

**THE POLICE CONTROL  
OF THE SLAVE IN  
SOUTH CAROLINA**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649007318

The police control of the slave in South Carolina by H. M. Henry

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.  
Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

[www.triestepublishing.com](http://www.triestepublishing.com)

**H. M. HENRY**

**THE POLICE CONTROL  
OF THE SLAVE IN  
SOUTH CAROLINA**



# The Police Control of the Slave in South Carolina

A DISSERTATION SUBMITTED TO THE FACULTY OF  
VANDERBILT UNIVERSITY IN PARTIAL  
FULFILLMENT OF THE REQUIREMENTS  
FOR THE DEGREE OF DOCTOR  
OF PHILOSOPHY

---

BY

H. M. HENRY, M. A.

*Professor of History and Economics*

*Emory and Henry College*

EMORY, VIRGINIA

1914

## PREFACE

**I**N THE FALL of 1909 the late Professor Frederick W. Moore suggested to me as a topic for investigation, the police control of the negro in the period of 1861-1865 and following years. It was his suggestion that by using several states as illustrations I should show to what extent the Southern people sought to perpetuate not slavery, but the same method of controlling the emancipated negro which was in force under the slavery regime, the difficulties which were met with from without and the measure of success attained. The first question arising was: what was that method? It was soon evident that the laws on the statute books did not adequately answer the question. To get a clear understanding of that system another question, or two other questions, had to be answered: to what extent were these laws enforced; and, what extra legal method may have been resorted to in a system so flexible as slavery was? These questions caused the monograph to assume large proportions; for in only a few of the states has the history of slavery been written. Beginning in South Carolina, my native state, I soon became attracted by the possibilities of a study of the institution of slavery from this point of view of slave control in one of the oldest communities. Hence in order to bring this within the compass of a doctoral dissertation, at the later suggestion of Professor Sioussat, I limited the study to one state and to a study of the ante-bellum period, attempting, as far as possible, to show to what extent the laws were enforced. It is my hope, at some later time, to be able, with this study as a basis, to answer the original question as it affects South Carolina.

It affords me pleasure to acknowledge assistance in the way of helpful suggestions and criticism from Professors Sioussat, Dyer and Mims of the Vanderbilt Faculty; Professor U. B. Phillips, of the University of Michigan, and T. D. Jervey, Esq., of Charleston. To Miss Fitz-

330518

simmons and her assistants at the Charleston Library; Miss Webber, of the South Carolina Historical Society; A. S. Salley, Jr., of the South Carolina Historical Commission; Miss Rion, of the South Carolina University Library; and the County Clerks of Court of several counties in the State, I am indebted for assistance in collecting materials. To these and others who have lent me aid I wish to take this opportunity of expressing my appreciation.

H. M. HENRY.

*Vanderbilt University*

*Nashville, Tenn., April 1, 1913.*

## TABLE OF CONTENTS

### CHAPTER I

#### INTRODUCTORY SKETCH

	Page
1. Physiographic Conditions in the State.....	1
2. Summary of Settlement and Development, 1670-1860.....	1
3. Crops Grown—Cotton as a Staple.....	2
4. Statistical Review of Slavery Before 1860.....	3
5. Influence of Barbadian Slave Code upon South Carolina Slave Code.....	4
6. Relation of Slave System of South Carolina to other Slave Systems.....	4
7. Evolution of the Idea of Slave Control from that of the White Indented Servant.....	5
8. Development of the Plan of Control; Codes of 1712 and 1740	6

### CHAPTER II

#### LEGAL STATUS OF THE SLAVE

1. Interpretation by the Courts of the Slave Code.....	6
2. Expediency of Enforcing Slave Laws—Phillips' Idea.....	7
3. "Slaves" Defined—Testing of Freedom.....	7
4. Legal Determination of Color in the Case of Mulattoes.....	8
5. Roman Law Applies to Carolina Slaves.....	10
6. Slaves and the Common Law.....	11
7. Conservative Character of the Code.....	11
8. The Slave as a Member of the Family.....	12 ✓
9. Crimes of Slaves Committed by Order of the Master.....	14
10. No Legal Standing for the Slave in the Courts.....	15 ✓
11. Negroes as Witnesses in Court; Reward for Evidence Given by Negroes.....	15

### CHAPTER III

#### THE OVERSEER

1. The Requirement to Keep a White Person on the Plan- tation.....	18
2. The Position of the Overseer.....	21 ✓
3. Extracts from Contemporary Sources Relative to Overseers..	23
5. Negro Drivers.....	26 ✓



## CHAPTER IV

## THE PATROL SYSTEM

1. Conditions Making a Patrol Necessary.....	28
2. The Written "Pass" or "Ticket".....	29
3. Evolution of the Patrol System.....	31
4. The Patrol and its Regulation.....	31
5. The Patrol Law of 1740.....	34
6. Enforcement of Patrol Duty Until 1819.....	35
7. Patrol Law of 1819.....	36
8. Enforcement of the Later Law.....	38
9. The Patrol in the Cities and Towns.....	42
10. Conditions in Charleston and the Patrol There.....	44
11. The Charleston Work House.....	46
12. Minor Police Ordinances in Charleston.....	48
13. Reports of Mayors on the Policing of the Negroes in Charleston.....	49
14. Policing of Charleston Neck.....	50

## CHAPTER V

## PUNISHMENT OF SLAVES

1. Whipping as a Punishment for Slaves.....	52✓
2. Plantation Management.....	53
3. Examples of Punishment.....	53✓
4. Transportation as Punishment.....	55✓
5. Offenses Capital when Committed by a Negro.....	56
6. Payment by the State for the Value of the Slave.....	57

## CHAPTER VI

## THE COURT FOR THE TRIAL OF SLAVES

1. The Organization of the Court.....	58
2. Criticisms of the Court.....	59
3. Summary of the Evils of this Method of Trial.....	60
4. Two Illustrations of a Slave Court.....	61
5. Remedies Suggested.....	63
6. Modifications of the Court.....	63

## CHAPTER VII

## RELATION BETWEEN NEGROES AND WHITES

1. Laws to Protect Slaves from Cruelty.....	66
2. Agitation for a Change of the Law on the Murder of Negroes.....	67
3. Penalty Under the Law of 1821 and the Interpretation by the Court.....	68

*Table of Contents*

vii

4. Enforcement of the Law Against Slave Murder.....	69
5. Cruelty to Slaves, the Law and its Enforcement.....	75
6. Conditions Connected with Cruelty to Slaves.....	77✓

**CHAPTER VIII**

**TRADING WITH SLAVES**

1. What Trading Involved.....	79
2. Laws on Trading with Negroes.....	81
3. Evils of Trading Law of 1817.....	82
4. Slaves Allowed Land to Cultivate on Their Own Account...	85
5. Enforcement of Law against Trading.....	86
6. Extra Legal Dealing with the Trader.....	88
7. Law of 1857.....	90
8. Laws Against Selling Liquor to Slaves.....	91
9. Enforcement of the Laws.....	93

**CHAPTER IX**

**SLAVES HIRING THEIR TIME**

1. Slavery an Agricultural System.....	95
2. "Hiring Out" a Slave's Time.....	97
3. Results of Plan of Hiring Slave's Time.....	98
4. Opposition and Laws Dealing with It.....	99
5. Non-enforcement of the Laws.....	99
6. Industrial Competition Thereby Caused—Memorials to the Legislature and Reports upon Them.....	100

**CHAPTER X**

**THE SLAVE TRADE—FOREIGN AND INTERSTATE**

1. Act of 1787.....	103
2. 1803-1808—Foreign Trade.....	104
3. Agitation to Re-open the Foreign Trade in the Fifties.....	105
4. The Inter-State Traffic—Policy of 1816 and 1818.....	105
5. Prohibition of the Entrance of Free Negroes.....	107

**CHAPTER XI**

**STEALING AND HARBORING OF SLAVES AND KIDNAPPING  
OF FREE NEGROES**

1. The Crime and its Surrounding Conditions.....	108
2. Slave Stealing Gangs and their Methods.....	109
3. Enforcement of the Law Against Slave Stealing.....	110
4. The Virginia and New York Case.....	113
5. Harboring Runaways.....	114✓

- |   |     |
|---|-----|
| 6. Kidnapping Free Negroes—Law of 1837..... | 115 |
| 7. Instances of Kidnapping.....             | 116 |

## CHAPTER XII

### RUNAWAY SLAVES

- |  |      |
|--|------|
| 1. Advertisement for Runaways.....       | 117  |
| 2. Cause of Absconding.....              | 118  |
| 3. Ultimate Purpose in Running Away..... | 119✓ |
| 4. Laws on Runaways.....                 | 119  |
| 5. Runaway Camps.....                    | 120  |
| 6. The Underground Railroads.....        | 123  |

## CHAPTER XIII

### THE SEAMEN ACTS

- |   |     |
|---|-----|
| 1. Acts of 1822 and 1835 and Reasons For.....                                       | 124 |
| 2. Conflict with Foreign Governments; Peter Petrie; Judge<br>Johnson's Opinion..... | 125 |
| 3. Daniel Fraser Case.....  | 127 |
| 4. Jim Jones Case.....  | 128 |
| 5. Cases of Pereira and Roberts.....  | 128 |
| 6. Protest from Massachusetts—Petition to Congress.....                             | 129 |
| 7. Hoar Scot as Agent to South Carolina.....  | 130 |
| 8. Movement to Repeal the Seamen Acts.....  | 131 |
| 9. Association to Enforce the Seamen Acts.....                                      | 132 |

## CHAPTER XIV

### GATHERINGS OF NEGROES

- |   |      |
|---|------|
| 1. Reasons for Laws Prohibiting Meetings of Negroes.....                    | 133✓ |
| 2. Provisions of Early Laws.....  | 134  |
| 3. Laws of 1800 and 1803.....   | 134  |
| 4. Bell vs. Graham, 1818.....   | 135  |
| 5. Customs of Worship by Negroes.....                                       | 137✓ |
| 6. Efforts at Instruction of Negroes Prior to 1830.....                     | 138  |
| 7. Meeting in Charleston Concerning Religious Conditions of<br>Negroes..... | 140  |
| 8. The Negro Preacher.....  | 141  |
| 9. Meetings Composed of Blacks Only.....                                    | 141  |
| 10. Calvary Church in Charleston.....                                       | 143  |
| 11. Negro Funerals.....   | 143  |
| 12. Meetings of Negroes for Social Purposes.....                            | 144  |
| 13. The Boozer Case, 1850.....  | 146  |