection scares, or other

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<sup>2</sup> The earliest writing on illicit trade appeared in work on slave theft. See, for instance, Alex Lichtenstein, "That Disposition to Theft, with Which They Have Been Branded': Moral Economy, Slave Management, and the Law," *Journal of Social History* 21, no. 3 (1988): 413–40. Recent works that address slave/ poor white trade include Stephanie McCurry, *Masters of Small Worlds: Yeoman Households, Gender Relations, and the Political Culture of the Antebellum South Carolina Low Country* (New York: Oxford University Press, 1997); Jeff Forret, *Race Relations at the Margins: Slaves And Poor Whites in the Antebellum Southern Countryside* (Baton Rouge, LA: Louisiana State University Press, 2006); Timothy James Lockley, *Lines in the Sand: Race and Class in Lowcountry Georgia, 1750-1860* (Athens, GA: University of Georgia Press, 2001).

<sup>3</sup> Well before the passage of the state's first constitution in 1791, South Carolinians recognized the potentially disruptive effects of illicit trade between non-elite whites and slaves. Laws passed as early as 1683, just 20 years after the founding of the Carolina colony, explicitly prohibited trading between indentured servants and bondsmen and women. Ten years later in a 1693 order to institute licenses for retailing alcohol in the city, the colonial Governor lamented the rampant illegal trade between "poor laboring people" including slaves and keepers of "disorderly houses." "Great numbers of negroes," he reported, visited the city "knowing they can have a drink...for mony or what else they bring[,] without being Examined how they come by it." A. S. Salley, "Abstracts from the Records of the Court of Ordinary of the Province of South Carolina, 1692-1670 (Continued)," *The South Carolina Historical and Genealogical Magazine* 8, no. 4 (1907): 200. For the next century, laws amended to account for new circumstances or to increase fines, continued to address these concerns, especially in and around the lowcountry capital. See Thomas Cooper and David James McCord, *The Statutes at Large of South Carolina* (Columbia, SC: A.S. Johnston, 1836).

periods of social unrest, their purpose was to maintain order in a potentially dangerous slave society. The slave code of 1740, which served as the foundation of South Carolina slave law through emancipation, is a case in point.<sup>4</sup> Enacted in the wake of the Stono Rebellion, the largest slave insurrection in colonial North America, the code consisted of fifty-eight articles that established basic rules for black and white conduct. Restrictions on domestic slave production, trade, and consumption appeared in five of these articles. They prohibited slaves from trading and bartering “on their own account,” stipulated that certain forms of slave-owned property were subject to seizure, placed special restrictions on the sale of alcohol to slaves, and reiterated that whites who wished to trade with bondsmen or women had to first obtain “license or consent” from masters. The purposes of these restrictions, according to the code, were control and safety: to prevent theft and limit potentially dangerous slave behaviors. Slaves must not, the law stated, be provided with “an opportunity of receiving and concealing stolen goods,” or the means “to plot and confederate together, and form conspiracies dangerous to the peace and safety of the whole Province.”<sup>5</sup>

The 1740 code served as the backbone of subsequent legislation regarding the internal economy for the next one hundred and twenty years; however, significant portions of the code were rarely, if ever, enforced. The inordinate power of masters over domestic affairs on their plantations led many slaveholders to disregard provisions that they deemed inexpedient or unjust. And local courts and legislatures were very reluctant

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<sup>4</sup> Prior to 1740, laws on slavery had developed in a piecemeal manner. The 1740 code consolidated previous law and added new provisions. See Darold D. Wax, “‘The Great Risque We Run’: The Aftermath of Slave Rebellion at Stono, South Carolina, 1739-1745,” *The Journal of Negro History* 67, no. 2 (1982): 136–47. *Ibid.*, 139.

<sup>5</sup> McCord, ed. *The Statutes at Large of South Carolina*, 409.

to meddle in affairs between masters and slaves. As a result, regulations that prohibited plantation-based domestic production or master-condoned trade often went unheeded.

Prior to the 1820s, however, some South Carolinians questioned planters' failure to abide by such laws. A series of petitions—sent by Grand Juries to the General Assembly—demonstrated this point of view. The petitioners, mainly small planters and yeoman, saw plantation privileges as the root cause of illicit trade and advocated better legislation of masters and slaves. Like legislators in 1740, they continued to make the link between the underground and internal economies.

As early as 1798, slaveholders of the backcountry district of Edgefield, for instance, complained of masters allowing slaves to cultivate and trade tobacco. “Negro slaves” they explained, “are allowed to cultivate and trade in tobacco, whereby they have great opportunities of injuring their masters’ crops.” In addition, the practices enabled stealing and trading “among each other and perhaps with unprincipled white men,” they reported.<sup>6</sup> By the second decade of the nineteenth century, cotton had replaced tobacco, but complaints were similar. Small slaveholders clearly articulated their disapproval of the practice of allowing slaves to grow valuable plantation commodities, which led them to steal contrary to their interests. In 1816 Orangeburg, a group of modest slaveholders complained that slaves kept horses and hogs and cultivated “everything for home consumption and market that their masters’ do,” even cotton. Slaves who cultivated the commodity, they argued, pilfered from fields, scaffolds and gins in order to add to their personal stores.<sup>7</sup> By placing such goods in their hands they made ferreting out illegal

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<sup>6</sup> Legislative Petition, South Carolina, Edgefield District, 1798, SCDAH.

<sup>7</sup> Legislative Petition, South Carolina, Orangeburg District, Amelia Township, 1816, SDCAH. Petitioners included slaveholders Edward Dudley who owned 28 slaves; Timothy Barton, 14; Jonathan

traders difficult—if not impossible. In addition, they complained, slaves permitted to grow and trade plantation commodities created clandestine networks with slaves on other plantations, who were not afforded similar privileges. “The negroes that sell cotton for themselves can serve as factors for those that do not,” they lamented. They conceded, “some may tell us that we are at liberty to [restrict] such privileges [among] our negroes and let others do as they please,” but argued that this would not solve the problem, and the legislature should enact laws prohibiting the practice. Three years later the district grand jury forwarded the same grievance—citing slave-grown cotton, horses, and stock. They conceded that the slave code prohibited these practices but “the act is regularly evaded by the masters of such slaves.”<sup>8</sup>

The same year yeoman in Orangeburg took a different approach in their critique of planters and the underground economy. They suggested that planters assume responsibility for slave theft. They requested that the law require planters to pay for slave thieving from their neighbors. The system of punishment for slave theft, they contended, was inadequate because it only punished bondsmen and women and made no provision for returning the lost property. Whipping, branding, and cropping, they noted, did not compensate the families from which slaves stole. Masters, they argued, should be liable because “[m]any poor families become sufferers in the loss of cattle, hogs, sheep, [and] bacon.”<sup>9</sup> Such petitions to amend planter behavior, although unsuccessful, represented early challenges to a planter-dominated legal system. Although the legislature did not

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Nicholas, 4; [John] McCord, 25, S Glover, 5. See Federal Census of 1810 and 1820, Orangeburg, South Carolina.

<sup>8</sup> Legislative Petition, South Carolina, Orangeburg District, Amelia Township, 1816, SDCAH.

<sup>9</sup> Ibid. Many of the petitioners do not appear in the census. Those who do include: John C Cox, who owned 1 slave; S Church, 1 slave; Peter Frederick, 5 slaves; Fred Felder, 14. See Federal Census of 1820, Orangeburg, South Carolina.

advance their proposals, their grievances revealed efforts to challenge the internal economies of the South Carolina backcountry—as they grew and spread alongside the institution of slavery.

Although some backcountry whites, like the slaveholders and yeoman in Orangeburg and Edgefield, associated the underground economy with plantation privileges, increasingly South Carolinians looked elsewhere for the sources of illicit exchange: white traders. For these individuals, the internal economy was not the source of illicit trade; instead, the local markets that fueled the underground economy were the root source of the problem. They reasoned that as masters they had a right and an obligation to shape the manner in which their slaves interacted beyond plantation boundaries. This general perception of the rights of masters had much credence among large and small slaveholders; nonetheless, such reasoning demonstrated a gradual shift in society's commitment to slavery and the rights of slaveholders.

The shared notion that forces external to the master/slave relationship were dangerous and deserved police intervention was clear in the development of the laws regarding white trade with slaves. Such revisions nearly always followed public fears of slave rebellion—and were passed alongside other measures to control slave behavior. In 1751, in “An Additional and Explanatory Act” of the 1740 code, the Colonial Assembly updated laws on patrols, runaways, and poisoning masters in addition to establishing fines for whites who traded in plantation commodities. Any white person who purchased rice or corn from a slave without the consent of his master was required to pay 40 shillings plus the value of the traded goods. In 1796, as slavery expanded deeper into the backcountry and fears of insurrection in Saint Domingue spread, the legislature added

additional commodities to the list, specifying that whites guilty of trading with slaves for corn, rice, peas, other grain, bacon, flour, tobacco, cotton or indigo or “any article whatever” without written permission of slave owners faced fines up to \$200.<sup>10</sup> So as to encourage rooting out such traders, informers received one half of the fine and the state received the other half. For the next twenty years, the legislature would revisit portions of the slave code and its amendments in a similar manner, reinforcing particular restrictions on off-plantation trade as changes in economy and society demanded.

Eighteen-sixteen Camden, a fall line center of interior trade, provides a clear example of the relationship between fear and changes in trade laws.<sup>11</sup> Concern over the increasing slave population and subsequent problems with control had been mounting in Camden and other middle country districts. In 1815 and 1816 local Courts of Magistrates and Freeholders found groups of slaves guilty of harboring runaways, grand larceny, stealing, and rioting, resulting in sentences that ranged from the relatively mild 15 lashes to mutilation and even death.<sup>12</sup> Tensions came to a boiling point, however, in the summer of 1816, when a small group of slaves in the town allegedly organized neighborhood slaves to “raise an army to fight the white people.”<sup>13</sup> The leaders of the conspiracy

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<sup>10</sup> McCord, ed. *The Statutes at Large of South Carolina*, 434. The 1796 act was a divisive one, probably due to sectional discord between backcountry and lowcountry. It bounced between the Senate and House before a law, amenable to both bodies, could be agreed upon. It wasn’t until a “Committee on Conference” consisting of Senate and House appointees was called that a bill was passed. *Journal of the General Assembly*, 1796.

<sup>11</sup> This occurred amid heated debate over the internal slave trade. See Lacy K. Ford, *Deliver Us from Evil: The Slavery Question in the Old South* (New York: Oxford University Press, 2009), 82–85.

<sup>12</sup> Other punishments included: “100 lashes and ears cropped,” “39 lashes and branded with a ‘T’ and “death by hanging.” See *State v Abraham*, July 1816 (Kershaw Court of Magistrates and Freeholders)<sup>17</sup> and see *State v Dick, Lisbon and March*, July 7, 1815 (Kershaw Court of Magistrates and Freeholders) 12.

<sup>13</sup> Ford, *Deliver Us from Evil*, 175.

planned to take weapons from an arsenal located in the center of town on the Fourth of July.

On November 19, 1816, just six months after an alleged insurrection, members of the Kershaw District Grand Jury advised the legislature to amend the laws that governed retailing to slaves. The practice, they argued, fueled black market trade and slave disorder. Jury foreman and editor of the *Camden Gazette*, William Langley reported that slaves in the vicinity of Camden often acquired alcohol from local grog shops. Worse, Langley added, slaves frequently relied upon theft to procure this alcohol. But the problem extended beyond pilfering. Slaves who frequented these establishments became intoxicated and more susceptible to “sentiments calculated to incite insurrection.”<sup>14</sup> In his annual message to the legislature, Governor David R. Williams agreed, suggesting that the legislature pass increased slave control measures.<sup>15</sup>

In 1817 legislators responded to such calls for action. They voted to dramatically increase the punishment for whites found guilty of trading. The new law stipulated that those who did not obtain a “license or ticket from [a slave’s] master” were subject to fines up to \$1,000. In addition, the crime was no longer simply a finable offense but also a penitentiary one. From thereon, convicted traders received a mandatory prison sentence of at least one month and up to twelve. The law also required whites who traded with slaves to keep their passes for at least a year. This way, officials could retroactively verify the legality of transactions. If suspected of trafficking, they were to produce the

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<sup>14</sup> Grand Jury Presentment, South Carolina, Kershaw District, 1816, SCDAH.

<sup>15</sup> *Message of Governor David R. Williams to Senate and House of Representatives*, November 25, 1816, *Governors’ Messages*, SCDAH.



ticket “and to prove its authenticity” or face prosecution.<sup>16</sup> This was an important change because it moved the burden of proof from slaveholders to storeowners.<sup>17</sup>

In the upcountry, merchants voiced strong opposition to the law. Immediately after its passage, forty-eight residents, most of whom owned mercantile or trading establishments in the town of Camden, petitioned the legislature to reform the act.<sup>18</sup> The self-identified “shopkeepers” argued that the law did not curb trade with slaves. On the contrary, it benefited dealers willing to deal illegally. If a slave lacking a pass was refused by one merchant in town, they explained, he could simply “step into the next shop” to trade with a less respectable shopkeeper. Furthermore, by requiring passes for all purchases, however small, the law made long-established customary practices illegal. Respectable merchants who refrained from selling liquor could still be indicted for innocuous offenses like selling tobacco to bondsmen and women. Those “who refuse to sell liquor to noisy drunkards could be indicted for selling 12 1/2 cents worth of tobacco to a slave.”<sup>19</sup> They argued that slaves should still “be permitted to purchase a small

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<sup>16</sup> Lichtenstein, “That Disposition to Theft, with Which They Have Been Branded.” See also the *Charleston City Gazette and Daily Advertiser*, January 31, 1818. Although not unanimous, the measure was popular: twenty-five members of the Senate supported the bill, and just five voted against it. *Journal of the South Carolina General Assembly*, 1817.

<sup>17</sup> Chapman Levy, who sponsored the traders’ plea, was among the five senators, each of whom hailed from the interior, who opposed the legislation. *Journal of the South Carolina General Assembly*, 1817.

<sup>18</sup> According to an assessment of town properties conducted in 1825, James Clark, whose name appeared first among the petitioners, owned four dwellings, a tanyard, and a store worth a combined \$13,950.00, as well as twelve slaves. Other petitioners also maintained holdings in town, including James K. Douglas (four dwellings valued at \$9,000.00) and planter Jonathan Eccles, who owned a town lot worth \$2,000.00 and sixty-eight slaves. Despite this wealth, however, they appear to have been socially removed from the uppermost echelons of the planter elite of Camden. James Clark and Jonathan Eccles, both of whom signed the petition, were not intimately connected with Camden’s best families (Chestnuts, etc.). See Jonathan Daniel Wells and Jennifer R. Green, *The Southern Middle Class in the Long Nineteenth Century* (Baton Rouge, LA: Louisiana State University Press, 2011), 71.

<sup>19</sup> Legislative Petition, South Carolina, Camden District, 1817, SCDAAH.

number of items for their own use, not costing, for example, more than five dollars, and paid for in cash.”<sup>20</sup> Such small exchanges, they reasoned, were business, and slaves had become an important part of the customer base.

A year later, the Camden storeowners again asked the legislature to repeal the 1817 law. In this petition, they explained that it was simply “impossible to put into execution,” because slaveholders refused to comply. In Camden, “owners of slaves or servants are at every moment in want of different articles from shops or stores for the use or consumption of their families & who indiscriminately send their servants out for them without any written permission.”<sup>21</sup> Again appealing to their interests as traders and their status as honest men, they noted, that merchants were forced to defy the law or lose business. Although debated by the legislature, they were unsuccessful in their attempts to influence the law.

Over the next several decades, individuals opposed to legislating white commerce with slaves would attempt to influence the law using the trade argument, but to little avail. After 1817 new laws only increased the penalties and lessened the proof necessary to convict traders. In 1834, for instance, trade in the major commodities with or without a pass was outlawed. In the same year, new rules of evidence intended to allow for easier convictions of “negro traders” were established. And in 1857 the legislature instituted whipping as a potential punishment for second offenders. By the late antebellum period, slaveholders had clearly won the right to dictate the terms of slave/white trade.

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<sup>20</sup> Legislative Petition, South Carolina, Camden District, 1817, SCDAH.

<sup>21</sup> Legislative Petition, South Carolina, Camden District, 1818, SCDAH.

## II.

Part of the debate regarding “negro trade” was a discussion of selling liquor to slaves. Over the course of the late eighteenth and early nineteenth century, few statewide laws were passed regarding slaves and alcohol specifically. Aside from fines levied in the slave code of 1740, the law was not revised again until 1834, at which time, whites found guilty of trading liquor with slaves without a permit from their masters were subject to penalties of up to \$100 and six months imprisonment.<sup>22</sup> In addition to instituting these new penalties, the law also required that whites who applied for a license enter into a bond agreement with two “substantial freeholders” for \$1,000. As part of the bond they were required to swear under oath that they would “not directly or *indirectly*...sell, give, exchange, barter or otherwise deliver any spirituous liquors to slaves,” contrary to the law.<sup>23</sup>

If there were relatively few laws that directly addressed the sale of liquor to slaves, however, this did not mean that the issue was unimportant in the minds of South Carolinians. Indeed, throughout the period petitions regarding slaves’ alcohol consumption flooded the legislature. After 1820 nearly every district requested changes

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<sup>22</sup> In practice, most offenses for illegal vending were subsumed under the umbrella of “negro trading,” which carried with it larger penalties; however, on occasion whites were charged with both offenses. H.M. Henry, “The Police Control of the Slave in South Carolina” (Vanderbilt University, 1914).

<sup>23</sup> For men such as David Miller, a self-described merchant and native of Philadelphia, who reported some \$5,000 in capital in 1850, licenses proved important. Miller applied for a tavern license in 1837, 1839, 1840, 1846, 1847, 1848, 1849, and 1850. See Tavern License Bonds, Spartanburg District, 1837-1851, SCDAH. Others, however, were notably less well off. John R. Nicholson of Chester, who received license to operate the “Rail Road Hotel” was later designated as a propertyless “negro trader.” See Federal Census of 1850, Chester District, South Carolina.

in alcohol licensing laws. And by the late 1850s the Assembly received multiple petitions on the subject every year.<sup>24</sup>

The contents of these petitions varied widely.<sup>25</sup> Some suggested that the only solution to slave intemperance was to outlaw all liquor; while others advocated that the sale of liquor in small quantities be made legal.<sup>26</sup> Still others found fault in the administration of licenses, arguing that they were too easy to obtain or were poorly managed by local Commissioners of Roads and Bridges.<sup>27</sup> A nascent temperance reform movement, which increasingly sought legal solutions to curb alcohol consumption after 1830, clearly influenced some pleas, but many others made a clear distinction between trafficking with slaves and white vendors. One article published in the *Carolina Spartan*, for example, distinguished between the honest retailer and the unenlightened, uncultivated, and dishonorable “negro trader.” In the case of the “regularly licensed and constituted retailer,” the editor argued, “the community has guarantees against the evils of traffic.” “Having proper self respect, and surrounding by numerous obligations that

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<sup>24</sup> Legislative petitions on the issue were sent from the following districts: Chester (1839), Abbeville (1848), Marlborough (1849, 1856, 1859), Chesterfield (1855), Union (1857), York (1859), Clarendon (1859), Anderson (1859), Richland (1859), SCDAH.

<sup>25</sup> Understanding the law of licenses isn’t an easy task for historians, in part because they confused contemporaries. In 1843, the Commissioners of Roads and Bridges, the group responsible for granting licenses outside of incorporated villages, complained that they were “at a loss to know what is the law,” and asked for clarification on the distinction between retailers and tavern keepers.

<sup>26</sup> Grand Jury Presentment, South Carolina, Kershaw District, 1819, SCDAH.

<sup>27</sup> Grand Jury Presentment, South Carolina, Richland District, October 1822, SCDAH. The Richland District Grand Jury argued that “the low price of license for the retailing of spirituous liquors and the facility with which they are obtained...debase every class of our citizens;” however, they emphasized the “corruption and ruin” that such easy access to liquor fostered among slaves.

hem him on all sides, he will not do this thing,” he reported. Those who vended illegally were the source of slave drunkenness and disorder.<sup>28</sup>

Indeed, by the 1830s many white southerners distinguished between honest trade in liquor and illegal vending via grog shops, and associated “negro trade” with the latter. In 1847, Charles Colcock Jones’ demonstrated this point of view: “Immense quantities of ardent spirits are sold in the Southern States to the Negroes by *retailing shops*, established for the express purpose of *Negro Trading*, wherever such trade may be secured.”<sup>29</sup> Similarly another described shops and their proprietors as “negro traders” of the worst kind, as lacking principle and morality.<sup>30</sup> In an 1859 petition from Kershaw District regarding the ineffectiveness of licensing laws reported that “the white man who sells liquor or trades illicitly with slaves is one of the most dangerous characters in the community and should in all cases when detected be severely dealt with.”<sup>31</sup> Indeed, by the second decade of the nineteenth century, for many South Carolinians “negro trade” and illegal vending became two sides of the same coin.

### III.

One avenue for dealing with these unscrupulous whites was legal prosecution. Unlike other aspects of the slave code, the laws that governed white “negro traders” were not dead letters, but were often utilized to prosecute white traders throughout the

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<sup>28</sup> “Execution of Negro Charles,” *Carolina Spartan* (Spartanburg, SC), July 14 1853.

<sup>29</sup> Charles Colcock Jones, *The Religious Instruction of the Negroes in the United States* (Savannah, GA: Thomas Purse, 1842), 138.

<sup>30</sup> Hundley, *Social Relations in Our Southern States*, 226–27.

<sup>31</sup> Grand Jury Presentment, South Carolina, Kershaw District, 1859, SCDAH.

period.<sup>32</sup> Indeed, across the state dozens of men, and a handful of women, were convicted each year for illicit trade with slaves, and many more intimidated by planters and the potential force of the law.

In general the number of “negro trade” trials grew over time. In the far-upcountry district of Spartanburg, for instance, between 1802 and 1817 justices of the peace initiated legal proceedings on one or two complaints of “negro trading” per year. In 1856, the *Abbeville Banner* reported in an article entitled, “A Heavy Business,” that the circuit judge John Withers committed six traders to the Spartanburg jail that session alone.<sup>33</sup> Indeed, by the 1840s and 1850s, when the number of trials peaked, trading cases were regular court day fare in districts like Darlington. There, 85 individuals were charged with “negro trading” between 1840 and 1855. Many of these cases dragged over several years, making their presence even more visible.<sup>34</sup>

That so many cases reached the court is somewhat surprising, given the arduous process of getting a trader on the docket. Trials were expensive and time consuming. A citizen (usually the transgressed slaveholder) had to initiate proceedings by issuing a complaint to a justice of the peace. The justice then issued summonses for the accused and witnesses to appear before a grand jury at the next Court Day. If indicted, the trial went before a petit jury and defendants were convicted or exonerated.

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<sup>32</sup> Even in the very early years of cotton production in far upcountry, trials appeared on the docket, but were comparatively few in number. By the late antebellum period, negro trading appeared often during court sessions. See especially, Court of General Sessions Indictments for Anderson, Fairfield, Laurens, Spartanburg, and Union Districts, SCDAH. “Negro Trade” cases also appear in magistrate court records (Greenville, Marlboro, Richland, Sumter) and municipal council records (Aiken, Chester, Greenville, Spartanburg, Walhalla), and in the papers of lawyers. See for example, Thomas Waties Papers, 1733-1838, SCL.

<sup>33</sup> “A Heavy Business,” *Abbeville Banner* (SC), November 20, 1856, SCDAH.

<sup>34</sup> General Sessions Journal, South Carolina, Darlington District, 1846 – 1851, SCDAH.

Although cumbersome, convictions did result. In 23 cases brought before the grand jury in Darlington between 1846 and 1851, eleven resulted in guilty verdicts, six not guilty, five were withdrawn, and two were not indicted.<sup>35</sup> For those found guilty, punishment could be severe. For traded items deemed especially valuable or dangerous such as cotton and liquor, large fines and jail sentences were common. When Marlboro District resident Daniel Gray was found guilty of exchanging 75 pounds of seed cotton with a slave for alcohol, the court sentenced him to four months imprisonment and a two hundred dollar fine. The following year, when Jonathan Scott traded 40 pounds of seed cotton for liquor he was sentenced to six months imprisonment and a two hundred dollar fine, but he was later pardoned.<sup>36</sup>

For many white traders the consequences could be devastating. For white laborers, \$200 represented a year's income, and all but wiped them out. John Bethany, a literate tenant farmer in Union who was convicted of trading a leather hide with a slave, was brought to court by one of the largest slaveholders in the district. When found guilty, he was ordered to pay \$25.08 worth of court fees and a fine of one dollar and spend two months in prison. To raise the money, he forfeited "all the goods...that he is owner of" in "any manner whatever" to be put to sale. This included necessities of his poor, but productive, household such as a loom and spinning wheel, cotton cards, cooking and carpentry tools, kitchenware, and a small stockyard as well as the "interest which I have

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<sup>35</sup> General Sessions Journal, South Carolina, Darlington District, 1846 – 1851, SCDAH.

<sup>36</sup> Court of General Sessions Indictment, South Carolina, Marlboro District, 1846-1851, SCDAH.

in a crop growing at the place I rented this year ten acres in corn and some two or three acres in cotton.”<sup>37</sup>

Although such fines could financially cripple a poor white family, the social stigma could be equally devastating. Punishments and fines far outweighed goods exchanged, suggesting the gravity that planters associated with the act. Nor was it attempts to reform whites that led juries to incarcerate large numbers of whites. Instead planters hoped to force such men from the neighborhood. As one early historian of slave law had noted, “‘He is a negro trader’ was one of the most disagreeable terms that could be applied to a white man.” “Trading,” he explained, “carried with it a social stigma that hampered one’s reputation.”<sup>38</sup>

And indeed, many convicted traders left the district. Aaron Fincher, for instance, a farm laborer from Union, was sentenced to four months imprisonment, a fine of three hundred dollars, and the \$19.50 worth of billed court fees for purchasing a hat and pair of boots from a slave. After his jail sentence, Fincher and his family—a household of seven—relocated to Pickens District, no doubt to appease those who prosecuted him. Whether he was able to pay the fees is unclear, but his property holdings remained small in the years following his conviction.<sup>39</sup>

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<sup>37</sup> The remaining property was listed as follows: “2 beds and furniture, 1 loom, 1 wheel, 2 pr of cotton cards, 1 oven and lid, 1 baker, 1 kettle, 2 plows and gears, 1 hand saw, 1 drawing knife, 1 auger, 1 [round] shave, 1 [banel], 1 salt gum, 2 jugs, 2 jars and 2 hoes, 2 axes, 1 lot of chickens, 1 cutting knife and box, 2 sows and pigs and barrow, 1 lot of shoats, 1 set of pewter plates, 1 pitcher and some knives and forks.” Court of General Sessions Indictment, South Carolina, Union District, SCDAAH, March, 1844.

<sup>38</sup> Henry, “The Police Control of the Slave in South Carolina.”

<sup>39</sup> Court of General Sessions Indictment, South Carolina, Union District, *State v. Fincher*, SCDAAH.



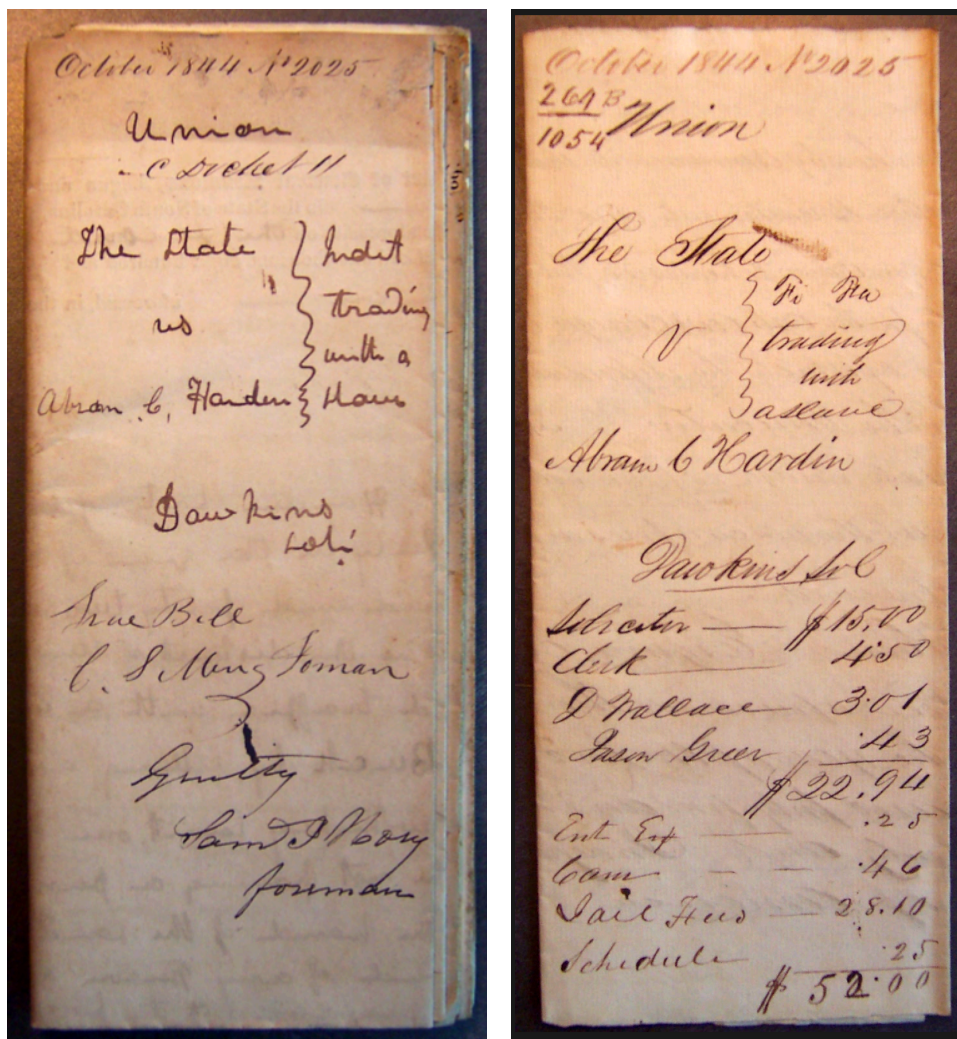


Figure 5.1: Trials such as that of Abram Hardee were expensive. Court fees included a \$15.00 solicitor fee, and between \$0.43 and \$3.00 for warrants and summons. Other common expenses included sheriff and jailors' fees.

Source: Court of General Sessions, Union District, South Carolina Department of Archives and History

#### IV.

If some traders were brought to justice, however, the system was not without its flaws, which contemporaries often pointed out. Many planters lamented the difficulties that they experienced in obtaining convictions for the offense. In an examination of “Negro Trading” cases, historian H. M. Henry found that between twenty and forty-eight

percent of indictments reached conviction in the eight districts that he examined.<sup>40</sup> Since slaves were often the only witnesses, and they were barred from testifying, planters had to mark goods and devise other strategies in order to prove their case.<sup>41</sup>

The South Carolina General Assembly tried to rectify the problem, but without lasting impact. In 1834, they passed an act that allowed circumstantial evidence to convict traders. The law stated that “upon the trial of any person having a house of any kind for trading, if charged with unlawful buying from a slave, it shall be sufficient evidence for his conviction, to prove that the slave entered the said house with the articles

Table 5.1: Negro Trade Indictments Resulting in Conviction and Range of Sentences

District	Section	Dates Covered	Indictments Resulting in Conviction	Range of Sentences
Williamsburg	Lowcountry	1817-1860	35%	High: \$100 fine, two month's imprisonment
Darlington	Middle Country	ND	40%	High: \$250, six months Low: \$20, one month
Sumter	Middle Country	1827-1860	48%	High: \$500, four months
Kershaw	Middle Country	ND	38%	No Data
Marlboro	Middle Country	ND	43%	High: \$200, six months Low: \$50
Greenville	Upcountry	1817-1860	20%	High: \$100, two months Low: 1 cent, one month
Spartanburg	Upcountry	1806-1860	39%	High: \$100, five months Low: \$1, 2 weeks
Union	Upcountry	1815-1860	30%	No Data
Laurens	Upcountry	ND	42%	High: \$500 Low: \$1, one month

Source: H. M. Henry, *The Police Control of the Slave in South Carolina*, 1919

<sup>40</sup> Henry, “The Police Control of the Slave in South Carolina,” 86–89.

<sup>41</sup> Forret, *Race Relations at the Margins*.

charged in the indictment and left without them.” This allowed masters to trap suspected “negro traders,” when slaves were the only witnesses of illicit transactions.<sup>42</sup>

It is doubtful, however, that the law had a significant impact. Such evidence was already being used in trials before 1834. In 1831, for instance, one witness from Spartanburg stated that he went with a company of men “to watch a negro of Thomas Farrow,” following him into the house of the Watsons, a family of non-slaveholders in the neighborhood. While they “hid in ambush,” they heard an exchange between the slave and Watson take place. The witness recalled, “he knew his voice” and “heard him inquire whether the corn he brought would pay for one hat. Then they heard the corn pore on the flore [*sic*].” The court accepted the evidence and charged the man with illegal trade.<sup>43</sup>

But even with such convictions, others observed that very little came from them, for those found guilty were often too poor to cover expenses. An 1854 editorial in the *Charleston Standard* stated as much: Indeed, the editorialist suggested, “It is no uncommon thing for a man to be convicted of offenses against the State, and against the persons and property of individuals, and pay the fines, costs, and damages...and then go and commit similar offenses.” The result: “The State, or the party injured, has the cost of all these prosecutions and suits to pay, besides the trouble of attending Court: the guilty is convicted, the injured prosecutor punished.”<sup>44</sup>

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<sup>42</sup> Cooper and McCord, *The Statutes at Large of South Carolina*, 469.

<sup>43</sup> Court of General Sessions Indictment, South Carolina, Spartanburg District, *State v. Watson*, 1831, SCDAH.

<sup>44</sup> *Charleston Standard*, November 23, 1854, as quoted in Fredrick Law Olmsted, *A Journey in the Seaboard Slave States, with Remarks on Their Economy* (New York: Negro Universities Press, 1968), 441.

Such difficulties aside, by the 1840s a dramatic increase in the numbers of “negro trading” trials indicated significant efforts to enforce the law. These efforts came in many different forms, but perhaps the most significant were the activities of anti-trafficking societies. These societies, devoted to rooting out “negro trade,” organized with the expressed purpose of identifying and prosecuting traders surrounding their farms and plantations. Among the earliest of these groups was the Savannah River Anti-Slave Traffick Association of western Edgefield and Barnwell Districts.<sup>45</sup> By the late 1850s, however, there were also anti-traffic organizations in the districts of Darlington, Orangeburg, Spartanburg and Abbeville, and at least two in Sumter.<sup>46</sup>

Modeling themselves after agricultural societies and militia companies, these associations tended to be formally and hierarchically organized. They elected an executive board to lead their efforts, pledged to meet semi-annually, and agreed to pay dues, sometimes in accordance with the size of their slaveholdings. Some societies swore an oath to uphold formal resolutions passed by the group.

Also like agricultural societies, anti-traffic associations were comprised primarily of slaveholding elite. The Savannah River Association, for example, was orchestrated by

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<sup>45</sup> Some associations were not exclusively devoted to “negro traffic” and targeted all manner of social dangers. Some of these multi-purpose police associations, first organized in the wake of Vesey, shifted their attention to the problem at hand: negro trading. This chapter covers only societies with by-laws and missions centering upon negro trading. Other groups formed committees that were offshoots of their local agricultural societies. In 1839 Marlboro District, for example, a Committee on the Management of Negroes resolved to “use all lawful means in our power for its [negro trade] suppression.” Beech Island Agricultural Society also divided into two committees in the 1850s: The Beech Island Agricultural Society and the Beech Island Police Society.

<sup>46</sup> Groups devoted to negro trading specifically included the Savannah River Anti Slave-Traffick Association (1846), Mars Bluff Anti-Negro Trading Society (1847), Spartanburg Committee of Vigilance and Safety (1849), The Clarendon Police Society (1849), Sumter Vigilant Society (1854) Cartersville Vigilance Committee (1857), Abbeville Vigilance Committee (1859); Branchville Vigilant Association (1860).

former South Carolina governor and United States Representative James Henry Hammond.<sup>47</sup> While other society leaders were less accomplished than Hammond, group executors nonetheless represented the highest echelon of southern society. Barnwell's William Bush, who served as the president of the Savannah River Society, owned over 50 slaves.<sup>48</sup> To the northeast of the state in Sumter, L. F. Rhame, president of the Clarendon Police Society owned 52 slaves, and served in the South Carolina House of Representatives.<sup>49</sup>

Large and middling slaveholders also dominated general membership—at least in Marion District where a roster of the Mars Bluff Anti Negro Trading Society survives. Participants of the club were long-established residents with substantial holdings. In 1847 the group consisted of 46 white men, all born in Marion or neighboring districts. The members ranged in age from 26 to 65 and were self-described “gentleman” and “high-minded citizens” from good local families, who owned as many as 100 slaves.<sup>50</sup>

Other groups, however, were less exclusive. Although probably an exaggeration, one observer reported that the Sumter Vigilant Association boasted around 150 members.

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<sup>47</sup> Although Hammond's name does not appear on the pamphlet, he and fellow Barnwell slaveholders submitted a petition with very similar language to the legislature in the same year. Drew Faust mentions the connections in her biography of Hammond. Drew Gilpin Faust, *James Henry Hammond and the Old South: A Design for Mastery*, Southern Biography Series; Variation: (Baton Rouge, LA: Louisiana State University Press, 1982).

<sup>48</sup> Bush owned sixty-two slaves in 1860. Earlier numbers do not appear in the census. Federal Census of 1860, Slave Schedule, Edgefield District, South Carolina.

<sup>49</sup> Federal Census of 1850, Sumter District, South Carolina.

<sup>50</sup> Members included: Napier, Robert (60 slaves); Pearce, James H. (7), Gregg, Oliver S. (22), Burch, E. S. (10), Johnson, William R. (23), Foxworth, John (5), Porcher, Edward (18), Moody, James (22), Gregg, John Eli (49), Gregg, Ephraime E. (34), Bigham, John H. (43), McCall, James (14), Gregg, William Gordon (5), Gregg, Samuel E. (20), Gregg, David Reese (35), Singletary, Henry (21), Cunningham, Joseph S. (22), Harlllee, Robert (105), Gregg, J. Levi (27), Timmons, John B. (2), Crawford, Chapman J. (65), Ferrell, Richard (4), Simmons, Luther R. (4), Leget, John C. (16), Gregg, John G. (30).

Calling for even more support, they asked, “Are there no more who would like to join this good measure?” “The books are still open...and every honest fellow can still have a chance.” “Walk up...to the captain’s office,” they suggested, “sign your name and pay your dollar and stand for service.”<sup>51</sup> Other reports suggest that public society gatherings drew crowds. During a “negro trade” meeting in Darlington District, observers reported, the event was “bigger than sale day.”<sup>52</sup>

According to associations’ published constitutions and editorials by members, their purpose in policing traders was to create the necessary conditions for paternalistic management of slaves’ domestic economy. Before elaborating on the dangers of white traders, Savannah River Anti-Slave Traffick Association members first reaffirmed that slaveholders must consider it a “sacred duty” to offer slaves adequate food and reasonable comforts. They must carefully manage the gathering and sale of slaves’ crops and prohibit certain forms of economy that led to theft. And they must monitor all slave movements in the marketplace and provide slaves with detailed passes when on errand or out for hire. Central to accomplishing this paternalistic mission, however, was the control of illicit trade. Members posited that in order for planters to create an ordered and insulated plantation society, they must both manage their own plantation households, and protect them from “the extensive and growing traffic carried on with slaves by white persons and chiefly by Retailers of Spirituous Liquors.”<sup>53</sup>

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<sup>51</sup> *Sumterville Banner (SC)*, February 1854.

<sup>52</sup> “Negro Trading,” *Charleston Mercury (SC)*, August 7, 1857.

<sup>53</sup> William Bush, J.C. Brooks, and Savannah River Anti-Slave Traffic Association, *Preamble and Regulations of the Savannah River Anti-Slave Traffick Association* (n.p., 1846).

Although planters voiced long-standing fears of security, they also cast their mission within late-antebellum pro-slavery ideals. Anti-trading advocates argued that traders threatened the bonds that held South Carolina society together—especially those that bound masters and slaves. As one group explained, “Formerly Slaves were essentially members of the family to which they belonged, and a reciprocal interest and attachment between them, their relations were simple, agreeable, easily maintained and mutually beneficial.” “But now,” they continued, “due to the influences of mean white men, masters and Slaves [*sic*] are beginning to look upon each other as natural enemies.” According to the pamphleteers, they distrusted one another, and as a result, masters mete out “harsh, but inefficient discipline,” to which slaves responded with discontent and resentment. The implications, the association warned, were grave. Without proper regard for their owners, “[the] negro ceases to be a moral being, holding a position in the framework of society, and becomes a serpent gnawing at its vitals or a demon ready with knife and torch to demolish its foundations. Thus slavery becomes indeed a curse: one equally fatal to the master and the slave.”<sup>54</sup> For the Savannah River Anti-Slave Traffick Association, the underground economy and its facilitators were destroying the paternalistic foundations of the slave system. In other districts, supporters of the anti-traffic movement agreed. One slaveholder, Henry Coon of Orangeburg, called for increased vigilance. He was “ready to suppress the vile traffic that was going on and to expel or punish the perpetrators, were even force required,” declaring “it was as well...to die with a swift death, as with a slow pain.”<sup>55</sup>

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<sup>54</sup> William Bush, J.C. Brooks, and Savannah River Anti-Slave Traffic Association, *Preamble and Regulations of the Savannah River Anti-Slave Traffick Association* (n.p., 1846).

<sup>55</sup> “Orangeburg, Court House,” *Charleston Mercury* (SC), September 20, 1854.

For society members, traders' success was due to slave weakness and the tantalizing markets that they created. Highlighting white notions of African American inferiority, members argued that slaves simply couldn't resist the temptations white traders offered. Bondsmen and women would, one slaveholder argued, "deprive themselves and their children from the necessities of life" for the purpose of procuring liquor and cheap goods. Nothing is more common, he stated, than for improvident slaves, acting against their own best interest, to sell their food and anything else "upon which they can lay their hands."<sup>56</sup> "Where a market can be had for any thing, - from a ten penny nail to a gold lever watch," slaves would find it, he argued. Another planter stated, "The natural proclivity of the unlettered, ignorant negro, cannot be subdued or curbed when temptations and inducements are devised to excite their hidden principles— especially when they come in the shape of the glittering dime and fiery *baldface whiskey*."<sup>57</sup>

But if slaves were in part responsible, it was white traders who shouldered the true blame. Slaves were but "victims" to "the vile practices of a set of unprincipled Hucksters and Negro Traffickers, in the shape of Shop and Store-keepers, who in defiance of all law, and moral responsibility, have been dealing out poisonous intoxicating liquors to our inoffensive and well-behaved slave population," proclaimed the Sumter Vigilance Association.<sup>58</sup>

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<sup>56</sup> "Dieting of Negroes," *Southern Agriculturist*, 1836.

<sup>57</sup> "Orangeburg, Court House," *Charleston Mercury* (SC), September 20, 1854.

<sup>58</sup> Hundley, *Social Relations in Our Southern States*.



Many felt that it was these unscrupulous whites who ruined slaves and led them astray. “This abominable practice of trading with slaves, is not only taking our produce from us, but injuring our slave property,” an editorialist wrote in the *Charleston Standard* in 1854.<sup>59</sup> Likewise, an editorialist from Orangeburg noted, “so long as unprincipled whites hold out *inducements* to the blacks, so long will they steal, pilfer and rob.” He continued, “Yes, it is the *inducement* held out by the white man that corrupts, demoralizes and ruins the black—he is the willing agent of that depravity which he inculcates in the negro, of whom he wantonly makes an instrument for the unhallowed purpose of garnering up the hard earnings of the planter.”<sup>60</sup>

Such disobedience, they posited, led to all manner of bad behavior. In a clearly embellished account, an editorialist in the Laurensville *Herald*, described a hanging at which a slave convicted of murder “expressed much regret for having committed the deed,’ and attributed his career of vice and wickedness to be evil influence of ‘keeping company with mean low white men.’ The slave then “charged an individual who was present with the crime of negro trading, and propounded to him the question, ‘don’t you know the night I bought some liquor from you?’”<sup>61</sup>

Others took such logic even one step further, noting: “The white trafficker “seduces [slaves’] affections from his master, renders him unable to endure and insubordinate to discipline, prepares his mind for insurrection, burning, and murder, and

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<sup>59</sup> *Charleston Standard*, Nov. 23, 1854, as quoted in Olmsted, *A Journey in the Seaboard Slave States, with Remarks on Their Economy*, 144.

<sup>60</sup> “Orangeburg, Court House,” *Charleston Mercury*, September 20, 1854.

<sup>61</sup> To an editorialist in the Pendleton *Farmer and Planter*, improper discipline was ruinous to “ignorant, uneducated slaves.” If this “care” is necessary to keep your son in his proper place, how much more necessary is for slaves? Or as some would argue, for negro traders? *Farmer and Planter*, June 1857; *Herald* (Laurensville, SC), May 12, 1846.

both insures a speedy decay and stimulates to a violent dissolution of our domestic institutions.”<sup>62</sup> If such “evils and dangers cannot be remedied, the sooner the whole system is eradicated the better for all concerned.”<sup>63</sup> Indeed, anti-trade advocates, came to directly associate traders with anti-slavery sentiments. As the Savannah River Anti-Slave Traffick Association explained, the negro trafficker was “more potent than the abolitionist.” They, too, acted contrary to the best interests of the slave system, but did so from next door.

This destructive criminal trade was part of the underground economy and threatened the well-ordered constructive trade associated with the internal economy. To contend with these evils, clubs established three lines of defense: patrols, prosecutions, and political appeals. First, societies advocated “incessant vigilance” by canvassing their neighborhoods at night with patrols seeking to ferret out traders. The Sumter Vigilant Society, for instance, divided its members into companies, each member reporting for duty when called upon, according to the Sumterville *Banner*. To the east in Marion District, vigilante groups were similarly organized.<sup>64</sup> There, committees consisted of a chairman and two others. Society members, many of whom were some of the largest slaveholders in the region, made up the majority of the committees’ manpower. William McCall, Robert Harlee, and C. J. Chapman, each of whom led companies, owned over

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<sup>62</sup> Citation

<sup>63</sup> William Bush and J.C. Brooks, *Preamble and Regulations of the Savannah River Anti-Slave Traffick Association* (n.p., November 21, 1846).

<sup>64</sup> See Sally E. Hadden, *Slave Patrols: Law and Violence in Virginia and the Carolinas*, Harvard Historical Studies ; v. 138 (Cambridge, MA: Harvard University Press, 2001).

100 slaves. Indeed, of the 32 members of the patrol who appear in the 1850 census, at least 25 were slaveholders.<sup>65</sup>

But vigilante policing was just one effort to stop traffic. The Clarendon Police Society of Sumter pledged a fifty-dollars reward for individuals who offered proof that “will lead to conviction of any person illegally trading with negroes.” In Marion, the Mars Bluff Society created a similar scheme offering “from fifteen to fifty dollars” for useful evidence.<sup>66</sup> Such efforts to fund rewards paralleled efforts to fund prosecutions. The Savannah River Anti-Slave Traffick Association of Barnwell and Edgefield resolved to pay “the necessary expenses of all persons who may institute and carry on prosecutions for unlawful trading with slaves or for retailing without a license.”<sup>67</sup> And the Mars Bluff association did the same.

In order to prosecute traders, planters also pledged to initiate trials themselves by creating executive boards for that express purpose. In Edgefield/Barnwell, Marion, and Sumter these executive committees took charge of informing on traders. And at least some groups made good on these pledges. In November of 1847, for example, the Mars Bluff society noted that “O. S. Gregg, a member of the Executive Committee reported that the committee has continued the prosecution against A. H. Brown for receiving stolen meal – the grand jury at the last term found a true bill against said A. H. Brown,

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<sup>65</sup> Members included: See footnote 46.

<sup>66</sup> “Records of the Mars Bluff Anti-Negro Trading Society,” Ledger (c. 1847 – 1861), J. Eli Gregg Papers, DR.

<sup>67</sup> Bush, Brooks, and Savannah River Anti-Slave Traffic Association, *Preamble and Regulations of the Savannah River Anti-Slave Traffick Association*.

whilst the solicitor place upon the appearance Docket.”<sup>68</sup> Such societies actively pressed for prosecutions.

Finally, groups gathered to advocate for particular political positions related to stamping out trade. In one of their regular meetings, Mars Bluff members resolved that “This society will not support any candidate for an office of profit or honor who is not a member of this society – provided said candidate does not live beyond the limits in which said society...and propose to co-operate for the suppression of negroe trading, stealing etc.” Members of the Cartersville Vigilant Society of Darlington District did the same. According to their published constitution they vowed to “never engage such [attorneys]...or support them for any office of honor, profit, or trust” if they took on a case of “negro trade.” Furthermore, they promised to make the issue of “negro trade” a “test case in 1858.” They pledged to vote for no candidate who would not support their platform to “disqualify anyone from giving evidence [in] the legal tribunals[,] from voting[,] or enjoying the rights of a citizen.”<sup>69</sup>

Indeed, like the Darlington society’s quest to deny the rights of citizenship to traders, over time societies grew increasingly radical in their proposals. While the Savannah Society of 1846 specified that they would work within the law, parallel organizations in the mid-1850s explicitly stated that they would use extra-legal means to accomplish their aims. In an 1857 statement issued by the Committee of Vigilance and Safety for the Spartanburg District, chairman W. C. Bennett argued that abolitionist

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<sup>68</sup> “Records of the Mars Bluff Anti-Negro Trading Society,” January 11, 1847, Ledger (c. 1847 – 1861), J. Eli Gregg Papers, DR.

<sup>69</sup> “Negro Trading,” *Charleston Mercury*, August 7, 1857.

propaganda and other political developments, namely ever-escalating sectional tensions, warranted the establishment of committees “whose powers rose superior to the Law, and whose duty it was to protect the peaceable citizens in their rights and property and their persons from violence in any form and from any quarter.” Their threats extended to all those who attempted to endanger the relation between master and slave, and warned incendiaries that they should expect “rough treatment.” As a precaution, the society also pledged to address long-held fears of control: “introduce some plan, whereby slaves will be kept in proper subjection—preventing as far as in our power lies[,] the giving or selling of spirituous liquors to them; and exercising that kind of surveillance over them which we think essential, to keep them in proper submission and under reasonable discipline.”<sup>70</sup> Such groups, then, emphasized submission and control of “negro traders” and slaves—a harkening back to old ideas regarding maintaining order in a slave society.

Likewise, in a statement published in the Darlington *Family Friend*, society members warned readers that they would resort to extreme measures to rid themselves from the “alarming evil.” “Let us be vigilant, watchful and discreet, determined and unyielding,” they reported, noting, “These rascals can be conquered.” “Until the law provides a sufficient punishment it will not be asked to interfere between the public and the negro trader in this [Darlington] District.”<sup>71</sup>

Also, across the border in Georgia, observers in 1860 suggested that vigilante justice was warranted in cases of “negro trade.” “Planters who have so unfortunate as to have a doggery in their neighborhood have had sad demonstrations of this truth; for with

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<sup>70</sup> Spartanburg, SC, *Carolina Spartan* (Spartanburg, SC), September 13, 1849.

<sup>71</sup> Darlington *Family Friend* reprinted in the *Charleston Mercury*, August 7, 1857.

all the vigilance that could be used and with all the restraints imposed on the negroes by law, and by circumstances many valuable servants have been ruined in health and in moral by the sinks of corruption.” Indeed, they reported, “we would like to remark that though we are much opposed to everything like ‘Lynch law,’ we yet believe that the absence of all other remedies, that those who are cursed with a doggery in their vicinity have a right in self-defense to take the law into their own hand, and to expel by force the vile white men who are dealing out death, moral and physical, to the negro and youth of the country.”<sup>72</sup>

The elevated seriousness of the “negro trading” offense in the minds of planters prompted new discussions about punishments for traders. Although some sought to work with existing laws, agitations for increased penalties continued. As early as 1834, jurors in Fairfield District, recommended whipping as a punishment for traders.<sup>73</sup> By the 1850s whipping—otherwise reserved for African Americans—was supported by a growing number of white southerners.<sup>74</sup> In 1850, for instance, Governor Whitemarsh Seabrook noted in his annual message to the General Assembly: “Unlawful trading and trafficking with slaves, by which a white person knowingly inflicts upon society, and especially his vicinage, widespread and prolific evils, is perhaps one of the few offenses deserving corporal punishment.”<sup>75</sup>

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<sup>72</sup> John S. Wilson, “The Peculiarities & Diseases of Negroes,” *American Cotton Planter and Soil of the South*, 1860.

<sup>73</sup> Grand Jury Presentment, South Carolina, Fairfield District, 1834, SCDAH.

<sup>74</sup> Grand Jury Presentment, South Carolina, Union District, 1857, SCDAH; Grand Jury Presentment, South Carolina, Kershaw District, 1857; Grand Jury Presentment, South Carolina, Williamsburg District, 1857.

<sup>75</sup> South Carolina Governors’ Messages, SCDAH.

The legislature did not initially agree, however, fearing that such punishment could not be tolerated in a slave society, where white supremacy was paramount. In response to a Barnwell District petition, the Committee on the Coloured Population reported, “that they have duly considered the same and are of [the] opinion that the infliction of corporal punishment in a slave holding community and in the presence of slaves is calculated to create improper feelings and notions on that class of our population – to degrade the white man to the level with the negro would be bad policy in our state.” The evils of illegal traffic did not outweigh the evils that such punishment might create.<sup>76</sup> It could divide the white population at a time when unity was essential.

Still, constant calls in grand jury presentments and agricultural journals to whip whites guilty of illegal trading continued through the 1850s. By 1857 Grand Jury Presentments in Union, Kershaw, Clarendon, Williamsburg and Sumter collectively convinced the legislature to reconsider the problem and to submit a bill to amend the penalties for secretly trading and trafficking with slaves.<sup>77</sup> In December of 1857 the legislature responded, passing a measure to allow corporal punishment for second offenders. The legislature declared that “any person who had been once convicted of dealing, trading or trafficking, with a slave, contrary to the Acts of the General Assembly, now of force, shall be a second time convicted of the like offense, such person (not being a white female) shall, for such second, or other subsequent offense, in addition to the penalties now prescribed by law, be whipped not exceeding 39 lashes.”<sup>78</sup> For planters,

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<sup>76</sup> Whitmarsh Seabrook quoted in H. M. Henry; Committee on the Colored Population, December 17, 1850. For a discussion of Seabrook’s Agricultural Society activities and his involvement in other controversies, see McCurry, *Masters of Small Worlds*.

<sup>77</sup> Committee on the Colored Population, Reports, SCDAAH.

<sup>78</sup> Cooper and McCord, *The Statutes at Large of South Carolina*.

this potential alienation of poor whites was surprising. With war on the horizon, white solitarily assumed an ever-greater importance.

Nonetheless, planters continued to be on the attack. Violent action on behalf of the state paralleled increasingly violent action on behalf of vigilante groups. In 1858, for instance, the Darlington Vigilance Society delivered upon their threats to destroy traders in their neighborhood when 75 men marched to the store of William James “Ack” Windham at Windham’s crossroads. Windham’s grog shop was known throughout the southern portion of Darlington District. It was described by one resident as a “retail establishment” “miscalled by some a grocery” that vended various kinds of liquor, notably whiskey. In addition to simple retailing, it was also known as a site of “negro trading.” In fact, according to an article in the Darlington *Family Friend*, “Negroes seem to have constituted his principal customers.”<sup>79</sup>

Determined to put down this traffick the vigilante society ambushed the store in “three companies with necessary officers.” Led by “one of their oldest and most respectable citizens,” Captain Giles Carter, the company first reassured the traders that they would not fire, and stated that they simply wanted to confiscate the store’s liquor. Windham, who had received warning about their arrival, had gathered a group of men to defend the shop and replied, “If the Vigilant men entered the shop it would be over their dead bodies.” The company advanced, shots were fired and two of the traffickers were killed.<sup>80</sup> Soon after, all of the Windhams were overtaken, tied up, and forced to reveal

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<sup>79</sup> “The Trial of Fifty-Four Persons for Murder,” the Darlington *Family Friend*, in the *Daily Morning News* (Savannah, GA), March 29, 1858.

<sup>80</sup> The *Camden Gazette* also reported on the incident.



their hidden whiskey. According to the *Yorkville Enquirer*, in the days following, fifty-four “highly respectable citizens” were tried together for the murders, and were exonerated for any wrongdoing.

J. E. Byrd, a Unionist politician from Darlington, reported on the incident in the Darlington *Family Friend*. “It appears that there exists a society in the District called the ‘Vigilant Society’ whose object is to put down negro trading and retailing of spirituous liquors” he explained. After detailing the events, Byrd criticized the incident. He conceded that “so far their object may be worthy and with some I have no doubt,” but such lawlessness should not be tolerated, signing the editorial, “Law and Order.”<sup>81</sup> By 1857, such “negro trade” associations held increasing power within southern society.

Although methods to police white trade differed substantially from the systems of master/slave interdependence that came to shape slaves’ internal economic production and trade on late antebellum plantations, their interventions into the economic lives of non-elite whites served the same ultimate purpose: the formation of a well-ordered slave society rooted in pro-slavery principles. To planters, “negro traders” were both an unwelcomed menace and a serious threat to the social order. Unlike yeoman or mechanics, who were property-holding producers and heads of households, poor white “negro traders” directly challenged the rules of society. Their open social and economic intercourse with slaves and their willingness to defy plantation law, planters reasoned, made them unfit for membership within the slaveholders’ empire. Whether through whipping or mob violence, they had to be rooted out.

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<sup>81</sup> J.E. Byrd, Darlington *Family Friend*, March 29, 1858, SCL.

## Coda

You would be astonished to get through the external crust of Southern society and see the inside working of the almost entire business of the Southern States.

—Agent Virgil Hillyer to Commissioner of Claims J. B. Howell, 1873

On September 14<sup>th</sup> 1874, Marlboro, South Carolina, former slaveholder, lawyer, and Unionist Christopher W. Dudley wrote a letter to the Commissioners of Claims in Washington, D.C. In it, he explained the circumstances surrounding the petitions of some three-dozen former slaves who requested compensation for personal property taken by Union troops in March of 1865.<sup>1</sup> Dudley’s letter sought to clarify to northern Commissioners precisely how the slave claimants, whom he represented, came to “own” property.<sup>2</sup>

Dudley began, “[p]ersons at a distance, & unacquainted with the former relations of master and slave, may require some explanation,” but “[t]he fact is that [slaves]” could acquire property on their own account. Such “opportunities,” he explained, were the product of both slaveholder largess and slave industry. “[A]ny industrious slave, [was always] allowed [to make] something for himself in a small way,” he told commissioners.

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<sup>1</sup> Dudley’s letter accompanied the claim of Samuel Fuller. In addition to explaining how slaves acquired property, Dudley’s communication also answered to accusations put forth by his political rivals, who sought to discredit Dudley’s efforts. In particular, he addressed the claims of Henry J. Maxwell, the freeborn African American, who had defeated him in the 1868 Marlboro race for a seat in the state House of Representatives. Maxwell, who charged him with “hunting up the negroes, and persuading them to make claims for property that they never owned,” had sent word to Washington to warn the Commissioners of the dubious nature of the claims. Dudley argued that this was unequivocally false. Although he admitted to actively seek African American petitioners and offering to withhold payment for his services until the claims were answered, he assured commissioners that the circumstances described in the claims were accurate.

<sup>2</sup> . See Claim of Samuel Fuller, Marlboro District, SC, SCC. “Persons at a distance, & unacquainted with the former relations of master and slave, ” he noted would “require some explanation.”

As a result, slaves were “neither naked, or hungry, but in fact, as a general thing, they fared well.”

What types of “industry” did slaveholders encourage? Dudley, a cotton planter, explained that some masters provided slaves with land—“their little patches”—upon which they cultivated agricultural commodities for trade or garden produce for home consumption. Others encouraged their bondsmen and women to keep stockyards and “raise hogs, chickens, etc.” for similar ends. Some masters even allowed slaves opportunities to perform overtime wage labor, whether unskilled work like ditching and draying or artisanal craftwork. The latter, Dudley explained, often resulted in substantial slave earnings. “Mechanics, really did give a good business for themselves, in extra work and spare times,” the lawyer noted.

This dissertation examines why planters permitted these activities. It demonstrates how reform-minded South Carolina planters instituted new management techniques that traded economic privileges for increased control over slaves’ informal economic production and exchange. As planters instituted new guidelines that sought to increase economic efficiency and a business-like rationality, they also reinforced proslavery, paternalistic principles. By the 1860s an emphasis on slave economic exchange as “privilege” and “allowance” characterized the slaves’ economy. Indeed, for slaveholders like Dudley, it could only be understood within the context of “relations between masters and slaves.”

Maintaining this control over the slaves’ economy, however, proved difficult. Slaves and poor white traders constantly infringed upon planter rules. As a result, slaveholders instituted stiff penalties for individuals caught participating in underground

economic networks. Despite this, slaves and non-slaveholding whites continued to risk the potential consequences of participating in illicit trade. Using social ties to fellow slaves and maintain cover on plantations, bondsmen succeeded in sustaining such networks; however, poor whites increasingly felt the ire of slaveholders who used the full force of the law before turning to vigilantism. In doing so, planters sought to protect the plantation worlds upon which their power rested.

For modern readers, like claims officials, the notion that slave property owned property may seem a contradiction in terms. However, late antebellum masters, slaves and other members of southern society viewed slave ownership as part of the fabric of southern life. By peeking through the “external crust” of the slave system and viewing it’s “inside workings” this dissertation demonstrates how the informal economy of slavery served as the foundation of southern social relations in the late antebellum period.

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