

SLAVE INDEPENDENCE AND ENTERPRISE IN SOUTH CAROLINA, 1780-1865

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"EVERY MEASURE THAT MAY LESSON THE DEPENDENCE OF A Slave on his master ought to be opposed, as tending to dangerous consequences," a group of slaveholders in Orangeburg District, South Carolina, declared in a petition to the state legislature in 1816. "The more privileges a Slave obtains, the less depending he is on his master, & the greater nuisance he is likely to be to the public." In their district, the petitioners continued, slave owners were far too lax with regard to allowing bondspeople free time on Saturdays to "keep horses, raise hogs, cultivate for themselves every thing for home consumption, & for market, that their masters do." The most pernicious liberty was allowing slaves to plant, harvest, and sell cotton. This gave them the opportunity to "Steal with impunity," and those who did not plant cotton themselves found a ready market for their stolen goods among slaves who did and acted as factors. Trying to locate the pilfered bales, the petitioners lamented, was "like looking for a drop of water lost in a river."¹

The origins of these and other "privileges" dated back to the beginnings of slavery in South Carolina. During the early colonial period, slaves enjoyed a large measure of autonomy. Few in number, working on small farms or isolated cowpens, facing the same harsh frontier conditions as their masters, blacks "set the pace of work, defined standards of workmanship, and divided labor among themselves," as one historian has noted, "doubtless leaving a good measure of time for their own use." Even with the importation of large numbers of Caribbean — and African-born — slaves into the colony during the late-seventeenth and early-eighteenth centuries, the labor pattern that evolved in the cultivation of rice — the task system — gave blacks "free time" to cultivate gardens, raise livestock and poultry, and harvest cash crops. Those who adapted to their new land by learning English, embracing Christianity, acquiring skills as carpenters, blacksmiths, coopers, and bricklayers, and those who lived in an urban environment could sometimes be hired out for wages by their owners, or allowed to hire themselves out, retaining a portion of their earnings. As early as 1733-1734, a grand jury in Charles Town noted the practice

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¹ The petitioners demanded legislative relief, a new state law "prohibiting negroes making Cotton for themselves." Legislative Records [hereafter LR], Petition of Edward Dudley, Timothy Barton, Jonathan Nichols, et al. to the South Carolina General Assembly [hereafter SCGA], 1816, #95, S.C. Department of Archives and History, Columbia, South Carolina [hereafter SCDAH]. For the sake of simplicity, subsequent citations to legislative petitions will be cited in the above manner, although they were addressed in various ways: "To the Honorable South Carolina the Speaker, and Members of the House of Representatives," "To the HONOURABLE the Members of the SENATE of the State of SOUTH-CAROLINA," "To the Honorable, the Senate, and House of Representatives of Legislature, of the State of South Carolina."

among slave masters of allowing their bondspeople "to work out by the Week" and "bring in a certain Hire." Some of the most artful and talented slaves moved out on their own and, though still legally in bondage, lived virtually autonomous lives.²

Thus, when residents of the Orangeburg District complained about "privileges" granted to slaves with regard to the "domestic economy," as they termed it, they were voicing concerns that had been articulated for generations. As with similar remonstrances, however, the General Assembly did not act on the petition: such matters were best left to the discretion of slaveholders. But the petition reveals an important aspect of slavery that has increasingly gained the attention of scholars: the interrelationships between certain prerogatives granted to slaves and the existence of a vigorous illegal (or extralegal) economic system organized and controlled by blacks. This essay explores this system by examining three institutions that evolved from colonial times, namely the internal domestic economy, self-hire, and quasi-freedom. It seeks to understand how and why these customs — what might be termed the underside of slavery — sustained themselves over such an extended period. What do such activities tell us about the behavior and attitudes of slaves? About the behavior and attitudes of whites? About the legal codes governing blacks? About slave-master relations — indeed, about the very nature of slavery itself?³

IN RURAL AREAS, THE INTERNAL SLAVE ECONOMY was intricately connected with the ability of slaves to raise their own crops and livestock. From the owners' perspective, blacks could use their "garden patches" and livestock to supplement their meager diets by raising sweet potatoes, pumpkins, okra, beans, turnips, and other vegetables, or by butchering hogs and cattle. As one slave explained, his master was cruel in many ways, but he gave "every one of he plantation family so much land to plant for dey garden, and den he give em every Saturday for day time to tend dat garden."⁴ From the slave's perspective, however, these privileges offered opportunities not only to supplement their food supply but to trade and barter. This was

² Ira Berlin, "Time, Space, and the Evolution of Afro-American Society on British Mainland North America," *The American Historical Review* 85 (February 1980), pp. 57-59; Ulrich B. Phillips, "The Slave Labor Problem in Charleston District," in Elinor Miller and Eugene Genovese, eds., *Plantation, Town and Country: Essays on Local History of American Slave Society* (Urbana: University of Illinois Press, 1974), p. 13; Peter H. Wood, "More Like a Negro Country": Demographic Patterns in Colonial South Carolina, 1670-1740," in Stanley Engerman and Eugene Genovese, eds., *Race and Slavery in the Western Hemisphere: Quantitative Studies* (Princeton, N.J.: Princeton University Press, 1975), p. 134; Converse D. Clowse, *Economic Beginnings of Colonial South Carolina, 1670-1730* (Columbia: University of South Carolina Press, 1971), p. 61; Philip D. Morgan, "Work and Culture: The Task System and the World of Lowcountry Blacks, 1700-1880," *William and Mary Quarterly*, 3rd. Ser., 49 (October 1982), pp. 563-599; "Black Life in Eighteenth-Century Charleston," *Perspectives in American History*, N.S., 1 (1984), pp. 187-232; LR, Presentment of the Charles Town Grand Jury, 1733-1734, in *South Carolina Historical and Genealogical Magazine* 25 (1924), p.193; Peter Wood, *Black Majority: Negroes in Colonial South Carolina from 1670 through the Stono Rebellion* (New York: W.W. Norton and Co., 1974), p. 207; *South Carolina Gazette* [Charles Town], January 8, October 17, 1741. Also see: Daniel C. Littlefield, *Rice and Slaves: Ethnicity and the Slave Trade in Colonial South Carolina* (Baton Rouge: Louisiana State University Press, 1981).

³ Morgan, "Work and Culture," pp. 563-599; and "The Ownership of Property by Slaves in the Mid-Nineteenth-Century Low Country," *Journal of Southern History* 49 (August 1983), pp. 399-420; Lawrence T. McDonnell, "Money Knows No Master: Market Relations and the American Slave Community," in Winfred B. Moore, Jr., et al., eds., *Developing Dixie: Modernization in a Traditional Society*, (Westport, Conn.: Greenwood Press, 1988), pp. 31-44; Alex Lichtenstein, "That Disposition to Theft, With Which They Have Been Branded': Moral Economy, Slave Management, and the Law," *Journal of Social History* 21 (Spring 1988), pp. 429-430.

⁴ George Rawick, ed., *The American Slave: A Composite Autobiography*, 19 vols. (Westport, Conn: Greenwood Press, 1972-79), Vol. 7, Pt. 2, p. 58.

especially true on the rice plantations along the Sea Island coast, where the task system prevailed, but it was also the case on the inland cotton plantations. Slaves were allotted time after their daily tasks had been completed, or on weekends, to cultivate their own crops, raise hogs, cattle, poultry, and horses, and to buy, sell, and trade these crops and livestock. "All de men folks" raised "a few acres of cotton," one upcountry slave recalled, "for to sell in de market." Another said that her grandfather "owned" a nice cotton patch, plowed it with a mule loaned to him by his master, and after the harvest each year he journeyed to town, sold his cotton, and returned home "loaded down" with cheese, tea, sugar, and dried fish.⁵

A number of slaveowners believed that such economic activities were beneficial. They provided incentives to the slaves, reduced mistreatment of livestock, decreased sabotage of farm machinery, and acted as a safety valve against discontent. It was necessary, however, to monitor closely these domestic economic arrangements; and, consequently, slaveholders enacted a comprehensive code dealing with slaves buying and selling. In 1796, the General Assembly passed "An Act more effectually to prevent Shopkeepers, Traders and Others, from dealing with Slaves having no Tickets from their Owners." The law provided a \$200 fine for any person who, without the owner's permission, bought, sold, or traded with any slave corn, rice, peas, grain, bacon, flour, tobacco, cotton, indigo, "or any other article whatever." Two decades later, in 1817, the Assembly raised the fine to \$1,000, added a possible prison sentence of up to one year, and required store owners to retain the masters' permission slips for at least one year. In 1834, in an act "More Effectually To Prevent the Illicit Traffic in Cotton, Rice, Corn or Wheat, with Slaves and Free Persons of Colour," the Assembly specified that any shopkeeper, trader, or agent thereof, who bought cotton, rice, Indian corn, or wheat, from any slave, either with or without a permit, faced a \$1,000 fine and up to a year in jail. Meanwhile, lawmakers increased the fine for trading or peddling without a license from \$500 to \$5,000.⁶

The dilemma slaveowners confronted in seeking to regulate the clandestine trading among slaves, or between slaves and free blacks or whites, was that it was inextricably connected with the internal domestic arrangements on each plantation. To curtail the one meant tampering with the other, and tampering with the other meant entering the sacred world of master-slave relations. As a result, despite numerous efforts to control the illicit trading, it became virtually impossible to do so. Those who argued that allowing slaves to plant their own crops and raise their own farm animals undermined the very controls necessary to maintain slavery were rebuffed again and again by the impenetrable code concerning the owners' prerogative in dealing with their slaves. Responding in 1853 to a grand jury presentment from Kershaw District concerning the evil "custom of allowing Negroes to raise and own stock," the Committee on Colored Population of the General Assembly articulated the views of the majority of slave masters on this subject:

⁵ Theodore Rosengarten, *Tombee: Portrait of a Cotton Planter; with the Journal of Thomas B. Chaplin (1822-1890)* (New York: William Morrow and Co., 1986), p. 68; George C. Rogers, Jr., *The History of Georgetown County, South Carolina* (Columbia: University of South Carolina Press, 1970), p. 331; Rawick, ed., *The American Slave: A Composite Autobiography*, supplement, Ser. 2, 10 vols. (Westport, Conn.: Greenwood Press, 1979), Vol. 2, Pt. 2, p. 26; *ibid.*, Vol. 7, Pt. 1, p. 111.

⁶ Lichtenstein, "That Disposition to Theft," pp. 429-430; David J. McCord, *The Statutes at Large of South Carolina* (Columbia: A.S. Johnson, 1840), pp. 434-435 (1796 law), 454-455 (1817 law); McCord, *The Statutes at Large of South Carolina* (Columbia: A.S. Johnson, 1839), pp. 265-266 (1825 law), 516-517 (1834 law), 529 (1835 law).

laws seeking to curtail these activities would "operate as an improper interference with the rights of Masters in the management of their slaves."⁷

Thus, despite every effort to halt it, the internal economy maintained its vitality. One method of trade involved using the coastal and inland waterways. Plantation slaves took the crops or livestock they had raised, or pilfered, to hidden recesses along river banks or coastal inlets; then, at night, they sold or bartered their goods with white, free-black, or self-hired-slave boatmen. In 1785, planters in St. James Santee noted that "patroons of Schooners and other small Craft" were "allowed (as they Pass and Repass up and down our River) to Trade, Traffick, Barter, and Sell to and with Negroes, to the great Prejudice of their Owners." Two decades later, rice planters on the Combahee River observed "peddling [sic] boats which frequent the river, who want only a public Landing, as a Station to enable them to remain in the Vicinity of the large and productive rice plantations, for the purpose of trading with the Negroe Slaves, to the very great loss of the Owners, and Corruption of such Slaves." In Beaufort District, slaves similarly bartered and traded livestock and various crops, but this was done openly, since on a number of the large plantations, a group of local farmers observed during the 1820s, there was no "white person living thereon." Along the Santee River, in Sumter District, boats navigated and manned by blacks traded with local slaves day and night, one observer said, "Carrying of RI Sundry Valuable articles of Cattle hogs and other articles of Considerable value."⁸

One South Carolina slave, Charles Ball, who later wrote an autobiography, told about the willingness of whites to participate in this illicit traffic. Placed in charge of laying out a seine from his small canoe (or "punt" as he called it) to fish for shad, Ball espied a large keel-boat working its way up the far side of the river before docking. That night, the black man made his way to the boat and inquired if the captain would be interested in trading bacon for shad. At length, a trade was consummated — 100 pounds of bacon for 300 pounds of shad. "When I was about pushing [off] from his boat," Ball recounted, "[the captain] told me in a low voice, though there was no one who could hear us, except his own people — that he should be down the river again in about two weeks, when he should be very glad to buy any produce that I had for sale; adding, 'I will give you half as much for cotton as it is worth in Charleston, and pay you either in money or groceries as you choose. Take care, and do not betray yourself, and I shall be honest with you.'"⁹

Other blacks took their crops and livestock to a nearby town and sold their goods to local shopkeepers and store owners. The marketing of stolen cattle in Georgetown became so

⁷ LR, Presentment of the Kershaw District Grand Jury, Spring Term, 1853, #13, SCDAH; Report of Committee on the Colored Population, December 3, 1853, #17, *ibid.*; for similar comments see: LR, Presentment of the Lexington District Grand Jury, Fall Term, 1855, #23, *ibid.*; Report of Committee on Colored Population, November 29, 1855, #15, *ibid.*; LR, Report of Committee on Colored Population, n.d., #2848, *ibid.*; for a master providing a plot of ground for his slave in his Last Will and Testament, see: LR, Petition of James Gill to the SCGA, November 16, 1847, #18 and 19, *ibid.*

⁸ L_R, Petition of D. Horry, Benjamin Webb, James Anderson, et al., [St. James Santee] to SCGA, 1785, #100, SCDAH; LR, Petition of Nathaniel Heyward, John Gibbes, Daniel Blake, and Ann Gibbes to the SCGA, 1806, #92, *ibid.*; LR, Richard Dawson, Sr., William B. Buckner, Isaac Taylor, et al. [Beaufort District] to SCGA, ca. 1820s, ND, #1862, *ibid.*; LR, Petition of James Brock [Sumter District] to the SCGA, n.d., #3416, *ibid.*

⁹ Charles Ball, *Slavery in the United States: A Narrative of The Life and Adventures of Charles Ball, A Black Man* (Lewistown, Pa.: John W. Shugert, 1836; repr., Detroit, Mich.: Negro History Press, 1970), pp. 232-233.

prevalent in 1790 that residents demanded an ordinance requiring persons who transported slaughtered beef to market to "produce the Hides and Ears of such Cattle." In addition, butchers should be instructed to keep records of all local brands and ear markings. In Orangeburg District, nearly three decades later, there seemed to be few restrictions on slaves trading cotton, horses, and stock with local merchants. Indeed, the laws against trading without the owner's permission, one Grand Jury presentment said, were "not effectual to restrain the practice." This was the result of landholders and planters refusing to honor their obligations as patrollers and militiamen. Speaking on the same subject, citizens of Barnwell District said that the law prohibiting the illicit traffic between slaves and "dishonest white persons" afforded "hardly any protection." The court dockets were constantly crowded with indictments against whites "tampering with our slaves & inciting them to plunder." The trafficking included the sale and distribution of "Corn, Rice or Cotton, the three great staples of the county." Residents in Camden, Columbia, Charleston, and other towns and cities noted how store owners and merchants became willing accomplices in trading with or buying from slaves. Such trafficking, one group declared, occurred in virtually every town and city in the state.¹⁰

The extent of this trade was divulged by a group of wharf owners and shipping merchants in Charleston about 1825, when they told of how they had "long suffered under the inefficiency of the Laws for the protection of Cotton and Rice lying upon the wharves." At harvest time large quantities of these staples were placed in various locations before shipment. With written permits, slaves and free persons of color were allowed to transport these commodities from one section of the city to another. But frequently, the businessmen said, the permits were forged "in the name of a fictitious person." Local shopkeepers, of course, were supposed to check on the authenticity of these permits before purchasing the staples; unfortunately few did so, and there were men in the community "whom no principles deter from any traffic which may affect a prospect of gain." Slaves and free blacks thus had a ready market for their stolen goods. "As startling as the fact may appear," the merchants asserted, "Your memorialists confidently believe that in the articles of Cotton alone, not less than Five Hundred Bales are purchased in illicit traffic by the shops in Charleston from slaves and free persons of color."¹¹

BESIDES BUYING, SELLING AND TRADING "the great staples," slaves — both men and women — also served as factors, agents, and middlemen in the trafficking network. As suggested previously, hired- and self-hiredslave boatmen and rivermen transported stolen goods to and from destinations along the river systems. In towns and cities, male slaves who hired their own time sometimes rented houses "separate to themselves," as one group of Marion residents noted, and used these dwellings as trading locations with slaves from the countryside. Some

¹⁰ LR, Petition of Inhabitants of Georgetown to the SCGA, 1790, #19, SCDAH; LR, Presentment of the Orangeburg District Grand Jury, April 6, 1819, #9, *ibid.*; LR, Presentment of the Grand Jury of Sumter District, October Term 1828, #9, *ibid.*; LR, Petition of Wilson Landry, Seth Daniel, M. R. Stansell, et al. [Barnwell District] to the SCGA, ca. 1830s, n.d., #2787, *ibid.*; LR, Petition of Camden Town Council to the SCGA, November 22, 1847, #45, *ibid.*; LR, Report of the Judiciary Committee, 1858, #93, *ibid.*; Helen T. Catterall, ed., *Judicial Cases Concerning American Slavery and the Negro*, 5 vols. (Washington, D.C.: W. F. Roberts Co., 1932), Vol. 2, pp. 376n, 450-451; LR, Petition of George Jacobs, F. Friete, Bernard Henry, et al. [Charleston] to the SCGA, n.d., #212, SCDAH.

¹¹ "LR, Petition of Charleston Wharf Owners and Merchants to the SCGA, ca. 1825, n.d., #1895, SCDAH.

urban slaves also rented or acquired wagons to transport black-owned goods from one location to another."¹²

In Charleston especially, but in other towns as well, female slaves acted as agents in an intricate economic network. Some women who vended fruits and vegetables from carts, wagons, or stands served as distributing agents for country slaves and other market women. Others who served as domestic servants purchased vegetables, produce, and poultry from black stall operators, or let out contracts to male slave artisans to make household repairs. "[M]any of the most opulent Inhabitants of Charleston, when they have any work to be done, do not send it themselves, but leave it to their Domestic to employ what workmen they please," a group of skilled whites complained during the 1820s; "it universally happens that those Domestic prefer men of their own color and condition, and, as to a greatness of business thus continually passing through their hands, the Black Mechanics enjoy as complete a monopoly, as if it were secured to them by Law."¹³

As these comments suggest, whites were largely responsible for perpetuating this group of black agents. Slave owners who allowed their blacks special privileges as rivermen or as market women, and townspeople who rented homes to slaves or gave domestics hiring privileges, were often more concerned about profits than adhering to the law. Indeed, some slave factors and middlemen acquired their proficiency while working for their masters. On one occasion, the Charleston City Council noted that slaves (and free persons of color) had been employed "by their owners and others, as salesmen in Stores and Shops, and generally as clerks to traders of different descriptions." Nor did the state judiciary deem this inappropriate. "A master may constitute his slave his agent," one judge declared in 1833; "[there is no] distinction between the circumstances which constitute a slave and a freeman an agent — they are both the creatures of the principal."¹⁴

The most ubiquitous aspect of the domestic economic system was the buying, selling, and trading of "ardent spirits." In rural areas, slaves used meat, vegetables, corn, rice, cotton, and other items to barter with fellow slaves, free blacks, or whites for intoxicants; they also used small amounts of cash to purchase whiskey, rum, gin, and wine from itinerant peddlers or local shopkeepers. As with other aspects of the economic network, the trafficking often followed the river systems, as plantation slaves obtained liquor from white or African-American boatmen, and rivermen. But it was also relatively easy for field hands and other rural bondspeople to purchase intoxicating beverages from local store owners or merchants. The law required that they should

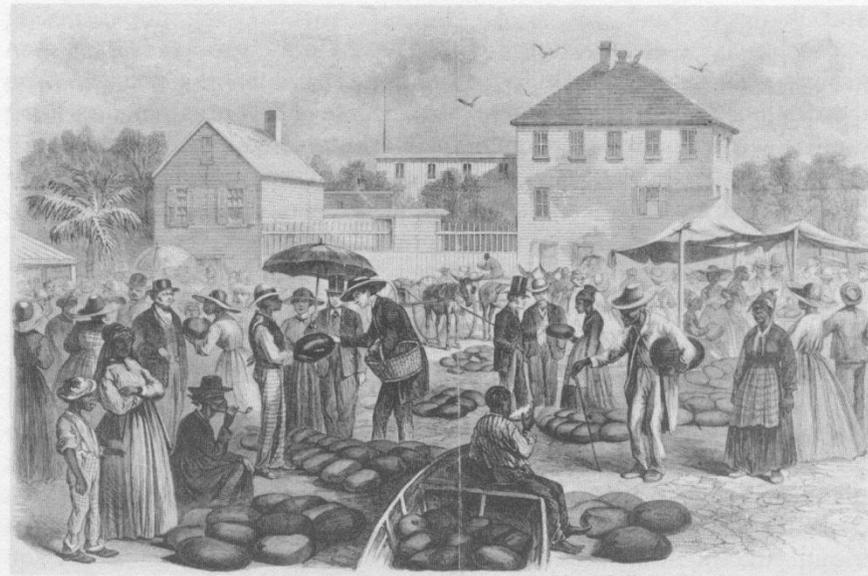
¹² Catterall, ed., *Judicial Cases*, Vol. 2, pp. 368, 431; LR, Petition of James Brock to the SCGA, [Sumter District], n.d., #3416, SCDAH; LR, Petition of A. Q. McDuffie, C. D. Evans, W. J. Dickson, et al. [Marion District] to SCGA, ca. 1828, ND, #2894, *ibid.* One of the slaves implicated in the Denmark Vesey conspiracy, Perault, for example, had previously operated a "business" renting horses. LR, Petition of Ann Drayton Perry to the SCGA, ca. 1822, n.d., #1840, *ibid.* In Charleston the marketing of produce, fish, flowers, and other items was dominated by blacks. In 1861, an English traveler to the city commented: "I paid a visit to the markets; the stalls are presided over by negroes, male and female; the coloured people engaged in selling and buying are well clad." William Howard Russell, *My Diary North and South* (London: Bradbury and Evans, 1863), p. 173.

¹³ LR, Memorial of the Mechanics of Charleston to the South Carolina General Assembly, ca. 1824, 1811 [sic] #48, SCDAH.

¹⁴ LR, Petition of the Charleston City Council to the SCGA, n.d., #207, SCDAH; Catterall, ed., *Judicial Cases* Vol. 2, p. 353, 365.

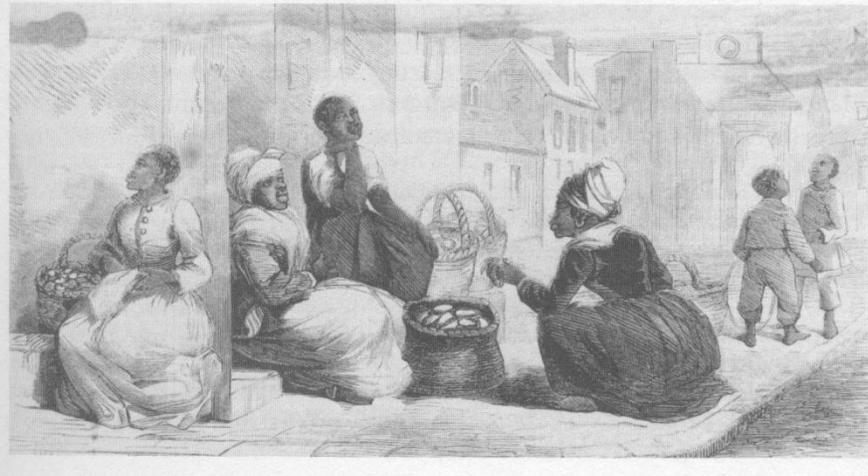
have written permission to do so, but enforcement was lax, and the law could easily be circumvented, especially when free blacks acted as go-betweens.¹⁵

In towns and cities it was even easier for blacks to trade and purchase whiskey or liquor. In Camden, Columbia, Sumter, Darlington, Charleston,



In 1861 British journalist William Howard Russell, visiting Charleston shortly after the Confederate capture of Fort Sumter, wrote: "I paid a visit to the markets; the stalls are presided over by Negroes, male and female; the coloured people engaged in selling and buying are well clad; the butchers' meat by no means tempting to the eye, but the fruit and vegetable stalls well filled. Fish is scarce at present, as the boats are not permitted to proceed to sea lest they should be whipped up by the expected Yankee cruisers, or carry malcontents to communicate with the enemy."

Above, "The Water-melon Market at Charleston, S.C.," *Frank Leslie's Illustrated Newspaper*, December 15, 1866. Below, "Selling Sweet Potatoes in Charleston," unattributed. Both from the collections of the South Carolina Historical Society.



¹⁵ Catterall, ed., *Judicial Cases* Vol. 2, pp. 370; see also Vol. 2, pp. 314 (1820 case); Vol. 2, pp. 370-371 (1839 case); Vol. 2, pp. 464 (1859 case); Vol. 2, pp. 469 (1860 case).

and Charleston Neck, African-Americans frequented grog shops, tippling houses, groceries, and eateries. On one occasion a group of Charleston grocers actually complained to the state legislature that the restrictions on their selling spirits to slaves were burdensome and oppressive, depriving them of a chief source of income. In Charleston Neck, residents found it impossible to curtail the increasing number of shops where spirituous liquors were retailed to bondsmen and women. "[D]isorderly houses, unruly negroes, and wicked and depraved persons of every class, have resorted to the Neck, and endanger the security and comfort of the inhabitants," a group of white property owners said, while unprincipled men —white and black — corrupted the slaves, "tempting them to theft and robbery, and promoting a general state of insubordination and depravity."¹⁶

Such petitions prompted the General Assembly to enact new legislation during the 1830s and 1840s to deal with the problem: slaves or free blacks found guilty of trafficking would receive fifty lashes on the bare back; white distillers, vendors, or retailers who sold liquor to a slave without written permission from the owner or person caring for the slave could receive a six-month jail sentence. Moreover, anyone seeking a license to retail whiskey or any other inebriant, an 1835 statute stated, had to sign an oath promising never to "sell, give, exchange, barter, or in any otherwise deliver any spirituous liquors to any slave or slaves." In 1842, the Assembly enacted a law specifically designed to halt the illegal traffic in the Charleston Neck.¹⁷

To control various aspects of the internal economy, some planters established stores on their plantations, and purchased various items from slaves whether they needed them or not. This, they hoped, would lessen the desire of bondsmen and women to go outside the plantation to trade, barter, and sell commodities. Henry W. Ravenel, who owned nearly 200 blacks, recalled that it was a "custom" among many planters to pay cash for various slave products. On his Pooshee plantation, the overseer operated a retail store to buy everything his slaves might want to sell, including corn, melons, "pindars" or peanuts, honey, and eggs, paying market prices. Similarly, Frederick Law Olmsted, during a visit to a South Carolina rice plantation, noted that the master kept a store, stocked with supplies to be sold at wholesale to slaves. "His slaves are sometimes his creditors to large amounts," Olmsted commented; "at the present time he says he owes them about five hundred dollars." Yet neither the stores, nor the laws, nor the periodic outcries of whites seemed to make much difference. By the eve of the Civil War, as indicated by observers in nearly every section, the trafficking among slaves, and between slaves, free blacks, and whites, remained as much a part of the state's "peculiar institution" as the laws, regulations, and customs designed to control it.¹⁸

¹⁶ For Charleston grocers, see: LR, Petition of George Jacobs, F. Kriete, Bernard Henry, et al. to SCGA, n.d., #212, SCDAH; for Charleston Neck quotation, see LR, Petition of Citizens of Charleston Neck to the SCGA, ca. 1841, n.d., #2125, *ibid.*; *Statutes at Large of South Carolina* (Columbia: T. S. Piggot, 1858), p. 240; for towns and cities, see Catterall, ed., *Judicial Cases*, Vol. 2, pp. 322, 361, 402, 403, 406; LR, Petition of John F. Wilson, Alexander Sparks, and Thomas P. Side to the SCGA, ca. 1830s, n.d., #316, SCDAH.

¹⁷ L,R, Petition of John W. Burbidge, J. B. Fishburne, William L. Campbell, et al. to SCGA, n.d., #2903, SCDAH; *Statutes at Large of South Carolina* (1840), pp. 467, 469; *Statutes at Large of South Carolina* (1858), p. 240.

¹⁸ Henry William Ravenel, "Recollections of Southern Plantation Life," *Yale Review* 25 (June 1936), p. 751. (Ravenel's recollections were written in 1876.) Frederick Law Olmsted, *The Cotton Kingdom; A Traveller's Observations on Cotton and Slavery in the American Slave States*, ed. by Arthur M. Schlesinger (New York: Alfred A. Knopf, 1953), p. 198. See, for example: LR, Presentment of the Kershaw District Grand Jury, Spring Term, 1853, #13, SCDAH; Report of Committee on the Colored Population, December 3, 1853, #17, *ibid.*; LR, Presentment of

IF THERE WERE EXTENSIVE PARTICIPATION AMONG SLAVES in the internal domestic economy, the step beyond to the relative economic independence of self-hire was far more difficult and problematic. As in other southern states, self-hire grew out of the hiring system, an effort on the part of the slaveholders to use more efficiently and more profitably their slave labor force. During slack times on cotton and rice plantations, masters sometimes found it convenient to hire a few of their blacks to neighbors who might be in need of additional hands or skilled workers; in towns and cities, masters often hired their bondsmen out as day laborers or craftsmen; some owners who did not wish to oversee their labor force turned their workers over to estate managers who in turn hired them out; others, including women who owned plantations, or owners who possessed especially talented bondpeople, also hired their slaves out. While contracts concerning length of hire, working conditions, food, clothing, and treatment varied considerably, during the 1820s slave owners could expect to earn profits of about 10 percent (on the slave's market value) for a year's hire; by the 1840s, this had risen to about 15 percent, especially for skilled artisans. Thus, for the master class, slave hiring offered a number of advantages.¹⁹

The system also provided incentives for slaves, who were sometimes allowed to "negotiate" with owners and employers about living conditions, length of hire, and family visitation privileges. Hired blacks were also often able to keep some of their earnings. Even though this normally amounted to relatively small amounts — a few dollars a month — it allowed slaves an opportunity to manage their own finances, and to provide their families with a few extra "luxury items" — including sugar, tea, coffee, tobacco, flour, candy, and clothing. In addition, being away from their owners gave them a degree of autonomy that would not have been possible in the slave quarters or at the master's residence. While none of these benefits protected them against harsh treatment, nor kept them from working at dangerous occupations, the hiring system allowed slaves to glimpse the world beyond human bondage. As one highly proficient slave blacksmith explained, being hired out made him feel as if he were his own master.²⁰

For the great majority such feelings brought only a tightening of controls, reprisals, or worse, but for a few, often the most skilled, adroit, and industrious slaves, being hired out could lead to what contemporaries called self-hire — bondsmen and women seeking out employers, negotiating contracts, arranging for working conditions, and in return paying their owners a lump sum, "freedom dues" as self-hired slaves called it, at specified intervals. Self-hire, primarily but not exclusively an urban phenomenon, had its roots in the colonial period. Its longevity and continued vitality were due in large measure to the benefits it offered both master and slave:

the Lexington District Grand Jury, Fall Term, 1855, #23, *ibid.*; Report of Committee on Colored Population, November 29, 1855, #15, *ibid.*; LR, Report of Committee on Colored Population, ND, #2848, *ibid.*

¹⁹ For estate hiring, see Catterall, ed., *Judicial Cases*, Vol. 2, pp. 407, 477; railroad hiring, see: LR, Petition of the Board of Commissioners of Roads for St. Andrews Parish to the SCGA, ca. 1850s, n.d., #2690, SCDAAH; conditions of hire: Catterall, ed., *Judicial Cases*, Vol. 2, pp. 296, 308, 334, 344, 371, 374, 409, 427, 435; skills of hired slaves: *ibid.*, Vol. 2, pp. 349, 360, 402, 409; LR, Petition of the Charleston City Council to the SCGA, n.d., #207, SCDAAH; wages of hired slaves: Catterall, ed., *Judicial Cases*, Vol. 2, pp. 305, 316, 329, 332, 334, 343, 350-51, 372, 378, 386, 391-392, 436-437, 472; Frederick Bancroft, *Slave Trading in the Old South* (Baltimore: J. H. Furst Co., 1931), p. 158.

²⁰ Catterall, ed., *Judicial Cases*, Vol. 2, pp. 372-373, 467-468. For independence among South Carolina's hired slaves, see: LR, Petition of Edward Brailsford to the SCGA, November 26, 1816, #100, SCDAAH; LR, Petition of John Hollis and James C. Kennedy, to SCGA, ca. 1864, n.d., #3237, *ibid.*; Catterall, ed., *Judicial Cases*, Vol. 2, pp. 276, 341, 418, 420-421, 437.

owners avoided the trouble, aggravation, and expense (between 5 and 8 percent of a slave's yearly hire during the antebellum period) of hiring out their slaves, while reaping payments of several hundred dollars each year from their most talented hirees; bondsmen and women were able to move about, earn their own wages, accumulate property, and secure a measure of autonomy.²¹

Allowing blacks such liberties was contrary to the spirit, and, in the case of male slaves, the letter of the law during the entire period under discussion. As early as 1733-1734, a Charles Town grand jury complained that the "common Practice" among some slave owners "to suffer their Negroes to work out by the Week, and Oblige them to bring in a certain Hire" was "Contrary to a Law now subsisting."²² In 1740, following the Stono Rebellion, a new state law prohibited self-hire. Even with these codes on the books, the General Assembly enacted a statute in 1822 making it "altogether unlawful for any person or persons to hire any male slave or slaves, his or their time." Those convicted faced a very stiff penalty: possible seizure and forfeiture of the slave[s] in question.²³ In 1849, following complaints about self-hired women, the Assembly amended the 1822 statute by stipulating that beginning in 1850 it would be illegal for any person owning or having charge of any male or female slave to permit such a slave to hire his or her time, labor, or service. Even during the Civil War, state authorities were discussing possible new legislation to curtail self-hire more effectively.²⁴

Yet, as with the various codes dealing with the domestic economy, these laws became dead letters. Most masters asserted their right to deal with their chattel as they saw fit, and that included, if they so determined, allowing slaves to seek their own employment. Some slave owners were motivated by the desire for profits; others entertained more personal reasons, including kinship ties with mulatto children, or favoritism toward certain black women. Occasionally, whites drew up contracts (often extralegal) to protect such privileged slaves, but most often they simply made verbal agreements with regard to payments, or signed "pass and re-pass" documents permitting their slaves to move about freely. Moreover, it was mostly whites, including slaveholders, who employed self-hired slaves. According to some observers, the hirers of these slaves were just as guilty as permissive masters in perpetuating the illegal system.

As a result, self-hire not only maintained its vigor over the years, but grew and expanded. Self-hired slaves bid on jobs, earned profits, and, along with hired bondsmen and free blacks, dominated a number of trades. In towns and cities, they could be found in virtually every phase of economic life: as boatmen, rivermen, and pilots; as coopers, carpenters, joiners, and cabinet makers; as brick masons, stone masons, caulkers, "mechanics," plasterers, and shoemakers; as nurses, midwives, laundresses, and domestics; as stewards, porters, laborers, dock hands, and day workers; as haulers, cartmen, and draymen; as barbers, butchers, market women, and shopkeepers; even as contractors, builders, and undertakers. In fact, self-hire was so attractive to some slaves that they participated in it without their masters' permission. One group of rice

²¹ Morgan, "Black Life in Eighteenth-Century Charleston," pp. 187-232; Claudia Goldin, *Urban Slavery in the American South, 1820-1860: A Quantitative History* (Chicago: University of Chicago Press, 1976), pp. 39-40.

²² Wood, *Black Majority*, p. 209n.

²³ *The Statutes at Large of South Carolina* (1840), p. 462.

²⁴ *Statutes at Large of South Carolina* (1858), p. 578; LR, Report of the Committee on Colored Population, December 1864, #63, SCDAH.

planters along the Pon Pon River explained in 1854, for instance, that their slaves, in defiance of plantation rules, were secretly hiring themselves out at night to load gravel barges heading downriver to the Charleston market.²⁵

With or without the master's permission, self-hired slaves were so successful in their various economic endeavors that they drove many nonslaveowning white artisans to the brink of despair, even destitution. As early as 1783, white craftsmen in Charleston protested against "Jobbing Negroe Tradesm[e]n," especially coopers and bricklayers, who worked on "their own Account" and remained "free from the Direction or Superintendence of any white Person." These black jobbers, the city's Society of Master Coopers explained a decade later, were "privileged (although illegally) to sell, traffick and barter, as well as to carry on different Trades and Occupations." They did so "to their own Emolument and the great and manifest Injury of the [white] mechanical part of the Community." In subsequent years, groups of skilled whites in Camden, Darlington, Orangeburg District, St. Paul's Parish, Charleston, Columbia, Marion, and other towns voiced similar complaints. As one group of undertakers and mechanics in Columbia said, self-hired slaves deprived them of "Jobs & employment [sic] in their respective trades." Without families to support, taxes to pay, real estate to worry about, these slaves lived better than "the poorer class of white men who obtain their support from Job work."²⁶

BUT WHITE ARTISANS WERE CONCERNED ABOUT MORE THAN black competition. Self-hired slaves moved about freely, rented homes, owned horses, wagons, and buggies, employed black apprentices, protected runaway slaves, and remained virtually untouched by the legal system. "We have long viewed with great interest and concern, the serious and alarming consequences arising from owners permitting their slaves to hire their own time, upon the payment of certain wages," a group of mechanics in Columbia and Marion said in 1823. Such slaves led "dissolute lives" and exerted a pernicious influence upon other slaves. Indeed, the recent "serious occurrences [led by Denmark Vesey] in the city of Charleston" were plotted and schemed "by the machinations of this very class of our black population." The same theme was present in a memorial to the General Assembly some years later when the South Carolina Mechanics Association lamented the "great evil" of slaves hiring their own time. The practice not

²⁵ Catterall, ed., *Judicial Cases*, Vol. 2, pp. 275, 361, 390, 448-49; LR, Petition of the Intendant and Wardens of the Town of Columbia to the SCGA, December 6, 1827, #89, SCDAAH; LR, Petition of James Ellis to the SCGA, 1817, #52, *ibid.*; LR, Petition of John Perry and Thomas McCants, Executors of the Last Will and Testament of William Thompson, to the SCGA, 1817, #106, *ibid.*; Petition of James Harrington to SCGA, November 25, 1817, #145, *ibid.*; LR, Petition of the Agricultural Society of St. Paul's Parish to the SCGA, December 4, 1854, #83, *ibid.*

²⁶ LR, Petition of Daniel Cannon, H. Shrewsbury, John Clement, et al. to the SCGA, February 19, 1783, #159 and #258, SCDAAH; LR, Petition of McCulley Righton, William Moir, James McIntosh, et al. to the SCGA, December 3, 1793, #64, *ibid.*; LR, Petition of Eliza Blackmon, Executor of the Estate of Samuel McCorkle, to the SCGA, November 8, 1839, #34, *ibid.*; LR, Petition of the Mechanics of Columbia, to the SCGA, November 22, 1819, #98, *ibid.*; LR, Petition of Thomas Taylor, Sr., W. Hampton, Tinsley Hall, et al., to the SCGA, ca. 1823, ND, #2893, *ibid.*; LR, Petition of the Intendant and Wardens of the Town of Columbia, to the SCGA, December 6, 1827, #89, *ibid.*; LR, Petition of Camden Town Council to the SCGA, November 22, 1847, #45, *ibid.*; LR, Petition of A. Q. McDuffie, C. D. Evans, W. J. Dickson, et al. to the SCGA, ca. 1850s, n.d., #2894, *ibid.*; LR, Petition of the Agricultural Society of St. Paul's Parish to the SCGA, December 4, 1854, #83, *ibid.*; LR, Petition of S. Daggett, Jr., Charles P. Petit, J. S. Riddell, Sr., G. H. Huggin, et al., to SCGA, 1858, #25, *ibid.*; LR, Petition of James Douglass, John Parr, John Glover, et al. "mechanics and undertakers," to the SCGA, n.d., #s1565, 1566; LR, Petition of William Harrison, Francis Hill, William Murray, Jr., et al. to the SCGA, n.d., #1573, *ibid.*

only affected working men, but the interests of the slaveholding class as well; self-hire ignited "a spirit of insubordination amongst the slave population."²⁷

Some historians have argued that through the prism of self-hire an inchoate class struggle could be seen in antebellum South Carolina. While it was true that the protests against this group of slaves came primarily from skilled white workers who argued that slaveholders' laxity was depriving them of their livelihoods, the issue was more complex than divisions between the nonslaveholding artisan class and the planter aristocracy. Indeed, a number of slave owners opposed self-hire, as reflected in the pronouncements and actions of the General Assembly, made up primarily of planters and white aristocrats. In 1819, for example, the Judiciary Committee of the Assembly described self-hire as an "evil"; it hoped that the protection of citizens against "Slaves without tickets" would be sufficiently covered by the Act of 1740, and subsequent laws. And when the Sumter District Grand Jury pointed out in 1849 that the anti-self-hire laws did not include women, among the worst offenders, the planter-dominated legislature revised the anti-self-hire statute. In short, like various groups of white mechanics, a number of slaveholders and plantation owners opposed giving slaves too much liberty.²⁸

THE REMARKABLE LONGEVITY AND VITALITY OF SELF-HIRE was matched by the enduring custom of quasi-freedom. As the distance from the internal economy to self-hire was substantial so too was the gap between hiring one's own time and merging into the free-black population as a virtually free slave. But there were bondsmen and women, including runaway slaves, who, although legally in bondage, were for all intents and purposes free. Some of them joined bands of outlying slaves who lived by pillaging nearby plantations; others merged into the free-Negro population, securing employment, earning wages, maintaining families, even establishing businesses. In either case it was a precarious existence, involving secrecy, subterfuge, sometimes the covert assistance of whites or free blacks. Since concealing one's true identity was essential, it is difficult to estimate how many slaves gained their freedom in this manner. Their numbers at any give time probably never exceeded more than a few thousand, a tiny fraction of the total slave population. But as was the case with the domestic economy and self-hire, their very existence revealed a significant anomaly within the state's "peculiar institution."

A large segment of the quasi-free population was made up runaway slaves. In the tidewater region, with its numerous marshes, swamps, inlets, and tidal basins, escaped slaves congregated in small, isolated camps, plundering the storehouses and stock pens of nearby rice planters.

²⁷ LR, Petition of Thomas Taylor, Sr., W. Hampton, Tinsley Hall, et al. to the SCGA, ca. 1823, n.d., #2893, SCDAH; LR, Petition of S. Daggett, Jr., President, Charles P. Petit, Vice President, J. S. Riddell, Sr., G. H. Huggin, et al., to the SCGA, 1858, #25, *ibid.*; see: LR, Petition of A. Q. McDuffie, C. D. Evans, W. J. Dickson, et al., to the SCGA, ca. 1850s, n.d., #2894, *ibid.*; and LR, Presentment of Darlington District Grand Jury, Fall Term, 1849, #8, *ibid.*, for "spirit of insubordination" quote. Also see: LR, General Assembly Report, Judiciary Committee, 1818, 1819, #66, #173, #174, *ibid.*; LR, General Assembly Report, Judiciary Committee, n.d., #718, *ibid.*; LR, Presentment of the Sumter District Grand Jury, Fall Term, 1849, *ibid.*; LR, General Assembly Report, 1856, #63, *ibid.*; LR, Presentment of the Kershaw District Grand Jury, Fall Term, 1857, #10, *ibid.*; LR, Presentment of the York District Grand Jury, Extra Term, 1858, #43, *ibid.*; LR, Presentment of the Newberry District Grand Jury, Spring Term, 1859, #45, *ibid.*; LR, Report of the Committee on Colored Population, 1864, #6, *ibid.*

²⁸ Lichtenstein, "That Disposition to Theft," pp. 429-430; LR, General Assembly Reports, Judiciary Committee, 1819, #174, SCDAH; LR, General Assembly Presentment [in response to petition from Sumter District], 1849, #29, *ibid.*

When the equilibrium on the plantations was broken, as following the American Revolution, during the war of 1812, or in the wake of the Denmark Vesey conspiracy, these encampments could grow to substantial size. But generally they included only a few dozen men and women, occasionally some children, who lived by their wits and thievery. At Elliott's Cut, between the Ashepoo and Pon Pon rivers, for example, runaways Mobry and Dunmore led a band of outlying slaves who remained at large for some time before a militia detachment, ordered out by the governor, finally and "with great difficulty" captured the ringleaders. But even after this group had been disbanded, the Cut continued to be "a Harbour for Runaways and Unlawful Negro escape and Traffic." Similar bands of escaped slaves maintained hideaways along Goose Creek in St. James Parish, or in remote sections of Christ Church Parish. One group of planters claimed in 1829 that the entire "lower and middle divisions of the state" were honeycombed with outlying bands of runaways.²⁹

While this was probably an overstatement, small groups of escaped slaves could be found in various sections of the state. They lived primarily by looting plantations and trafficking with bondsmen and women. In Christ Church Parish, several "gangs of runaways" had been "out for Years"; they were especially active during the "sickly season of the Year," when slave owners (and sometimes overseers) moved to more healthy inland areas, or journeyed to the North. They pillaged cattle, hogs, sheep, livestock, rice, corn, and produce. During a brief period in 1828 or 1829, one Christ Church Parish planter lost forty head of cattle to these roaming bands. The runaways used their caches for food or to trade with blacks on the plantations. Thus, in some instances, the very items pillaged wound up back on the same plantations.³⁰

Considering the punishments they faced, such activities were extremely dangerous. During the late-eighteenth and early-nineteenth centuries, slaves convicted of larceny or burglary were to be summarily executed.³¹ Those convicted of simple theft were punished with "whipping, Branding or cropping."³² During the antebellum era, branding and dismemberment became less frequent, but whipping and incarceration remained common, and for striking a white person, stealing a horse, or breaking into a residence or store, the death penalty was still frequently applied. In 1823, Isaac Dickson, a slave posing as a free black, was charged with burglary, found guilty, and hanged. A few years later, George, a runaway slave who had stolen two horses, was similarly executed. Even those sentenced to corporal punishment sometimes faced life-threatening incarcerations. Convicted of grand larceny - breaking into the store of Alison H. Brown in Marion District - slaves Daniel and Sutton were given 100 lashes each and confined to jail for

²⁹ LR, Petition of Mrs. Joseph Chandler Brown to the SCGA, December 2, 1800, #166, SCDAH; LR, Petition of Edward Glover, William Lowrey, Robert B. Jenkins, et al., to the SCGA, ca. 1818, n.d., #2849, *ibid.*; LR, Petition of John Jonah Murrell, Henry English, Elisha Whilden, George W. D. Cott, et al. to the SCGA, 1829, #90, *ibid.*

³⁰ LR, Petition of John Jonah Murrell, Henry English, Elisha Whilden, George W. D. Cott, et al. [Christ Church Parish] to the SCGA, 1829, #90, SCDAH; LR, Petition of William Ware [Abbeville District] to the SCGA, November 22, 1815, #137, *ibid.*; LR, Petition of David P. Rodgers [Williamsburgh District] to the SCGA, November 21, 1820, #144, *ibid.*; Rosengarten, *Tombee*, p. 151 [St. Helena Island].

³¹ LR, Petition of William Bellamy to the SCGA, 1787, #45, SCDAH; LR, Petition of Joshua Canter to the SCGA, ca. 1790s, n.d., #1651, *ibid.*; LR, Petition of James Richardson to the SCGA, December 10, 1800, #183, *ibid.*; LR, Petition of Charles C. Ash to the SCGA, November 27, 1809, #82, *ibid.*

³² LR, Petition of Jacob Barr, Nathaniel Byrd, et al. to SCGA, ca. 1790s, n.d., #1783, SCDAH.

four months. On the first Monday of each month, they each received an additional fifty lashes. At the end of their confinement, following their final whippings, both slaves died.³³

TO AVOID DETECTION, SOME ESCAPED BLACKS made their way to towns and cities, seeking to mingle unnoticed with the other slaves and free blacks. This too was fraught with difficulties, and only rarely did they remain at large for extended periods, or escape detection entirely. But a few were successful, usually the most adept, wily, and skilled. As with isolated groups of runaways, some lived by thievery and robbery, but others hired their time in the same manner as self-hired blacks. They took jobs as laborers, day workers, wharf hands, fishermen, wood cutters, fence splitters, canal diggers, railroad hands, lumbermen, and at other arduous jobs. Describing one group of virtually free slaves, an observer in 1839 said that some of them made "provisions" while a few others "worked out" as carpenters. It was not unusual for members of this group to move from one location to another, often along the river systems, seeking various types of manual employment. "[D]ont you want to hire a hand?" a nearly free slave asked a white boatman in typical fashion in 1847; after some negotiation, the two men agreed on a hiring rate of \$45 for eleven months. In some respects, however, quasi-free slaves were worse off than self-hired blacks, having no master to turn to during slack times, or periods of economic recession or depression.³⁴

Like the hired riverman above, most quasi-free slaves found employment with whites, both slaveholders and nonslaveholders, but a few hired out to free blacks. This was especially true in Charleston, long a mecca for free Negro artisans and property owners. A fascinating glimpse of the connection between nearly free slaves and property-owning free people of color was provided in 1854 by William Westcoat, a member of the St. Paul Parish Agricultural Society and the owner of a large plantation. Westcoat reported that he had tracked two runaways to Charleston, only to discover that they had both been hired on board outgoing vessels by "Colored Men." Another member of the Society, Fraser Mathewes, revealed the same scenario for three of his runaways, a mother and her two children. Three years after their escape Mathewes came across his slaves "in the yard & employment of a Free Mulatto woman." Both slaveholders lamented that it was virtually impossible to prosecute the free blacks who had hired their slaves, since convictions in such cases came only when it could be proven beyond any doubt that the employers had knowingly hired fugitives."³⁵

³³ LR, Petition of Mathew Odriscoll to the SCGA, November 15, 1819, #109, SCDAH; LR, Petition of William Villard to the SCGA, November 23, 1813, #107, *ibid.*; LR, Certificate of Joseph Koger, Jr., January 11, 1825, n.d., #2053, *ibid.* The 1823 case was noted in the latter citation. LR, Petition of John Ross to the SCGA, 1831, #67, *ibid.* LR, Petition of Howard McClenagan to the SCGA, ca. 1852, n.d., #2844, *ibid.*

³⁴ Catterall, ed., *Judicial Cases*, Vol. 2, pp. 371, 410.

³⁵ "Allison Car11-White, "South Carolina's Forgotten Craftsmen," *South Carolina Historical Magazine* 86 (January 1985), pp. 32-38; E. Horace Fitchett, "The Traditions of the Free Negro in Charleston, South Carolina," *Journal of Negro History* 25 (April 1940), p. 143; Judith Wragg Chase, "American Heritage from Ante-Bellum Black Craftsmen," *Southern Folklore Quarterly* 42 (1978), pp. 140-141; LR, Petition of the Agricultural Society of St. Paul's Parish to the SCGA, December 4, 1854, #83, SCDAH. For free black slaveowners and nominal slaves, see Larry Koger, *Black Slaveowners: Free Black Slave Masters in South Carolina, 1790-1860* (Jefferson, N.C.: McFarland and Company, 1985), pp. 69-79. For attitudes of whites toward free persons of color, see: Michael P. Johnson and James L. Roark, eds., *No Chariot Let Down: Charleston's Free People of Color on the Eve of the Civil War* (Chapel Hill: University of North Carolina Press, 1984); LR, Petition of James Rose, William Grayson, Benjamin Huger, et al. to SCGA, ca. 1860, #2801, n.d., SCDAH; Loren Schweningen, "Prosperous Blacks in the South, 1790-1880," *The American Historical Review* 95 (February 1990), p. 40.

A few quasi-free slaves, often the most ambitious, shrewd, and industrious, established businesses. They were usually directly related to white planters, or had secured their privileged status from a master willing to defy the law (after 1820 only the General Assembly could legally emancipate slaves) by allowing them to go free. Despite their legal status as bondsmen and women, they operated businesses as barbers, bakers, tippling house "owners," butchers, tailors, brickmasons, shoemakers, undertakers, builders, and contractors.³⁶ This elite group of slaves included, among others, Charleston carpenter Joseph Elwig, who owned a home on Coming Street where a number of prosperous free persons of color had their residences; Bennettsville carpenter and builder Thomas David, who negotiated contracts, hired day laborers, and supervised the erection of houses and larger buildings; and Charleston millwright-mechanic Anthony Weston, who acquired a slave labor force and substantial amounts of real estate (listed in his wife Maria's name) by constructing and repairing rice mills along the inland waterways.³⁷

As with the domestic economy and self-hire, some slaveholders defended the system. Seeking to instill in their charges the values of hard work and industry, they believed that allowing slaves certain privileges, including virtual freedom, was beneficial. They argued that owners should be allowed to free their slaves if they so wished, notwithstanding the anti-emancipation law. Violation of the law, of course, was a delicate matter, but the judiciary usually upheld the slaveowner's prerogative in dealing with his or her slaves. Indeed, if blacks remained quasi-free over an extended period, a number of judges asserted, they should be considered free. Between 1809 and 1842, Judah Bowser and her family, though by law slaves, had passed as free persons of color. When she was brought to court in 1843 and was unable to produce a deed of manumission, the presiding judge ruled that after so many years of "uninterrupted enjoyment of freedom," the law should presume that everything had been accomplished "to give it effect." Other cases were resolved in a similar manner, as judges and lawyers contended that blacks who were recognized in their communities as free persons should be considered actually free. "Proof that a negro has been suffered to live in a community for years, as a free man, would, *prima facie*," one jurist declared in 1832, "establish the fact of freedom." Given such judgments and opinions, some legal experts called for the repeal of the 1820 law denying individual manumission; a law so universally evaded, one said, "ought not to stand."³⁸

³⁶ LR, Petition of Citizens of Charleston Neck to the SCGA, ca. 1842, n.d., #2125, SCDAH, re: slave and free black shopkeepers vending liquor without licenses. Catterall, ed., *Judicial Cases*, Vol. 2, pp. 324, 380, 397; LR, Petition of James Douglass, John Parr, John Glover, et al. "mechanics and undertakers," to the SCGA, n.d., #1565, 1566, SCDAH; LR, Petition of Stevedores G. B. Stoddard, William Watson, William Doran, et al. to the SCGA, n.d., #2916, *ibid*.

³⁷ *Statutes at Large of South Carolina*, 1840, p. 459; Catterall, ed., *Judicial Cases*, Vol. 2, pp. 268; Koger, *Black Slaveowners*, pp. 69-70; C. W. Dudley to Commissioner of Claims, June 3, 1874, Records of the Southern Claims Commission, Records of the Treasury Department, Record Group 56, reel 4, National Archives [for Thomas David]; William Eden to Anthony Weston, March 29, 1856, in "Documents," *Journal of Negro History* 11 (January 1926), pp. 79-80; *List of the Tax Payers of the City of Charleston for 1860* (Charleston, S.C.: Evans and Cogswell, 1861), p. 333; Michael P. Johnson and James L. Roark, *Black Masters: A Free Family of Color in the Old South* (New York: W. W. Norton, 1984), pp. 243-244; Leonard P. Curry, *The Free Black in Urban America, 1800-1850: The Shadow of the Dream* (Chicago: University of Chicago Press, 1981), p. 42.

³⁸ Catterall, ed., *Judicial Cases*, Vol. 2, pp. 268, 350, 354-355, 357, 388-389, 404-405, 426-427, 430-431. The 1820 law stipulated that only the state legislature could emancipate a slave. *The Statutes at Large of South Carolina* (1840), p. 459; Marina Wikramanayake, *A World in Shadow: The Free Black in Antebellum South Carolina* (Columbia: University of South Carolina Press, 1973), p. 36.

To circumvent the law some whites created extra-legal trusts for their slaves. Slaveholder John Stokes Thorne stipulated in his will that a trust should be established for "the sole use and benefit" of his slaves John, Thomas, Philip, Rebecca, Caroline, and Susan. Even if they could not be legally emancipated, Thorne said, they should live as free persons. Another slaveowner said that his slaves should be permitted "to go where they please, and to appropriate to their own use the proceeds of their time and labor." The most famous case involving an agreement of this type occurred during the 1830s and early 1840s. In a deed, dated February 26, 1830, a slaveholder named Carmille created a "special trust" for his slave Henrietta and her four mulatto children, Charlotte, Francis, Nancy, and John, directing his executors to allow them to "work out for their own maintenance" and receive for their sole benefit "all such moneys as they might obtain for their labor, or otherwise." In the trust, he provided the slave family with two slaves of their own. Although a district court judge ruled that such agreements were undisguised attempts to evade the law and "at war with our peculiar institutions," the state's highest tribunal declared in 1842 that the trust was valid. "Kindness to slaves," the court asserted, "is the true policy." Nothing would more assuredly defeat the institution of slavery, "than harsh legislation rigorously enforced."³⁹

At the same time, a number of whites disagreed with such benevolent pronouncements. As previously indicated, white artisans complained that quasi-free (and self-hired) blacks competed unfairly for skilled jobs by charging lower rates. Some plantation owners protested that runaway slaves who remained at large for extended periods usually did so with the assistance of quasi-free slaves, self-hired blacks, or free blacks. Both slaveholders and nonslaveholders said that the lax enforcement of the 1820 law was augmenting the number of "free Africans," who, according to some groups, were "a curse to any country." Even those who defended free persons of color as a "necessary" middle group between planters and slaves sometimes looked upon virtually free slaves as an aggravation. On the eve of the Civil War, describing free persons of color as "very useful," one judge asserted that "the greatest nuisances are quasi slaves — stalwart men, who [have] moral control over their nominal owners." They were, he felt, an anomaly inconsistent "with the policy of the country." To combat this anomaly some whites called for new regulations concerning "pass and repass" tickets; as the Society of Vigilance in Edgefield District explained: "We think that a ticket given to a slave ought to state where he is going as well as how long [he will be] absent."⁴⁰

But the economic forces at work in South Carolina during the period from the American Revolution to the Civil War made it nearly impossible for any "vigilance society" to alter institutions that had evolved over so many generations and were so deeply entrenched within the state's "peculiar institution." Indeed, the more they sought to establish controls over slaves — with regulations, laws, judicial decisions — the more it became apparent that the cultural and economic constraints working against such controls were simply too strong to overcome. Indeed, the runaway notices appearing in various newspapers, the increasing number of grand jury

³⁹ The case was decided in 1842. Catterall, ed., *Judicial Cases*, Vol. 2, pp. 381-383, 426-427, 430-431.

⁴⁰ "LR, Petition of McCulley Righton, William Moir, James McIntosh, et al. to the SCGA, December 3, 1793, #64, SCDAH; Catterall, ed., *Judicial Cases* Vol. 2, pp. 426-427, 442, 467; LR, Petition of W. Daniel, John C. Allen, et al. to the SCGA, November 1831, #68, SCDAH; LR, Petition of Citizens of Orangeburg District to the SCGA, October 15, 1854, #48, *ibid*.

indictments under the anti-self-hire laws, and the continual complaints by white craftsmen about quasi-free slaves indicate that even the most comprehensive laws were ineffective in curtailing these practices.

THE MOTIVATIONS OF SLAVES WHO PARTICIPATED in the internal economy, or attained quasi-freed status, were complex. As historian Philip Morgan has suggested, for some it meant an opportunity to distance themselves not only from the impersonal forces of the marketplace but from their masters and overseers as well. These goals — subsistence and independence — as Morgan and others have pointed out, were "nothing more than the central practices of peasants throughout the world." For others it meant providing a few luxury items for their families, acquiring clothing or furniture as a show of status, or securing a wagon or horse to visit loved ones on a neighboring plantation. On the sprawling sea island rice plantations, with large contingents of slaves, the dominant motive was probably to secure a measure of autonomy.⁴¹

Yet the growth of these institutions during the nineteenth century occurred simultaneously with a decline of African influences among South Carolina slaves. By the 1820s and 1830s, slaves increasingly viewed participation in these economic activities as a means of acquiring profits or becoming property owners. Some slaves, even those with direct ties to Africa, now spoke of "accumulating" and "getting ahead," or were described by their masters as "acquisitive" or having a "passion for ownership."⁴² These changing values and attitudes were slow, sometimes imperceptible, but slaves, including those who worked at the task system on rice plantations, bought, sold, and traded cows, calves, hogs, poultry, eggs, pumpkins, rice, and other goods and commodities with their owners or fellow bondspople; and while masters made every effort to confine these activities to the plantation, the internal slave economy spilled over to neighboring estates, and into nearby towns and cities.⁴³

The master-slave relations that evolved took into account the profit motive among slaves. The slave Ben, for instance, made a "lease agreement" with his owner to haul manure, sand, etc., into a vineyard and three gardens daily, and as a reward he could keep one out of every sixteen dollars he "earned" selling produce and grapes on market day. The slave cabinetmaker George made arrangements with his owner (a man named Tucker) to work out in the neighborhood on his "own time." Over a period of years, George accumulated \$700. Another skilled slave acquired three bales of his own cotton. Slaves on the plantations of Robert F. W. Allston, Joshua John Ward, and Plowden C. J. Weston in Georgetown District negotiated agreements with their owners to sell livestock and farm animals. One former slave recalled how her grandmother gave her mother a "beautiful young mare," and how another bondswoman, with the assent of the owner, owned horses and cattle. Other slaves secured similar agreements with their masters or overseers to acquire their own horses, wagons, livestock, cotton, rice, cash, and firearms.⁴⁴

⁴¹ Morgan, "Work and Culture," p. 596; Charles Joyner, *Down by the Riverside: A South Carolina Slave Community* (Urbana: University of Illinois Press, 1984), pp. 127-128.

⁴² For the attitudes toward his "estate" of African-born black James Jackson, of the "tribe of Dan," who gained his freedom, see the *Camden Gazette*, August 1, 1818, in Museum of Early Southern Decorative Arts, Winston-Salem, North Carolina.

⁴³ Joyner, *Down by the Riverside*, p. 52.

⁴⁴ Catterall, ed., *Judicial Decisions*, Vol. 2, pp. 330-331, 348, 353, 355, 369, 463, 477; Joyner, *Down by the Riverside*, p. 265; Rawick, ed., *The American Slave*, Vol. 3, Pt. 3, pp. 103-104; LR, Petition of William Stokes, J. N.

Occasionally, slave property owners were able to accumulate large enough estates to purchase their freedom or to buy loved ones out of bondage. Those who lived on the largest plantations had fewer opportunities in this regard than did hired and self-hired slaves, but self-purchase and family purchase remained a significant aspect of the slave system. Indeed, some of those who achieved quasi-free status made financial arrangements with their owners to grant them freedom papers after a specified period. Some slaves agreed to pay their owners a specified sum over a period of years; others promised to pay significantly more than their market value, or promised to do extra work, for the privilege of buying themselves. Thus, on May 22, 1816, the slave Will obtained an agreement in writing from his owner stating that once he had paid his master the sum of \$300 and then labored an additional four years and two months, he would be emancipated. In 1820, the slave Robert made an agreement with his owner James Hamilton to purchase his son William who was owned by William Hale of Charleston by using "the profits of his Trade as a Brick-layer."⁴⁵

South Carolina whites were well aware of the ambiguous nature of slaves, a "species of property" themselves, acquiring profits and accumulating property. But masters accepted the customs of slaves raising crops, owning horses and cattle, and trading on the plantation, just as they acquiesced in and supported self-hire and quasi-freedom. Indeed, while no law protected a slave's property from confiscation by the owner, the South Carolina courts upheld a slave's right to own property separate from that of the master. [A] slave may acquire and hold in possession personal property, (not prohibited to him or by Act of the Legislature)," one judge, after reviewing various "cases" and "usages," declared, "with the consent of the master or mistress."⁴⁶

By the late antebellum period, these aspects of the state's "peculiar institution" had become so widespread as to elicit comment from a number of observers who pointed to the anomaly of these practices. "Give the slave money, or property which is its Equivalent, & you place it in his power at once to place himself beyond the reach of Servitude," a group of Union District whites said in 1840. "'Money is Power' and none need live in Servitude who can command it." Granting slaves such privileges, they believed, could only lead to the amalgamation of the races and in effect "recognize the Equality of the Slave with the Freeman."⁴⁷

The argument of Union District whites — that privileges would inevitably lead to miscegenation — was voiced by other South Carolinians who feared that without stricter controls the entire system might be undermined. In Orangeburg District, a group of whites noted that "the general

Walker, Peter Stokes, et al. to the SCGA, n.d., #2827, SCDHAH; *Statutes at Large of South Carolina* (1858), p. 87; LR, Presentment of the Beaufort County Grand Jury, 1850, #3, SCDHAH; LR, Report of the Committee on Colored Population, November 29, 1855, #15, *ibid.*

⁴⁵ "Catterall, ed., *Judicial Cases*, Vol. 2, pp. 275, 398; LR, Petition of Thomas Rivers to the SCGA, ca. 1822, n.d., #1878, SCDHAH; LR, Petition of Fred Kohne to the SCGA, November 22, 1821, #125, *ibid.*; LR, Petition of James Hamilton to the SCGA, ca. 1822, n.d., #1750, *ibid.*; see also: LR, Petition of J. E. Holmes to the SCGA, ca. 1822, n.d., #1751, *ibid.*; LR, Petition of John Warren to the SCGA, November 7, 1821, #97, *ibid.*; LR, Petition of Fred Shumpert to the SCGA, ca. 1828, n.d., #1845, *ibid.*

⁴⁶ "Catterall, ed., *Judicial Cases*, Vol. 2, pp. 275, 398; LR, Petition of Thomas Rivers to the SCGA, ca. 1822, n.d., #1878, SCDHAH; LR, Petition of Fred Kohne to the SCGA, November 22, 1821, #125, *ibid.*; LR, Petition of James Hamilton to the SCGA, ca. 1822, n.d., #1750, *ibid.*; see also: LR, Petition of J. E. Holmes to the SCGA, ca. 1822, n.d., #1751, *ibid.*; LR, Petition of John Warren to the SCGA, November 7, 1821, #97, *ibid.*; LR, Petition of Fred Shumpert to the SCGA, ca. 1828, n.d., #1845, *ibid.*

⁴⁷ "Catterall, ed., *Judicial Cases*, Vol. 2, pp. 275n, 383, 398; LR, Petition of Thomas Bowker, J. N. Hardy, George W. Hendley, et al. to the SCGA, November 12, 1840, #44, SCDHAH.

disposition of the people of the State to ameliorate the condition of Slaves" by allowing them privileges resulted in the great evil of their becoming familiar with lower-class white women. "We allude to the attempts which are made and some of them with success at sexual intercourse with white females, an offence to which our existing laws annex no adequate punishment."⁴⁸

But such arguments fell on deaf ears, as masters struggled to create a system that would remain rigid enough to insure control but flexible enough to provide incentives. The result was a constant tension between the master and slave, testing the limits of control and the boundaries of privilege. In the end neither side was completely satisfied, as masters permitted their charges to grow and sell cash crops, or livestock, under their supervision, and slaves responded by moving the domestic economy beyond the limits of the plantation, bartering, buying, and selling with fellow slaves, self-hired and quasi-free blacks, free Negroes, and whites.

As slaveowners sought to regulate the internal economy and curb the worst features of self-hire and quasi-freedom, slaves continued to pilfer rice, cotton, cattle, and other commodities, traffic in stolen goods, obtain profits, accumulate property, and hire their own time. A few became virtually free and managed successful businesses. If apparently few South Carolinians — black or white — accepted the notion that "Every measure that may lessen the dependence of a Slave on his master ought to be opposed," the metaphor employed by the Orangeburg District planters in 1816 could also be applied to the search for a suitable framework for slave-master relations. It was indeed "like looking for a drop of water lost in a river."

⁴⁸ LR, Petition of James Carmichael, V. D. V. Jamison, David Rumph, et al. to the SCGA, December 12, 1812, #112, SCDAH.