

Felonious Transactions: Legal Culture and Business Practices of Slave Economies in South Carolina, 1787–1860

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“I was born in South Carolina,” begins John Andrew Jackson’s 1862 narrative, *The Experiences of a Slave in South Carolina*.¹ Born on a cotton plantation in Sumter, South Carolina in 1825, Jackson made a daring escape from Sumter to Boston in 1846, but not before he experienced the horrors of antebellum plantation slavery in, arguably, the state most dedicated to preserving slavery as a social, economic, and legal institution. In his account, Jackson remarked that black slaves experienced physical and psychic abuse regularly on southern plantations at the hands of their enslavers. However, violence was not slaveholders’ only tool to extract labor from bondspeople; they also used economic incentives. Jackson described how his first master established a store on his Sumter plantation, out of which he sold liquor to whites during the day and, to supplement his income, he traded with slaves during the night. According to Jackson, this slaveholder encouraged local enslaved people to bring him stolen cotton and in return, they received whiskey. The slaveholder’s rate of exchange was 100 pounds of cotton for one gallon of whiskey. Jackson’s master not only enticed enslaved people with the promise of the spirituous liquor but he also swindled them in the exchange. The slaveholder could sell 100 pounds of cotton for \$14 in the local marketplace. At the same time, a gallon of whiskey was worth \$1. Therefore, while enslaved people bartered for whiskey, not the monetary value of their cotton, the slaveholder made \$13 for every 100 pounds of cotton brought to him by local slaves. Ultimately, the bondspeople failed to receive just compensation for their cotton as

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doi:10.1017/eso.2017.35

Published online October 5, 2017

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1. Jackson, *Experience of a Slave in South Carolina*, 1.

this slaveholder's wealth grew. Jackson even asserted that "the slaves did not know" the market rates of cotton or whiskey, so in the end, "they were cheated."² This planter's trade with slaves—buying cotton at a low price and selling for a much higher one—helped him gain the financial footing to expand his investments in both land and slaves. "This method of getting rich," Jackson disclosed, "is very common among the slaveholders of South Carolina."³

The type of economic exchange that Jackson described was neither an antebellum-era phenomenon nor was it the only form of commercial activity in which enslaved people in South Carolina engaged. Indeed, enslaved people participated in a variety of independent moneymaking pursuits. Yet, as Jackson states, not only was trade between enslaved people and slaveholders common in antebellum South Carolina but slaveholders often exploited enslaved peoples' interest in commodity exchange to augment their own wealth.

Felonious Transactions: Legal Culture and Business Practices of Slave Economies in South Carolina, 1787–1860 interrogates the relationship between South Carolina's economy of slavery, local regulation, and the slaves' economy between the American Revolution and the Civil War. Using an array of documentary evidence, including plantation account books, court records, and legislative petitions, this dissertation connects enslaved peoples' moneymaking strategies to the changing landscape of local legal regulation and economic life in South Carolina during a period of dramatic economic change. It argues that the slaves' economy persisted in South Carolina not only because enslaved people continued to invest time and energy in their own economic pursuits but also because planters, merchants, and non-slaveholding whites exploited, and ultimately profited off of, enslaved peoples' continued investment in local networks of trade.

Felonious Transactions asks the following questions: Did the slaves' economy change? More specifically, how did slaves adapt their trading activities to the mercurial nature of economic life in early national and antebellum South Carolina? This dissertation answers the aforementioned questions by analyzing how the slaves' economy evolved in one state: South Carolina. Between the American Revolution and the Civil War, slaveholders in South Carolina were among the most ardent defenders of slavery as a system that shaped legal, economic, and social relationships between enslaved black people, free people of color, slaveholding whites, and non-slaveholding whites. Indeed, during the 1787 Constitutional Convention in Philadelphia, South Carolina's delegates forcefully defended fellow planters' proslavery

2. Ibid, 14.

3. Ibid, 19.

agendas and worked to ensure that the right to own African human property would be constitutionally protected.⁴ During the first half of the nineteenth century, South Carolina planters and politicians such as John C. Calhoun and James Henry Hammond stood at the forefront of legislative debates at the federal level about protecting slavery as an institution. At the same time, the economic power of South Carolina began to wane, as Charleston became eclipsed by port cities such as New Orleans and New York. All of this meant that the slaves' economy became increasingly more important to South Carolina slaveholders and politicians, particularly during a period of time when they were defending the institution against all outside influence and when slavery became increasingly important to the state's economic stability.

From the earliest moments in South Carolina history, enslaved Africans found ways to engage in their own networks of trade and commerce. They hired out their time for compensation, trafficked in independently produced foodstuff with white and black consumers, and raised livestock to sell. They even sold goods to their masters and local merchants. That is to say, enslaved people in South Carolina produced goods not simply for their own consumption but also worked as independent traders in their local communities, exchanging goods with whomever would buy from or sell to them. These networks of exchange constitute what historians have labeled "the slaves' economy."⁵

Over the past three decades, historians of American slavery have explored how enslaved people in the slaveholding South from the late seventeenth to mid-nineteenth centuries engaged independently in trade. Recently, historians have become more dedicated to understanding the relationship between American economic growth and slavery between the American Revolution and the Civil War. An increasingly prominent subset of scholars has even invoked "capitalism" as a lens through which to interrogate the early national and antebellum American economy. However, important questions remain about how the experiences of enslaved people, not as bonded workers but as independent economic agents, fit into scholarly conversations on changes in the American and southern economy in the seven decades

4. Farrand, *Records of the Federal Convention of 1787*, II: 364–365. See also Davis, *Problem of Slavery*, 104–131; Fehrenbacher and McAfee, *Slaveholding Republic*, 26–38; Waldstreicher, *Slavery's Constitution*; Young, *Domesticating Slavery*, 93–98.

5. Berlin and Morgan, *Slaves' Economy*; Berlin and Morgan, *Cultivation and Culture*; Hilliard, *Masters, Slaves, and Exchange*; Hudson, *To Have and to Hold*; Martin, *Divided Mastery*; Penningroth, *Claims of Kinfolk*; Schweninger, "Slave Independence"; Wood, *Women's Work, Men's Work*; Zaborney, *Slaves for Hire*.

after the American Revolution.⁶ How did enslaved people respond to changes in the American economy from the late eighteenth to mid-nineteenth centuries?

At this point, one may wonder: Was the slaves' economy legal in South Carolina? Legally, the slaves' economy was characterized by its liminality. Carolina lawmakers ratified the first statute to regulate slaves' trading on their own in 1686. The existence of this early colonial law reveals that enslaved Africans began developing their own networks of trade in the late seventeenth century, perhaps as soon as they forcibly set foot in the colony of Carolina. This law, however, never explicitly forbade enslaved people from trading, purchasing goods, or selling goods for their own profit. Instead, in colonial South Carolina, it was understood that slaves could *lawfully* engage in trade with the permission of their owners. Enslaved peoples' interest, combined with laws that did not discourage such trade, in addition to wide swaths of white South Carolinians profiting off of their economic dealings with enslaved people, made the slaves' economy ineluctably important to sustaining colonial South Carolina's economy. The colonial vestiges of these legal traditions made later efforts to control and eradicate the slaves' economy difficult to realize. At the same time, enslaved people began to recognize that as they took advantage of customary rights to earn money and purchase goods, their dedication to their own economic pursuits ultimately supported the growth of South Carolina's slaveholding regime.

Felonious Transactions begins by briefly examining how the slaves' economy evolved in eighteenth-century South Carolina. It establishes that enslaved people in South Carolina traded with all members of white society, including lowcountry rice planters, plantation overseers, Charles Town tavern keepers, and even visitors to Carolina's bustling port city. This trade buttressed the economic life of the Carolina lowcountry and provided members of every white economic group with trading partners. Enslaved Africans regularly sold goods such as produce and firewood to Charles Town's residents and visitors. Slaves' participation in trade had become so widespread that on Sundays they were found "publicly [*sic*] cabaling in the Streets."⁷ In addition to selling their goods to customers on the streets of Charles Town and other lowcountry marketplaces, enslaved vendors directed their economic focus on the city's wharf. One account reveals that African slaves habitually purchased goods such as corn, peas, and chickens

6. Baptist, *Half Has Never Been Told*; Beckert, *Empire of Cotton*; Beckert and Rockman, *Slavery's Capitalism*; Berry, *Price for Their Pound of Flesh*; Johnson, *River of Dark Dreams*; Rosenthal, "From Memory to Mastery."

7. *The South Carolina Gazette*, November 5, 1737.

at low prices and subsequently took these goods to the Charles Town wharf to sell them at higher prices to anyone willing to pay their rates.⁸ The slaves' economy in colonial South Carolina was not relegated to the city. Lowcountry rice plantations proved to be important spaces for enslaved Africans to control their small-scale moneymaking ventures. Enslaved people on the Ashepoo rice plantation, owned by planter Henry Laurens, one of colonial South Carolina's wealthiest merchants and slaveholders, were in the habit of selling their independently cultivated foodstuff to Laurens for a profit. In 1765 Laurens even informed a temporary overseer of this trade: "If you apprehend a want of Provision, it will be proper to purchase of your own Negroes all that you know *Lawfully* belongs to themselves at the lowest price that they will sell for it" (emphasis added).⁹

Ultimately, enslaved Africans in eighteenth-century South Carolina held tightly onto their customary right to work as buyers and sellers of their own goods. This trade, whether it occurred in the city or on a rice plantation, surely signified slaves' abilities to negotiate with not only slaveholders but also with other slaves, merchants, travelers, and traders who occupied and visited South Carolina during the colonial period. The visibility of the slaves' economy in colonial South Carolina suggests that legal traditions negotiated between enslaved Africans, slaveholders, colonial magistrates, and lawmakers had a lasting significance on the visible place of the slaves' economy in South Carolina from the eighteenth to mid-nineteenth centuries.

To understand the ways in which enslaved people in South Carolina navigated the economic landscape of their local communities as independent buyers, sellers, and traders, it is important to consider how they navigated the complex system of slave laws and statutes in the decades immediately after the American Revolution. Slaves' experiences in South Carolina's judicial system illuminates not only how they understood the legality of their economic activities but also how bondspersons continued to engage in commodity exchange with anyone willing to trade for or purchase their wares. Enslaved people often established trading partnerships with poor and middling whites. The experiences of an enslaved woman named Suckey serves as an example. On September 4, 1808, an exchange of goods took place between Suckey and Nancy Edwards, a white woman. Suckey had a variety of items: one peck of wheat flour, two pounds of dried beef, and one gallon of corn meal. Though there is no information on how much Suckey received from Edwards as compensation, it is known that

8. *The South Carolina Gazette*, April 6, 1734. See also Webber, "Presentment of the Grand Jury."

9. Laurens et al., *Papers of Henry Laurens*, vol. 5, 41.

an exchange occurred, with both Suckey and Edwards leaving the transaction with tangible evidence of their interaction: Edwards with goods and Suckey with, perhaps, another commodity.¹⁰ It is possible that Suckey requested that Edwards compensate her in currency; or maybe she acquired another good for the items that she exchanged with Edwards, perhaps an illicit substance to finalize what would become an illicit transaction. In the following month, Edwards was indicted by a Union District judge and charged with violating laws that restricted whites from trading with slaves without a ticket from the slave's master or hirer. Her official charge was "trading with a negro." According to court records, Suckey did not present Edwards with a ticket before the exchange took place. Suckey supposedly stole the items that she sold to Edwards from a white freeholder, Thornton Stringfellow. While it is possible that Suckey told Edwards where and how she procured the goods that Edwards ultimately purchased, it is also probable that Suckey did not offer this information and Edwards did not ask for it. On October 7, 1808, Edwards was tried by a Union District magistrate, and thirteen jurors found her guilty of illegally trafficking with a slave. As far as the court records reveal, Suckey did not suffer the same fate. In an interesting twist, Suckey was not indicted and therefore not tried for her role in the trade. Instead, this enslaved woman's actions were indirectly protected by members of the Union District court.¹¹

The exchange that took place between Suckey and Nancy Edwards in 1808 represents one type of economic activity in which enslaved people engaged in South Carolina during the first half of the nineteenth century. However, this case introduces a larger question. Why did the jurors and magistrate find Nancy Edwards guilty of illicit trafficking with a slave but they did not try Suckey for her role in the trade? Perhaps Suckey was not indicted or tried because of her economic role: not as an enslaved woman but as a trader within the community. It is possible that Suckey's place as a trader within her community was more important than Edwards's illicit trading activities. It is also plausible that Suckey's trading activities were sanctioned by her owner, Bird Buford, which suggests that Suckey's participation in the trade was actually legal, while Edwards's participation was deemed illegal by the court, perhaps because she failed to ask for a valid ticket from Suckey's owner.

10. The records do not reveal what Edwards brought to the transaction, whether it was monetary notes or other tradable goods. It only states that a trade took place. For a discussion of trade and cash in antebellum Georgia, see Peterson, "Slavery, Slaves, and Cash."

11. *State v. Nancy Edwards*, Union District Criminal Court, #118, South Carolina Department of Archives and History. For a discussion of slavery and policing in the slaveholding South, see Hadden, *Slave Patrols*.

The range of possibilities in this one case illuminates the nebulous legal space in which slave economies existed. This case also shows the reality of enslaved peoples' roles within the economic lives of slaveholding communities. These instances introduce questions of slaveholder consent of slaves' trading and non-slaveholding whites' reliance on the underground trade with slaves. In the early nineteenth century, slaves' trading activities, such as small-scale trades like the one between Suckey and Nancy Edwards, became important vehicles for economic growth in South Carolina, especially in the antebellum period.

The complex economic relationship between enslaved people and slaveholders took on new meaning in South Carolina during the antebellum era. Beginning in the 1820s, the slaves' economy in South Carolina underwent a dramatic transformation. Specifically, slaveholders attempted to make their plantation enterprises more profitable by exploiting enslaved peoples' interest in earning money and purchasing goods for themselves. The trade between enslaved people and slaveholders became a more important facet of plantation profitability in South Carolina during the antebellum era. In conjunction with the vibrant intra-plantation trade, slaveholders began adopting more rigorous accounting practices to track plantation expenditures as profits from cotton monoculture fluctuated due to financial insecurities caused by the panic of 1837. In addition to monitoring the price at which a pound of cotton could fetch in local marketplaces or the return on investment for a particular slave, some South Carolina slaveholders began formally tracking the trade that ensued between themselves and their slaves. Under the guise of encouraging slaves to participate as producers in local market economies, slaveholders used enslaved peoples' interest in making money and purchasing goods to further exploit and commoditize their labor.

During the antebellum period, enslaved people in South Carolina began to trade with slaveholders in a more formal way. In a departure from the trading relationships of the bondspeople on Henry Lauren's lowcountry plantation in the 1760s, in the 1820s and 1830s, planters began tracking in account books their trade with slaves. Planters kept an accounting of their trade with slaves, sometimes in a "negro account book." This move demonstrates that enslaved people lost a lot of the autonomy that they had developed over the generations. Slaveholders used the language of paternalist to do it. Even though planters publically espoused the ideology of paternalism to justify the treatment of their slaves, South Carolina planters instead used the language of the benevolent paternalist to control the slaves' economy. For example, lowcountry planter B. McBride wrote that on his Hickory Hill rice plantation, he *allowed* his slaves to tend their own gardens and cultivate their own food because it thwarted

enslaved peoples' engagement in other potentially nefarious pursuits. In 1830 he revealed, "All my slaves are to be supplied with sufficient land on which [the overseer will] encourage, and even compel, them to plant and *cultivate* a crop, all of which I will, as I have hitherto done, purchase at a fair price from them."¹² Slaveholders who supported the slaves' economy described master–slave economic exchange as a mutually beneficial arrangement. McBride rationalized that inter-plantation commerce benefited both masters and slaves, albeit in different ways. On his plantation in Beaufort, South Carolina, he instead compelled his slaves to cultivate their own crops, believing that slaves would be less likely to engage in criminal activities during their free time if they had the opportunity to earn money. McBride asserted that they would have no time to become embroiled in suspicious activities that might have resulted in "severe punishment" from himself or perhaps a slave patrol.¹³ Therefore, to encourage both productivity and compliance, McBride argued that he paid his slaves "a fair price" for their goods. McBride noted that he always purchased slaves' crops, and considering that he controlled how much compensation his slaves received, he may have paid his slaves below market value for their goods. Such a move would have allowed him to spend less on provisions. By forcing his slaves to grow their own crops, which they would use to feed themselves, he freed himself from having to provide essential provisions for his slaves.¹⁴ One could suggest that he sought to capitalize on his slaves' interest in profiting from their economic activities. Instead of allowing his slaves to venture outside Hickory Hill's boundaries to trade, he situated himself as his slaves' sole customer, thus controlling his slaves' economic autonomy. Ultimately, he and slaveholders like him sought to control his slaves' independent cultivation and thereby control how much he could profit off of his slaves' economic pursuits.

However, this planter did not expand on what his "fair price" would be. Was a fair price what the planter was willing to pay his slave for a product, or what consumers in local marketplaces would pay? Did planters who engaged in trade with their slaves operate under the same market practices that they did when trading with other whites? The larger question for slaveholders was: What constituted "fair" when it came to trade with their slaves? The notion that enslaved people received fair and just compensation from planters was an important one because it brought economic rules that dictated planters' relationships with merchants and the larger marketplace into the

12. McBride, "Cultivating the Various Crops."

13. *Ibid.*

14. For discussions of slaves growing their own subsistence, see Lockley, "Trading Encounters"; McDonald, *Economy and Material Culture of Slaves*.

master–slave relationship. McBride presumably deployed the term “fair” to convey that he approached the exchange between himself and bondspeople as he did with other non-slave agents with whom he interacted economically. However, for planters in South Carolina, obtaining the highest price for goods was at the heart of the economic relationships that they forged with local rice merchants or cotton factors. If planters, as actors in the global economy for slave-produced goods, wanted to maintain their economic and social positions as members of South Carolina’s slaveholding and planter class, then their financial successes hinged on their economic acuity. Just as they haggled with merchants over cotton prices and the value of their cash crops in local and the Atlantic marketplaces, planters also applied these economic principles to their dealings with enslaved people. There is no evidence to suggest that McBride actually paid his slaves a fair price for their goods. Just as John Andrew Jackson’s master bilked slaves in the cotton–whiskey exchange, the same could be said for McBride and his treatment of bondspeople on Hickory Hill. While slaveholders such as McBride did not restrict slaves’ assertion of industry, especially in the 1830s and 1840s with the volatility of the global cotton market, they almost certainly did not want enslaved peoples’ moneymaking pursuits to supersede their own economic imperatives. For this reason, slaveholders such as McBride sought to exercise ultimate control over how slaves realized their independent economic goals. During the antebellum period, when planters traded with bondspeople, they alone attempted to determine the “fair price,” not enslaved people or larger market principles.¹⁵

Slaveholders’ control of the slaves’ economy had political consequences in the 1850s. Late-antebellum era anxieties about enslaved peoples’ continued and visible presence in local marketplaces came to a head and challenged white solidarity in the decade before South Carolina politicians ushered the charge for secession in December 1860. In the 1850s, white residents’ grievances more frequently reflected their frustration with lawmakers who had failed to offer meaningful legislation to curtail slaves’ independent involvement in trade. Lawmakers continued the tradition of resisting pressure to strengthen slave laws, especially statutes created to regulate slaves’ public displays of their economic pursuits. South Carolina lawmakers often offered

15. For literature on slavery and liberal capitalism, see Egerton, “Markets Without a Market Revolution”; Fogel and Engerman, *Time on the Cross*; Ford, *Origins of Southern Radicalism*; Ford, “Self-Sufficiency, Cotton, and Economic Development”; Genovese, *Political Economy of Slavery*; Genovese and Fox-Genovese, “Slave Economies in Political Perspective”; Merrill, “Putting ‘Capitalism’ in Its Place.” For a discussion of the global cotton market in the nineteenth century, see Beckert, *Empire of Cotton*.

lackluster responses to white citizens' complaints about illicit trafficking with slaves or "Negro trading in our district," saying that they would not—under any circumstance—revise existing laws. They rebuffed middling white residents' appeals for stronger statutes, saying that local municipalities were responsible for finding more effective ways to regulate incidences of illicit slave activity. The legislative tug-of-war that ensued among white citizens and lawmakers regarding slaves' trading activities in the 1850s shows that the slaves' economy undermined political cohesion between poor, middling, and elite whites in the decade before the Civil War. Slaveholders and their political allies in the South Carolina General Assembly were first and foremost concerned with protecting their economic futures. By protecting the slaves' economy at the legislative level, lawmakers proved that the slaves' economy factored strongly into their understanding of what the state's economy of slavery needed to be stable.

Felonious Transactions examines how enslaved people in South Carolina struggled to maintain a tradition that shaped their relationships among one another and their relationships with white people in every stratum of South Carolina society. It is clear that the slaves' economy was an important part of peoples' lives—both black and white—in late eighteenth-century and nineteenth-century South Carolina. However, though *Felonious Transactions* connects the slaves' economy, economic change, and the legal culture of slavery in South Carolina, perhaps the most important reason why enslaved people engaged in trade was as a form of survival. As bondspersons sought to materially improve their lives, ultimately, slaveholders profited from their interest in trade. South Carolina's enslaved people attempted to challenge the constraints of their status in large and small ways. In choosing with whom they traded and what they would buy and sell, these economic pursuits provided slaves with an opportunity to exercise a modicum of choice over their labor. These small economic successes provided a buffer between themselves and the exploitative system that defined their daily experiences. In the end, however, their enslavers figured out that they could co-opt and control the slaves' economy, which is exactly what they did.

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