

Behind Workhouse Walls: The Public Regulation of Slavery in Charleston, 1730-1850

by

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Dissertation submitted in partial fulfillment of
the requirements for the degree of Doctor
of Philosophy in the Department of
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ABSTRACT

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Abstract

My dissertation examines the presence of enslaved prisoners in local jails and workhouses of antebellum South Carolina from 1730-1850 with a particular focus on the 1790s as a transformative period. Those sites expose the close relationship between governmental authority and the discipline of black people, a relationship that has gone largely unexplored and one that ultimately recasts larger questions about race and criminality, property and ownership, and state formation in the slave South. Much scholarship locates government control over criminal African Americans within penal institutions in a post-emancipation moment and then traces the implications through convict leasing, chain gangs, and penitentiaries in the late-nineteenth and early twentieth centuries. The presence of enslaved people within jails and workhouses during the antebellum period, however, challenges the assumptions that frame the chronology.

Primary source materials such as legislative documents, court records, newspapers, personal diaries, travel journals, and slave narratives reveal that jails and workhouses not only secured law and order within slave societies but also functioned as tangible symbols of government power to which all people, including the enslaved, were subject. The presence of enslaved people within penal institutions, however, increased over time, a trend that coincided with burgeoning racialized conceptions of criminality and contributed to a larger transformation in racial ideology. And while

slave owners and government officials united to uphold white supremacy, they disagreed over government's role in regulating enslaved people. Lengthy confinements, in particular, became a frequent point of conflict between white slave owners and local government officials. Finally, the dissertation explores how the changes evident in antebellum penal institutions reflected the ways in which the nation wrestled with the growth of government. Indeed, those changes reflected the challenges inherent in the statemaking process as the meanings of liberty and citizenship shifted and changed. As important, they revealed the construction of a new social order in the American South which firmly, and exclusively, placed enslaved people on the lowest rung of the social, political, and legal hierarchy. By considering the intersections of statemaking, property, and criminality, the dissertation roots "the condemnation of blackness" in the practice of enslavement and in the Early National and Antebellum state making projects.

Dedication

For my mother, Lucretia Smalls, who always answers when I call. I love you best.

To my brother Darrell, who reminded me what this meant for our family, but also allowed me space to contemplate alternatives, thank you; that meant everything. To my aunt, Annie, who is like my second mother and my best friend, Ebony, your presence throughout this process has been priceless. I love you all.

And to the members of my team who I lost along the way—my grandmother, Rebecca; my aunt, Delores; and my brother, Timothy—I did it. I miss you.

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The generosity of various institutions and organizations saw the merit of my scholarship and made this entire effort possible through financial support. I would like to thank the Duke Graduate School for the Dean's Graduate Award Fellowship, multiple Conference Travel Fellowships, and the Bass Instructional Fellowship. I would also like

to thank the Ford Foundation for the Predoctoral Fellowship, which funded three years of graduate study and inducted me into a wonderful community of scholars. Thanks also to the American Society for Legal History, which provided the invaluable Cromwell Research Fellowship.

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1. Introduction

Riots of all kinds have long stimulated people's imaginations, scholars and laypeople alike. There is something fascinating about individuals who, fed up with the status quo, have been provoked to launch physical, confrontational assaults against their particular "powers that be" to rebel against unjust treatment. With the discovery of the plights of the oppressed, there is often an intuitive desire to root for the underdogs. When the "underdogs" are enslaved people, well, their heroic cache—and that of their leaders—rises further still. Men like Moses, Spartacus, Toussaint Louverture, Nat Turner, and Sengbhe Pieh attain god-like status in historical memory. By and large, people like to root for the oppressed. So when I learned the story of Nicholas, an enslaved man imprisoned in an antebellum South Carolina workhouse who launched a riot in the public, government run institution, I was more than a little intrigued. What prompted the riot? What were the conditions of the institution? What was the role of the government? Of the slaveowners? And what did any of this matter to the larger public? The desire to answer those basic questions grew into this dissertation, which goes beyond the singular scope of the riot to explore the institution, its origins, and its historical relevance.

This dissertation explores the Charleston Workhouse and the local jails of South Carolina more broadly to expose the close relationship between governmental authority and the discipline of black people. While the relationship between government and

enslaved people has received some treatment, the relationship as it regards penal institutions has gone largely unexplored. It is a relationship that ultimately recasts larger questions about race and criminality, property and ownership, and government not only in South Carolina but in the larger slave South.

After the American Revolution, the combined effects of changing English immigration law, the political consequences of rights discourse in America, and the economic imperatives of a burgeoning slave society witnessed the final collapse of the vestiges of white indenture.¹ That passage, in turn, racialized the meaning of bondage. More importantly, the criminal proclivities associated with the lower classes became seen as inherent in enslaved people.

Although slaveowners and government officials united to uphold white supremacy, they disagreed over government's role in regulating enslaved people. Some of the fundamental differences emerged within the institutional space of the workhouse. Lengthy confinements, in particular, became a frequent point of conflict between white slaveowners and local government officials. Local government's active role in punishing enslaved people, coupled with the moments of contention between officials and slaveowners, served as a direct challenge to slaveowners' control of their enslaved property. The young, fragile political hierarchy within newly formed governments

¹ David W. Galenson, "The Rise and Fall of Indentured Servitude in the Americas: An Economic Analysis," *Journal of Economic History* 44, no. 1 (March 1984): 1-4. Jacqueline Jones, *American Work: Four Centuries of Black and White Labor* (New York: W.W. Norton, 1998): 31.

relied heavily upon the power of law for legitimization and government-run institutions helped sanction new law.² Those institutions also reflected the construction of a new social order in the American South, one aspect of which firmly placed enslaved people exclusively on the lowest rung of the social, political, and legal hierarchy. The ability to control black bodies was one of many ways government officials asserted authority. By considering the intersections of government, property, and criminality, the dissertation roots “the condemnation of blackness” in the practice of enslavement.

This dissertation builds on the work of scholars who have explored the intersections of race and crime especially within formal institutions broadly and penal spaces in particular.³ The administrative role of the government in policing slaves

² Christopher Tomlins. *Law, Labor, and Ideology in the Early American Republic* (Cambridge: Cambridge University Press, 1993). Tomlins argued that “only gradually during the first half of the eighteenth century but with increasing rapidity thereafter, law moved from an essentially peripheral position as little more than one among a number of authoritative discourses through which the social relations of a locality were reproduced—religion, family, community, clientage--...to a position of supreme imaginative authority.” This primacy of the law and the legitimacy it afforded government officials is my focus here.

³ Many history scholars concerned with race and crime as it pertains to institutional confinement have tended to focus on the twentieth century. Scholarship on the nineteenth century has explored institutions of punishment and race through the lens of the prison and the institution of slavery—they were argued as distinct institutions engaged in the same goal. See Michael Stephen Hindus, *Prison and Plantation: Crime, Justice, and Authority in Massachusetts and South Carolina, 1767-1878* (Chapel Hill: University of North Carolina, 1980) and Edward L. Ayers, *Vengeance and Justice: Crime and Punishment in the 19th Century American South* (New York: Oxford University Press, 1984). For early twentieth century examination, see Khalil Gibran Muhammad, *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America* (Cambridge: Harvard University Press, 2010) and Kali Gross, *Colored Amazons: Crime, Violence, and Black Women in the City of Brotherly Love, 1880-1910* (Durham: Duke University Press, 2006). For middle to late twentieth century, see Heather Ann Thompson, “Why Mass Incarceration Matters: Rethinking Crisis, Decline, and Transformation in Postwar American History,” *Journal of American History* 97, no.3 (2010); 703-734. Other historians have engaged the late nineteenth century, particularly the post-Civil War period. See Alexander C. Lichtenstein, *Twice the Work of Free Labor: The Political Economy of Convict Labor in the New South* (New York: Verso, 1996), David M. Oshinsky, *Worse Than Slavery: Parchman Farm and the Ordeal of Jim Crow Justice* (New York: Free Press, 1996), Douglas A. Blackmon, *Slavery By Another Name: The Re-enslavement of*

outside of institutions through mechanisms such as patrols and guards has received thorough and excellent treatment by scholars.⁴ The courtroom has also served as a prominent site for countless studies which explore the ties between government and enslaved people.⁵ Each new study has unveiled the dynamism of both the law and the courtroom as a legal space. Those works also revealed the complexity of the relationships which existed not only between the enslaved and their owners, but both groups' relationship to the law. Many of these studies addressed the person/property dichotomy inherent in slavery as a major issue that antebellum slave proponents wrestled with; the issue was particularly salient within the scope of legal issues.⁶ Other

Black People in America from the Civil War to World War II (New York: Doubleday, 2008), Talitha LeFlouria, *Chained in Silence: Black Women and Convict Labor in the New South* (Chapel Hill: University of North Carolina Press, 2015). With some exceptions, very few scholars have been concerned with the institutional confinement of people of African descent prior to the Civil War. See Betty Wood, "Prisons, Workhouses, and the Control of Slave Labour in Low Country Georgia, 1763-1815," *Slavery and Abolition* 8, no. 3 (December 1987). Diana Paton offered a more detailed study of imprisonment in Jamaica in her *No Bond but the Law: Punishment, Race, and Gender in Jamaican State Formation, 1780-1870* (Durham: Duke University Press, 2004). As late as June 2015, scholars acknowledge that imprisonment in America is "deeply historical" yet continue to make distinctions between the prison and slavery as institutions of punishment. This dissertation suggests that a closer look at penal institutions such as workhouses and jails will illuminate a much earlier government sponsored institutional process of punishment through imprisonment.

⁴ Sally Hadden, *Slave Patrols: Law and Violence in Virginia and the Carolinas* (Cambridge: Harvard University Press, 2001).

⁵ Ariela Gross, *Double Character: Slavery and Mastery in the Antebellum Southern Courtroom* (Princeton: Princeton University Press, 2000).

⁶ Many scholars have tackled the person/property dichotomy of slavery and punishment, a few of whom include A. Leon Higginbotham Jr. and Barbara K. Kopytoff, "Property First, Humanity Second: The Recognition of the Slave's Human Nature in Virginia Civil Law," *The Ohio Law Journal* 50, no. 3 (1989):511-540; Ariela Gross, *Double Character: Slavery and Mastery in the Antebellum Southern Courtroom* (Princeton: Princeton University Press, 2000); Joshua D. Rothman, *Notorious in the Neighborhood: Sex and Families across the Color line in Virginia, 1787-1861* (Chapel Hill: University of North Carolina Press, 2003); and Peggy Pascoe, *What Comes Naturally: Miscegenation Law and the Making of Race in America* (Oxford: Oxford

scholarship locates government control over criminal African Americans in a post-emancipation moment and then traces the implications through convict leasing, chain gangs, and penitentiaries in the late-nineteenth century and early twentieth centuries.⁷

The presence of enslaved people within penal spaces during the early national and antebellum periods, however, challenges the assumptions that frame the chronology, particularly the idea that southern governments were not directly and extensively involved in the discipline of slaves. The dissertation also engages scholars who have emphasized the legal agency of people without rights—including, but not exclusive to,

University Press, 2010); Ellen Holmes Pearson, *Remaking Custom: Law and Identity in the Early American Republic* (Charlottesville: University of Virginia Press, 2011): 121-122.

⁷ On chain gangs, see Lichtenstein, Alex, “Good Roads and Chain Gangs in the Progressive South: ‘The Negro Convict is a Slave’”, *Journal of Southern History* 59, no.1 (February 1993): 85-110; Tessa M. Gorman, “Back on the Chain Gang: Why the Eighth Amendment and the History of Slavery Proscribe the Resurgence of Chain Gangs,” *California Law Review* 85, no. 2 (March 1997): 441-478; Colvin, Mark. *Penitentiaries, Reformatories, and Chain Gangs: Social Theory and the History of Punishment in Nineteenth-Century America* (New York: St. Martin’s Press, 1997). Very few scholars of pre-Civil War periods address people of African descent within penal spaces of any kind. Michael Hindus, for example positioned southern blacks almost exclusively on the plantation or within a slaveholding household. By offering a comparison between the southern plantation system and the northern penitentiary, he suggested that there was little need to discuss enslaved or free black prisoners because, essentially, they did not exist as such. See *Hindus’s Prisons and Plantations: Crime, Justice, and Authority in Massachusetts and South Carolina, 1767-1878* (Chapel Hill: University of North Carolina Press, 1980). Even as Edward Ayers contradicted Hindus’s assertion that the American South did not engage in the penitentiary system, he marked that moment as one that engaged black people only in the post-emancipation moment. See *Ayer’s Vengeance and Justice: Crime and Punishment in the 19th Century American South* (New York: Oxford University, 1984). The scholars who have seriously engaged notions of black criminality still tend to mark those experiences as occurring in a late nineteenth-century, post slavery period. See for example, Khalil Gibran Muhammad, *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America* (Cambridge: Harvard University Press, 2010) and Kali Gross, *Colored Amazons: Crime, Violence, and Black Women in the City of Brotherly Love, 1880-1910* (Durham: Duke University Press, 2006).

African Americans⁸—by examining and analyzing enslaved peoples’ actions relative to penal spaces.

Close reading of primary source materials reveal that jails and workhouses not only secured law and order within slave societies but also functioned as tangible symbols of government power to which all people, including slaves, were subject. For the Charleston Workhouse, I also use legislative documents specifically general assembly petitions and resolutions which reveal instances of contention between slaveowners and local government officials regarding the control of slave property. For instance, in 1786 John Livingston petitioned the government for the release of his slave, Dublin, from the Charleston workhouse. During Dublin’s three year incarceration, Livingston made several unsuccessful attempts to secure his release, repeatedly noting the unjust nature of his “perpetual imprisonment.” I also use **Sheriff’s returns**, which provide facts about jailed inmates. Some of the information includes: the nature of crimes, length of sentences, modes of release, and prisoners race and gender. In addition to legislative documents are newspapers, personal diaries and travel journals and slave narratives. The local newspapers offer abundant information including city council minutes, reprints of city ordinances, rich detail of jail breaks, and editorials from local citizens. Careful reading of each of these sources yields crucial information about the

⁸ See Laura Edwards, *The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South* (Chapel Hill: University of North Carolina Press, 2009) and Martha Jones, *All Bound up Together: The Woman Question in African American Public Culture, 1830-1900* (Chapel Hill: University of North Carolina Press, 2007).

operation of local jails and workhouses. Travel diaries and personal journals offer descriptions of the institutions as well as individuals' observations of the spaces. Slave narratives, particularly those of runaway slaves, provide enslaved people's accounts and sentiments about policing and penal spaces. Together, these sources reveal a long history of direct government involvement in the discipline of black people, both free and enslaved. The dissertation draws on a sizable body of primary documents for several counties as well. To date, however, I have focused on the city of Charleston and its workhouse and jail, because the abundance of documentation on Charleston's institutions allows me to reconstruct the physical buildings as well as the functional role of the institutions over a long period of time.

Chapter 1 examines the early period of the workhouse from its inception during the colonial period through 1780s. The analysis of the workhouse origins include the original purpose/mission, populace, and administrators and shows how the changes to all three reflected the burgeoning racialization of the space over this period. It depicts the origins of the workhouse as both a conception and viable program of poor relief for the most "worthy" of the downtrodden to its transformation as a uniquely racialized space that housed people of African descent, most of whom were enslaved men and women

Chapter 2 examines the late 1780s to the early 1800s. This is the period where you begin to see a hardening of the workhouse's racialization. It also offers an examination

of why enslaved people occupied early penal institutions, the transformation of the inmate composition of the workhouse, how the Charleston Workhouse became a space comprised mostly of enslaved men and women, and why people understood that racialized penal place of bondage as a government run institution.

Chapter 3 focuses on the late 1820s through the 1850s where the Charleston workhouse in particular becomes a highly formalized institution of punishment of enslaved people. It further examines the process of formalization as it occurred within larger local, national and global contexts, which included global prison reform.

Chapter 4 focuses on how the government's involvement in workhouses also entailed the regulation of masters. The chapter opens with details of prison riot and continues with an analysis of the arguments that emerged as a result of the workhouse riot. Ultimately, this event highlighted the profound importance the workhouse held within the city. The chapter further examines the politics surrounding the institution, the conflicts that arose between masters and government agents, and what those conflicts said about the changed nature of the workhouse.

Chapter 5 examines how enslaved people exploited the system, and the spaces it opened up, for their own ends. It centers the ways that enslaved people interpreted and appreciated the space. Shows the original purpose/mission, populace, and administrators of the workhouse. Also talks about the way it functioned. This relies heavily on secondary materials.

2. Chapter ONE: Origins of the Charleston Workhouse

One spring morning in 1829, Angelina Grimké strolled the streets of downtown Charleston, on her way home from an early meeting. Along the way, she encountered a violent struggle between two white boys—teenagers about 15 and 17 years old—and a black woman who, based on the heated commentary among the three, Grimké presumed was being taken to the workhouse. The younger boy had threatened to have the woman “tied up.” The woman, having spotted Grimké, cried out to her for help. Grimké, however, was equally desperate to escape the scene before her. She remembered that her “knees smote together, and my heart sank within me” and recalled further that she “felt all I had to do was to suffer the pain of seeing her.”¹

Grimké’s assumption that the woman was destined for the workhouse reveals several probabilities. As a woman of African descent who was likely bound for the workhouse, she was most likely an enslaved woman. In this era, the workhouse was a place occupied almost exclusively by enslaved people although the presence of free blacks remained a possibility and in the middle to late 1830s, became highly probable.² The likelihood of this fact is strengthened by the boy’s threat to have the woman “tied up,” a colloquial reference to part of the process of beatings that took place in the

¹ Catherine H. Birney, *The Grimké Sisters, Sarah and Angelina Grimké: The First American Women Advocates of Abolition and Woman’s Rights* (New York: Haskell House, 1970), 73-74.

² Subsequent chapters will explain how and why free people of color found themselves back in the workhouse, working as hard as and suffering the same punishments as their enslaved counterparts. In certain circumstances, free people of color found their workhouse stints terminated with a sale on the auction block

workhouse's whipping room. Grimké assumption also meant that all four likely traversed one the main downtown Charleston thoroughfares of Queen, Mayzyck, or Magazine. These streets were located in the heart of the city and situated squarely in the center of those intersections were multiple institutions of confinement one of which was the workhouse.

Grimké had every right to feel dread for the woman as she witnessed this scene. As a member of one of Charleston's most elite families, she was a young woman of privilege and wealth. The daughter of a prominent South Carolina slaveholding family, Grimké understood the racial politics of the antebellum South and recognized the grave implications for the woman. Her immediate, visceral apprehension, which she experienced before the woman beseeched her help and before the young boys articulated their threats, illustrate the point. Grimké also knew the difference geography played in the consequences for such a dispute. By the late 1820s, the requisite punishment for the state's oppressed black population was different in rural South Carolina than in the city. In the rural hinterlands, for instance, an enslaved woman might anticipate corporal punishment that took place on a privately held plantation or within a slaveholding household. In the urban metropolis of Charleston however, the punishment for a black person—enslaved or free—might almost certainly occur within the public institution of the workhouse. The very public nature of the workhouse was such that it was well within the realm of possibility, a high probability even, that local

people would be accosted by such scenes. Grimké was forced “to suffer the pain of seeing her.” The public nature of the workhouse and its implications by the 1820s placed not only slavery but slave punishment in a public arena. Punishment of blacks did take place within the place of the workhouse; it also happened en route, in the streets of the city’s center. As the scene unfolded, each of the parties responded to the woman’s looming imprisonment; the boys with the arrogance borne of power, the women with fear and despair. Each knew the brutal fate which awaited the woman inside the Charleston Workhouse. Grimké would have avoided her if she could but the legal, social ordering of Charleston society made such scenes unavoidable. With her cry, the woman compelled Grimké toward a double acknowledgement of her presence; her voice made it impossible for Grimké to avoid her or the violence and intimacy of the situation. Her terror would be seen, heard, and felt; she made her terror their shared experience. And Grimké confronted not only the horror of the situation before her but was reminded of the workhouse and the “wretched, lacerated inmates of its cold, dark cells.”³ It was enough to make anyone’s “heart sank within” them.

Grimké knew this singular version of the city workhouse. Like the individuals she watched that spring day in 1829, she recognized the workhouse solely as a loathsome, fearful institution. Like so many stories, however, that of the workhouse is much longer and more complex. This chapter details the history of the Charleston

³ Ibid, 74.

Workhouse from the late 1730s through the 1790s and explores how it became a place of power imbued with violence. It depicts the origins of the workhouse as both a conception and viable program of poor relief for the most “worthy” of the downtrodden to its transformation as a uniquely racialized space that housed people of African descent, most of whom were enslaved men and women. It travels the fourfold contours of the workhouse as first an initiative to assist the area poor, primarily through outdoor relief in the form of money and rations.⁴ Next, it explores the emergence of the workhouse as a physical space appointed to hold various disparate groups of the state’s underclass. It continues to illuminate the punitive turn of the workhouse as it became a space designated to the criminal element and ends in its final transformation to a penal space which specifically imprisoned the state’s enslaved population.

The workhouse Grimké encountered grew out of colonial practices that began with a charitable mission of poor relief. As the city’s population continued to grow and outsiders (read strangers) began to draw heavily upon the financial resources of the city, officials sought ways to limit handouts to the unworthy poor. The workhouse emerged as a way to force the unworthy to work for their keep. As the image of the poor, and

⁴ Byrd, 37. Byrd states that outdoor relief typically consisted “of cash, clothing or provisions.” See also Benjamin Joseph Klebaner, “Public Poor Relief in Charleston, 1800-1860,” *The South Carolina Historical Magazine* 55, no. 4 (October 1954): 215. Klebaner argued “Aid to pensioners took the form of ‘rations’ in Charleston and not, as in many other places, of money.” Klebaner, however, focused on a later time period. One scholar, Matthew Mulcahy, demonstrated the ways in which people of color were excluded from relief efforts, even in times of great strife. See his “The ‘Great Fire’ of 1740 and the Politics of Disaster Relief in Colonial Charleston,” *South Carolina Historical Magazine* 99, no.2 (April 1998): 135-157.

consequently that of the workhouse, became associated with laziness the area's needy population had an unfavorable view of the workhouse; no "good" person wished to reside there. It was also made less desirable by design as the nature of the institution became associated with punishment. The objective of the workhouse had shifted from a charitable undertaking to a punitive one. And finally, this punitive institution became one used to control and punish the city's black population, particularly enslaved men and women. This final iteration of the institution is the workhouse Grimké confronted.

Although the workhouse became a prominent feature in post-revolutionary South Carolina, a fairly extensive system known as poor relief existed during the colonial era and preceded the establishment of the physical structure of the workhouse. The poor relief program was a formal initiative spearheaded by leaders of the local Anglican Church.⁵ In the metropolis of Charleston, the vestrymen of St. Philips Parish led the charge in the care and oversight of impoverished men and women and provided assistance to the area's poor population in the early eighteenth century.⁶ Men and women who needed mostly temporary assistance could seek the aid of the church. Aid often came in the form of food, clothing, and medical care or supplies but many times, individuals received immediate financial assistance.⁷

⁵ Tim Lockley, "Rural Poor Relief in Colonial South Carolina," *The Historical Journal* 48, no. 4 (December 2005): 955-976.

⁶ Lockley. See also Michael D. Byrd, "The First Charles Town Workhouse, 1738-1775: A Deterrent to White Pauperism?," *South Carolina Historical Magazine*, 110, no. ½ (January- April 2009).

⁷ Lockley, 972.

In this period, the Church oversaw poor relief. The Church played a pivotal role in civic affairs in fact because distinct delineations of authority between church and state were less concrete in the colonial era; in fact, the separation of church and state that came to define the nation after the Revolution did not apply.⁸ Powerful men of the church exercised a fair degree of authority that was registered by the state's residents and leadership. This was more evident in South Carolina as "those elected as churchwardens and as vestrymen in South Carolina played a far greater role in local government than their counterparts did in other colonies."⁹ In South Carolina, the local legislature directly vested the church with power relevant to the indigent populations. The legislature ratified a 1712 "Act for the Better Relief of the Poor of this Province," in fact, which stated "the vestries of the several parishes shall have power, and they are hereby authorized and empowered...to nominate two or more sober, discreet and substantial person to be overseers of the poor for the parish."¹⁰ Further, lawmakers ensured that financial provisions were made available for the local church leaders to undertake this task by a directive which empowered vestry leaders to tax residents through an "assessment to be made equally upon the estates real and personal of all and

⁸ Ibid. This statement proved true throughout many of the American colonies. For some examples, see Clive Raymond Hallman, Jr. "The Vestry as a Unit of Local Government in Colonial Virginia" [PhD dissertation, University of Georgia, 1987], p. John K. Nelson, *A Blessed Company: Parishes, Parson, and Parishioners in Anglican Virginia, 1690-1776* (Chapel Hill: University of North Carolina Press, 2014). Walter Fraser, Jr. "The City Elite, 'Disorder,' and the Poor Children of Revolutionary Charleston," *South Carolina Historical Magazine* 84 (July 1983): 167-179.

⁹ Lockley, "Rural Poor Relief in Colonial South Carolina," *Historical Journal* 48, no.4 (December 2005), 956.

¹⁰ *The Statutes at Large of South Carolina*, Volume 2, page 594.

every the inhabitants, owners and occupiers of lands, tenements and hereditaments, or any personal estate, within the several parishes.”¹¹ The shared authority meant that church leaders were allowed to raise funds for the poor through taxation of their local parish members.¹² This led to a poor relief program recognized by the state’s inhabitants as reliable and expected for survival.

The outdoor relief program established in Charleston existed primarily to assist the city’s “worthy poor.” This group generally included respectable single mothers and widows (particularly those with children),¹³ the disabled, and the elderly. But poor relief extended beyond the state’s urban crown jewel of Charleston. It has been argued, in fact, that South Carolina’s formal assistance of their rural poor was the most generous in colonial America.¹⁴ Still, as the colony’s population increased, the number of impoverished grew at a corresponding rate. The number of considerably “less” worthy people, the worthless—community outsiders, vagrants, and idles for example—grew as quickly as those who city leaders believed deserved assistance. This growth prompted

¹¹ Ibid.

¹² Fraser Jr. argued in “The City Elite” that financially secure individuals in the city tired of supporting the poor through this tax. They also came to believe that order within the city was diminishing, primarily as a result of immigrants coming into their state.

¹³ An example of single mothers deemed “worthy” poor included those among “the many women and children left by soldiers who either died or departed” the area. See J. H. Easterby, “Public Poor Relief in Colonial Charleston: A Report to the Commons House of Assembly about the Year 1767,” *The South Carolina Historical and Genealogical Magazine* 42, no. 2 (April 1941): 86.

¹⁴ Lockley, “Rural Poor Relief in Colonial South Carolina.” Lockley argues, among several things, that “although broadly based on the English poor laws, South Carolina’s public relief system differed significantly in terms of its operation *and its generosity* from that of the mother country, and from those of other North American colonies. (956, emphasis added)

city officials to entertain a more permanent solution. The physical structure of the workhouse thus materialized as the city's formal response to the burgeoning problem.

For all the local Church's power its authority remained contingent upon local government because church leaders relied upon government officials to approve their actions. Thus, when vestry leaders decided that an actual physical structure—a workhouse—was necessary to address the problem of the expanding poor population, they had to petition the local government to sanction their plans.¹⁵

The formal institution of the Charleston Workhouse emerged as a way to alleviate the burden caused by the city's very successful but increasingly expensive public outdoor relief. First petitioned in 1734, the workhouse was erected in 1738 in order to cut "costs of caring for paupers in private homes."¹⁶ It, like most colonial

¹⁵ General Assembly Petitions, 1794, Petition no., South Carolina Department of Archives and History (from this point on referred to as SCDAH).

¹⁶ One aspect of the 1713 Act demanded that an indigent person seeking need should first receive it from the family and formally penalized family members who failed to abide by the directive. The statute mandated "that in case any person hath a father, or a grandfather, or mother, or grandmother, or child, or grandchildren, that they or any of them are of sufficient ability to relieve such poor persons that in such case it shall be lawful for the vestry of the parish, upon complaint made by the overseers of the poor, to orders some one or more, or all of such relations, to allow the poor person so much by the week, as they shall think fitting, and in case of refusal to pay the same, it shall be lawful for any justice of the peace of the county, by his warrant under his hand and seal, directed to any of the constables, to levy the same by distress and sale of the goods of such person or persons refusing to pay, and for want of sufficient distress may commit the offender to prison till payment be made." Act, page 595-596. Library of Congress, *Historic American Buildings Survey, Charleston County Jail*, Library of Congress Prints and Photographs, HABS SC, 10-CHAR, 348-, PDF, 24 (<http://www.loc.gov/pictures/collection/hh/item/sc0902/> accessed January 31, 2014). See also Michael D. Byrd, "The First Charles Town Workhouse, 1738-1775: A Deterrent to White Pauperism?," *South Carolina Historical Magazine*, Vol. 110, No. ½ (January-April 2009), pp.38-39 and Walter J. Fraser, Jr., *Charleston! Charleston: The History of a Southern City* (Columbia: University of South Carolina Press, 1989), 56-58

workhouses in America, was modeled after the English bridewells, or houses of correction, of the medieval period.¹⁷

Initially, those prototypical workhouses loosely managed the most desperate and impoverished of the country's underclass, the contingent of the populace most identified as idle or criminal. The stated mission of the workhouse was to reform the individual's moral flaws through labor; officials reasoned that improved character followed the discipline of hard work. "Corrected" character in turn lessened the individual's indulgence in vice and thus decreased crime within the broader community. The good of the individual and the community at large dwelled at the core of the declared purpose of the workhouse. Class disparities marked the workhouse population far more so than any other relevant factor and only in the seventeenth century did workhouse management in England become more ordered and efficient. It was also during this latter period that the proclaimed moral imperative of the workhouse changed to a decidedly exploitative use of inmate labor.¹⁸ British North American colonists ascribed to and implemented those traditional ideas of the workhouse, particularly its focus on the poorer contingent of the population.

¹⁷ Michael Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution* (New York: Pantheon Books, 1978): 11-14; David Rothman, *The Discovery of the Asylum: Social Order and Disorder in the New Republic* (Boston: Little, Brown, & Co. 1971); R. B. Pugh, *Imprisonment in Medieval England* (London: Cambridge University Press, 1968); Sidney Webb, *English Prisons under Local Government* (Hamden, CT: Archon Books, 1963).

¹⁸ Ignatieff, 14.

Colonial American workhouses operated much the same way as their English prototypes, particularly in their loose management style. Historians have explored the workhouse experiment in the colonies of the American northeast and found that although those colonies made sparing use of the workhouse, when residents built the structures, they did so with the express hope that “the specter” of the workhouse would evoke fear.¹⁹ Ideally, local residents wanted the structure to elicit an imposing sense of doom and dread representative of the life of hard labor experienced inside its walls. The colonists’ primary motive was to deter shiftless strangers from entering an otherwise productive community. The threat of hard labor as punishment also meant to dissuade community insiders from criminal behavior. Despite its grisly reputation the operating principle of the workhouse was to create productive citizens. Like their English counterparts, governing officials claimed their intent was to foster a strong work ethic in those residents confined to the workhouse through intense labor and discipline.²⁰ Though Rothman’s study focused on northeastern workhouses, at initial establishment there were many similarities among their southern counterparts.

Grimké might have expressed some bewilderment over this sketch. The workhouse she encountered, after all, was a bifurcated version of this model. While the 1829 institution provoked the requisite fear presumably inherent in its form and

¹⁹ David J. Rothman, *The Discovery of the Asylum: Social Order and Disorder in the New Republic* (Boston: Little, Brown & Co., 1971).

²⁰ Rothman, 25.

function, it is highly probably that neither she nor the motley band of people she confronted imagined the workhouse ever existed as a place where positive intention flourished toward the inmate.

First, the workhouse of Grimké's time could hardly be described as poorly managed; the early nineteenth century South Carolina workhouse was a highly efficient institution recognized for its authority, power, and reach by everyone from the lowest of the state's populace to the men responsible for function of government. While the underclass most certainly occupied the space of the workhouse, the terms which defined that underclass had also morphed. The workhouse Grimké experienced relied exclusively on racial rather than class delineations. Given that the workhouse population consisted almost entirely of people of African descent, there was no expectation in the post-Revolutionary South for the moral uplift of this group of people. The motives of workhouse officials did not include the improved moral character of enslaved prisoners but rather an agenda to inculcate submissive obedience into rebellious slaves. Many of the prisoners, in fact, were taken to the 1829 institution by their masters or their representatives for "correction" or "safekeeping."²¹ Furthermore, few of the enslaved men and women who occupied the workhouse of Grimké's time

²¹ Correction typically connoted whipping, although during this period it would also constitute labor on the treadmill as well as solitary confinement. Further explanation of both are provided in subsequent chapters. Safekeeping generally allowed for a brief stay while a slave owner traveled; his or her property was assumed to be "safe" under the watchful eye of the workhouse master. Workhouse entry slips for this period support the assertion that these were the primary reasons for the voluntary placement of enslaved men and women inside the institution.

could be thought of as strangers, although prevailing contemporary discourse of the American South often labeled enslaved people—those individuals whose lives consisted of almost nothing but labor—shiftless and lazy. And unless the woman she witnessed was a free black woman, who still would have found the idea of a leisurely life absurd, most probably had a fair degree of experience with “hard labor.” That was the workhouse of Grimké’s time; the earlier version of the workhouse, however, came closer to the model in function and form.

The earliest version of the workhouse was marked by city leaders who sought to care for the worthy poor who went unassisted by friends or family and those who were unable to function independently in society. Located at 15 Magazine Street, the workhouse was one of several buildings eventually built in the city to care for the local underclass²² built on a city square at the intersection of Magazine, Mazyck, Queen and Back Streets. The poor who entered the space voluntarily received the most basic provisions necessary for survival. Rarely, however, were many of those individuals forced to work.²³

The level of austerity served a coercive function meant to encourage beggars, vagabonds, and idles to industry; officials reasoned that anyone who could work would

²² Library of Congress, *Historic American Buildings Survey, Charleston County Jail*, Library of Congress Prints and Photographs, HABS SC, 10-CHAR, 348-, PDF, 24

(<http://www.loc.gov/pictures/collection/hh/item/sc0902/> accessed January 31, 2014).

²³ Byrd, 40-41. Byrd suggests that “few of the workhouse residents in the period 1738 to 1775 appeared capable of any labor at all, much less ‘hard labor.’”

rather do so than enter, or remain, in the workhouse. Perhaps it was this particular characteristic of the workhouse which led at least one scholar to suggest that the workhouse during this earlier period functioned as a means of “social control of the white indigent population.”²⁴ Part of the argument hinged on the presence of stocks and whipping post in the facility. This argument is complicated by the fact that with the establishment of the physical structure, the criminal class were quickly installed into the space and the devices of torture existed as the means by which to “correct” and or punish that particular group.²⁵ The facility, however, housed multiple communities which included not only the poor but idle vagrants. Impoverished individuals who viewed themselves as respectable citizens who had fallen into temporary hardship often found the option of inhabiting the workhouse an onerous one.

As Charleston’s vagrant population continued to expand and their need for the city’s social services increased, the motivation of the leaders who oversaw the workhouse shifted. Idle vagrants, often community outsiders, represented an unwanted

²⁴ Byrd, 35. Byrd argues that the workhouse was made to be undesirable. The “worthy” did not wish to occupy a space cohabited by criminals and/or slaves the workhouse began to take on an overtly coercive/punitive form. Yet Byrd does not convey the significance of the deliberate actions of the “worthy” poor. In his estimation, the elite failed to exercise control over this impoverished population, that is, the worthy poor who remained outside the workhouse walls. He also does not lay sufficient weight to the actions those worthy took to set the tone of the workhouse.

²⁵ Michael Byrd, “The First Charles Town Workhouse: A Deterrent to White Pauperism,” *The South Carolina Historical Magazine*, 110; 39. Note that nowhere in his article does he offer concrete evidence of any white person housed in the workhouse because of “real” poverty being whipped or sentenced to the stocks. And given the quickness by which the criminal class came to occupy the space, it is very likely that those punitive tools were always intended for this criminal class although during this early period, very few of the criminal classes occupied the institution.

financial burden to the local community and many city leaders viewed them as immoral nuisances who abused the system. In recognition of and response to this shiftless element, officials made the workhouse a coercive space meant to quickly steer individuals away from public relief. They aimed to make the institution so undesirable that only the most desperate and destitute would seek refuge there. Part of the construction of the new space, for instance, included the installation of stocks and a whipping post, the presence of which signaled to workhouse occupants how they might expect to live. They reasoned if someone petitioned for financial assistance, they would be forced to work for their keep within the confines of the workhouse.

The coercive nature of the workhouse took a punitive turn when authorities sent slaves, servants, and seamen to the workhouse as punishment for criminal acts. The presence of criminals was not new to the institution but the frequency by which they came to occupy the space marked it as one specific to the purpose of punishment. This fact coupled with those individuals considered “the righteous poor’s” refusal to enter the space set the tone for the institution. The final iteration of the Charleston Workhouse, the institution Grimké recognized and despaired of, was the nearly unrecognizable progeny of the original space. The initial spirit of temporary refuge was replaced by doom of an interminable hell.

In addition to the poor and criminal who comprised the workhouse, sick and disabled people came to occupy the space in large numbers, further complicating the

stated purpose of the workhouse. Unlike their able-bodied poor white brethren many of sick occupants were too physically incapacitated to exercise the same agency as their bodies rendered them susceptible to the failings of a system that was supposed to help them; their sick bodies not only limited their mobility but their options. The early structure of the workhouse then, was characterized by a heterogeneous population and encapsulated multiple functions not only as workhouse but almshouse and hospital to a broad underclass with few, if any, boundaries linked to categories of race, ethnicity, gender, or age.

Thirty years after its establishment, the workhouse was ravaged and dilapidated. The crumbling edifice stood in such disrepair that city officials approved the erection of a new building. Upon completion of the new facility in 1768, the multiple purposes of the workhouse ceased. Officials removed the sick and disabled while the accused criminals and fugitives remained in the older structure.²⁶ The workhouse took on the singular function “as a place of confinement and correction for fugitive seamen, runaway slaves, vagrants, and disorderly people.”²⁷ While the workhouse during this

²⁶ It is worth noting that the actual erection of the new building did not have a causal effect of the separation of the sick and needy from the enslaved and criminal. In fact, the opposite appears to be true. The vestrymen of St. Philips complained about the increased use of the workhouse as a punitive space for slaves not out of any sympathy for their plight but rather because it was inhumane to lodge moral, if poor, people, “in a place where there is dayly correcting of slaves, a Continual noise and Disturbance.” The noise enslaved men and women emitted as they were being whipped (their “correcting”) was too frequent and those, posed a continuous disturbances to the ears and sensibilities of the other inmates. Minutes of the Vestry of Saint Philip’s Parish, December 7, 1766.

²⁷ *The Statutes at Large of South Carolina Vol. 1* (Columbia, 1836), p. 432; Historic American Buildings Survey, Charleston Jail, 25. This older building was later destroyed in the 1780 Siege of Charleston.

earlier period was a place of punishment, it had yet to embody the racialized composition with which Grimké was acquainted. When the older facility was destroyed in the 1780 Siege of Charleston, the Charleston workhouse underwent yet another shift in its operation from an institution that sought to discipline criminals broadly to one which specifically policed black bodies.

This was pivotal time in the city's history and the division of the city's needy and criminal populations coincided roughly with the increased involvement of city government officials' direct control and administration of the workhouse. The role of government took on a particularly organized and formal character in the 1780s. Local government officials used legislation as one mechanism to order the workhouse. In fact, by the late 1780s, the local government had constructed an entire workhouse hierarchy with "An Ordinance for the Regulation of the Work-House in the City of Charleston" which had power trickling down from the city's Mayor to the men charged with the institution's daily management and operation.²⁸ On October 29, 1787, the local government elected five men to serve a commissioners of the workhouse.²⁹ The new law also created the position of the Master of the Workhouse, the primary manager responsible for receiving and discharging prisoners and keeping prisoner records. The

²⁸ South Carolina, *Ordinances of the City Council of Charleston, in the State of South Carolina: Passed since the Incorporation of the City, Collected and Revised Pursuant to a Resolution of the Council* (Charleston: W.P. Young, 1802), 119-122.

²⁹ The committee had existed as governing body previously but its purpose and scope were far less defined. Evidence of their work was visible in some newspaper articles but this appears to be a definitive moment when their power is formally written into the local legislation.

ordinance further specified the manner in which the duties were to be discharged and included the Master of the Workhouse's oath of office and his salary. Finally, the document illustrated the city's income from the facility.

A marked characteristic of this ordinance is that it referred only to runaway slaves and free people of color.³⁰ The sworn oath of the Master of the Workhouse for instance, read in part, "I will well and faithfully execute the office of master of the work-house in Charleston, according to the orders and directions given to me for that purpose; and that I will keep a fair and true account of all slaves and free coloured persons committed to the work-house."³¹ This ordinance was conspicuous in its omission of or any reference to the general "vagrant," "vagabond," or other disorderly person. Further, the detailed nature of the regulations directed specifically at enslaved people are striking. In fact, thirteen of the fifteen sections which comprise the ordinance discuss how the Master of the Workhouse was to handle the "negroe" prisoners, particularly runaway slaves. With the exception of the first two sections which established the institution's management structure, the entire document references slave (prisoner) management.³² For instance, embedded in most of the ordinance are rules for the intake of a runaway slave including: the timeframe in which the Master was to advertise that a

³⁰ *Ordinances of the City Council of Charleston, in the State of South Carolina*, 120-122.

³¹ *Ibid.*, 119.

³² In the entire body of the text, free people of color are only mentioned once. This is important as this early racialized shift in the institution also seemed to hinge on status; most of the occupants were enslaved men and women. Only later, in the late 1820s does the institution begin to imprison free people of color in numbers that were significant.

runaway had been placed in the facility; his liability if a runaway slave escaped from the facility before he could be retrieved by his owner; the reward due to a captor; the fee structure for retrieval of an imprisoned runaway slave; and the means by which the Master, in accordance with local ordinance, could sell an unclaimed imprisoned runaway.

The enslaved state of the imprisoned population had become an integral marker of the workhouse. Why had the inmate composition, specifically its racial makeup, changed so drastically? The answer hinges not only on the economic imperatives of disciplining black bodies specifically but also on the changing meaning(s) of bondage and race within the new nation during this era. David Brion Davis argued the revolutionary debates between defenders and opponents of slavery “helped make race the central excuse for slavery” and “thus diverted attention from a pattern of exploitation, and of prejudice toward the exploited;” the debates helped solidify an understanding that “blacks differed from other *undercastes* in being racially distinct and sharply segregated from the poorer classes of whites.”³³ The larger trends that Davis posited were supported in later regional studies, particularly the ways in which race, class, and gender made whiteness meaningful. Much in the same way that Kathleen Brown illustrated the shifting depiction of the “wench” —from low born, poor white

³³ David Brion Davis. *The Problem of Slavery in the Age of Revolution, 1770-1823* (Ithaca: Cornell University Press, 1975), 303.

women to enslaved women as race crystalized in colonial Virginia, and how the interconnectedness of a debased gender and race operated to secure white manhood in the slave South, similar transformations became increasingly clear in other locales throughout the region.³⁴ For instance, Walter Johnson spoke to the ways that enslaved people could “make a household white” while Ariela Gross argued that civil cases involving enslaved people mattered to white men because “their self-understandings as white masters depended on their relationships to black slaves.”³⁵ All of these studies speak to the ways in which “blackness” made “whiteness” or rather how absolutely a superior white identity relied upon its inferior black counterpart.³⁶

These larger theoretical ideas were made visible and concrete in the Charleston workhouse. The changes which occurred there reflected the shifting ideology of what it meant to be captive and black in Charleston during this period. This is a key moment of racial formation in the nation’s and in Charleston’s history. The 1780 burning of the multiethnic, multiracial workhouse during the Siege of Charleston—one of the final

³⁴ Kathleen M. Brown, *Good Wives, Nasty Wenches, and Anxious Patriarchs: Gender, Race, and Power in Colonial Virginia* (Chapel Hill: University of North Carolina Press, 1996).

³⁵ Walter Johnson, *Soul by Soul: Life Inside the Antebellum Slave Market* (Cambridge, MA: Harvard University Press, 1999), 90; Ariela J. Gross, *Double Character: Slavery and Mastery in the Antebellum Southern Courtroom* (Princeton: Princeton University Press, 2000), 4.

³⁶ In addition to the work of Brown, Johnson, and Gross, see also the earlier work of David Roediger, *The Wages of Whiteness: Race and the Making of the American Working Class* (London: Verso, 1991). Although this text is labor focused, Roediger illustrates how the white worker distinguished himself from the lower work attributed to and thus, ascribed to people of African descent. This is his larger argument but you can see especially p. 13.

Revolutionary War battles—marked the beginning of an ideology that had yet to solidify but certainly embodied the core components of racialized ideas.

By 1783, city officials took to building yet another physical space; this one would support the city's new agenda. With this new space came the assumption that the inhabitants would be criminals. In fact, one of the initial calls for contractors to erect the building was posted in the local newspaper which stated "The commissioners for building the Goal and Workhouse" was "ready to contract with any person willing to undertake the same."³⁷ And a year later, officials had decided "the burnt goal is to be repaired for a work house."³⁸ Anthony Toomer received the contract and by 1785, the city was paying him "in part for building the work-house."³⁹

There was an interim period in which the racialized switch had begun but had yet to come to complete fruition. With the burning of the workhouse in 1780, there was a need for temporary quarters in which to place the individuals burned out of that institution; the local sugar house was then "employed as a work-house."⁴⁰ Criminals, runaways, and vagabonds both black and white resided there.⁴¹ This facility seemed

³⁷ *Supplement to the South Carolina Gazette and General Advertiser*, Tuesday, November 4, to Saturday, November 8, 1783.

³⁸ *Carolina Gazette and General Advertiser*, Tuesday, May 18 to Thursday, May 20, 1784.

³⁹ *Columbian Herald or the Patriotic Courier of North America*, September 5, 1785.

⁴⁰ *Charleston Evening Gazette*, September 2, 1785. The earliest newspaper articles that reference the sugar house as the new work house appeared in May 1783.

⁴¹ The historical memory of Charleston residents suggests that the vast number of the prisoners in the sugarhouse were of African descent. As late as the 1850s as beyond, locals, black and white, conflated the terms workhouse and sugarhouse. Most of those individuals referenced a primarily enslaved population of the institution.

poorly equipped to handle its inmates who, at this time, were still a fairly disparate group of the “criminal element.’ There were even instances of group escapes of multiracial prisoners imprisoned in the workhouse. In July of 1784, for example, John Gerley, the warden of the workhouse, now the sugarhouse, publicized the escape of two white men, one an indentured servant the other a vagrant, and sixteen men of African descent, all enslaved men except one. Rewards were offered to the public for the capture of all the men. There was, however, a distinction in the offered reward.⁴²

The workhouse that emerged was one decidedly controlled by the local government. Given that the mission of the workhouse had shifted from a rehabilitative space for the area’s indigent population to a punitive space for the criminal element, the new government took over the operation of the space. By 1786, newspaper advertisements regarding workhouse inmates carried the title, “Brought to the New Work-House.”⁴³ Clearly visible in the newspapers ads also was that the majority of the inhabitants were enslaved men and women. Ubiquitous in its time and so common among scholars as to go unnoticed, were the plethora of advertisements that called for only racialized beings—typically runaway slaves—to be taken to the workhouse.

The realities of the lived experience did not match the demands put forth in the legislation, at least not right away. And as late as November 1794, Timothy & Mason

⁴² *South Carolina Gazette and General Advertiser*, Thursday July, 1 to Saturday, July 3, 1784.

⁴³ There are a multitude of advertisements that illustrate this point but one specific example, see *State Gazette of South Carolina* May 11, 1786.

offered a reward of ten pounds for the capture of Charles Brodley, “an indented apprentice” who had run away nearly four months before. The public was asked that if captured, Charles should also be confined “In the workhouse or any gaol in the state.” This is evidence that there were once white people also occupied the workhouse as not only criminals but runaways, just as enslaved people were.⁴⁴ And when nineteen-year old house servant Jack ran away from Jeremiah Yates in 1803, for instance, it was requested that he be placed in the Charleston workhouse.⁴⁵ The advertisement did serve as a bit of an anomaly, as this was one of the last notices in which a subscriber requested an indentured person, or any white person for that matter, be placed in the workhouse. Even in the historical record, it is an outlier. Five years later, however, there was clear evidence of the distinction between the ways in which white and black prisoners, even if both were bondsmen, were treated in the city.

On May 13, 1808 for example, reports of several runaways appeared in the *Charleston Courier*. One of the advertisements was placed by James Drummond. He placed a notice for his nineteen year old “indented apprentice” and offered a ten dollar reward to have the young man placed “in any gaol in this state.” Directly below Drummond’s advertisement was one from D. Ward, the master of the workhouse. He advertised the names and descriptions of five men imprisoned in the workhouse, all of

⁴⁴ *The South Carolina State Gazette and Timothy & Mason Daily Advertiser*, November 15, 1794.

⁴⁵ *City Gazette and Daily Advertiser*, February 12, 1803.

whom were suspected of being enslaved people.⁴⁶ Notices typical of this one, which reflected workhouse prisoners as people of African descent, became commonplace throughout South Carolina. Very rarely was there a request to place a white fugitive in the workhouse.⁴⁷

Even as this advertisement, one of the last to reference a white man in the workhouse appeared, the commissioners of the workhouse made a clear racial distinction about the labor they required the prisoners perform inside the institution. In January 1808, the commissioners placed an article in the *Charleston Courier* which relayed the following information,

The commissioners of the work-house beg leave to inform the inhabitants of Charleston, that they now employ the Negroes in confinement, at making of pumps and grinding of corn, on toll. Relying on the patronage of their fellow citizens, they offer to furnish the best Cyprus pumps at the low price of 80 cents, and pine at 65 cents, per foot. For every bushel of corn, sent to be ground, they will return one bushel and two quarts of grist. By order of the Board. Joseph Johnson, Chairman.⁴⁸

As a public institution, the prisoners in the workhouse, almost all of whom were enslaved at this time, could hardly “offer” their services. Labor was a component of the workhouse that enslaved people experienced and for as far back as they were able to, government officials profited from the labor enslaved prisoners provided in the

⁴⁶ Two of the prisoners, Robert James and James Connor, claimed to be free men but neither had no documentation to prove the point and were thus brought to the workhouse as runaways. See *Charleston Courier*, May 13, 1808.

⁴⁷ I was unable to find any indication of a white person being lodged in the workhouse after the 1803 notice. I allow for the possibility that I might have missed one, hence “rarely” versus “never.”

⁴⁸ *Charleston Courier*, January 8, 1808.

institution. The mission of the newly racialized workhouse were quite divorced from the lofty goals on which the original scheme rested.

Another particularly striking marker of the changed nature of the institution included the duration of imprisonment. Rather than allowing the workhouse to function solely as a custodial space, officials began to use the space as a punitive tool in itself; that is, a prisoner did not just await his punishment in the workhouse, the workhouse was the punishment. In 1786, William Livingston petitioned the South Carolina government regarding his slave Dublin's confinement to the workhouse.⁴⁹ Livingston argued that Dublin had already suffered "severe punishment" for his crime and stated "there is no law to warrant the punishment of perpetual imprisonment" inflicted by authorities.⁵⁰ At the time of Livingston's petition, Dublin had spent over three years in the workhouse.⁵¹ Livingston's case is an illustration into the ways the increased power of local government not only worked to legitimate itself but the ways it impinged on the rights of slaveowners. This was particularly problematic because cases like Livingston's demonstrated the turmoil within the status quo. Government agents often engaged in a symbiotic relationship with slaveowners to curtail enslaved peoples mobility. Local officials, who generally made up the elite, slaveholding class, often used the workhouse as one administrative tool that allowed slaveowners to recoup their property.

⁴⁹ General Assembly Petitions, 1786, Petition no. 63, SCDAH.

⁵⁰ Ibid.

⁵¹ Ibid.

Slaveowners placed similar ads, offered rewards for slave capture, and often instructed captors to transport slaves to the local workhouse where they, or a representative, retrieved their slave property.

Although the early iteration of the workhouse would have seemed strange to Angelina Grimké, she was not the first member of the Grimke family to encounter the workhouse with such intimacy. In fact, the 1786 ratification of the changes to the workhouse was signed by her father, John F. Grimké.⁵² It is probable that her knowledge and horror of the workhouse rested, to some degree, in the fact that her father helped usher in the transformation of the space. One of John Grimke's first orders of business as mayor of Charleston was to sign the 1786 Ordinance for the Regulation of the Workhouse which not only instituted stronger government control over the city's workhouse, but also formally sanctioned the new racialized composition of the space.⁵³

The racialized nature of the workhouse was complete by the closing of the eighteenth century. The Charleston Workhouse was marked by race, bondage, and government power and that power continued to expand over the remaining years of the antebellum period. It was this space that Grimké witnessed, knew intimately, and dreaded.

⁵² *Columbian Herald or the Patriotic Courier of North-America*, October 16, 1786. See also Charleston, SC, *Ordinances of the City Council of Charleston, in the State of South Carolina: Passed Since the Incorporation of the City, Collected and Revised Pursuant to a Resolution of the Council* (Charleston, SC: W.P. Young, 1802), 40.

⁵³ The ordinance was signed by John F. Grimke, Intendant on October 11, 1786 and appeared in the local newspaper one week later. See *Columbian Herald or the Patriotic Courier of North-America*, October 19, 1786.

Barbara Fields argued “people are more readily perceived as inferior by nature when they are already seen as oppressed.”⁵⁴ In the earlier colonial period, society branded many groups of people “inferior,” most notably slaves and indentured servants. However, by the early nineteenth century indentured servitude was in rapid decline.⁵⁵ As southern societies became more solidly wedded to chattel slavery as the premier form of bondage, society identified enslaved black people as *the* inferior group. Bound for life, enslaved people hardly represented a class but rather a caste within southern society.

⁵⁴ Barbara Jeanne Fields, “Slavery, Race and Ideology in the United States of America,” *New Left Review* 181 (May 1990): 106.

⁵⁵ David Galenson, *White Servitude in Colonial America: An Economic Analysis* (New York: Cambridge University Press, 1981), 13-14.

4. Chapter TWO: The Workhouse or, the Negro Penitentiary

When Abiel Abbot visited Charleston in 1818, he recorded his journey in a journal. He dedicated a fairly generous portion of that journal to his observations of the city's "Negro Penitentiary."¹ A Massachusetts preacher, Abbot probably learned of the institution before he entered the city and was thus familiar with its racial composition. But even if he arrived unaware, he immediately picked up on the fact that "the whole number of negroes in this African gaol are 100." He clearly identified the place through racial markers, calling it either the "negro penitentiary" or "African gaol," although he noted that local residents since "time immemorial called [it] the Sugar House."² Abbot's acquaintances advised him that slaveowners often sent enslaved men and women to the Sugar House for "correction" and that the mere threat worked as a deterrent. According to Abbot, masters and mistresses needed only to articulate the threat to produce improved behavior among their slaves.

¹ "The Abiel Abbot Journals: A Yankee Preacher in Charleston Society, 1818-1827," *South Carolina Historical Magazine* 68, no. 3 (July 1967): 118.

² "The Abiel Abbot Journals," 118. The reference of this institution as the Sugar House has been ambiguous in the scholarship. One scholar has suggested that the term was borne of local colloquialism which married the idea of whipping with "sugar" i.e., the slaves would be sent to the workhouse "for a little sugar;" again, that is, to be whipped. See Walter J. Fraser, Jr.'s *Charleston! Charleston!: The History of a Southern City* (Columbia: University of South Carolina Press, 1989): 203. I have also found records that suggests it is possible that this term emerged from the necessity of the local Sugar House (a building that actually served the purpose of storing sugar) was temporarily converted into a workhouse after the 1780 fire that destroyed the building which originally served that purpose. For insight into the latter possibility, see *City Gazette and Daily Advertiser*, February 28, 1798. This article stated, in part, "that the State cannot be allowed the use of the Sugar House in Charleston longer than until the month of October next" and continued, "that it is indispensably necessary for the State to have a Building in Charleston, as a Work-House, in the room of the Building loaned by the city to the State as a Gaol."

The institution that Abbot described was the Charleston Workhouse, not the city's jail. What is of particular interest is that Abbot further described the institution as "a state establishment composed of a strong building, as a gaol, with barred doors under bolts & keys, with a turnkey to every apartment on the outside & a driver with his whip on the inside with a back yard surrounded by a high and safe fence."³ The cool curiosity with which Abbot inspected the workhouse was typical of the city's visitors. When Karl Bernhard visited Charleston in 1825, he noted the workhouse as an institution inhabited exclusively by enslaved people.⁴ Bernhard observed the use of flogging and the treadmill. More importantly, he offered a description of the workhouse as one of "the public institutions of the city" which in his estimation also included the courthouse, City Hall, the orphan house, and the "state prison," by which he meant the city jail. Bernhard called the work house "the other prison."⁵ These visitors did not fail to note the largely black population of the workhouse and they did not fail to associate it with the government.

This chapter offers an examination of why enslaved people occupied early penal institutions, the transformation of the inmate composition of the workhouse, how the Charleston Workhouse became a space comprised mostly of enslaved men and women,

³ "The Abiel Abbot Journals," 118.

⁴ George C. Rogers, Jr., *Charleston in the Age of the Pinckneys* (Norman: University of Oklahoma Press, 1969), 146-47.

⁵ Karl Bernhard-Duke of Saxe-Weimar-Eisenach, *Travels Through North America, During the Years 1825 and 1826* 1 (Philadelphia: Lea & Carey, 1828), 7-9.

and why people understood that racialized penal place of bondage as a government run institution. It illustrates that during a particular period in time, people recognized the workhouse as set aside specifically for people of African descent. This chapter shows how local governments attempted to establish, legitimate, and exercise their power in the post-Revolutionary United States through the bodies of enslaved men and women. This chapter focuses on the removal of white men from the Charleston workhouse between the Revolution and 1850. Their removal coincided with a period in which the ideas about race and bondage came together and individual rights became part of the national lexicon, convergence with real consequences in the American South.

As far back as the colonial period, slave mobility was an issue for slaveowners in the American South.⁶ Local authorities, in conjunction with local slaveowners, utilized various methods to ensure community-wide cooperation in the surveillance, policing, and capture of their slave property. This was of monumental importance given the desire among enslaved people for freedom which, coupled with the continuous audacity of some enslaved people to attempt escape, made such measures necessary. The methods, however, had remained largely informal until 1740 when the directives

⁶ For a small sampling of work chronicling the difficulties of limiting slave mobility, see Gerald W. Mullin, *Flight and Rebellion: Slave Resistance in Eighteenth-Century Virginia* (New York: Oxford University Press, 1972); Barbara Fields, *Slavery and Freedom on the Middle Ground: Maryland During the Nineteenth Century* (New Haven, CT: Yale University Press, 1985); John Hope Franklin and Loren Schweninger, *Runaway Slaves: Rebels on the Plantation* (New York: Oxford University Press, 1999); Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America* (Cambridge: Harvard University Press, 1998); Michael Gomez, *Exchanging Our Country Marks: The Transformation of African Identities in the Colonial and Antebellum South* (Chapel Hill: University of North Carolina Press, 1998); Stephanie M. H. Camp, *Closer to Freedom: Enslaved Women and Everyday Resistance in the Plantation South* (Chapel Hill: University of North Carolina Press, 2004).

became more clearly defined through law.⁷ One of the means used to control enslaved people was to place them in local jails.

The processes by which local officials constructed and maintained antebellum South Carolina's jails dates back to the colonial period. The British crown invested local courts and sheriffs with the power to build jails.⁸ Sheriffs held the authority "to contract and agree with proper persons for the building and erecting court houses and gaols" and "defraying the expense thereof shall be made in such a manner as the General Assembly shall think fit."⁹ This statute provided local government officials with a great deal of autonomy. Local community officials and governing bodies had the responsibility of arranging the construction and continued maintenance of these structures. The result was often a hodge-podge of poorly constructed buildings. In many instances, no buildings existed at all. In such cases local citizens captured, housed, and fed criminals in their homes until their court dates. In other cases, they transported criminals to the nearest county jail. In circumstances in which no local jail existed and criminals roamed the landscape, local officials expected individual citizens to take action.¹⁰

⁷ Sally Hadden, *Slave Patrols*, 14-24.

⁸ David McCord, ed., *The Statutes at Large of South Carolina* (Columbia, South Carolina: A.S. Johnston, 1840), 197-198. See also, Thomas D. Russell, "Slave Auctions on the Courthouse Steps: Court Sales of Slaves in Antebellum South Carolina" in *Slavery and the Law*, ed. Paul Finkelman, 329-364 (Madison, WI: Madison House Publishers, 1997).

⁹ *Ibid.*, 202.

¹⁰ The government held these expectations of the citizenry for all criminals. When white and free black criminals escaped from local jails, similar advertisements occupied space in local newspapers. Government

More common than the temporary housing of slave prisoners within individual homes was the appearance of poorly constructed jails that accommodated white, black, male, and female prisoners. The physical space of the jails became their own problem for local officials and helped create many important distinctions between the jails and the workhouse. The architectural elements of the jails shaped the conditions inside and worked to make the prisoners' particularly miserable. Those conditions often affected the health of inmates and threatened their physical safety from other inmates. In fact, the condition of the local jails remained a constant source of anxiety for local officials.¹¹ In October 1825, the Richland County Grand Jury put forth the following request:

We the Grand Jury of the aforesaid district do present as a grievance the state of the gaol which from its small size the prisoners confined therein are not allowed the privileges and comforts of a civilized country, frequently the unfortunate female is confined with the male prisoners in the same room—the maniac with the debtors.¹²

In this case, the size of the jail is of chief importance to the grand jury and had been for a number of years. In 1818, government officials sent out an engineer to survey all of the county jails and to recommend the necessary

officials expected citizens to house any escaped prisoners. However, since the enslaved population and the relationship of government surrounding the institution of slavery is the focus of this study, the evidence I utilize privileges this particular population.

¹¹ Numerous petitions poured into the legislature, complaints regarding the condition of the buildings and requesting funds for their repair. In fact, during the 1820s, 1830s, and 1840s—the historical moment in which penal reform flourished—no county in the state seemed to have maintain suitable jails.

¹² Grand Jury Presentments, October 1825, Richland County, SCDAH.

repairs. In the case of the Richland County jail, the engineer's report stated that a "sum of eight hundred dollars was appropriated for repairs" and acknowledged one of the county's primary concerns: the jail was "frequently too small to contain the number of prisoners which are brought from other districts during the sitting court of appeals."¹³ Clearly, the sum appropriated to the space proved insufficient.

In 1819, government officials passed Act 2220 entitled "An Act to Provide for the More Effectual Performance of Patrol Duty,"¹⁴ which made several determinations including: all free white men between ages of 18-45 had to participate in patrol duty; the role and responsibilities of the patrol captain; and the kinds of punishment that patrol members could legally mete out against enslaved people. Among other things, the law set clear punishment for those who avoided patrol duty. The 1819 law contained two main points relevant to free white men's compulsory service and ideology formation: first, the punishments reserved for those men who failed to carry out patrol duty and second, the way in which legislators expected the captains, as leaders of the patrols, to relay the information held within the legislative act.¹⁵

¹³ South Carolina, *Report of the Civil and Military Engineer of the State of South Carolina for the Year 1818*, (Columbia, SC: D. Faust Print, 1819), 3-4.

¹⁴ David J. McCord, ed., *The Statutes at Large of South Carolina* (Columbia, South Carolina: A.S. Johnston, 1840), 8: 538.

¹⁵ *Ibid.*, 538-541.

Pecuniary punishment confronted those men who elected to disregard the laws. Captains who failed to carry out the orders set forth in the act, for instance, had to pay a thirty dollar fine.¹⁶ The law gave specific instructions on how to physically punish enslaved people engaged in suspicious behavior; a miscalculation on the patrollers' part resulted in additional hefty fines.¹⁷ The selection of an ineffectual patrol leader by the commanding officer could cost that man his salary and a fine. Disobedient patrol members, or worse, those who failed to show up for duty at all, faced heavy fines. Nearly every directive within the law—all of which made a demand on patrol leadership and members—was followed by the threat of punishment, usually monetary, for failure to comply.

These measures hold significance because they illustrate the force necessary to convince free white men to participate in this particular project. Officials recognized resistance among some of the men and confronted that resistance with real threats to their economic welfare. Free white men, especially poor and middling men with families, could not afford such financial penalties. So while many men participated, many also complied because of the nature of the penalties they faced if they failed to do so.¹⁸

¹⁶ Ibid., 538. See specifically Section 1.

¹⁷ Ibid., 540. See specifically Section 11.

¹⁸ The fact the government forced this issue is important to the historiography of this particular organization. Sally Hadden, in her innovative and crucially important work *Slave Patrols: Law and Violence in Virginia and the Carolina* identified men who saw specific benefits in participating in these patrols stating

Officials reiterated the rules, regulations, and procedures over six-month intervals, undoubtedly in attempts to reinforce patrol uniformity throughout the state. By a continuous reiteration of the law, the government communicated a message of coercion and threats, and an ideology of belonging and unbelonging. Government officials first mandated, and then repeatedly promulgated an ideology that positioned South Carolina's black population outside of the community. White people belonged and black people did not, a message emphasized as punishment was increasingly institutionalized. Interestingly, the legislation first had to communicate that to the white citizenry; many of that population continually disregarded that message so that the belonging/unbelonging was an ideology not readily, and never entirely, consumed during this period.¹⁹

"serving in patrols gave white men more than the chance to brutalize bondsmen in their community — service also meant camaraderie and social interaction with other whites. Diligent work could be rewarded with authority over one's neighbors in the patrol group and appoint to a leadership position as patrol captains" (72). While these are undoubtedly true and insightful assertions, the threats inherent in the legislation suggests that at least some men participated due a measure of governmental coercion. Once within those spaces, however, they reaped all the "benefits" that membership had to offer. The law also provided specific instructions for patrol captains to communicate the new legislation to the patrol members. Section fifteen of the act read thusly: "And be it further enacted by the authority aforesaid, That the Secretary of the State be, and he is hereby, required to have a sufficient number of copies of the aforesaid Act printed, and by him to be transmitted to the commandants of regiments, to be by them distributed to the commissioned officers of their respective regiments; and it shall be the duty of the captain or commanding officer of each company, to read this Act to his company, at least once in six months." See McCord, 8:541. See specifically Section 15.

¹⁹ Barbara Welke, *Law and the Borders of Belonging in the Long Nineteenth Century United States* (Cambridge: Cambridge University Press, 2010).

This act recognized that many white South Carolinians associated with the black population—both enslaved and free—frequently and intimately. This statute, despite its emphasis on policing the behavior of blacks in South Carolina inadvertently made known the relationship between these people and blacks. The statute allowed patrol members to enter a variety of establishments to accost not only enslaved people but also whites suspected of “harboring, trafficking, or dealing with negroes.”²⁰ Lawmakers realized the possibility of white people hiding or harboring runaways. They also recognized the negative and positive relationships of whites and black in relationship through trafficking or trading in slaves as well as the possibility of whites “dealing” with black people. Those “dealings” could include the intimacy of friendships, business relations, or other interpersonal encounters. These relationships between some white and black South Carolinians help explain why lawmakers saw the need to continually revisit legislation in the hopes that strengthening the language and punishment might help extinguish those relationships.²¹

Despite levels of resistance on behalf of some patrol members, enslaved people were effectively sought after, captured, and disposed of within jails and

²⁰ McCord, 8:538.

²¹ Just three years after the passage of the previously noted legislation, local officials implemented Act 2317, an act “To Regulate the Performance of Patrol Duty on Charleston Neck” which essentially deemed “the present existing patrol laws insufficient to protect the property of the inhabitants of said neck, and to control and keep in order the numerous black population of the same.” Not only did lawmakers consider standing laws insufficient, but they articulated without reservation the reasons the law needed to work: to protect private property. See McCord 8:545.

the workhouse in South Carolina and those places were, at one point, racially and ethnically diverse.²² Those, however, were not the spaces that Abbot, Bernhard, or even Grimke recognized and recorded. The accounts they provided of their various encounters with the Charleston workhouse during the 1820s were decidedly of a government institution; these witnesses recognized it as such. What was the relevance of the local government not only having full operation of the facility but being recognized as the full and proper authority of that space?

South Carolina's government officials actively participated in policing South Carolina's enslaved population and the mechanisms put in place to police the behavior of enslaved people worked to create an ideology of belonging around and about them. That ideology of belonging operated not only to exclude enslaved criminals but positioned the entire black community—enslaved and free—as potentially criminal. It is widely accepted that during this period most people of African descent were already marked as outsiders. However, the legal ramifications of being formally marked as criminals further alienated the black populace as race and bondage came together to also mean inherently, criminally deviant. Whether or not slaveholders and government

²² Other scholars have implicated southern governments in the disposal of slaves through sales, often on the courthouse steps, of various municipalities. I will say add more to that conversation by placing this action in direct correlation with the prisoners of the workhouse but for some examples of that work, see Thomas D. Russell, "Slave Auctions on the Courthouse Steps: Court Sales of Slaves in Antebellum South Carolina" in *Slavery and the Law* edited by Paul Finkelman (Madison, WI: Madison House Publishers, 1997): 329-364.

officials consciously developed such an ideology is irrelevant because the ideology emerged all the same as a result of the legislation and institutions created to control bondsmen.

Through the 1790s, South Carolinians' concerns with security issues seemed to increase, evidenced by a rather haphazard but clear jail building project. The constant petition for jails suggested that problems such as growing population— which suggested an increased “outsider” population— signaled a corresponding increase in crime and a decrease of social order. Those security concerns also called into the question the efficacy of security within the preexisting jails; as a result, local citizens argued the need for additional work and repair to render the jails unbreachable.

In early 1785, for example, a local commission examined the Charleston jail and found the facility lacked sufficient security. The committee members requested the Commissioners of the Gaol secure treasury dollars in order to fund carpentry work to properly secure the facility.²³ Henry Hampton answered the call to build a county jail in South Carolina but in 1786, over five years after completion, he had to petition the South Carolina government for payment. In his petition, he noted he was “truly sensible of the great publick utility a gaol would be at that place.”²⁴

²³ General Assembly Committee Report, 1-24-1785, SCDAH.

²⁴ General Assembly Petitions, 1786, no. 12.

The increase in undesirables occurred across the social spectrum and that spectrum became, more and more, defined by qualifiers such as race.²⁵ During this period of (perceived) greater threat, it was entirely possible that an enslaved man or woman could find themselves confined in the local jails. Enslaved men and women also found themselves in jails accused of serious criminal offenses. Cases of murder, arson, poisoning, theft, insurrection, and rape were just a few of the crimes that landed slaves in jails.²⁶ In those moments, local government stepped in to mete out punishment through the law. Over time, the local workhouse became a much different space from the jail and the differences became much starker. While there were many differences between the two types of institutions, three stand out in high relief: the nature of offences which could land enslaved people in the workhouse versus the jail, the conditions of the two spaces, and security. The disparities between the spaces and the increased racial population in one versus the other make clear the distinct demographics that emerged in the Charleston Workhouse.

Whether or not enslaved people committed a “crime against the state” for instance, dictated where they might be imprisoned.²⁷ This legal distinction between the

²⁵ Fraser, Walter J. Jr., “The City Elite, ‘Disorder,’ and the Poor Children of Pre-Revolutionary Charleston,” *South Carolina Historical Magazine* 84, no. 3 (July 1983): 167-179.

²⁶ See for instance General Assembly Committee Reports, 1800, no. 143, SCDAH. This sole document tells of at least four slaves, Cuffy, Frank, and “different slaves” executed for “cutting the throat” of one man, stabbing another, an ambiguous “felony,” and “murder.”

²⁷ Gordon’s statement seems odd given that all crimes committed, either criminal or civil, were considered crimes against the state. Nevertheless, he made the distinction although he failed to specify what he considered to be “crimes against the state.” Extant documentation however, suggest such crimes included

two institutions was made clear in a petition issued by William Gordon, the Master of the Workhouse for nearly from 1823-1831. Gordon had petitioned the government for compensation for the care of excess prisoners. He complained that magistrates in the Charleston area had “adopted the practice of committing persons of color charged with offenses “against the state” into the workhouse, which is under his charge instead of the jail of the district,” and that “the workhouse is *exclusively appropriated to the confinement of persons of color.*”²⁸ (emphasis mine) Gordon’s remarks offer two things of note. First, local officials defied common practice that mandated “persons of color” accused of crimes “against the state” be housed in the local jail. The workhouse, secondly, was identified as the sole domain of people of African descent. Gordon’s distinction between “crimes against the state” versus other, unnamed crimes suggests that the workhouse had a different mission or goal. According to Gordon’s argument, individuals who committed “crimes against the state” belonged in the local jail, not in the workhouse. The government, and Gordon as an agent of that government, operated in an official capacity to police and discipline not only criminal blacks—enslaved or free—but those enslaved people housed, for those other unnamed crimes, in the workhouse. Gordon

those offenses that registered as dangerous to the community at large (versus offenses against an individual that had few detrimental ramifications). Such crimes might include murder, arson, theft, and poisoning.

²⁸ Petition 1825, no. 31, SCDAH.

suggested that the jail served a particular purpose and the workhouse another. Social order appeared at the heart of both institutions.

The one clear criterion Gordon offered as a marker between the workhouse and the jail regarded crimes committed “against the state” by people of African descent. Yet local government agents—the magistrates here—had begun to demonstrate, through their actions, the murkiness between written legislation and burgeoning common practice.²⁹ One point of consensus between all, however, was that the workhouse was a place that was racialized as black because it had become defined, in a way that it had not before, by the presence of enslaved people. This suggests that the government operated the workhouse not solely for the benefit of the community but at the behest of, in conjunction with, and for profit from slaveowners. In order to do this, they changed the operating principle and mission of the workhouse.

Another major distinction between the jail and the workhouse was the physical space. The physical space of the jail had two major identifiers: first, for a long period of time, it was a fairly porous space. It was, and continued to be a place, from which escape was possible; far more so than in the workhouse. Secondly, the jail lacked the order—in process and in physical space—of the workhouse and was often identified as decrepit in comparison. The latter, however, was ordered precisely because government officials

²⁹ Gordon’s petition was penned in 1825, just shortly after the slave mart was erected and operated in the workhouse yard. It is possible that the consequent problems of standing and emerging legal practice and administration were shifting here. Some of these problems will be hinted at further in this chapter and will be explored in depth in Chapter 4.

who controlled the place used the prisoners as, well, slaves. The very fact of their existence as bondsmen allowed officials to imagine them as bodies expected to be kept perpetually at labor.

The limited space within the jails proved to be a major issue as it pertained to the division of male and female prisoners. As the above petition illustrates, female prisoners shared the same quarters as their male counterparts. Such an arrangement posed real dangers to female prisoners' physical well-being, especially given the potential for sexual violence.³⁰ For Richland County, this issue persisted. By November, 1827, the grand jury penned a longer presentment, in which they complained,

the jail as being entirely too insufficient for the purposes for which it was intended. That it is an insecure place for prisoners and entirely too small to give safe and proper accommodation for the number which often happens are committed to its walls. In it there are but four rooms; two for criminals, one for debtors, and one for runaway slaves—no place for females. The room for negroes is often crowded by both sexes, which is such an exposure to temptation and vice, that calls for immediate relief. To countenance, or not to step forward put a stop to such a state of things, would be to encourage every thing that is vicious and immoral.³¹

This presentment by the Richland County grand jury is remarkable in its increased urgency. Nearly two years after its initial plea, the county government still failed to separate female prisoners from the male population; this despite the

³⁰ This issue has been investigated in the more studied prison historiography. See for instance, Rafter's *Partial Justice*.

³¹ Grand Jury Presentments, 1827, Petition no. 14, SCDAH.

urgent tone of the petition. Local officials made no arrangements to separate the sexes, a task that could have been accomplished by housing white men—criminals and debtors—together. While the grand jury appeared concerned about the placement of “both sexes” of blacks in a single room, their refusal to make adjustments may reveal their own biases or prejudices about the sexuality of black people. It is possible that the petitioners might have held some concerns about the potential for sexual violence against these women. However, it is equally plausible that they believed any prospective sexual activity to be consensual. Popular thought among many white southerners during this period posited black women as naturally sexually lascivious.³² Black women had been frequently exposed to sexual violence. No law even acknowledged the possibility that black women could be raped. Thus, black women’s presence in shared quarters with black men simply gave impetus to “temptation and vice,” not the violence of rape. Finally, this presentment confirms that, at least in the Richland

³² Debra Gray White, *Ar’n’t I a Woman? Female Slaves in The Plantation South* (1985; repr., New York: Norton, 1999): 27-46. See also, Jacquelyn Dowd Hall, “‘The Mind That Burns in Each Body’: Women, Rape, and Racial Violence” in *Powers of Desire: The Politics of Sexuality*, ed. Ann Snitow, et. al. (New York: Monthly Review Press, 1983): 331-335. Hall illuminates white men’s rape of black women as a politic tool of control. Finally, see Laura Edwards, “Sexual Violence, Gender, Reconstruction, and the Extension of Patriarchy in Granville County,” *North Carolina Historical Review* 68, no. 3 (July 1991): 237-260. Edwards addresses the rape of African American and poor white women and the ways they managed to challenge their assailants in post-bellum southern courts.

County jail, white women did not represent a part of this imprisoned population.³³

Beyond issues of overcrowding and the threat of physical and sexual assault that women confronted, antebellum local jails held other perils which affected all prisoners, white and black, male and female. Officials frequently commented on the health hazards of poor ventilation, bad water, and disease, all of which potentially crippled prisoners. Antebellum local jails were particularly abysmal places to reside and they threatened the physical well-being of its prisoners on several scores, health and safety among them.

The Orangeburg grand jury communicated the dire condition of their jail, stating “the gaol of this district is considerably out of repair and that the wall round the gaol is a nuisance and no way calculated for the safe keeping of prisoners and greatly prejudiced to their health. That the said wall be therefore entirely removed on the south and east sides.”³⁴ The poor condition of the wall speaks to the quality of the construction of the jails provided by the government.

³³ This statement about white women in antebellum jails is specific to this particular evidence. This does not suggest that white women went unaccounted for in all antebellum jails of South Carolina. However, none of the evidence uncovered thus far accounts for a white female imprisoned population within the state’s jails. White women however, did make up part of the southern penitentiary system. For evidence of this, see Rafter *Partial Justice* which illustrates a small number of white women in Tennessee’s antebellum penitentiaries. However, even here there is some confusion. Initially Rafter argues that many penitentiaries “continued to hold a number of women en masse in old-fashioned large cells, inside penitentiary walls but away from the men’s cellblocks” (4). But then she states that women “were not even isolated in a separate section of the prison,” and thus were equally susceptible to sexual violence (8-9). It becomes difficult to decipher which “women” she speaks of because she does not categorize them by race. It is highly possible that given the state of antebellum southern race relations, these women, like those in Richland County jails, who shared space with male prisoners, were black.

³⁴ Grand Jury Presentments, 1823, no. 21, SCDAH.

In 1818, the assigned engineer reported that fifteen hundred dollars had been allocated for the construction of the wall. The engineer remarked that the wall was “to be finished on or before January 1, 1819.”³⁵ Just four years later, the grand jury complained about the health hazard of that structure. Yet, the grand jurors failed to specify the threat the wall posed to the prisoners. Was it in danger of falling? Was it a brick or wooden wall? In what ways precisely did the condition of the jail jeopardize the health of its inmates? Nevertheless, they observed a problem they believed compromised the physical well-being of the prisoners.

The Lexington District grand jurors offered more detailed accounts of the health issues they faced with their jail. On November 1818, they wrote, the “jail stands in a very unhealthy situation, which subjects the unfortunate whose lot is cast in jail to risk his life with the fever in a confined and sickly jail and be goaded ever unto death by the mosquitoes before his guilt can be made appear and while the humanity of our laws presume he is innocent.”³⁶ The location of the jail exposed prisoners to mosquito borne diseases. Although the petitioners did not elaborate to the types of diseases the prisoners suffered from, they did comment that “fever” and sickness in the jail ran rampant. Once confined, they

³⁵ South Carolina, *Report of the Civil and Military Engineer*, 4.

³⁶ Grand Jury Presentments, 1818, no. 9, SCDAH.

suggested, a prisoner might not live to be convicted, or acquitted, of their alleged crimes. Their petition had some effect upon the legislature. Despite the engineer's failure to visit the jail in 1818, 1819 proved a more favorable year for Lexington when the engineer did inspect the facility and concluded that the condition of the jail warranted a new structure; government officials had decided to provide Lexington County with an entirely new jail.³⁷

The converse issue with the jails' architectural failings was that the poor physical structures also helped facilitate relatively easy prison breaks. Security posed the greatest concern to local officials as they felt prisoners, specifically prisoners on the loose, presented a threat to the local community. On January 6, 1826, the grand jury of Laurens District advised the legislature "that our jail is deficient and entirely insecure; that prisoners have frequently escaped from the same, and that large expenses has been incurred by government officials already in guarding convicts confined in it."³⁸ Insecurity was the Achilles heel of every jail in the state. Newspapers persistently ran ads from local jailers, sheriffs, and slaveowners, attesting to the porousness of these structures. In December of 1825, James D. Wilson had the following ad placed in the local City Gazette:

Thirty Dollars Reward. RANAWAY from the subscriber a Negro Fellow by the name of GEORGE, about five feet ten or eleven inches high, dark

³⁷ South Carolina, *Report of the Civil and Military Engineer of the State of South Carolina for the Year 1819* (Columbia, SC: Faust Press, 1820), 4.

³⁸ Grand Jury Presentments, 1826, no. 6, SCDH.

complexion, speaks quick when spoken to and is about thirty years of age, and has a scar on one of his feet, which he received in a boat or on a raft. He was taken up and put in Edgefield jail, he broke from there and was caught and put in Barnwell jail, South Carolina, and I took him out in July, and about the 12th of the same month, he left me in Hancock county, Georgia. About the 16th of July, he was brought from Wilmington, North Carolina; he belonged to John Cowan of that place. I purchased him of Mr. Cowan. The above reward will be given for his apprehension and lodged in some jail, so I get him again.³⁹

Clearly, Wilson had a problem on his hands; having, by this account, made three successful attempts to run away, George seemed determined to secure his freedom. More to the point, George broke out of the Edgefield jail. Wilson's frustration was nearly palpable as he requested that this slave be "lodged in some jail." Wilson might have just as plainly requested that George be placed in some *secure* jail.

Despite the numerous episodes of escape, for the most part jail stays tended to be rather abbreviated. The jails functioned primarily as custodial spaces where prisoners awaited their actual punishment, which could range from punishments such as whippings to executions. This, in fact, is another poignant marker of difference between the jail and the workhouse—the intent. Prisoners in jails were meant to remain there as long as it took for their actual punishment to be rendered; any additional prisoners suffering while not worthy of pity, was unplanned. There was no primary goal of local officials for the jail stay itself to serve as punishment. The workhouse, and the conditions

³⁹ *City Gazette and Commercial Daily Advertiser*, December 2, 1825.

that existed inside of them, on the other hand, operated under that very premise. One of the methods by which that punishment was exacted was through the introduction and aggressive implementation of the treadmill.

Invented by William Cubitt of Ipswich in Suffolk, England, the treadmill was a device of punishment that was immediately thought to be useful in controlling prisoner behavior. Initially likened to a waterwheel, the treadmill was described as easily accommodating “ten to twenty persons,” the effect on each “individual is that of ascending an endless flight of steps.”⁴⁰ In Charleston, local newspaper editors printed stories from various places including those in Europe at the inception of the apparatus to different cities within the United States as various prisons began to adopt the newest means of punishment. The articles seemed geared not only to keep Charlestonians abreast of the newest technology, but often to reflect the improvement of prison management and acclaim in disciplinary technology that came with each government that implemented the device. The treadmill was lauded as “the most healthful of exercises, as appears from the Parliamentary Reports, and it is there proved in evidence that people on the wheel tread themselves into such an increase of flesh that, like over-ripe plums, they burst their coast, by reason of their excessive bodily aggrandisement [sic].”⁴¹ It seemed equally important to communicate how deeply prisoners hated the

⁴⁰ *Charleston Mercury*, September 27, 1822.

⁴¹ *Charleston Courier*, May 13, 1825.

new tool. One English account reprinted in the city papers, for instance, communicated that “the tread-mill is held in great abhorrence by the inmates of those prisons where it has been introduced.”⁴² It is no wonder as the previous article, despite all the espoused virtues of the machine suggested the whipper “stand by with a delicate long-lashed whip in his hand, just to touch up in the rear such millers as may hang back in the sport...”⁴³ Prison managers loved the treadmill, prisoners hated it. Despite their initial resistance, prisoners soon acquiesced to the new system.⁴⁴

Local South Carolina papers reprinted reports of the system from cities like London, Cincinnati, and New York that adopted the new mechanism; New York earned the lion’s share of media attention from local editors. Initially, Charlestonians seemed concerned primarily with which institutions installed the treadmill. Newspapers noted in December 1822 that the Ohio Penitentiary’s 113 prisoners confronted the introduction of this system of punishment, for instance and that New York prisoners encountered the same system in 1823.⁴⁵ The New York article reported “that since the introduction of the treadmill, the number of offences have visibly diminished” in the city.⁴⁶ Not only had the treadmill improved conditions inside prison walls, it served as a means of crime

⁴² *Charleston Mercury*, August 29, 1822.

⁴³ *Charleston Courier*, May 13, 1825.

⁴⁴ *Ibid.*

⁴⁵ On Cincinnati, see *Charleston Courier*, December 21, 1822; on New York, see *Charleston Courier*, August 29, 1823.

⁴⁶ *Charleston Courier*, August 29, 1823.

prevention beyond the institutions. Despite the fanfare which accompanied the new invention, the continuous media coverage revealed the problems inherent in the system.

Criticism of the treadmill arose almost immediately after its introduction into various prison systems. Englishmen were among the first to sound the alarm. One article, reprinted in a local Charleston paper, was a rebuttal to a letter to the editor of the *London Courier* which had called the treadmill both “excessive and inhumane.”⁴⁷ Several people even devised, or suggested, punishments to replace the treadmill. Sir John Hippisley, a member of the British Parliament, invented an alternative less than two years after the introduction of the treadmill.⁴⁸ One of the main purposes Hippisley invented the crank mill was “to obviate the complaints of the injurious effects of the Tread-Mill on the constitution.”⁴⁹ Rather than employing the entire body onto a device like the treadmill through constant movement of the legs, the crank mill required the user to turn bar attached to a central shaft. This device allowed the user to reposition the

⁴⁷ “Tread-mill, To the Editor of the *London Courier*,” reprinted in *The Charleston Courier*, September 29, 1823, p.2. This particular article was, again, a rebuttal to a previous writer who criticized the treadmill as a device of punishment. The author of this article, who called himself Verax, defended the mechanism and countered that the occasion for the previous writer’s complaint was singular and a direct result of a defect in the treadmill at the Lancaster Castle prison. In his defense of the system, the writer went on to say, “I feel equally satisfied the enlightened Magistracy of this county will very soon cause the defect to be remedied; and that, so far from condemning this species of labor, they will extend it.”

⁴⁸ *City Gazette*, November 28, 1823.

⁴⁹ *Ibid.* Hippisley was a critic of the treadmill. While he believed that there were better methods for prison discipline, he also thought some of the critiques were far too stringent. An extract of a letter he wrote revealed his thoughts on the matter: “We certainly are no friends to the tread-mill as an instrument of prison labour, but we have some doubts that the clamours against it are altogether called for. It may be true, that after a few days’ work on the Tread-mill, the labour ceases to be a punishment to some;” He went on to say, “yet these facts are not decisive against the Tread-mill, which we believe has proved a terror to many culprits.” For these excerpts, see *Thoughts on Prison Labour by A Student of the Inner Temple* (Rodwell and Martin, London; 1824), 3.

body, which provided momentary rest for various parts of the body while still engaged in work.⁵⁰ Hippiusley believed that even his substitute was too physically exhausting for female prisoners and recommended other forms of punishment be extended to them.⁵¹

Over the years, the critiques were further legitimized by the medical professionals who censured the device. A cautionary London article, reprinted in the local South Carolina newspaper, revealed that the “official report of a Surgeon” suggested “the tread mill has proved very injurious to the health of criminals.”⁵² For the author of this 1825 article, the doctor’s findings seemed particularly relevant for the city because local officials had “contemplated, some time since, to introduce in Charleston a punishment of this kind.”⁵³ The writer believed that given the negative reviews which accompanied this device, “the humanity of our citizens would revolt such a proceeding, of its effects are as described.” He soon found that he was quite mistaken in his estimation of the local citizenry’s humanity. In August of that year, local papers announced that “a tread mill has been erected within the enclosure of the Work House yard in this city.”⁵⁴ By the end of that month, papers reported that “under the authority of the City Council,” the machine was “in full operation.”⁵⁵ Charleston may have taken

⁵⁰ John S. Skinner, ed., *The American Farmer Containing Original Essays and Selections on Agriculture, Horticulture, Rural and Domestic Economy, and Internal Improvements; with Illustrative Engravings and The Prices of Country Produce* Vol. 5 (Baltimore: J. Robinson, Circulating Library, 1823), 287.

⁵¹ *Thoughts on Prison Labour*, 3.

⁵² *Winyaw Intelligence*, April 27, 1825.

⁵³ *Ibid.*

⁵⁴ *City Gazette and Commercial Daily Advertiser*, August 2, 1825.

⁵⁵ *Winyaw Intelligence*, August 20, 1825.

its time installing the treadmill into the workhouse but they fully committed to the endeavor; this was one of the longest surviving uses of the treadmill in the United States.⁵⁶

Perhaps there existed some merit to the writer's earnest assertions that his fellow Charlestonians would strongly disapprove of the treadmill as a tool of punishment. The great feelings of humanity he attributed to them would prevail to some degree; the punishment was, after all, relegated only to the workhouse and, in effect, of no concern to white prisoners. The racialized aspect of the workhouse and the treadmill which came to reside there, became clear once more through the city's legal correspondence. Local officials reported on their visit to the workhouse after the implementation of the device and they took special interest in the treadmill's positive effects on prisoner behavior, stating "this improvement in the discipline of the Negroes is one that cannot silently be passed over."⁵⁷ They continued, "the substitution of labor for the lash, has been product

⁵⁶ See David H. Shayt, "Stairway to Redemption: America's Encounter with the British Prison Treadmill" *Technology and Culture* 30, no. 4 (October 1989): 908-938. Shayt also noted that the treadmill was "used predominately for the punishment of slaves." (929) He did, however, write that the treadmill existed in the city jail when, in fact, it existed in the workhouse instead.

⁵⁷ "Presentments of the Grand Jury, State of South Carolina, Charleston District," *Southern Patriot*; May 15, 1826. I have addressed the Grand Jury Presentments as "legal correspondence" not only by virtue of the title but also at the behest of historian Sally E. Hadden through her critical piece, "South Carolina's Grand Jury Presentments: The Eighteenth-Century Experience" in *Signposts: New Directions in Southern Legal History* edited by Sally E. Haden and Patricia Hagler Minter (Athens: University of Georgia Press, 2013): 89-110. Hadden articulated the merits of these documents as the production of "grand jurors rather than prosecutors" which allowed them to petition for change. These documents "indicated faults, failings, and violations of both social norms and legal rules that grand jurors pointed out for others to see and hopefully to correct." (89)

of so much good.”⁵⁸ It is important to note that the suggestion that the treadmill introduced labor into the workhouse was an erroneous one, as was the claim that its implementation was met by the cessation of whippings.

As was common, racialized punishment was also codified into law. The treadmill, however, was not relegated just to the enslaved black population. Local officials created laws which made the offences of free blacks within the city punishable by time on the treadmill. In fact, free people of color who had typically been confined to local jails as punishment now confronted legislation that placed them in the workhouse and on the treadmill with their enslaved brethren. One example of this was an 1827 ordinance which detailed the punishment for people who falsely fabricated “any license or licenses...given out by the City Treasurer.”⁵⁹ The punishment for white citizens was to forfeit the license and pay a fifty dollar fine. For the same offense, black people—bound or free—would be imprisoned in the workhouse and put on the treadmill for up to twenty days.⁶⁰ A similar law appeared less than two months later in regard to the punishment for defaulting on taxes. The ordinance stipulated that the failure of a free person of color to pay taxes, “execution shall be issued against the property of the defaulter.”⁶¹ If, however, the free person had no property then punishment would “be

⁵⁸ Ibid.

⁵⁹ “State of South Carolina, City of Charleston, An Ordinance,” *Charleston Mercury*, February 24, 1827.

⁶⁰ Ibid.

⁶¹ “Abstract of an Ordinance Ratified in City Council of Charleston, 31 of March, 1827, for Raising Supplies for 1827,” *Charleston Courier*, April 3, 1827.

issued against the body of the defaulter.”⁶² That punishment took place in the workhouse and on the treadmill; no such legal threat existed which landed the white body in the space of the workhouse to experience the punishment of the treadmill.⁶³

The use of legislation and penal institutions to control enslaved people during this period is important in placing South Carolina statemaking not only within a larger national context, but within a global one as well. The moment in which South Carolina was tightening the reins on the workhouse coincided with a global reform movement regarding prisoners and prison life. And in fact, in the late 1830s, South Carolina considered implementing the new reform, or penitentiary, system.

The penal reform movement swept through Europe and the United States during the late eighteenth and early nineteenth centuries. Penal reform embodied ideas which emerged during the Enlightenment and advocated alternative modes of punishment to replace severe corporal and capital sentences. Prison reformers also castigated the cruel conditions that faced inmates in prisons and over time, they advocated for modern, civilized prison facilities.⁶⁴ In regards to the latter, the penitentiary emerged as the ideal

⁶² Ibid.

⁶³ A very important distinction here: the ordinance did make a general threat that failure to pay taxes for individuals with no property to absorb the financial obligation would have punishment “issued against the body.” The threat of the workhouse and treadmill however, were very clearly stipulated in the ordinance as punishments for “free people of color.”

⁶⁴ Most prisons during this period served as custodial facilities; they functioned primarily as holding spaces until actual sentences (usually enacted on the body through corporal or capital punishment) were exacted upon prisoners. Reformers began to consider imprisonment as an end in itself, as the primary form of punishment. Rather than succumbing to the barbarity of retributive punishment as public spectacle which either crippled or killed convicts, reformers argued for redemption through reflection. Guilty men (criminal

form of punishment which would allow for rehabilitation of prisoners who were left in solitude to contemplate their crimes. The modern penitentiary called for centralized institutions and universal processes which resulted in single standard of reasonable, rational, and, ostensibly, effective rehabilitation of prisoners. Although South Carolina gave serious consideration to the plan, by 1839, a special committee on the project decided to not establish the penitentiary system.

In its explanation of this rejection, the committee reported that “in South Carolina, crimes are comparatively infrequent.”⁶⁵ Even more telling in its rejection, government officials claimed that because they embraced the institution of slavery, in South Carolina as “with every other slave holding community, the penitentiary system is to be applied to only one half of our population.”⁶⁶ With this statement, the committee suggested that this particular brand of prison reform—the penitentiary— applied only to its free population, to its citizens. The suggestion was that the plantation system dealt with the black criminal class. South Carolina’s rejection of the penitentiary system, and

women were often seen as aberrations and incapable of reform) they argued, should be given the opportunity to reflect upon and repent of their sins. Extended periods of time left alone in solitary cells allowed a chance at penitence (hence penitentiary). During this period then, there was a great distinction between the idea of a traditional prison and a progressive penitentiary.

⁶⁵ General Assembly, Miscellaneous Committee Citations, 1839 p. 2, SCDAAH.

⁶⁶ Ibid.

popular penal reform which prompted it, is vitally important to fully understanding how the government participated in policing slaves.⁶⁷

The statements which colored South Carolina's rejection of the penitentiary system also infiltrated the historiography of crime, punishment, and slavery in the American South.⁶⁸ The notion that the American South in general had limited numbers of prisons was based on these accounts. Not only did this suggest that there was only a need to punish one half of the population, but that that all blacks were, in fact, criminal and were dealt with accordingly, on the plantation. This was the implicit assumption given that South Carolina stood as the model by which the rest of the South was judged and also the relatively small population of free blacks in the state. If, indeed, the plantation served as the substitute for prison and the vast majority of the bound plantation residents were black, it was suggested that blacks were inherently criminal.

Closer examination of South Carolina's penal institutions reveal that people of African descent encountered an increasingly sophisticated government controlled system of punishment. This population was never exempt from the possibility of government sanctioned, government sponsored punishment and scholars have

⁶⁷ By the middle to late 1830s, every state in the country, with the exception of the Carolinas and Florida, had implemented new penal reforms, most prominently signified by a centralized state prison. Penal reform was one of many ideas born out of Enlightenment ideas. For in depth examinations of this process see Edward L. Ayers, *Vengeance and Justice: Crime and Punishment in the Nineteenth-Century South* (New York: Oxford University Press, 1984). See also, Nicole Hahn Rafter's *Partial Justice: Women, Prisons, and Social Control*, 2nd ed. New Brunswick, NJ: Transaction Publishers, 1990).

⁶⁸ Michael Hindus, *Prisons and Plantations: Crime, Justice, and Authority in Massachusetts and South Carolina, 1767-1878* (Chapel Hill: University of North Carolina Press, 1980).

acknowledged that. The lack of a centralized prison system in antebellum South Carolina however, has obscured the government's direct engagement in institutionalized punishment of its enslaved population specifically through imprisonment. Official agents of governments in post-Revolutionary and antebellum South Carolina worked to police, incarcerate, and punish slaves. This is clearly evident in the government's financing of and commitment to the maintenance of local jails.

Using formal means to police city residents was one of the ways this became possible particularly through the full formalization of the workhouse process and professionalization of the workhouse staff. Despite the fact that South Carolina rejected the penitentiary system which was a global phenomenon during the 1830s, it nevertheless showed renewed interest in the mechanisms of the workhouse. The formality of the workhouse is clear through streamlined processes, official discussion and implementation of salaries for workhouse employees, the use of prison labor to benefit the wider, white citizenry, and the importance of the positions within the workhouse. But also, the problems that arose between slaveowners and government officials with regard to slave imprisonment.

5. Chapter THREE: Law and the Creation of a Government Institution

On October 8, 1821, Charleston city council ratified “An Ordinance to provide for the due regulation of the Workhouse in the city of Charleston.”¹ It was one of countless pieces of legislation passed by local officials. Like so many antiquated laws meant to order bygone societies, it has been overlooked by scholars. The workhouse within the context of the American South has warranted very little close inspection. On the few occasions that it has caught the attention of scholars, the results primarily advanced the knowledge of white people’s lives in colonial and antebellum South Carolina. This ordinance, however, served as a catalyst to transform an institution, ready to upset an alliance between local government officials and area slaveowners and forever change the meaning of an institution.

This chapter focuses on the 1820s through the 1850s in order to illustrate the transformation of the Charleston workhouse into a highly formalized institution of slave punishment. This formalization took place within larger local, national and global contexts, some of which included the fear of slave rebellion, the battle against disease and epidemics, and global prison reform. Legislation which clearly defined the authority of local government and allowed for the creation as well as the modification of key

¹ Charleston, South Carolina, *Ordinances of the City Council of Charleston, in the State of South Carolina: Passed Since the Incorporation of the City, Collected and Revised Pursuant to a Resolution of Council* (Charleston, SC: W. P. Young, 1802).

posts—positions by which the government could administer and exert its power—facilitated this process of formalization. The city council also continued to create workhouse ordinances throughout the 1830s and 1840s. With the passage of each new law, the ties between the institution and government increased, especially as lawmakers made sure to establish means to enforce the new legislation. The newfound efficacy of the workhouse as an institution also allowed the government to broaden its methods of punishment for free blacks in the city.

Legislation provided government officials the authority to wrest more control over the workhouse. The city ordinance ratified on October 8, 1821 which provided for “the due regulation of the work house” was a significant moment in the city’s history. Certain aspects of the ordinance were further strengthened and supported by laws the council continued to create throughout the 1830s. One of the more important components of that act was to put into place individuals who were representatives of the government, who were responsible to that body, and thereby placed the council unequivocally in control of the institution. The creation of new posts to ensure proper administration of the institution as ascribed by the council coupled with definitive guidelines with regard to the salary of existing officials made those ties complete. The power and authority given to the individuals responsible for daily maintenance as well as oversight provided by the commission was the power of city government. There was a clear sense that the workhouse was an important component of the institutions not

only tied to the social structure of the city but also an immensely significant political and legal one as well.

Legislation to organize the workhouse had already been ratified by the time news broke of the planned slave rebellion. In July 1822, Denmark Vesey was revealed as the leader of a slave revolt, a plan which included killing the city's white inhabitants and fleeing South Carolina for Haiti. Vesey, a free man, had once been a slave. Taken from his home in St. Thomas as teenager, he was enslaved in the sugarcane fields of Saint-Domingue. After a year there, he was purchased by Joseph Vesey, the ship captain who originally deposited him in Saint-Domingue, and eventually brought him to South Carolina. Vesey obtained his freedom in 1799 but as a formerly enslaved man with family and friends still held in bondage, his ties to people ensnared in the system remained strong. When the plot was discovered, local officials moved swiftly to punish the would-be rebels.²

Government officials were sure to broadcast the news of punishments for Vesey's group to the larger public. One newspaper article proclaimed, "We are happy to state that our police have taken the necessary steps to secure the citizens from any accident that might occur from such a source."³ Uncaptured escapees represented "the

² On Denmark Vesey's life, trial, and consequences of the potential conspiracy, see Edward A. Pearson, ed. *Designs Against Charleston: The Trial Record of the Denmark Vesey Slave Conspiracy of 1822* (Chapel Hill: University of North Carolina Press, 1999). Douglas R. Egerton, *He Shall Go Out Free: The Lives of Denmark Vesey* (Madison: Madison House, 1999).

³ *Southern Chronicle and Camden Gazette*, July 3, 1822.

source” or potential threat to the citizens of Charleston. The article continued, “all are on the alert and ready to suppress every similar attempt.”⁴ Although the 1821 ordinance preceded the Vesey conspiracy, officials continued to strengthen its ties to that institution.

Local officials used the events surrounding Vesey as a way to legitimate the necessity of not only gaining control of the enslaved population but to demonstrate that such control should be wielded, in part, by the government.⁵ To the citizens of the city, the leaders wanted to communicate their control over the situation as well as their ability to further curtail any further unrest; the workhouse as a secure place under government supervisor helped portray that image as they reported “The house considered and agreed to a favorable report of the committee on the memorial of the city council of Charleston, praying for the relief of the keeper of the work house and their contingent account for apprehending and keeping in confinement the negroes concerned in the late insurrection.”⁶ It is most likely that “the relief” was a financial burden incurred by workhouse managers to imprison a large group of suspected revolutionaries. Also possible, the “relief” could have come in the form of additional

⁴ Ibid.

⁵ This turn of events has been recognized by historians in various circumstances when the mastery of slaveowners failed to protect the larger public from enslaved behaviors, particularly the threat of rebellion. See Jenny Bourne Wahl’s, “Legal Constrains on Slave Masters: The Problem of Social Cost,” *American Journal of Legal History* 41, no. 1 (January 1997): 1-24. See also Laura Edwards’s, *The People and Their Peace*, 7. Here, the idea of “peace,” which Edwards argues as “constituted a hierarchical order that forced everyone into its patriarchal embrace and *raised the collective interests over those of any given individual.*” [emphasis mine]

⁶ *Charleston Mercury*, December 31, 1822.

manpower. Whatever “relief” was required, it was clear that in a dangerous and unsettling moment for white Charlestonians, additional government assistance was needed by the leaders of the workhouse to ensure the entire communities safety. Peace of mind emanated from punishments the likes of which would curtail further ideas or plans of rebellion. Executions certainly accomplished that purpose. But for the enslaved people involved in the conspiracy who were not executed, the workhouse existed as facility in which their escaped would be impossible, at least until they were exiled from the country or deported out of the state.⁷ Government officials seemed to want to convey that such an effort warranted their participation. Legislation that had passed a few months earlier now had a vehicle, in the form of a successfully averted rebellion, to give it added force.

Part of the work of the 1821 ordinance was to create new positions within the workhouse system. One of the new positions created during this period was the physician of the workhouse.⁸ Prior to the 1821 ordinance city directives made it the Master of the Workhouse’s job to contract the Physician of the Poor house to oversee workhouse prisoners’ health.⁹ Although the particulars regarding the creation of the post appeared to be a minor detail, there was an added level of efficiency in the new arrangement. An assigned professional who understood the nature of typical injuries

⁷ *Southern Patriot and Commercial Advertiser*, July 26, 1822.

⁸ *Charleston Courier*; September 29, 1837; p.2.

⁹ City Council, Ordinance to Regulate the Workhouse, 1821.

suffered by workhouse inmates might promptly treat such prisoners. Given that the workhouse inmates were both prisoners and laborers, the need to get those individuals back to work quickly was surely a motivating factor for the physicians' services. It was the slaveowners' responsibility however, to pay for all medical services provided for his enslaved prisoner. It was the expectation that the slaveowners would pay the doctor directly for any and all services rendered. Failure on the part of the slaveowner to directly compensate the doctor meant those charges appeared in the final workhouse fee.¹⁰ Additions and amendments to the ordinance, and the particular responsibilities of the Master and Physician of the workhouse illustrated the level of control and efficacy local government agents continued to exact. The 1839 ordinance, which built upon its 1821 predecessor and also addressed regulation of the workhouse made clear that slaveowners' refusal to address the issue of a sick prisoner was to be mitigated by the Master of the Workhouse in his immediate request for the assigned physician. Despite the fact that city council enacted a law that demanded an assigned physician and legally

¹⁰ The ordinance, first ratified in 1787 and supported again in the 1839 ordinance stated, "the master of the workhouse shall, in case of the sickness of any slave confine in the workhouse, whose owner is known and resides within the limits of Charleston, give notice thereof to such owner immediately, and on his, her, or their refusal, or neglect, then the master of the workhouse, shall inform one of the commissioners of the situation of such negro, and with his approbation, call for the assistance of the surgeon or physician of the poor house, who is directed to attend such slaves in his sickness, and charge the expence [sic] of the same to the owner; and the said master is hereby empowered, not to deliver such slave until all expences [sic] are paid."

authorized the method by which he should be paid, the financial burden incurred for those services remained the responsibility of the slaveowners.¹¹

The creation of the position of the physician of the workhouse could also be supported by the community fairly easily because of legitimate concerns regarding the outbreak of disease in such confined spaces. Those concerns of flourishing epidemic did not only exist in the workhouse but in neighboring institutions such as the poor house, orphan house, and the marine hospital. In September 1822 for example, the city's Board of Health inspected all of those institutions.¹² The members of that board recognized the efforts of Dr. John M. Righton, the first Physician of the Work House, as they reported the "cleanliness and neatness" of the institution. Maintenance of cleanliness was of particular importance to the Commissioners who toured the institutions particularly for "preserving the health of the City within the precincts of the different institutions committed to their charge."¹³

Disease had always been a cause for concern for the city but during the 1830s, the threat of epidemic became more real. In July 1830, the *Charleston Courier* reported three

¹¹ *Charleston Courier*, September 28, 1837.

¹² The Board of Health seems to come to greater prominence in the early to middle nineteenth-century in Charleston. There was a predecessor in the form of the Health office as early as 1797, see *City Gazette and Daily Advertiser*, September 7, 1797.

¹³ Note that these inspections took place on a routine, almost yearly, basis. Also, the workhouse physician was not the only medical authority the Board of Health acknowledged for their work; they also acknowledged the work of the medical professionals over the other institutions. Over the years the remarks became almost formulaic, to the point where they lose meaning. Regardless of the sincerity of the praise offered to those men, it is clear by the fact that inspections were routinely performed and reported for public information that the cleanliness of the institutions were important to the larger public.

cholera related deaths in the city. They also noted the 102 fatalities reported in Philadelphia.¹⁴ In fact, throughout the remainder of the year, Charleston newspaper editors published numerous cholera-related death notices; deaths in their city but especially the more numerous cases beyond its state's borders including places like Georgia and Philadelphia, and London, Paris, and Moscow in Europe.¹⁵ There was no evidence of an epidemic in Charleston, although there were a number of fatalities. As the outbreak intensified in Europe, the Charleston newspapers printed stories more frequently about the effects in Europe. Stories on cholera appeared on a weekly basis and, from the middle of the year on, on a near daily basis. By October 1831, Charleston's mayor, H. L. Pinckney, had issued a proclamation of quarantine at the ports.¹⁶

Public health was, arguably, a legitimate reason for the government's attempt to contain disease. However, public health concerns paved the way for increased government power; formalization of the institution had larger repercussions.¹⁷ Although officials did not lay out the reasons for the need for a dedicated workhouse physician, rather than the continued use of the physician of the poor house, it could be argued that each physician could follow protocol specific to each institution. As the leaders of a

¹⁴ *Charleston Courier*, July 5, 1830.

¹⁵ The epidemic seemed to have its strongest foothold in Europe. Initially, in the early 1822, many newspaper reports suggested that there was unfounded panic surrounding cholera morbus. By August, however, there appeared to be a change in tone, frequency, and action regarding the spread of the disease.

¹⁶ *Charleston Courier*, October 29, 1831.

¹⁷ For an excellent study on disease and government's response, see Alison Bashford, "Epidemic and Governmentality: Smallpox in Sydney, 1881," *Critical Public Health* 9, no. 4 (1999): 301-316.

public institution that housed a large number of closely confined individuals, however, it was a logical argument that the government needed to monitor the health of prisoners on a continuous basis. It was possible that a sickness there could flourish and become a point of concern for the larger community worried about an epidemic. But there were no reported widespread outbreaks of cholera in the workhouse. Another, more probable, factor that facilitated the need for a dedicated medical professional was the increased workhouse population.

Between 1830 and 1840, numerous new city ordinances went into effect to increase the number of offenses that landed enslaved people in the workhouse. For instance, an 1830 City Ordinance made assembly of enslaved or free blacks “at or near any military corp on parade” punishable by a fine for free blacks and committal to the workhouse for enslaved blacks.¹⁸

By not only creating laws but building in mechanisms by those laws were enforced, the government further strengthened the legal meaning and significance of that institution. A large workhouse population benefited the city government primarily because of the profits inherent in enslaved bodies, as labor and as commodity. Another feature of the ordinance passed by the city council in 1837 was to keep prisoners—enslaved and free—at labor either breaking stones or on the treadmill. The stones were used to pave the streets of Charleston and food (corn and flour) yielded from the

¹⁸ *Charleston Courier*, January 9, 1830.

treadmill not only supplied sustenance for the prisoners but certain parts of the city's population.¹⁹ By government decree, the labor component was to be regulated and continuous.

With the increased population and industry of the work house, the role of the institution's lead official became increasingly important. One of the measures city council used to compensate and formalize the role of the Master of the Workhouse was to offer a set, competitive salary for the position.²⁰ Prior to the change, the Master of the Workhouse salary consisted essentially of workhouse fees, which were set by city council.²¹ It also finally settled on a salary that did not rely upon the fees generated by the number of prisoners brought into the workhouse. City council members set the Master of the Workhouse's salary at \$3500 per year and decreed that "all other income

¹⁹ Chapter 2 provides the reference (by Abiel Abbot's observations in his travel diary) of the corn produced by prisoners' treadmill labor as their primary sustenance; it also references that prisoners' efforts provided food for the city, although who received the excess foodstuffs was omitted from the account. Chapter 1 also reveals that government officials demanded that corn and meal produced in the workhouse be used to provide food for the inhabitants of the poor house.

²⁰ During the October 1837 city council proceedings, officials decided "to make the Maser of the Work House a salaried officer, instead of renting out the institution." This was done "to secure the accountability of that officer, by requiring regular reports of his proceedings—to maintain the authority of the Council over the institution—and to render it a source of revenue to the city." This particular professionalization tactic aligned with formalization of the institution. It may not have, however, raised the MOWs income as the city seemed to want to ensure its own profit from the financial transactions which occurred in that institution. See "Proceedings of Council," *Charleston Courier*, October 6, 1837.

²¹ An Ordinance for the Regulation of the Workhouse in the City of Charleston," 119. The city council established and published allowable workhouse fees and made it a criminal act for the Master to attempt to extract any sum over and above those directed in the ordinance. This earlier 1794 also required that the Master of the Workhouse pay a rent to the council; this was the largest sum generated by the city from the institution prior to the change in 1839.

and profits” generated by the workhouse were to be turned over to the city council.²² To ensure that the Master adhered to the latter point, they dictated that the Master provide financial accounting of the workhouse. He was required to turn this information over to the Commissioners. In addition to reporting the financial processes, the Master was to keep an accurate record of the persons who came in and out of the institution. This change made the Master of the Workhouse one of the city’s top paid officials.

The change in the Master of the Workhouse’s salary provoked a reaction from other members of the community. Several people believed that either other services provided on behalf of the city were being undervalued or that of the workhouse official had been overvalued. This is illustrated in the article posted under the moniker, A Voter. In “City Affairs” the author of that article took issue with the salaries paid to several city officials. From the Mayor—the highest paid, whose post at the time commanded \$3500, to the inspector of city engines’ \$500 compensation.²³ He believed that the Master of the Workhouse’s \$2500 salary should be reduced to \$1200; the position, he argued, required

²² This set salary may have come at a greater benefit to the city government than for the Master of the Workhouse. Published city accounts prior to the salary change showed remarkably smaller incomes compared to the revenue generated after 1839. Incomes generated from the workhouse after the passage of the 1839 ordinance were exponentially more profitable to the city than any time prior. It stands to reason that the cumulative income for the Master of the Workhouse in fees was substantially more than the \$3500 he was paid by the city council. It seems equally reasonable that local government officials had to pay such an extravagant salary, to account for any losses suffered. In 1822, for instance, city accounts showed \$181.11 received for workhouse fees and \$815.42 in 1824. See *Charleston Courier* September 4, 1820 and September 4, 1822 respectively.

²³ Ibid.

“little else than clerical duties.”²⁴ As one of the highest paid elected officials in the city, the post certainly required at least a bit more than clerical skill. Nevertheless, the article illuminated that city residents were aware not only of the position but the competitive salary offered him and took issue with it. The issue of the salary for the Master of the workhouse continued to generate criticism.

In the article “The High School,” A Citizen opened by expressing appreciation for the city’s secondary and post-secondary institutions’ role in promoting the education of his son and the young men of the city. He segued into a critique of the compensation to the Master of the Workhouse. He communicated how he “was forcibly struck with the truth of the last of them on lately reading, in your paper, a list of the city officers, by which it appeared that the President of the College had one thousand dollars less salary than the Master of the Work House!”²⁵ The council might have argued, quite legitimately, that the tuition generated by high school was a mere half the sum collected from workhouse through fees alone. In 1842, for instance, the city collected \$4,853.74 from high school tuition; it collected \$8,423.72 from workhouse fees. This argument could have held up against several of the city’s revenue sources in 1842 as money collected from the workhouse represented the city’s third largest income, falling behind

²⁴ This was either a typographical issue or just an error on behalf of the writer. During this period, the Master of the Workhouse’s salary was \$3500 per year, not the \$2500 claimed in this article.

²⁵ *Charleston Courier*, September 12, 1840.

city taxes (\$119,050.83) and badges (\$12,345.00).²⁶ Meanwhile the council voted to reduce the mayor's salary to \$2500 per year²⁷ after his \$4000 came under fire by members of the community²⁸ Interestingly enough, although the mayor's salary was reduced, the Master of the Workhouse's did not. Thus, by the end of 1840, the lead official of the workhouse commanded the same salary as the man who functioned as the head of the city government.

The combined efforts of the physician and master of the workhouse reveal another probable cause for government officials to ensure the health of enslaved prisoners. As evidenced above, there was significant revenue generated by the workhouse which came from fees associated with the institution. Part of the legislation made clear that slaveowners' failure to pay the fees would result in the sale of enslaved prisoners. The task of selling enslaved prisoners became easier and more streamlined with the erection of the slave mart, on workhouse grounds, in 1839. After the slave mart was established, the workhouse witnessed an increased number of prisoners an occurrence that coincided with a greater financial intake for the city from the workhouse.²⁹

²⁶ "City Accounts," *Charleston Courier*, September 2, 1842.

²⁷ *Charleston Courier*, September 17, 1840.

²⁸ *Charleston Courier*, August 15, 1840. Interestingly enough, despite criticism against the Master of the Workhouse's salary, it was the mayor's salary which city council eventually reduced.

²⁹ The establishment of the slave mart became a point of contention which generated a host of issues between government officials and slaveowners, as well as slave brokers, because it stipulated exclusivity as the site of slave sales; legally, no one else was allowed to sell enslaved people in other areas of the city.

The ordinances served as important markers as to the increased legal importance of the workhouse but throughout the 1820s and 1830s, government officials were aware that the institution as a sector of their system of punishment existed within a larger national and global conversation about reform in modes of punishment. Penal reform embodied progressive ideas about modes of punishment and advocated modern, civilized prison facilities.

The penitentiary reform movement has a long history based primarily in Enlightenment ideology. Some of the more recognizable critics of older systems of punishment included Voltaire, Jeremy Bentham, and Cesare Beccaria. Critics of corporal and capital punishment, they collectively believed in a more humane way to deal with criminals, an important aspect of which was the idea of reform.³⁰ The popular recognition of the need for prison reform, however, came at the hands of English reformer, John Howard. The publication of Howard's *The State of Prisons in England and Wales* in 1777 was a composite work of the poor conditions he witnessed personally during his tour of institutions throughout England and many European countries, an expedition that ultimately claimed his life. *The State of Prisons* alerted the general public to the problems prisoners faced in jails, hulks, and workhouses, problems that had long caught the attention and ire of individuals and disparate groups. Prison reform gained

³⁰ On Beccaria's primary philosophy on punishment, see Cesare Beccaria, *Of Crimes and Punishments*, 5th ed. Translated by Graem R. Newman and Pietro Marongiu (New Brunswick, NJ: Transaction Publishers, 2009). Jeremy Bentham is widely recognized for his principle influential work on the modern penitentiary, see *The Panopticon Writings* (London: Verso, 1995).

international attention. Widespread support of prison reform allowed Howard to push forward the Penitentiary Acts of 1779, which called for the construction of two prisons that aligned with the tenets of prison reform.³¹ While the major proponents of prison reform espoused their views early on, during middle to late eighteenth century, it was the opening of the nineteenth that other governments began to implement reform ideas.

Some of the primary tenets of the new penitentiary system included the single cell design, penitence, and hard labor. Solitary confinement was also a major aspect of the new system. The particular architectural feature single cell design allowed each prisoner their own space, which provided time for penitence. This design permitted prisoners to go undisturbed by the disorder inherent in older systems and afforded them the opportunity to reflect on their behaviors. The idea of reflection was based in Judeo-Christian religious ideas of solitude and repentance.

The international scope of Enlightenment-based prison reform ideas did not escape the notice of government officials in South Carolina. Local government officials watched as other United States governments became enthralled by the reform notion of the penitentiary and promptly built institutions that adhered to what officials believed were the best qualities. New York's Auburn Prison (silent system) and Pennsylvania's

³¹ The specific prisons outlined in the Act never materialized; nevertheless, the passage of the bill galvanized reformers and resulted in the construction of prisons that rested on many of the precepts outlined therein.

Eastern State Penitentiary (separate system) became prison model institutions.³² As they had done with the treadmill, South Carolina government officials watched the spread of the penitentiary system and seriously considered the reform ideas for its state's criminal element. These institutions were also being watched by the international community, most famously by Gustave de Beaumont and Alexis de Tocqueville who, in addition to touring various American institutions, examined the penitentiary systems for evidence of best practices.³³

South Carolina officials' curiosity about the development of the penitentiary moved beyond the more celebrated and famous institutions to include an examination of their immediate neighbors. Officials watched how the penitentiary project developed in New York and Pennsylvania but seemed more concerned about the success or failure in states like Georgia, Tennessee, and Alabama, South Carolina print media kept local citizens abreast of the expansion of the institution in those states. In Georgia, for example, officials watched closely as Georgia considered legislation to establish a

³² The two penitentiary methods that came to define reform efforts were the silent and separate systems. The silent system made famous at New York's Auburn prison allowed prisoners to work together but under a strict code of silence, which was monitored by a guard. The separate system which defined Pennsylvania's Eastern State Penitentiary advocated that prisoners remain separated at all times, working independently in single cells. The prisoners were to be isolated as completely as possible from every stimulus outside their thoughts. The idea was to produce a penitent spirit. Advocates of this system were more wedded to the possibility of the reformed prisoner. See Morris and Rothman, *The Oxford History of the Prison*, 90-92.

³³ Gustave de Beaumont and Alexis de Tocqueville, *On the Penitentiary System in the United States and Its Application in France* (Carbondale: Southern Illinois University Press, 1964).

penitentiary.³⁴ They also watched the Alabama legislature debate, and pass, legislation to establish a penitentiary.³⁵ In Tennessee,

As officials wrestled with reform ideas and whether or not one of its more important facets—the penitentiary—might exist in their state, the workhouse became an important part of that larger conversation. In the particular moment when reform ideas and new mechanisms shaped jails and penitentiaries, local officials instituted some of those reforms in the workhouse. The treadmill, for instance, was typically a device installed in jails of various cities throughout the world. When it was first implemented, it was thought believed to have productive qualities. South Carolina government officials established the treadmill but not in the jails and not as a reform measure. Instead, the treadmill served as a means to extract labor and a method of punishment. When other institutions understood the detrimental effects of the mechanism and ceased using it, South Carolina officials continued the use of the device. Solitary confinement was another marker of the penitentiary system used, and abused, in the workhouse.

The workhouse has a place in this broader history of punishment. It is important that the city's visitors imagined the workhouse as a penitentiary. In its contemporary

³⁴ *City Gazette and Commercial Daily Advertiser*, December 12, 1828. They also took account of the number of prisoners confined to the state's prison, see *Charleston Courier*, May 7, 1829 and *Charleston Courier*, November 27, 1832.

³⁵ *Charleston Courier*, November 17, 1840. For a more in depth study of the establishment of the penitentiary in antebellum Alabama, see Robert David Ward and William Warren Rogers's, *Alabama's Response to the Penitentiary Movement, 1829-1865* (Gainesville: University Press of Florida, 2003). Finally, for more information about the penitentiary in Tennessee, see Marvin E. Schultz, "The Politics of Penal Reform in Tennessee, 1807-1829," *Tennessee Historical Quarterly* 52, no. 2 (Summer 1993): 86-97.

and after the Civil War, people continually referenced the place as a penitentiary. Equally important is the way covert references to the institution imbued the debates that South Carolina officials engaged in when they began to contemplate the establishment of a penitentiary in their state. This racialized institution managed, however peripherally, to become a part of the larger debates around prison reform. That fact places people of African descent within a larger history of penal reform during this era, especially the enslaved prisoners who so concretely defined the workhouse population.

South Carolina's attention to the penitentiary system turned serious in the late 1830s. Government officials set up a special committee to consider whether South Carolina should engage in the system. On the penitentiary system in South Carolina, the special committee's report advised "that the Penitentiary System is neither expedient nor necessary, and they are unwilling to recommend its adoption in South Carolina."³⁶ The committee explained in its report that the issue at hand was not if the penitentiary system was "a good one" but whether there was merit to establish one in South Carolina. The consideration of the success or failure of those institutions in Europe or North America was of little consequence; the only factor that mattered was whether it would produce a good result in South Carolina. By 1839, South Carolina's special committee on the project answered the call to participate in penal reform with a resounding "no."

³⁶ General Assembly Miscellaneous Communication, 1830 #26, SCDAH.

In their report, the committee members acknowledged the penitentiary system as an “experiment” that was primarily “philanthropic” in its goals specifically its goal of “mitigating the harshest of the punishments which have hitherto been inflicted” upon criminals. But overall, they believed that it was a system that, in that particular moment, was of little value to South Carolina. The committee recommended a “wait and see” period to tell if the system actually worked; it was, after all, an experiment.

Yet South Carolina legislators adopted several components that were unique to the penitentiary system and put them in the workhouse. And where the old system was supposed to represent “vengeance” the new was supposed to represent “philanthropy.” Yet, the methods that local officials adopted in the workhouse were not philanthropic or reform purposes at all. They also argued that the penitentiary represented “a school for vice,” failed to reduce crime, and criminals tended to be recidivists. The penitentiary as a whole system was undesirable but some of its parts had already been invested in.

“In a statement, furnished by the sheriffs of Chesterfield-Marlboro-York-Marion-Greenville and Chester Districts in South Carolina, in the year ending December 1830 (and sent by them to the secretary of the Boston Prison Discipline Society) it was stated that there were but fourteen criminals confined in the jails of all their Districts during that year—four being the largest number in any and one the smallest.” the Charleston workhouse had more than 100 prisoners in that one institution, versus “the northern states” combined total of 100.

In its explanation of this rejection, the committee reported that “in South Carolina, crimes are comparatively infrequent.” But even more telling in its rejection, South Carolina officials claimed that because they embraced the institution of slavery, in South Carolina as “with every other slave holding community, the penitentiary system is to be applied to only one half of our population.”³⁷ With this statement, the committee suggested that the criminal justice system applied only to its free population, to its citizens.³⁸ South Carolina’s rejection of the penitentiary system is significant not only because it had become officially engaged in an global enterprise of at least seriously considering the implementation of the penitentiary system but the veiled ways in which they framed the workhouse as a substitute for the system.

Government officials’ reliance on the workhouse and local jails illustrate that while South Carolina’s primary form of governmental punishment did not include the formal penitentiary, it did not absent itself from the business of policing and punishment.

Yet, closer examination of South Carolina’s penal system reveals the fallacy of such a statement. The state’s enslaved population, if not just as likely to end up in a local county or municipal jail, was never exempt from the possibility.

³⁷ General Assembly, Miscellaneous Committee Citations, 1839 p. 2, SCDAAH.

³⁸ For a fairly good review of this particular aspect of local legislators’ arguments as it pertained to most of the American South, see Michael Hindus’s *Prisons and Plantations: Crime, Justice, and Authority in Massachusetts and South Carolina 1767-1868* (Chapel Hill: University of North Carolina Press, 1980).

The government's imprisonment of enslaved people merits special consideration, particularly because of the reasons South Carolina's government offered for their rejection of the penitentiary system. Understanding the government's rejection of the penitentiary, and popular penal reform which prompted it, is vitally important to fully understanding how the government participated in policing enslaved people.³⁹ South Carolina's refusal to participate in the penitentiary scheme suggests that their system of punishment retained an antiquated process and appearance; it did not. Their system of punishment was also not solely reliant upon the institution of slavery or punishments doled out in courtrooms. In order to properly situate institutions like the workhouse into the longer history of imprisonment and slavery, their value to the community, slaveowners, and government officials must be interrogated.

By the end of the 1830s, the Charleston Workhouse was a sophisticated government run institution. With a fully functioning staff that answered to the city council, processes in place for the punishment of enslaved, and sometimes free people of color, they had part of their state's answer to the penitentiary system, fully equipped with a treadmill and embracing solitary confinement. That their use of those methods of

³⁹ By the middle to late 1830s, every state in the country, with the exception of the Carolinas and Florida, had implemented new penal reforms, most prominently signified by a centralized state prison. Penal reform was one of many ideas born out of Enlightenment ideas. For in depth examinations of this process see Edward L. Ayers, *Vengeance and Justice: Crime and Punishment in the Nineteenth-Century South* (New York: Oxford University Press, 1984). See also, Nicole Hahn Rafter's *Partial Justice: Women, Prisons, and Social Control*, 2nd ed. New Brunswick, NJ: Transaction Publishers, 1990).

punishment were in direct conflict with reform intentions of which the punishments were born seemed irrelevant.

6. Chapter FOUR: Seizing Power and Authority, Government Control of Enslaved Prisoners

The dull rumblings of discontent between William Kelly and his slave Nicholas had, by early 1847, swelled into an intractable impasse. A money dispute, Nicholas's repeated displays of headstrong obstinacy, and the failure of routine whippings to effectively remedy the enslaved man's behavior prompted Kelly to sell him. Kelly commissioned Thomas N. Gadsden, a local slave broker, to oversee the sale. While under Gadsden's care, Nicholas proved to be such a problem that Gadsden ordered him committed to the workhouse until the time of sale.¹ When two police officers arrived to transport Nicholas to the workhouse, he lashed out in violent protest injuring both officers. A trial commenced, a jury found Nicholas guilty of "grievously wounding a white man," and sentenced him to death.² Questions surrounding the enslaved man's sanity loomed large and left the ruling open for debate. After a successful appeal and a new trial, a second jury again found Nicholas guilty but sentenced him to a 3 ½ year

¹ During this period slave sales took place in the workhouse yard therefore, in addition to enslaved peoples confinement for "correction" and "safekeeping," they were also sent there to await sale. This would have been the case for Nicholas.

² Richard Yeadon, "To the Public," *Charleston Courier*, August 6, 1849. Yeadon served as Nicholas's attorney for his first trial which landed him the two-year sentence in the workhouse. In this open letter, Yeadon went out of his way to position himself as a forced participant in Nicholas's initial trial defense and that he had no role in defending him in the more recent workhouse upheaval. See also Henry D. Lesesne's letter to Nathaniel Russell Middleton in Box 1, Folder 16, Southern Historical Collection, University of North Carolina at Chapel Hill, July 16, 1849 in which Lesesne reported that "the punishment [was] commuted to imprisonment on account of supposed insanity."

stint in the workhouse.³ His sentence mandated that he serve alternating periods of time in solitary confinement and labor on the treadmill. Despite the hardship of life in the workhouse, Nicolas's willfulness persisted; much to the dismay of the workhouse and city authorities, his spirited nature proved contagious. On July 13, 1849 while breaking stones in the workhouse yard, Nicholas incited the passions of his fellow enslaved inmates Cyrus, Adam, Henry, two men named Edward, and approximately thirty additional enslaved prisoners against the workhouse guards. That evening, a riot ensued.

This chapter begins with an analysis of the arguments that emerged as a result of the workhouse riot, an event that highlighted the profound importance the workhouse held within the city. The riot that galvanized a community of enslaved prisoners to open rebellion and incited panic and alarm within the city was the culmination of two independent court cases that emanated from the single dispute between Nicholas and his owner, Kelly. The chapter moves on to more fully explore the political nature of the institution, the conflicts that arose between masters and government agents, and how those troubles reflected the changed nature of the workhouse from a place in which slaveowners' maintained power and authority into one in which they became subjects of government authority. Part of this work is done by an examination of way money worked to exasperate the conflicts between local government officials and slaveowners

³ Ibid.

who sought the useful services of the workhouse, particularly through the fee system.

By examining the transformation of the fee structure in the workhouse, and the disputes it raised, the ruptures in a formerly symbiotic relationship become evident.

Following Nicholas's execution by Charleston authorities, Kelly learned that rumors he believed detrimental to his good reputation as a slaveowner and a man of honor abounded in the city. Those rumors, he believed, implied Nicholas's problematic behavior was a direct result of Kelly's own failings as a master. In an effort to dispel such notions, Kelly found it necessary to explain publicly the circumstances surrounding Nicholas's crimes, imprisonment and death. Kelly placed a notice in the local paper to defend his honor. A widely circulated rumor had cast Kelly as a thief who stole Nicholas's earnings as a hired out hand. To some, Nicholas's behavior was the result of frustration and mistreatment at Kelly's hand. Kelly, in turn, Kelly sought to make it clear that Nicholas's actions were the result of his own poor character rather than a response to Kelly's ill treatment. In addition, Kelly wanted to provide what he believed was clear evidence of his attempts to have Nicholas isolated from other prisoners well before the riot. He had, in fact, petitioned the government to remove Nicholas from the workhouse and to have leave him constantly isolated inside the city jail. Prisoners confined to local jails tended to rotate quickly in and out of the institutions. In such circumstances it was more difficult, although not impossible, to form long term ties with other inmates; such tenuous associations lessened the probability of a large scale riotous event. Additionally,

there was an expectation of prisoner labor in the workhouse not mirrored in the jails and this often led to irregular stints of isolation.

In "To the Public," Kelly affirmed that "he strongly disapproved of the commitment of Nicholas to the Work House, and to labor there on the tread-mill...after his conviction on the new trial; and made repeated efforts, but in vain, to have him removed to the gaol."⁴ When that particular request to remove Nicholas from the workhouse to the jail went unanswered, Kelly asked that Nicholas be isolated inside the workhouse for the entirety of his sentence. He made this later request to the mayor and, for a time, local officials honored his request. Shortly after implementing total isolation of the prisoner however, officials reverted to the court ordered sentence when "the legality of such additional close confinement" came into question. Kelly's writings left unclear whether the particular point of contention for officials was the arbitrary change in the sentence handed down by the court or the concept of a three year period of uninterrupted solitary isolation. Whatever the conflict, Kelly was unsatisfied with the responses regarding Nicholas's imprisonment and appealed directly to Whitemarsh B. Seabrook, South Carolina's governor, to address the problem. In response to Kelly's request, Seabrook sent a letter of inquiry to the Master of the Workhouse on Kelly's behalf; ironically, the letter arrived one day after the riot.⁵

⁴ William Kelly, "To the Public," *Charleston Courier*, August 11, 1849.

⁵ *Ibid.*

Kelly's appeal to the public indicates that he did not believe he should be viewed as an ineffectual master and that blame for Nicholas's provocative actions inside the workhouse rested with government officials who usurped his authority.⁶ This was not a new occurrence. In 1823, the City Council enacted a law that allowed slaveowners to communicate freely with their slaves who were imprisoned inside the facility. The new ordinance repealed a former which prohibited slaveowners' access to enslaved prisoners."⁷ This was but one example of the controls that local officials began to exercise on the relationship between slave masters and their property. In this instance, Kelly tried to convey the consequences of the government interference he confronted to his friends and neighbors. The response of local officials, or the lack thereof, made those limits clear.

While Kelly sought to prove his ability and worthiness as a master, other slaveowners of enslaved prisoners involved in the riot took pen to paper for different reasons. Those men communicated quite straightforwardly that government officials had failed as masters in proxy and as a result, had cost them full use of their slave property. For example, shortly after his slave George was executed by local authorities for his role in the riot, John S. Holmes petitioned for compensation to recoup the

⁶ For an in-depth study on the ways in which the characters of slaveowners and enslaved people were linked, see Ariela Gross, *Double Character: Slavery and Mastery in the Antebellum Courtroom* (Princeton, NJ: Princeton University Press, 2000).

⁷ William Roach, Clerk of Council, Charleston City Council. General Assembly Petitions, 1831, no. 60 SCDAH. "Resolved that the owners of slaves now confined in the Workhouse shall from and after this date have free communication with them that the resolution prohibiting access shall be and is hereby repealed."

financial loss he incurred upon George's court ordered execution. He wrote "that the said slave having been lodged in the Work House in Charleston for safe keeping became engaged in the out break at that institution which took place during the past summer. That having been tried he was convicted, sentenced and publicly executed."⁸ Unlike Kelly who needed to demonstrate his worthiness, Holmes suggested the worthiness of local government fell far short of his expectations. The nature of the relationship between local authorities and slaveholders, in its ideal operation, meant that Holmes should have been able to lodge his slave in that particular institution—at a cost—and come back to retrieve him intact. Instead, he found that not only had he lost money in workhouse fees but he had lost his property altogether. Rather than intimate in any way that he was an errant master, Holmes suggested that local government officials had failed to "safely keep" George, or properly manage his property, and as a result, those government officials were indebted to him.

Similarly, A. V. Toomer, slaveowner of John—another of the enslaved prisoners involved in the riot—petitioned for compensation after the man's execution. Like Holmes, Toomer had freely committed John to the institution for safekeeping.⁹ Toomer

⁸ Petition of John Holmes praying compensation for a slave executed, General Assembly Petitions, 1849, no. 28.

⁹ Petition of A.V. Toomer praying compensation for slave execution, General Assembly Petitions, 1849, no. 31.

attached a copy of the official sentence and asked two hundred dollars compensation for his loss. He made sure to remind officials that his request was one “directed by law.”¹⁰

The court record Toomer provided in his petition was also significant. In their pronouncement of John’s verdict for injuring several white men, the court made its decision to place John in solitary confinement at the Charleston jail until his execution by hanging the following week. Toomer was probably less interested in communicating the court’s pronouncement of execution than in its assessment of John’s “value at two hundred dollars.”¹¹ Not only could Toomer expect to make the petition of compensation but the court recognized his ability to do so by its explicit statement within the official verdict.¹² It was this documentation that appeared to distinguish both Toomer and

¹⁰ Ibid.

¹¹ John was executed on July 20, 1849. Notice also the way in which the jail and workhouse are conflated here. Slave executions, and sales for that matter, took place in the workhouse yard at various times during its operation. It is also noteworthy that the court spoke of close confinement. As seen in the case of Nicholas in his second court decision, enslaved prisoners in the workhouse often faced time in solitary confinement. Unlike the case of Nicholas, whose confinement was cyclical with other punishments, and John’s stint, which was temporary until his swift and imminent execution, solitary confinement for enslaved people often served as the primary form of and the sole purpose of punishment. This is particularly interesting as the purpose is strictly punitive and entirely unrelated to labor, the most basic purpose of enslavement. One clear example of this use of solitary confinement was evident in the sentences passed against two of the rioters/escapees. The two Edwards (one the slave of Dr. D. D. Graves, the other of S. S. Farrar) were also “found guilty of feloniously carrying away, with intent to leave the State, Adam, the slave of Wm. Kelly, and were sentenced to six months’ solitary confinement and to receive fifteen lashes on the first Friday in each month. After which time, if they are not sent out of the State, *they are to continue in solitary confinement for five years.*” (emphasis mine) See “Implicated; Edward; Dr. D. D. Graves,” *Charleston Courier*, August 2, 1849..

¹² Not only was Kelly not compensated, but he lamented the economic consequences to himself over “the execution of Nicholas and his confederates on the gallows, and to the consequent loss to the subscriber, without fault, and in spite of all exertions on his part, of a slave mechanic worth at least \$1000.”

Holmes from Kelly and further explains why Kelly felt obligated to outline the merits of his case in such a public forum.¹³

While a number of enslaved men had been executed alongside Nicholas for their part in the riot, only Kelly felt compelled to explain his situation publicly and defend his honor and capacity as a slaveowner. Holmes and Toomer had filed their petitions without apparent reservation or angst. Kelly, on the hand, presaged his petition with an open letter to the public. Part of the reason Holmes and Toomer could make such expedition claims for compensation was because the courts had legitimated their claims. The court articulated and documented value to their executed slaves which suggests that, at least within the confines of the law, they were not liable for the actions of their slaves. Kelly believed he had been held, unfairly, accountable for Nicholas's actions and the length of his article, the stringency of his words and the wealth of "evidence" he presented suggests that he meant to prove otherwise. Thus, part of Kelly's purpose for placing the advertisement was to support his own suit for compensation for his Nicholas's execution.

Just two weeks after his appeal to the public, the city council was alerted by Kelly's attorneys that he sought "to bring suit against the City Council for the value of slave Nicholas...unless Council was prepared to meet the demand."¹⁴ Whereas Holmes

¹³ The court documents of both Holmes and Toomer read almost the same.

¹⁴ "Proceedings of Council," *Charleston Courier*, August 24, 1849. Included in his proposed suit for Nicholas, Kelly also wanted the value of lost time and income he incurred when his slave Adam was imprisoned in

and Toomer had submitted the obligatory appeal for compensation, Kelly found that he had to resort to public opinion, legal assistance, and threats of lawsuits to get reimbursement for his loss.¹⁵ The confrontational tenor of Kelly's response seems legitimate given the high profile nature of the case. The open rebellion and escape of over thirty formerly imprisoned enslaved men did not go unnoticed by the local community.

Much of Nicholas's case and the consequent prison revolt played out in the public arena through print media. Charleston, a city that lived in constant anxiety of the slave plots, uprisings, and rebellions, paid close attention to the news surrounding the event. This was a consequence of the large numbers of enslaved people who occupied the state in general, but the city of Charleston in particular. In addition to the unease regarding the great number of the enslaved population, South Carolina had a history of thwarted slave rebellions. Just two decades earlier, the Denmark Vesey conspiracy had made headlines. The upheaval that followed resulted in sentences of nearly forty

the workhouse. Kelly apparently believed that the imprisonment of the latter slave was unwarranted. Adam had, in fact, been caught in the company of two of the workhouse rioters who, it was argued in court, had attempted to abscond with him out of the state. There is no record of Adam's participation in the actual riot or any other criminal outside of the aforementioned incident.

¹⁵ Although there is no evidence of Holmes taking the offensive in the way that Kelly did to honor his name or ensure receipt of monetary losses from the Council, he was also apparently not immediately paid either. In the same proceedings of Council in which Kelly threatened a lawsuit, Holmes had also given the lawmakers notice that anything less than a timely payment of his George's value (his executed slave) would result in legal action. The Council reported, "And a letter from A. G. Magrath, Esq. directing a similar demand, & c., for the value of George, the property of Mr. John S. Holmes." There is no evidence that Holmes was ever paid.

executions of suspected conspirators, the destruction of religious institutions frequented by people of African descent, and new slave laws.¹⁶ In addition to their own local history, community members would have been aware of Nat Turner's rebellion which had terrified their northern neighbors in Virginia just over ten years earlier. And any United States southerner with even the shortest historical memory would have known of and, if a proponent of racialized slavery, been horrified by the massively successful Haitian Revolution. The nature of those threats meant that any large scale rebellion on the part of the local enslaved community was seen as a serious concern. Kelly's very public attempt to redeem his name and honor suggest that he was quite aware of the significance of the workhouse events and his perceived role in their occurrence.

Interestingly, Kelly attempted to communicate not only the ways local government agents had usurped his power as a slave master, but also how unsuccessfully they handled the decidedly troublesome Nicholas. Kelly recalled hiring Nicholas as a boy of eight and eventually purchasing him when he turned fifteen or sixteen years old.¹⁷ Nicholas became a talented plasterer and it was this particular skill that allowed Kelly to hire Nicholas out to other slaveholders, one of whom was George W. Patterson of New Orleans, Louisiana. In his letter to the public, Kelly shared correspondence between himself and Patterson which suggested Nicholas had exposed

¹⁶ Egerton, Douglas. *He Shall Go Out Free: The Lives of Denmark Vesey* (Lanham, MD: Rowman & Littlefield, 2004).

¹⁷ Ibid.

a strong-willed temperament just a few years prior to the Charleston riot. Patterson lamented Kelly's troubles and recalled the difficulties the enslaved man posed while hired out in Louisiana. To the latter point, Patterson wrote, "if it was not for the severe loss you would sustain, I should like to see him severely punished for his impertinence here, but not by death. I have forgotten whether I told you of his striking a white man here, last summer, and of his being taken to the calaboose and receiving 25 lashes. He did not appear to be [the] same since he became connected with the negro churches here; for, until then, he paid up pretty regularly, and after that it was impossible to get any thing from him."¹⁸ In addition to recounting Nicholas's crimes, Patterson found it important to link Nicholas's religious beliefs, and its racialized composition in particular, to his defiant actions.

Kelly and Patterson suggested the troubles with Nicholas were a direct result of his involvement with a flawed brand of spirituality rooted in ignorance. That ignorance was also, they suggested, linked to race. Thus began the implied origin story of Nicholas's insubordination. Kelly stated emphatically that he sent a well-mannered, well-trained slave to New Orleans and implied a wild man had returned in his place. Given the ways Patterson's writings further substantiated that claim by his testimony of Nicholas's dramatic transformation, Kelly used that letter as evidence. The enslaved

¹⁸ William Kelly, "To the Public," *Charleston Courier*, August 11, 1849

man had become unmanageable, unbound by the rules of society and shirking, most especially, those guidelines inherent in the institution of American slavery.

The link between Nicholas's behavior and a particular brand of religion did not end with the testimony of Kelly and Patterson. Throughout the trial witnesses made reference to the point. James A. Duffus, the Captain of the City Police testified that he had spoken with Nicholas in his cell after the attack on the police. In his conversation with Nicholas, Duffus claimed the enslaved man said, "he would permit no man but his master to meddle with him, that he had another master, God." Duffus, in recognition of the fact that Nicholas's actions meant the enslaved man would be hanged, further testified that he inquired of Nicholas if he recognized fully the consequences of his actions. He testified that Nicholas answered in the affirmative. In regard to the pending execution Nicholas said, claimed Duffus, 'he knew it; had made up his mind to it some time ago.'¹⁹ Another witness, Dr. A. G. Mackey testified that after his interview with Nicholas he believed "the fellow is religiously mad."²⁰ Mackey qualified his assessment however by stating he was not speaking to the enslaved man's sanity but rather Nicholas's particular response, stating "the prisoner's answers were such, as he thought were common with fanatical negroes, whose ideas of religion had not been corrected by education."²¹ This witness framed Nicholas as an enslaved man with a particular brand

¹⁹ Kelly, "To the public."

²⁰ Ibid.

²¹ Ibid.

of ignorance that mirrored lunacy. A. Lipman, who was present during Mackey's interview with Nicholas, heard their conversation, and testified at the trial "did not think the prisoner in his right mind, but insane; he said he could die but once, and when he died he would go to Jesus Christ; and he therefore thought he was crazy."²²

Additional witnesses spoke in various capacity about Nicholas's tendency to "preach on the subject of religion," engage in "religious exhortation," claim that "God had directed him to the act," and preached all the way to the jail, proclaiming all the while that "he could command ten thousand angels to assist him" if he so pleased.²³All of this testimony was intermingled with questions about Nicholas's sanity.²⁴

Whether or not the witnesses and court officials actually believed Nicholas was insane seemed secondary to their need to explain his outright defiance of their authority.

²² Ibid.

²³ Ibid.

²⁴ On the question of Nicholas's sanity: Given the limitations of the extant record, it is impossible to know whether or not Nicholas was actually mentally ill. It is certainly possible that he was. However, there are a number of factors which brings the claim into question. First, not everyone involved in his final trial believed that Nicholas was mental ill. In the testimony offered during Nicholas's second trial, witnesses J. McClure (Gadsden's clerk), James McCollum, and E. Curtis refused to commit to a statement of the man's sanity one way or the other. Even A. G. Mackey, a witness who had called Nicholas's rantings typical of "fanatical negroes" attributed his opinion to the man's religious ignorance rather than mental illness. See *Charleston Courier*, August 11, 1849, p.2. Second, if officials held real concerns about Nicholas's sanity, why did they fail to identify him as a lunatic prisoner when he was sent to the workhouse? That question is particularly relevant given the institution's late 1830s expansion done specifically to house both "lunatic and epileptic slaves." And finally, what to make of the men who participated in the riot and broke free of the workhouse? Despite the dearth of written records, the actions of those enslaved prisoners can be "read" and interpreted to some degree. It is unlikely, though not impossible, that over thirty men followed a mentally-ill man out of the workhouse. Certainly some of the prisoners recognized and knew Nicholas; it is possible they saw a leader rather than a madman. Additionally, those men had to consider the consequences of a riot and escape. It is almost impossible to imagine the prisoners were ignorant of the consequences of their actions, even those who probably responded to a spontaneous moment of opportunity. Finally, it must be considered that the same philosophies and utterances that rendered Nicholas illegible to white men who labeled him insane served as signifiers and qualifiers of leadership to his imprisoned comrades.

Courtroom authorities asked witnesses to gauge, from their own interactions with him—irrespective of their skill level or any legitimate ability to determine his mental capacity—whether or not the man was sane. The question of his sanity was also likely linked to their inability to frighten the man into submission. That is to say, insanity was the only possible explanation for not only the enslaved prisoner’s riotous behavior but his continued defiance of every white man he encountered in the aftermath. Given the overwhelming whiteness and maleness of everyone involved in the court proceedings, the insanity explanation was likely more palatable to the vast majority of the case’s participants.²⁵

The high visibility of the workhouse riot was aided by the fact that the city was in the midst of hotly contested political season. The failure of city officials to properly manage enslaved prisoners coupled with the vacancy left by the Master of the Workhouse’s resignation became major issues in a heated political season. Citizens laid blame to various political officials for the event and later suggested political power plays surrounding the Master of the Workhouse position.

There was inference at the conclusion of the riot and during subsequent court cases and executions that local government officials refused to engage in full disclosure of the events. One Charlestonian wrote to the local paper under the moniker, “A

²⁵ It is interesting to consider the way in which questions surrounding Nicholas’s sanity helped mitigate his first trial proceedings compared to the city officials’ willingness to execute him later.

Citizen" and requested that his opinion piece "To the City Council of Charleston" appear regularly until it solicited a response from local officials. He wanted the piece to run until he received a response from local government officials.²⁶ In essence, A Citizen accused the city council of withholding information and details about both the riot and the proceedings that followed. He took particular offense to the Mayor, T. Leger Hutchinson, who was present at the time of the outbreak and had (allegedly) reported those facts to the Council although none of his official testimony had been presented to the public for review. The Council, A Citizen argued, had endorsed the Mayor's behavior but because the proceedings remained covered in a veil of secrecy, there was less inclination for the public to join in the approval of his conduct.

The arguments laid out by A Citizen were apparently legitimate to editors at the *Charleston Courier* as they continued to publish pieces he submitted to the paper. Just two days after the publication of the aforementioned piece, "The Work House" appeared in that publication. In it, A Citizen began, "It is well understood that their High Mightinesses, the City Council of Charleston, with the Mayor at their head, are candidates en masse for re-election."²⁷ The freedom with which the writer referenced local leaders with such disdain, and the willingness of the paper's editors to print it, may suggest a broader, collective contempt for those particular leaders. Alternatively, it

²⁶ A Citizen, "To the City Council of Charleston," *Charleston Courier*, August 13, 1849.

²⁷ A Citizen, "The Work House," *Charleston Courier*, August 15, 1849.

could have been evidence of partisanship among the editors and their readership. But *A Citizen* also made clear reference to the importance of the workhouse and the position of the Master of the Workhouse as he went on: “it is strongly, and with reason suspected, that they are holding out the office of Master of the Work House, recently resigned by the amiable and worthy Norris, as a bait to catch gudgeons, and using it to bolster themselves up in office and prolong, if not perpetuate, their power.”²⁸ While it is not immediately evident that the position of the Master of the Workhouse always held such prominence and high regard, it certainly appeared to at the opening of the nineteenth century.

A *Citizen*’s articulation of the power inherent in the position illuminates further the importance of the work house as institution and reveals a heretofore intimate political and economic relationship between local government officials, enslaved people—particularly enslaved prisoners—and speaks to the added intricacies and messiness of Southern U.S. slavery.

The workhouse riot became the impetus for Charleston residents to attest to and critique the increased power workhouse officials had acquired over the years. Just weeks after his last article appeared in the local paper, *A Citizen*’s critiques were answered, in part, by *Fair Play* in “The Work House and The Mayor.”²⁹ *Fair Play* noted that the

²⁸ *Ibid.*

²⁹ *Charleston Courier*, August 26, 1849.

political season had given rise to polemical voices and that “the Work House scene has presented to a rancorous opposition a tempting occasion to discant in speeches and in print, upon the chivalry of slaves and the timidity of a public functionary.”³⁰ The criticisms levied at the Mayor, Fair Play contended, were unfounded because his authority over the workhouse was inconsequential, almost nil, compared to that of The Master, and the Commission. He referenced the Ordinances of 1839 and 1840 which reduced both the Mayor’s salary and his responsibilities to the workhouse, respectively, and shifted to the Commissioners of the Work House “power and authority, to make from time to time, rules, orders, and regulations, for the internal government thereof, and for the security and comfort of the persons therein confined.”³¹ Thus, Fair Play argued, the political ramifications of the workhouse riot and escape rested at the feet of the Commissioners.³²

Despite the high profile nature of Kelly’s situation, troubles related to the workhouse were fairly common for slaveowners. Many became enmeshed in legal

³⁰ Ibid. This editorial makes clear reference to speeches made as a result of the workhouse riot. While I have not had an instance to locate extant sources of the speeches, this remark further illuminates the scope of the conversations that occurred around the rebellion. The suggestion that the enslaved escapees were portrayed as “chivalrous” further connotes that along with the fear such outbreaks have been (overwhelming) assumed to incite, there seemed to have been some thread of admiration for their actions within that contemporary moment. It is also possible that some of those “speeches” may have been rumblings—the stuff of gossip and rumor—among communities of African descent, free and enslaved, who admired the actions of the escapees.

³¹ Ibid.

³² Ultimately, James C. Norris, the Master of the Workhouse at the time took the biggest hit as a result of this social and political upheaval by retiring the post. Clearly the need for a political scapegoat necessitated his resignation but the difficulty of the decision was eased by the Norris’s conduct during the riot (he reportedly hid in a closet during the riot) and the failure to secure a riotous enslaved population from an already anxious city.

battles with local officials about the condition of their slaves in the workhouse. As early as the late eighteenth-century, slaveowners encountered challenges over the authority of their enslaved property once they entered the workhouse. William Livingston's 1786 petition is case in point. That year, Livingston petitioned the South Carolina government regarding his slave Dublin's confinement to the workhouse.³³ His case, which occurred much earlier and seemed to be an outlier in its time, was a precursor for what slaveowners like Kelly faced more often. Livingston argued that Dublin had already suffered "severe punishment" for his crime and stated "there is no law to warrant the punishment of perpetual imprisonment" inflicted by authorities.³⁴ At the time of Livingston's petition, Dublin had spent over three years in the workhouse. Livingston argued two major points in his petition: first, that as part of his late father's estate Dublin belonged to the Livingston family. Second, local officials had taken undue possession of that property.³⁵

In his petition, Livingston acknowledged that Dublin had committed a crime for which punishment was due. His issue however, was the virtue and legality of the sentence—in essence, a life sentence—imposed by the Magistrate and Freeholders. More importantly, Livingston argued the effects of such a sentence on his family, who had been deprived on Dublin's labor during his protracted imprisonment. His repeated

³³ General Assembly Petitions, 1786, Petition no. 63, SCDAH.

³⁴ Ibid.

³⁵ Ibid.

attempts to address the issue with John Troup, the attorney who passed the sentence, were dismissed. Livingston expected the system to punish Dublin and release him back to his family's custody. If the offense warranted execution, the legal system was set up to offer compensation for the value of the executed prisoner. As it stood, the Livingston family had been denied the right to their property by order of the government. Livingston found this indefensible.³⁶

Government officials began to wield power and authority over enslaved prisoners in bits and pieces. Cases like Livingston's, fairly infrequent during the late eighteenth century, became more common over time. Despite the appearance of the isolated episode, local officials were taking stands that helped establish their legitimacy as a force. Through the introduction of seemingly innocuous legislation the law began to occupy a place of prominence within the institution of slavery that challenged the rule or authority of the slaveowner. Laws that could be explained as curbing enslaved peoples mobility, as protecting and ensuring the public peace, and safeguarding the private (slave) property of slaveowners, also worked to chip away at their authority. For instance, an 1848 ordinance dictated the rights of free people of color and enslaved people to sell corn in the market; transgression of the ordinance in any way resulted in a

³⁶ Ibid. Livingston did not state the nature of Dublin's crime but he acknowledged that the offense was "highly criminal." Given that he believed perpetual imprisonment excessive, it is unlikely that Dublin had committed a capital offense.

stint in the workhouse.³⁷ Additionally, the infamous badge system that existed in Charleston required that both free people of color and their enslaved counterparts be in possession of those items at all times. Failure to produce badges landed those individuals inside the workhouse.³⁸ Slaveowners, who were mandated to purchase the badges, could retrieve their slaves from the workhouse — for a fee.

The fee system within the workhouse became a point of contention that helped rupture the relationship between slaveowners and government officials. The failure of slaveowners to pay fees, for instance, made it difficult, if not impossible, for them to retrieve their slaves from the workhouse. Often, the failure of slaveowners to honor the fees emanated from a dispute over the legitimacy of the costs. Additionally, slaveowners increasingly felt that their slaves had been unjustly imprisoned; nevertheless, government officials expected them to pay the cost of recovering their slaves. These disputes often made their way into southern courtrooms.

One such case was that of John Reigne. Reigne's situation illustrates clearly the tenuous hold slaveowners had on the proceedings of the workhouse and the way power had shifted away from slaveowners and to a distinct system of government with which slaveowners often became engaged in legal wrangling. Like Kelly and Livingston, Reigne had to argue his case in court.

³⁷ *Southern Patriot*, June 30, 1848.

³⁸ *Southern Patriot*, May 24, 1848.

In April 1835, Frederick Wesner, Master of the Workhouse appeared in court and declared “that John Reigne is justly indebted to the Charleston work-House in the sum of one hundred and fifty one dollars and eighty eight cents,” that this was a true account of the fees, and that Reigne had never paid any portion of the sum owed.³⁹ Reigne had amassed the debt for the confinement of his slave Eleanor (also called Nelly) who had spent eighty days in the institution. The timeline is telling. The workhouse entry slip dated March 19, 1835 suggested that Eleanor had been confined to the workhouse for eighty days. Wesner’s testimony suggested that by the time of his court appearance, Reigne was already delinquent—also by that time, Eleanor had spent at least 30 additional days in the workhouse. Thus, by April 22, 1835 Eleanor had spent 110 days in the workhouse. In May however, Reigne’s attorney contacted Wesner to demand the return of his property. The note was curt and to the point: “Sir, I hereby demand of you the delivery of the negro Nelly lodged by me in your custody, as agent of Mr. John Reigne; your refusal to do so I shall consider as exonerating me from all charges for Work House fees & I shall moreover hold you, in that event, responsible for damages.”⁴⁰ At the time of the letter Eleanor had been imprisoned in the workhouse for approximately 140 days. Eleanor’s plight, however, barely registered on any scale of measurable concerns or consequences to the men engaged in the barrage of arguments

³⁹ Charleston District, Judgement Rolls, 1838, #129A

⁴⁰ Ibid.

around her.⁴¹ The problem they confronted concerned money and the nature of the fee system of the workhouse in particular.

A further explication of this case reveals the problems the fees created between slaveowners and officials who operated the workhouse. On July 22, 1835 attorneys working on Wesner's behalf filed a letter with the local courts. One of the attorneys, Benjamin F. Hunt enumerated the details of Weser's dealing with Reigne including the many promises he made to settle the debt, none of which had been honored. Wesner, through Hunt, accused Reigne of fraud. Hunt ended the petition by stating "F. Wesner saith he is worse and hath sustained damages to the amount of three hundred and three dollars and thirty six cents and therefore he brings suit and so forth."⁴² In just three months after Wesner presented his first official argument in court, the cost of Eleanor's confinement in the workhouse had doubled.⁴³

⁴¹ Although women, especially women of African descent, had limited access to formal rights, many found ways to attain certain goals. For a glimpse at extralegal measures enslaved women took, see, for instance, Stephanie M. H. Camp, *Closer to Freedom: Enslaved Women and Everyday Resistance in the Plantation South* (Chapel Hill: University of North Carolina Press, 2004). Enslaved people, including women, also took advantage of the legal system, a seemingly "anomalous" circumstance until you consider the argument put forth by Laura Edwards in "Status without Rights: African Americans and the Tangled History of Law and Governance in the Nineteenth-Century U.S. South," *American Historical Review* 112, no. 2 (April 2007): 365-393. Edwards argues here that the explanation lies in the localized nature of law during this period. Law, while far more sophisticated than is usually credited by historians, was fluid and reliant upon the culture of communities. Depending on time and space, people of African descent were able to engage the legal process in meaningful ways, particularly if their complaints were relevant to the overall peace of their local communities.

⁴² Judgement Rolls, Charleston District, 1838, @129A, SCDAH.

⁴³ Given the information gleaned from these documents, Eleanor had spent almost six months in the workhouse from the date of the initial entry slip presented by Wesner in the courts in April of 1835 and the time of Hunt's filing in July. It is possible that part of Wesner's damages consisted of attorney's fees. That is however,

None of the documents spoke to Eleanor, her offence, or gave any reason for her imprisonment. The dilemma did not rest in her behavior, but each man's dealings with the other. From Wesner's point of view, his behavior was honorable. His argument that Reigne was "justly indebted" implied that his accounting was above board. Reigne, through his attorney, fired back the direct opposite. Wesner, they suggested, had "refused" to release his slave property. The words and tone of the letter positioned Wesner as the offending party, so much in error as to justify nonpayment of all debts. Wesner made it clear, through legal arguments, that the costs were not only owed but continued to accumulate. Wesner refused to release Eleanor and she lingered in the workhouse for months and years as the case made its way through the court system.⁴⁴ Like the case of Kelly and Livingston, the Reigne case is also useful in revealing the small but pervasive ways that the workhouse was getting away from slaveowners influence. The workhouse process had become a bureaucratic one.

Over time, it became the responsibility of the Master of the Workhouse to report to the City Council how money was handled in the institution. The information provided by the Master of the Workhouse was then seconded by the Chairman of the Commissioners. For example, the July 1841 proceedings of council reflected the reports

⁴⁴ After nearly three years in the courts, this case was finally settled in Reigne's favor. Although Reigne won the case in January 1838, in February an appeals court ordered a new trial "for error in point of law." By April, Reigne was dead and the case fell into obscurity. On the court case and outcome, see Judgment Rolls, Charleston District, 1838, Item 129A SCDH. On the reversal, see "The Courts of Appeal," *Charleston Courier*, February 21, 1838. On Reigne's death, see *Charleston Courier*, April 16, 1838.

of James C. Norris, Master of the Workhouse at that time. Unlike many of his predecessor's, Norris submitted fairly consistent reports of workhouse affairs and accounts during his tenure. As a result, his records reveal, to some degree, the economic stakes of the workhouse and its enslaved prisoners to city affairs. In the month prior to the report, Norris reported "288 Negroes" were admitted to the workhouse and 268 had been discharged. In addition, he reported cash received amounted to \$1021.79 and cash disbursed, \$381.62; the "balance due to the city" was \$640.17.⁴⁵ The money that came into the workhouse was acquired primarily through fees charged for services rendered to slaveowners who housed their slaves in that institution, specifically for "safekeeping" or "correction."⁴⁶ The report Norris filed the following month also showed the other stream of revenue gained from the workhouse: slave sales. The city council record showed that of the \$1017.12 the workhouse received in July, a portion of that was the result of the two prisoners sold at the mart; that month, City Council received \$808.71 of revenue owed.⁴⁷

Oversight of the financial accountings of the Masters of the Workhouse was the job of Workhouse Commissioners. Like the Master of the Workhouse, participation on

⁴⁵ "Proceedings of Council, Monday, July 19, 1841," *Southern Patriot*, July 21, 1841.

⁴⁶ To place the money which flowed through the workhouse into some context, consider a monthly comparison between that institution and the jail. The city council record shows that for November 1841, the sheriff submitted \$149.79 to the Committee on Accounts; the workhouse submitted \$1108.79. Although both served as places of confinement, the jail generated, at least for that month, just over 10% of the workhouse's profits. See *South Patriot*, November 17, 1841. Also, the workhouse reported "cash disbursed" which were most likely payment of rewards for the capture of enslaved men and women.

⁴⁷ "Proceedings of Council, Monday, August 9, 1841," *Southern Patriot*, August 11, 1841.

that board was a fairly prominent position and to be ousted registered as a major failure in the local community. An example of the detrimental effects can be seen in the notice placed in a local paper by Alex McDonald, a city alderman titled, "To the Public." In it, he stated that James Woolfe, a former member of the workhouse commissioners, blamed McDonald for losing his position with that body. In the piece McDonald admitted that while he had accused Woolfe of breaking the law in one instance (a charge for which he was found guilty), that incident had no bearing on the loss of Woolfe's job. Nevertheless, McDonald felt compelled to defend himself given, "the mode in which the charge has been made, and the spirit of hostility that has caused its publication."⁴⁸ More important than the charges laid to him however, was the information he disseminated while clearing his good name.

Prior to 1837, McDonald claimed, the Master of the Workhouse had worked in tandem with a partner in the sale of enslaved prisoners. The partner, as McDonald explained, sold enslaved men and women housed at the institution at the master's request. McDonald's brother, Hugh, was such a partner to Frederick Wesner, who served as official master of the Charleston workhouse from 1832-1840. McDonald provided receipts that confirmed it was Hugh, not he, who collaborated with the workhouse master. One receipt reflected that Wesner received over \$4000 from Hugh

⁴⁸ *Charleston Courier*, September 4, 1841.

between 1832 and 1833 “on account for certain trades in Negroes.”⁴⁹ A second receipt reflected a profit of \$1000 as partial “profits on sale of Negroes” from 1834 to 1835. His brother, McDonald believed, was engaged in an improper, if not unlawful, enterprise regarding the sale of enslaved prisoners.⁵⁰ He had distanced himself from the scheme for that reason and, instead, secured the use of a professional slave broker in his personal business. Alex McDonald’s account was meant to clear his good name but the partnership it exposed between Hugh and Wesner, an elected city official, put the

As master of the workhouse, Wesner’s partnership with Hugh McDonald were tied directly to city government. The manner in which Alex McDonald relayed the dealings his brother and Wesner, as improper and worthy of explanation, suggests that all was not aboveboard. Perhaps Alex McDonald imaged his role as an elected official demanded a higher code of conduct and thus warranted explanation. Yet Wesner was also an elected official. Further still, Wesner’s partnership with Hugh resulted in real profits for the city coffers, as evidenced in the receipts McDonald presented in his article. Those documents did not reflect that Wesner accepted the money on his own behalf but rather for the benefit and financial gain of “Charleston” — as city, as government. The government was thus linked, if indirectly, to the improper the sale of enslaved prisoners.

⁴⁹ Ibid.

⁵⁰ Ibid.

All question of propriety in regard to the sale of enslaved workhouse prisoners came to a halt with the introduction of the slave mart into the institution. Part of the reason that a partner was needed in the sale of slaves from the workhouse was because the slave mart had not been established. The year 1837 an important one for the workhouse and its future operations. The Charleston city council set about to officially amend the ordinance for workhouse operation. Several issues were on the table including the creation of an entirely new workhouse commission to oversee operation of the institution, a streamlined and efficient means of accounting for the financial profits, and the creation of a slave mart. The latter, the creation of the slave mart, became one of the more controversial and meaningful changes to the operation of the workhouse.

With the former workhouse committee formally disbanded, the city mayor put into place a special committee to oversee the practicality of restructuring the facility's operation. The committee was also tasked to ensure concrete means by which to secure the institutional changes. Thus, when the question of establishing a slave mart on the workhouse grounds came up in the council meeting, it was the role of this body to say whether or not it could be done.

Despite the fact that the workhouse existed as a place meant to "correct" and hold enslaved prisoners for "safekeeping" the original idea of the mart was for the obvious reasons: the sale of enslaved people. The council also asked that the committee consider space be made within the institution for "destitute, lunatic and epileptic slaves

and free persons of colour” and that the workhouse act as a singular building “uniting the whole” of these institutions “as one establishment, under the general superintendence of a salaried office.”⁵¹ Under those auspicious instructions, the city council, led by the mayor, imagined the workhouse as a general repository of all unwanted—read useless—people of African descent to exist and be disposed of.

Ultimately, the council decided to expand the physical building of the workhouse in order to “furnish additional solitary cells, and rooms for lunatic and epileptic slaves and free persons of color,” a motion the council agreed to unanimously.⁵² And while that expansion meant that the slave mart could not be physically attached to the workhouse, the council eventually also passed a motion to have a mart built in the workhouse yard. Ratified in November of 1839, the workhouse was legislated to be a place where not only enslaved people were sent by their owners or brought in by government officials or through government orders, but also a place in which enslaved people awaiting sale were housed.⁵³ By July of the following year, the building of the slave mart was complete and was fully operation by August 10, 1840.

The slave mart itself became a point of contention among slaveowners and local government officials. The strife can be seen, in part, in the language of the ordinance which instituted the space. New local law clearly defined the parameters of slave sales

⁵¹ *Southern Patriot*, October 28, 1837.

⁵² “Proceedings of Council,” *Charleston Courier*, November 29, 1837.

⁵³ *Charleston Courier*, September 27, 1849.

after 1840, strictures that impeded the former, socially accepted order of business. The new ordinance, for instance, mandated the slave mart as the “exclusive place within the city, for the sale at public auction, or outcry, of all slaves other than at Sheriff’s sale.”⁵⁴ This ordinance, or some variation of it—either in full or specific to section 22, which outlined the resultant punishments of selling enslaved people outside of the official slave mart—appeared in the local *Charleston Courier* at least 27 times between January and September 1840.⁵⁵ Failure to comply with the limits placed on slave sales also had repercussions as the ordinance went on to dictate,

if any Broker, Auctioneer, or other person or persons whatsoever, shall expose or offer for sale, or sell any slave or slaves in any of the streets, lanes, alleys, or open courts in the city, or on any lot, enclosure, open space, house or building, or in any place within the limits of the city, other than at the said Mart, so established as aforesaid, such Auctioneer, Broker, or other persons herein offending, shall forfeit and pay for each slave so exposed for sale, or sold contrary to the provisions of this ordinance, the sum of five hundred dollars.⁵⁶

⁵⁴ *Charleston Courier*, July 27, 1840.

⁵⁵ While Sheriff’s sales could occur in other places throughout the city, there is evidence that even those sales took place within the confines of the slave mart located on the workhouse grounds. Although specific provisions were made for the sheriff in the case of Sheriff’s sales, at least by April of the following year, sheriff’s sales were also taking place at the slave mart. For an example of this, see “City Sheriff’s Sale,” *Charleston Courier*, April 14, 1841. The advertisement read, in part, “A Negro Man named JOE, belonging to John Finnegan, to defray the expenses of his keeping in the Work House, conformably to the 17th and 19th clauses of the Ordinance relative to the Work House Department. Conditions cash—purchaser to pay for [sic] paper. Laurence Ryan, City Sheriff.” The 17th and 19th clauses of that ordinance maintained that the refusal of the slaveowner to pay fees and retrieve his slave property “at the end of nine months,” that prisoner would be sold by the city and that such sales would take place “at the slave mart.” See reference to the full ordinance in the *Charleston Courier*, January 1, 1840. Please note that these ordinances were repeatedly presented to the public in local newspapers so that it is available on later dates as well.

⁵⁶ *Ibid.*

City officials set a clear tone that control over enslaved people who emerged as outside the realm of wanted, useful, obedient, or otherwise “outside” the borders of belonging relevant to people of African descent, and especially to the enslaved, rested in some measure within government authority.⁵⁷ By criminalizing all spaces beyond the workhouse in regard to slave sales, government officials seized power over the bodies of specific enslaved people and staked a claim in the “absolute power and authority”⁵⁸ over slave property to the point of censuring and punishing slaveowners.

There was immediate backlash among slaveowners and their representatives against such limits and the governmental attempt to control how, when, and where slave sales took place. At least one motion was brought to repeal the specific portion of the ordinance relevant to the slave mart. Recorded at the end of the December 17, 1841 city council meeting minutes is a short, put telling reference to a “bill to repeal the ordinances regulating public sales to be made at the slave mart.”⁵⁹

⁵⁷ The term and associated meanings of the phrase, “borders of belonging” are borrowed from Barbara Young Welke’s *Law and the Borders of Belonging in the Long Nineteenth Century United States* (Cambridge: Cambridge University Press, 2010). I find Welke’s understanding of race as it pertains to law most useful was her admonition to “think more generally of how law constructs, that is, lends consequence to elements of individual identity—race, sex, age, ability, religion, birth status and place of birth, marital status, and so on.” (4). The “so on” here considers also that way that law constructed race, in this particular moment, in tandem with an irredeemable criminality.

⁵⁸ This is a reference to the Ruffin trial and the “traditional” southern definition of slave ownership. I also want to incorporate Rebecca Scott’s reference to possession as 9/10ths of the law theory in connection with slavery.

⁵⁹ “Proceedings of Council,” *Southern Patriot*, December 23, 1841. I have yet to procure further evidence of how council responded to that bill to repeal. However, there is evidence that almost immediately following the passing of the city ordinance, local brokers blatantly and persistently broke this law.

This history is further evidence that the sale of enslaved prisoners who inhabited the workhouse had direct ties to the city council, and was an order of business that was conducted routinely.⁶⁰ This was not necessarily a new development but certainly one made more dangerous and contentious when slaveowners like Reigne disputed the right of local officials to hold their slave property at all. The city council, for instance, received information from the Master of the Workhouse on the status of enslaved prisoners housed there. One such report ended with the council deciding to sell the inmates. “The Intendant stated that the slave Michel, who had been convicted of Arson, had been pardoned by the Governor, and committed by him (the Intendant) to the Work House; that an offer of \$100 had been made for him by an individual, who stated he would enter into Bond to take him to Kentucky.”⁶¹ The council resolved that the sale should be made under the direction of the workhouse intendant. In the same meeting, the council pondered whether Jane Jackson, an enslaved woman also imprisoned in the workhouse, might be sold; her case was referred to the city’s attorney.

While the entry papers of enslaved prisoners usually indicated how long a prisoner was supposed to remain in the institution and the reasons for their stay, Eleanor’s papers only show the end result of what was argued in court. Eleanor’s workhouse slip (see below) is markedly different than those of other inmates such as

⁶⁰ Thomas D. Russell, “South Carolina’s Largest Slave Auctioneering Firm—Symposium on the Law of Slavery: Criminal and Civil Law of Slavery,” *Chicago-Kent Law Review* 68, no. 3 Symposium on the Law of Slavery: Comparative Law and Slavery (June 1993): 1241-1282.

⁶¹ “Proceedings of Council, Tuesday, January 9, 1827,” *Charleston Courier*, January 12, 1827.

Harry and Jack, (see Figures 2 and 3) which indicate their offences or reasons for being in the workhouse—Harry was a runaway and Jack was in need of correction.

			\$	Cents.
To	19 th Days confinement of Eleanor	a	181	
"	City fees,		61	
"	do. do.		121	
"	Extra diet,		121	
"	Correction,		25	
"	Taking up, milage and poundage,			
"	Advertising,			
"	Blanket,		81,621	
"	Doses salts,			
"	Key,	a	121	
"	Doctor's Bill,		371	
				37 1/2
			\$	157 65 1/2

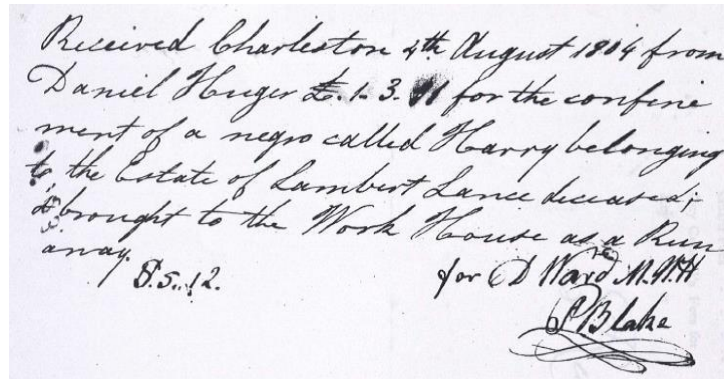
Received Payment,

M. W. H.

Figure 1: Work House Entry Slip for Eleanor (Nelly), Enslaved Woman. SCDAAH, L10018, 1838, Item 129A.

But there are additional things that distinguish Eleanor’s workhouse slip from those of other prisoners confined to the workhouse. The person who completed this document, the only “official” document that suggests her time of entry, struck out the word “to” so that the slip took on the look of an invoice only so that it read “F. Wesner, Keeper of Charleston Work House.” While the document names John Reigne and suggests the date of Eleanor’s confinement to the workhouse (March 19, 1835), there is much that this document conceals by comparing it to others. Typically, the agent of the slaveowner would be named (either solely or in addition to the slaveowner) as depositing the enslaved prisoner into the workhouse. That information provided immediate recognition of the person who placed the enslaved person into custody.

That was evident in Kelly's case. Although he took up the fight regarding compensation for Nicholas, when Nicholas was to be placed in the workhouse, it was done under the direction of Kelly's agent, Gadsden. Like Kelly, Reigne also had an agent who was used to incarcerate Eleanor. And in the documents below, we see what W. Dan. Huger was the agent responsible for committing multiple enslaved people into the workhouse on behalf of his clients.⁶²



Received Charleston 4th August 1804 from
Daniel Huger Esq. for the confine-
ment of a negro called Harry belonging
to the Estate of Lambert Lence deceased;
& brought to the Work House as a Run-
away
D.S. 12.
for J. Ward M.P.H.
P. B. Lake

Figure 2: Work House Entry Slip for Harry, an Enslaved Man. Huger, Daniel, 1779-1854. Daniel Huger Papers, 1772-1886. (1004.03.02.01) South Carolina Historical Society.

⁶² Daniel Huger (1744-1804) was a local attorney in Charleston, South Carolina and son of John Huger, former mayor (intendant) of the city (John Huger's name appears throughout this study, as he was a part of the city council that ratified the ordinance to restructure operations in the Charleston workhouse). His papers, housed at the South Carolina Historical Society in Charleston, include a number of workhouse entry slips bearing his name as the agent who ushered enslaved men and women to the workhouse. Huger undoubtedly worked as a middleman for slaveowners who preferred to outsource the dirty business of engaging in slave punishment to any degree, including the surrender or retrieval of enslaved people to the institution.

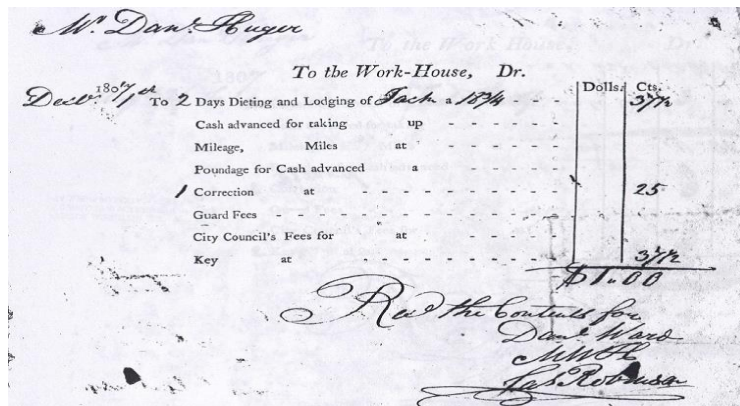


Figure 3: Work House Entry Slip for Jack, an Enslaved Man. Huger, Daniel, 1779-1854. Daniel Huger Papers, 1772-1886. (1004.03.02.01) South Carolina Historical Society.

The challenges the workhouse continued to present to slaveowners were compounded by some of the more dubious ways in which enslaved people found themselves prisoners in the workhouse. The dilemma of an enslaved man named Tim is illustrative. In 1842 Norris posted a notice in the local paper requesting Mr. Coughrin retrieve his slave, Tim, from the workhouse. Tim had been placed in the workhouse by direct order of the mayor, accosted under the guise of vagrancy despite the fact that the man told Norris he belonged to Coughrin. Coughrin was “called upon to remove the said Negro out of the Work House on payment of fees for his maintenance.”⁶³ The extant records rest there but given the trajectory of his counterparts, Coughrin likely paid the

⁶³ *Southern Patriot*, October 10, 1842. The advertisement also stated that Tim had been housed in the workhouse since August 15 of the same year. There is a question of why so much time passed between Tim’s imprisonment and Norris’s advertisement to locate his owner. I offer an alternative explanation in Chapter 5 regarding the ways enslaved people used the workhouse to their advantage, particularly to escape their masters. While it is possible that Tim may have deployed that strategy, and is thus a part of the conversation discussed in Chapter 5, his age coupled with the harsh conditions of the workhouse makes an alternative explanation plausible.

requisite fees and retrieved Tim from the workhouse in order to avoid additional fees and a protracted, and likely futile, court battle.

The Charleston workhouse remained full of enslaved people despite moments of dispute between its patrons and operatives. The battles which plagued Kelly, Livingston, Reigne, and others did not hinder slaveowners from using the workhouse. An urban slaveowner's need to lodge enslaved people in the workhouse for "safekeeping," for example, meant he recognized the need to share power and authority over his slaves not only to ensure the public good but also to maintain control over his property. This was especially evident in the multiple requests for government sponsored "correction" of enslaved people in the form of whippings or periods on the treadmill. In theory, the ideal system maintained a symbiotic relationship between slaveowners and government officials and ensured enslaved peoples arrival and departures in the institution occurred only for the slaveowners benefit. The Charleston workhouse did not operate within that ideal. Nevertheless, it continued as a successful endeavor between local authorities and slaveowners.

7. Chapter FIVE: “Git to the Workhouse:” An Alternative View

When Nicholas and his contingent of insurgents executed a riot in the summer of 1849, they challenged the city of Charleston. A spontaneous eruption, the riot is significant because of the infrequency of such occurrences among enslaved populations in United States history.¹ The players in this specific riot also render it particularly important. The city mayor, Thomas Hutchinson, and the Commissioners of the Workhouse were assembled at the institution and engaged in a meeting when the outbreak occurred. The prisoners saw those men as their captors, the individuals who possessed, exploited, and punished their bodies and who thus, rightly bore the burden

¹ The spontaneous eruption is rarely documented in United States history and, in fact, seems to have rarely occurred. I suspect that the very nature of the workhouse elicited this visceral and uncharacteristic event and that it was due in part to the level of punishment, the ability of enslaved people to freely congregate with each other in large numbers, and the length of prisoners confinement to the institution (allowing an accumulation of knowledge from visual observation, direct conversations with transient prisoners, and eavesdropping) that 1) yielded enough information to make sustained freedom plausible and 2) provoked riot and escape. The more famous slave rebellion in U.S. History – the Stono Rebellion (1739), Gabriel’s Rebellion (1800), and Nat Turner’s Revolt (1831), were all planned events and set individual slaveowners as their immediate targets. On Stono see Peter Wood, *Black Majority: Negroes in Colonial South Carolina from 1670 through the Stono Rebellion* (New York: Alfred A. Knopf, 1974) and John K. Thornton, “African Dimension of the Stono Rebellion,” *The American Historical Review* 96, no. 4 (October 1991): 1101-1113. On Gabriel see Douglas R. Egerton, *Gabriel’s Rebellion: The Virginia Slave Conspiracies of 1800 and 1802* (Chapel Hill: University of North Carolina Press, 1993) and James Sidbury, *Ploughshares Into Swords: Race, Rebellion, and Identity in Gabriel’s Virginia, 1730-1810* (Cambridge: Cambridge University Press, 1997). On Turner see Kenneth S. Greenberg, ed., *Nat Turner: A Slave Rebellion in History and Memory* (Oxford: Oxford University Press, 2003). The Denmark Vesey rebellion never materialized. In fact, historians are now questioning the legitimacy of the conspiracy at all. In any instance, the idea of “conspiracy” suggests some level of planning. On the Vesey Rebellion, see Douglas R. Egerton, *He Shall Go Out Free: The Lives of Denmark Vesey* (Madison, WI: Madison House, 1999); David Robertson, *Denmark Vesey* (New York: Alfred A. Knopf, 1999); Edward A. Pearson, ed., *Designs Against Charleston: The Trial Record of Denmark Vesey Slave Conspiracy of 1822* (Chapel Hill: University of North Carolina Press, 1999). On the challenge to the reality of the conspiracy, see Michael Johnson, “Denmark Vesey and His Co-Conspirators,” *The William and Mary Quarterly* 58, no.4 (October 2001): 915-976.

of the attack. That enslaved prisoners directed their fury at government officials inside a public penal institution makes the case remarkable. It is also noteworthy that, for a time, this was a success story, at least in terms of escape from the institution as several of the prisoners successfully absconded.² A problem which emerged initially within the private relationship of master and slave became a public affair between master, slave, and government.

Like many Charlestown residents before him, Nicholas had transgressed at least one public code of conduct. As a result, he faced public punishment. Maintenance of the social order through legal measures had trumped other forms of societal correction and for criminals of all stripes in the American South, the local jail was the place where the accused awaited, and often faced, punishment.³ As an enslaved man in this era however, Nicholas would be relegated to the workhouse rather than the city's jail. South Carolina's agents of governance had used various legislative tools, particularly city ordinances, to racialize the workhouse; they had also established sufficient means by

²Advertisement, *Charleston Courier*, July 24, 1849. The *Charleston Courier* ran advertisements for several days in search of Edward, Cyrus, Adam, and Henry, offering a \$100 reward for each of them and \$50 each for Isaac and Edward. By July 24, 1849 Isaac, Cyrus, and Henry had been captured while rewards were still pending for the other escapees. See also Lesesne to Middleton in which Lesesne reported that "about 30" prisoners had "scattered over the town" and that "the military were soon got out and all the fugitives have been captured except two or three." Lesesne's account in the July 16, 1849 letter corresponded to the newspaper reports.

³ In *Law, Labor, and Ideology* Tomlins persuasively argued that "law moved from an essentially peripheral position as little more than one among a number of authoritative discourse through which the social relations of locality were reproduced—religion, family, community, clientage--...to a position of supreme imaginative authority." (20)

which to enforce those laws. The workhouse Nicholas entered in 1847 was thus, a vague replica of the place others had entered decades earlier.

Nicholas's workhouse was the same institution that made Grimké's heart fall to the ground. Unlike the city's original 1736 workhouse, this new institution did not take up the cause of the indigent and downtrodden. There was no great divine intervention to right the wronged path of the wayward soul and, unlike the heterogeneity of the earlier institution, Nicholas found only black people in the workhouse. More specifically, he found enslaved men and women there. Rather than a place of relief, Nicholas encountered a punitive public institution that warehoused many of South Carolina's errant slaves. The kind of public punishment he faced is noteworthy because in lieu of the immediate sentence of corporal punishment or confinement to the custodial space of the city jail, Nicholas was sentenced to over three years hard labor and solitary confinement in a place located in the heart of the city. The workhouse that Nicholas entered is interesting because it reflected his contemporary community's ideas about slavery, punishment, and legal authority but also because at its establishment, none of those characteristics marked the institution. It was against this new system that Nicholas rebelled. This chapter centers the stories of the enslaved prisoners of the Charleston workhouse and looks at the ways in which they used the institution beyond its intent as a place of confinement, labor, and torture.

In various yet significant ways, enslaved men and women recalibrated the scales of the workhouse processes to shift in their favor. The 1849 riot was public, visible, and noisy and required a ready explanation. Part of that work was accomplished by painting Nicholas, the agitator, as just insane enough to be dismissed as an outlier. Elite Charlestonians needed to explain away what had happened in their city. That explanation rested in claims of the enslaved man's sanity. Those claims were also inextricably linked to a particularly "ignorant" brand of religion most common to the riotous and unruly. It was also important that Nicholas's flawed religious instruction originate outside the familiar Charleston community and his earlier sojourn to New Orleans made that explanation credible. Dismissing Nicholas was easy; the dismissal of everyday resistance perpetrated by most workhouse prisoners was less so particularly because it represented a less visible, direct and menacing force.

The workhouse served as a site of many instances of resistance by prisoners housed inside the institution. Nicholas appears exceptional because his was an open rebellion against workhouse officials that sparked a larger riot and deeply unnerved the city. This moment of resistance however, was no outlier, despite its high visibility throughout the city and in the historical record. Other enslaved prisoners continuously exercised different methods of resistance at varying degrees in and through the workhouse. A large component of the workhouse populace were runaway slaves and a small contingent of that population was made up of enslaved men and women who, in

seemingly contradictory fashion, purposely occupied the institution. Some enslaved men and women used the workhouse to escape abusive masters. Others used it to get closer to loved ones. And others still, used it as a means of direct defiance to disputes between themselves and slaveholders.

Enslaved men and women who endeavored to run away faced a great number of perils on that journey. The undertaking was fraught with issues including the risk of capture by either individuals or the slave patrol. Even individuals who possessed the badges necessary for travel had to be sure to operate within the parameters of those devices. Any attempt at additional, undocumented trips posed a threat and found enslaved people who took the chance using their natural environment, particularly the canopy of trees as a shield from the patroller's eye.⁴ Visibility was an issue for all enslaved people who traversed landscapes beyond their primary residences; for the runaway, the dangers inherent in visibility increased exponentially. Newspaper advertisements and the associated rewards then represented one the first and most dangerous obstacles in a runaway's path.⁵

⁴ This particular reference to the natural landscape as a shield is borrowed from the testimony of a formerly enslaved man named Samuel Boulware of Columbia, South Carolina. Samuel had been interviewed by Henry Grant for the Federal Writer's Project. In one of his stories, Samuel recalled that his father, who lived on a different plantation, relied upon a pass to visit Boulware's mother. His father, however, often wanted to visit in instances where he had procured no pass. On those occasions, he remembered that his father "would have to skedaddle through the woods and fields from de patrollers." See Samuel Boulware, interview by Henry Grant, Project #1885 in Rawick, George P. "South Carolina" in *The American Slave: Vol. 2*.

⁵ Michael Gomez's *Exchanging Our Country Marks* offered a phenomenal examination of the perils that newspaper advertisements presented to enslaved runaways given the great capability of southern residents, white and black, to read their bodies.

Newspaper advertisements served as a space where government edicts and slaveowners' interests met with the community at large. Legislation mandated that masters of the workhouse, jailers and sheriffs advertise daily in the case of captured or escaped enslaved prisoners.⁶ For obvious reasons, slaveowners also advertised heavily when their slave property absconded. Taken together, those efforts ensured that the number of advertisements for runaway slaves remained relatively high. The financial rewards associated with runaway notices also worked to incentivized local residents.

When enslaved men and women decided to run, they knew that the information provided in runaway notices represented one of the first lines of defense that worked against them. So when Minda, an enslaved woman, absconded in November 1830 for instance, she thought it important to take an additional dress with her.⁷ Her master, W. C. Duke, also found that piece of information important and conveyed it to the reading public. Duke's wanted to provide enough information to retrieve his slave property immediately. When he placed his notice of Minda's escape, he believed she meant to dress in a fashion that would be uncharacteristic—the "plaid homespun dress" she left in was not her customary all-black attire—and therefore, not immediately discernable to

⁶ It is important to note that by the nineteenth century south black, chattel slavery predominated as a system of labor. While this type of advertisement has precedent, I would argue that the nature of those advertisements differed not only in periodization but also 1) their illustrations and 2) the ability to mark people based on their skin color. For precedence, see Jonathan Prude's "To Look upon the 'Lower Sort': Runaway Ads and the Appearance of Unfree Laborers in America, 1750-1800" *Journal of American History* 78, no. 1 (June 1991): 124-159.

⁷ *Southern Patriot*, November 16, 1830.

potential captors. Perhaps she had anticipated Duke's knowledge of her usual clothing and took a different kind of dress, or no dress at all. It is even possible that she had taken other means of disguise. One thing seems certain; Minda planned to complete her journey undetected by potential captors and she appeared to believe that a figure at odds with the one offered in the local newspaper was a basic first step toward that end.

The monetary incentive associated with the capture of an escaped slave motivated many residents to be vigilant. The frequency of advertisements worked in a potential captors favor; residents could expect new advertisements, and therefore new opportunities, on a near daily basis. The capture of a runaway, however, depended to a large degree on chance encounters. In the instance that residents secured a runaway, they promptly sought the promised compensation. Robert Bradford serves as good example. In 1814, Bradford petitioned the government for compensation after he captured a slave. He stated in his petition, "The Governor of the State issued a proclamation offering one hundred dollars to any person who might apprehend a certain negro man named Ned."⁸ Any South Carolina resident could petition for promised compensation for the capture of a runaway slave. In 1824, an enslaved man (nameless in the petition) had detained and delivered Joe, a runaway slave, over to authorities. The white citizens of the county petitioned the Committee on Claims that "a

⁸ General Assembly Petitions, 1814, no. 46, SCDAH.

reward be given to the slave who led to the detection of the outlaw Joe.”⁹ The unnamed man certainly understood the concept of a body having pecuniary value particularly that of an enslaved black body in antebellum South Carolina. That another enslaved person would be engaged in the capture of runaway bondsmen is not surprising as enslaved people identified strongly with finite, easily identifiable and accessible communities. John Doe would not have felt any kinship to this “outlaw.”¹⁰ These were the dangers of enslaved people who chose to run away and get, potentially, to the workhouse.

Though the workhouse held overwhelmingly negative meanings for enslaved people, some sought ways to take advantage of its operation. Even as some of them came to terms to the violent experience firsthand, they found those moments more acceptable than those in which they had previously existed. More importantly, they seemed to find potential alternatives more favorable. Abiel Abbot, a Charleston visitor who documented his time there, captured the contours of one such story and penned it in his diary.

⁹ General Assembly, Committee Reports, 1824, no. 270, SCDAH.

¹⁰ In *Joining Places: Slave Neighborhoods in the Old South* (Chapel Hill: University of North Carolina Press, 2007) Anthony Kaye illustrates this point asserting that runaway slaves—specifically runaways who presented as strangers—often found no refuge in an established community of enslaved people. Indeed, enslaved communities recognized runaways as viable threats to their own livelihood. While communities of the enslaved took such risks on behalf of kin and friends, they often withheld such kindness from a runaway with whom they had no ties.

During his visit, Abbot endeavored to know what circumstances landed an enslaved person inside the workhouse and to understand the inmates' perspective of their imprisonment. In that quest, he spoke with one of the male prisoners and learned that the enslaved man had refused to live in Columbia because his wife and two children resided in Charleston. He had run away to be near them.¹¹ In this instance, it is far more probable that the enslaved man had hoped to reach his family and not the workhouse. Once there, however, it was possible for him to exist under the cover of anonymity; with that anonymity came the potential for sale, possibly within his choice city if his rightful owner did not, or could not, claim him. There was no mention of the names of the man's master nor his family. There was no follow up to tell how long he remained in the institution. The only thing left is speculation. The conversation, however, says a lot about the man's intentions to be near his family and serves as one example of the kinds of motivations that could lead to an enslaved person's confinement to the workhouse.¹² But it is also the conversation itself, that is, what one man communicated to the other, that holds significance here.

An important aspect of the enslaved prisoner's conversation with Abbot was not just what the man said but the reason he told his particular story. The enslaved man

¹¹ "Abiel Abbot Diary," p.119

¹² His case is very much like that another enslaved man who ran away from his master. P. Javain publicized Stephen as a runaway in January in 1831. Javain had reason to believe that Stephen remained in the Charleston area because Stephen's free wife lived in that city. By adding that particular piece of information, in addition to the name of the white man who employed Stephen's wife, Javain hoped to expedite his capture. See Charleston Courier, January 7, 1831, p.1.

communicated a sorrowful account of loss and desire for family, a story that easily resonated with anyone. Even Abbot's companion, Dr. L became engaged in the conversation and responded that the prisoner "should have told these things to the gent who brought you;" to this the prisoner answered he had explained the story to his captor to no avail.¹³ Is it possible the man was so calculating about which story he told? There is no way to know. It is possible, however, that he meant to communicate not only the unjust element of slavery but the added injustice of imprisonment simply because of his desire to reunite with his family. The power of the story-- a particular story of injustice executed by the workhouse—then becomes an important way enslaved men and women rebelled against the institution. There was the potential for at least two men to question the moral turpitude of the institution; with the publication of Abbot's journal that story, and the questions around the just nature of the workhouse, took on an additional level of power.

The possibility of sale was a real one; enslaved men and women, and their owners understood that possibility. Enslaved prisoners often found ways to exploit the potential for sale from the workhouse. When Augustus Ladson, a Federal Writers Project worker, sat down with former slave Henry Brown, he wanted to unearth Henry's experiences of life as an enslaved person. Ladson mined Henry's borrowed memories and learned, "no slave was suppose to be whip' in Charleston except at the Sugar

¹³ Abbot, p.119.

House. There was a jail for whites, but if a slave ran away an' got there *he could disown his master* an' the state wouldn't le' him take you."¹⁴ [emphasis mine] Henry understood the workhouse as a place where "the state" held authority. Further, he understood that if a slave "got there" there was the immediate promise to escape the master's authority and a future hope of being sold into another, perhaps better, life. Although muddled and incomplete, Henry's conception of the workhouse was not without merit. The workhouse often challenged the authority of slaveowners and as a result, enslaved people could rightly reimagine the institution as one of possibilities.

One enslaved man went to the workhouse with the express purpose of being sold away from his master. The enslaved man's wife had died and he had secured a promise from his owner to be sold away to another plantation after the woman's burial. After the enslaved woman's funeral however, the owner reneged on his promise. In anger, the man set out for the workhouse. In recounting this story, Sarah, a formerly enslaved woman remembered he, "went to de Work House an 'ax to be sold 'cause any slave could sell a self if a could git to de Work House."¹⁵ According to her account, some

¹⁴ I use the term "borrowed" here because at the time of the outbreak of the Civil War, Henry was a two year old toddler. The information Henry shared was most probably information attained from his father, a man who, Henry assured Ladson, "had got his education." Undoubtedly, it was from this body of inherited knowledge from which Henry relayed to Augustus "memories" of the Charleston workhouse. See *Slave Narratives Vol. XIV, South Carolina, Part 1: A Folk History of Slavery in the United States from Interviews with Former Slaves*, "Project #1655, Augustus Ladson, Charleston, S.C., Ex-slave born 1857, Grand Parents Came Directly from Africa." Although Henry noted that his father was education, he further expounded that he was unaware by what means his father attained his ability to read and write.

¹⁵ Susan (Hamilton) Hamlin, interview by Augustus Ladson, Project #1885 in Rawick, George P. "South Carolina" in *The American Slave: Vol. 2*. Three things here. First, Hamlin's story seemed to suggest that the

enslaved people believed a stint in the workhouse nearly guaranteed the potential for sale and this man had acted upon that assumption. It also demonstrates that within some slave communities, enslaved people consciously considered the workhouse as place to sever ties from an unsatisfactory master.

Sarah also told the story of an enslaved mother infuriated over the sale of her newly married daughter. She remembered that the plantation mistress sold the woman's daughter just hours after the ceremony. Unable to contain her hurt and rage, the enslaved mother screamed "dat damn white, pale-faced bastard sell my daughter who jus' married las' night."¹⁶ When the mistress threatened to have the enslaved woman arrested, she challenged her mistress to carry out her threat, which she did.

Consequently, 'de police took her to de Work House by de white woman orders an' whust became of 'or I never hear." The threat emanated from the slaveowner in this case but the enslaved mother confronted the threat head-on. Given the context of the story, it

enslaved man had come to live on that particular plantation because he married his wife and that upon her death, he expected to be sold. At least that is this reader's inference from the evidence. That is not made explicit by Hamlin however and thus, is not part of the larger story. Second, Hamlin did not relay the enslaved man's name or the year this event took place. Those omissions make it difficult to further corroborate the story. Finally, it is possible that Hamlin got this story secondhand. She "remembered" it but there is no evidence that these events happened in or on the same place of her enslavement. Despite these caveats, this story remains important because it also speaks to an aspect of enslaved people's imprisonment not addressed in this work; that is, the kinds of memories formerly enslaved people retained about pre-Civil War penal spaces. Ladson did not ask Hamlin about the workhouse specifically or any penal space for that matter; that memory emerged organically from Hamlin. That it did speaks to the prominence and relevance of the workhouse in the lives of enslaved people.

¹⁶ Ibid.

is probable that the enslaved woman understood the potential consequences of issuing that challenge. That the woman never returned to the plantation almost certainly means that she was sold after she arrived at the workhouse. The explicit intent conveyed in the former case is missing here; nevertheless, both reveal the possibility of alternative lives for enslaved people once they reached, and were potentially sold from, the workhouse.¹⁷

These cases also reveal enslaved people whose sentiments and actions were direct confrontations to their slaveowner's authority. These individuals expressed dissatisfaction and frustration with their owners over broken promises. The verbal exchange between the master and the enslaved person seemed to function as a contract on which the enslaved depended. The failure of the master to uphold his end of the contract represented a breach. In the case of the widower, he seemed to believe that once his owner decided to break the contract, he was under no real obligation to honor his end of the deal.¹⁸ Likewise, there was betrayal in the case of the enslaved mother whose mistress dealt so callously with her child. The enslaved woman responded by showing little fear of being sent to the workhouse. Whether or not she actually wanted to go there is less important than the fact that she believed the threat was sufficient to arrest the mistress's actions and to make her acknowledge the error of her ways. The fact that she

¹⁷ I would argue that by telling both stories together, Sarah implied that enslaved men and women who existed within the limited scope of her lived experience recognized and sometimes welcomed the potential for sale from the workhouse.

¹⁸ This argument is less about the enslaved man's actual legal right to escape but rather his understanding of his natural rights as a man and the moral obligation to honor your word.

underestimated the mistress's position was (possibly) unfortunate. Nevertheless, the idea that enslaved men and women believed the threat of running to the workhouse offered them leverage in disputes with their owners speaks to the ideological capaciousness of the workhouse as an institution within the broader slave community. Enslaved people and their owners understood this; so to, did local officials.

Workhouse masters, just as local jailers and sheriffs, often depended upon the word of an enslaved runaway to find out where, and to whom, that person belonged. Unlike locals who were easily identifiable to neighbors and often lacking markings that clearly identified them, some enslaved runaways could enter places in which very few, if any, people recognized them.¹⁹ In such instances, workhouse officials relied upon what they were told by their prisoners in the hopes of returning them to their owners.

Newspaper advertisements that opened with the phrase "committed to the work house as a runaway" often signaled that a government official relied heavily upon the word of that same runaway to provide information of their origins. This is most evident in the other phrases, posited as the words of the captives, which almost always accompanied the first: the runaway "says his name is," or "say they belong to." Tom's is a case in point. James Norris, master of the workhouse, placed the following advertisement in the local paper: "Committed to the Work House as a runaway, a Negro

¹⁹ Again, Gomez's *Exchanging Our Country Marks* is an exemplary illustration of this but see also, Marvin L. Michael Kay and Lorin Lee Cary, "Slave Runaways in Colonial North Carolina, 1748-1775," *North Carolina Historical Review* 63, no. 1 (January 1986): 7-8 and Antonio T. Bly, "A Prince Among Pretending Free Men: Runaway Slaves in Colonial New England Revisited," *Massachusetts Historical Review* 14 (2012): 87-118.

Fellow, who *calls himself Tom, and says that he belongs to Barrett Hill.*"²⁰ Similarly, in June 1833 master of the workhouse Frederick Wesner placed an advertisement that he had committed to the workhouse "a negro fellow, *who says his name is Harry, and that he belongs to Mr. Daniel Jinnman of Burke County, Georgia.*"²¹ [emphasis mine] The amount of information the enslaved prisoners provided (both first and last name and a location of their possible owners) lends some degree of legitimacy to their claims. The point here, however, is whether or not the men were truthful, the officials depended upon the information they provided; it was that information, accurate or not, that workhouse officials published in their notices. If Tom or Harry were so inclined, they could have surely provided fraudulent information. Norris and Wesner, like their counterparts, recognized the possibility for fraud which is why their notices so often included deliberately ambiguous phrases like "says his name is," "they say," and so on. Attempts to mediate potential fraud meant officials often provided other physical indicators to reveal the prisoner's true identity. In Harry's case, for example, Wesner's notice contained indisputable facts including the enslaved man's complexion, height, scars, and an estimate of his age.²²

²⁰ *Charleston Courier*, February 26, 1841.

²¹ *Charleston Courier*, June 10, 1833.

²² A quick survey of the runaway slave notices reveal that this fraud was fairly common and was practice engaged in by both enslaved men and women. An example of the latter was the case of Charlotte, an enslaved women of approximately 35 years old who had a history of absconding. According to the notice Charlotte, who had been gone for over two months, "may possibly assume a fictitious name." See *Charlotte Courier*, November 13, 1830.

Enslaved men and women recognized the business component of the workhouse and jails and became proficient in the kinds of fraud outlined above. One of the more skillful men who manipulated the system repeatedly was an enslaved man named Peter, alias John. Peter had spent several years as a runaway and prisoner in various institutions in both South Carolina and North Carolina between 1824 and 1831.²³ One of his owners, J.R. Spann, relayed the extent of Peter's fraud when the enslaved man ran away from his plantation in 1831. Spann purchased Peter in 1825 at a Sumter County sheriff's sale after he had served a twelve-month stint in the local jail as a runaway. Peter was sold in the county's effort to recoup the fees related to his imprisonment. Less than two years later, Peter successfully escaped from Spann's plantation and spent just over two years as a "free" man before he was caught and held in a North Carolina jail. The information that Spann relayed about Peter's stay in that institution is a critical example of the methods some enslaved men and women used to avoid return to previous masters.

Once imprisoned in a Wayne County, North Carolina jail, Peter falsely advised the jailer that his master was a man named Mr. Hudson of South Carolina. When Jeremiah Hudson arrived approximately nine months later to claim Peter, the jailer

²³ *Charleston Courier*, March 9, 1831. The year 1824 is the earliest time stated in the runaway notice. The notice however, stated that Peter (John) had been purchased from a year where he was lodged as a runaway; he was sold to a buyer rather than returned to his owner. This suggests that Peter (John) had successfully fled his previous owner and was sold elsewhere. Given these facts, it is highly probable that he had a much longer history as a runaway.

released the enslaved prisoner to the man. Peter then acquired a string of owners: Hudson sold him to two men through a private sale; those men then sold Peter to a North Carolina slave trader named McCloud who, in turn, sold him to Benjamin McLauchlin of South Carolina. Spann managed to retrieve Peter from McLauchlin in September 1830. Three short months later, Peter absconded again. The runaway notice Spann published was a response to Peter's last escape. In that notice, Spann requested that Peter should be taken to the Charleston workhouse if found. He also warned readers that "it is not probable he will tell either his, or his master's right name."²⁴ There is no evidence that Spann ever recovered his slave property. Given Peter/John's tendency to stay within the southern states however, it is likely that he continued to move in and out of possession of various owners.

In such cases where the opportunity for trickery and deceit on the part of the enslaved prisoner resulted in a sale, the real losers were often the slaveowners. With the formalized structure of the workhouse, the primary motive for government officials became the financial bottom line, which was secured either by fees paid by slaveowners for an enslaved prisoner's stay or the profits gained at the sale of said prisoner. Officials allowed for and anticipated that slaveowners would collect their slave property, for a fee. If however, slaveowners failed to collect their slaves and make the required payments, they could sell the prisoner to recoup any losses incurred. Advertisements

²⁴ Ibid.

like the one below, ubiquitous to the point of being common and unworthy of special note during its, is illustrative of the earnings aspect of workhouse procedure:

Sheriff's Sale. To-morrow, 27th inst., at 11 o'clock, in the forenoon, will be sold, at the North side of the Exchange, A Negro Woman, named Betsey, the slave of R. Telfer. The said slave Betsey is sold to satisfy the fees due for her confinement in the Charleston Work House, and in compliance with the Ordinance of the City in such case made and provided. Robt. Elfe. S.C.C."²⁵

Enslaved men and women recognized those dynamics and some, like Peter, used them to their benefit. For Peter at least, two years of freedom here and there was worth the effort and even the experience that he might face in various penal institutions. The cost of the workhouse experience, for example, was worth the price. That was the case for another enslaved man named Jim, who passed the hot summer of 1837 in the Charleston workhouse.

A habitual runaway, Jim had taken to the South Carolina swamps following an unjust whipping he suffered at the hands of his master, David Cohen. Jim was captured after passing a month in the swamps of Four Holes in Orangeburg County. There he had congregated during the evening hours with his sister and other comrades who resided on the nearby Bradwell Plantation. Finally secured in the institution and faced with Cohen's ire at his continued insolence, when given the option between a protracted stay in the workhouse or a return home to the plantation Jim chose the former. Infuriated,

²⁵ *Charleston Courier*, November 26, 1849.

Cohen left Jim there for approximately three months. Cohen wanted nothing more to do with Jim and after the enslaved man's workhouse stint, Cohen washed his hands of the troublesome Jim; he sold him to the highest bidder. Jim, however, managed to make one more, presumably final, escape. Those months of terror Jim endured in the institution had left their mark. Jim, however, decided to reveal his wounds and made his story available to all who wished to know it. By the summer of 1838, his harrowing tale of enslavement on South Carolina's private plantations as well as his imprisonment in the public, penal space of the workhouse appeared in the abolitionist newspaper *The Emancipator*.²⁶

Jim relayed vivid memories of the workhouse. Recounting the story of his entry into the institution, the physical makeup of the building, and the everyday processes of the place, Jim's is a rare account of the workhouse from the purview of the enslaved prisoner. It was a revelation as he flatly declared his inability to imagine "any worse hell than that sugar house."²⁷ He testified that the facility remained filled to capacity during his stay. He also remembered frequent visits from people throughout the city as well as the countryside, including "widow women, every week", who brought their slaves to

²⁶ "Recollections of Slavery by a Runaway Slave," *The Emancipator* September 20, 1838. Documenting the American South, University Library, University of North Carolina at Chapel Hill, 2003 (<http://docsouth.unc.edu/neh/runaway/menu.html>).

²⁷ "Recollections of Slavery by a Runaway Slave," *The Emancipator* September 20, 1838.

the workhouse to be whipped.”²⁸ He described the room designated for whipping and stated that it was occupied every day, “all hours of the day,” including Sundays. Many days, he recalled, whippings continued until the late night hours. Extreme misery, high occupancy, and recurrent community patronage marked his memories of the workhouse. The testimony of this man was telling on several fronts.

Jim’s account reveals the workhouse as a crucial site within the city, important for a significant segment of the local community. First, it referenced the torture inherent in the space. The horror recorded and seen only in part by Grimke on Charleston’s street is made visible in Jim’s words. But also, it tells of the force of will that he displayed. A place he called “no worse hell” remained one that he seemed to prefer over the plantation “home” he had previously occupied. The enslaved man’s owner had made multiple trips to the workhouse and enquired of the enslaved prisoner if he had “learned his lesson.” In a telling show of will, determination, and grit, the man refused to acquiesce that the “correction” meant to break him had proved effectual. The man’s testimony was so illuminating that it is worth quoting at length:

The truth was, the sugar house was worse than the plantation but I would not tell him so. When he found I was stubborn, and would be likely to run away again if he took me out, he said he would keep me there till the speculators came along in the fall. Pretty soon I grew sickly, and when he saw how poor I was, and thought I should not live till fall, he set me up to

²⁸ Ibid. The narrative of this unnamed slave documents at least two visits from his owner during his time in the workhouse. On both occasions, the owner asked the man if he had learned his lesson and was prepared to return “home.” Unsatisfied with the man’s answer on both occasions, he left him there for further correction, a fee service which by this time local officials provided without question.

vendue. They bid 670 dollars for me, but he would not sell me for that. He said he would have his price, or I should stay in the sugar house till I died. Afterwards a good many came to see me. They felt of me and said I was thin. Master kept me there a few days longer, and then sold me to John Fogle for 700 dollars. I cost him twelve hundred. It was in June, 1837, when he sold me.²⁹

In the moment of decision—go “home” or stay in the workhouse, a battle of wills was underway and the enslaved man appeared willing to fight the battle to the death. Although it did not come to that, he suffered punishment and deprivation to a fair point of emaciation and seemed more apt to do so than succumb to Cohen and claim defeat. In spite of the conditions of the workhouse, the man chose to walk through that hell than to relinquish his right to self-determination.

To be clear, the workhouse was a hellish place for its prisoners and that was probably felt most deeply by the enslaved women who occupied the space. Though difficult to locate in extant sources, women were significantly represented in the workhouse community, both as slaveowners who relegated their property to the penal institution and the unfortunate female prisoner.³⁰ Male prisoners found it difficult to imagine “any worse hell” than the tortures endemic in the workhouse; the female inmate however did not have to imagine the degenerative possibilities of imprisonment.

²⁹ Excerpts from “Recollections of Slavery by a Runaway Slave,” *The Emancipator* September 20, 1838.

³⁰ The major exception to this point is the local newspaper. Newspapers were filled with reports of enslaved female runaways. In most instances, owner or jailers requested that these enslaved people, like their male counterparts, be remanded to an area jail or workhouse.

While all prisoners endured the “hell” of grueling hard labor, constant whippings, and threat of sale, the added threat of sexual assault was ever present for female inmates.³¹

Abiel Abbot documented his exposure to enslaved female prisoners in the workhouse. His, however, was an account heavy in its silence of the burdens of their experiences in that place. Yet, Grimke’s afternoon stroll was not upset by thoughts of petty dramas unfolding around enslaved women in the workhouse. Her intense reaction was rooted in something she recognized as perverse, although the particulars of which she could have only imagined.

The formally imprisoned Jim however, had well-documented his own stay in that institution and had proved a keen observer of the perilous lives of both enslaved male and female prisoners; his testimony sheds light on the conditions of the female inmate. Abbot innocently noted that female prisoners remained busy at sewing, a common task given to them by virtue of their gender rather than their status as prisoners.³² They seemed not very different from many women of the period relegated to

³¹ On the threat of sexual assault against female prisoners from a historical perspective, see Nichol Hahn Rafter, *Partial Justice: Women in State Prisons, 1800-1935* (Boston: Northeastern University Press, 1985). See also Walter J. Fraser’s *Charleston! Charleston!: The History of a Southern City* (Columbia, SC: University of South Carolina Press, 1989), 202-203 for Sarah Grimke’s take on the warehouse tortures she witnessed. There is also a large body of scholarship that addresses the threat sexual violence against enslaved women generally.

³² Within a longer history of imprisonment, female inmates have proved problematic. Even in the issue of physical placement with broader physical penal spaces, to proper administration over their persons (male guards versus female, for instance) and how best to use their labor. For a brief examination of some of these issues in a longer history, see Guy Geltner, “A Cell of Their Own: The Incarceration of Women in Late Medieval Italy,” in *Women, Gender, and Prison: National and Global Perspectives*, Special Issue, *Signs* 39, no. 1 (Autumn 2013): 27-51 for institutional placement; L. Mara Dodge, “One Female Prisoner Is of More

domestic duties; tedious perhaps, but hardly punishing. Jim's testimony, however, suggests a higher degree of menace permeated the institution.³³ Mrs. Wolf, the wife of the workhouse clerk, kept the female prisoners busy, "sewing for her all the time." Jim's record corroborates Abbot's. He deviates, however, when he elaborated that Mrs. Wolf believed her husband "ought to give them one or two cuts more than the law says, to make them work better."³⁴ Whether "better" meant a more production rate or quality, the threat of cuts courtesy of the lash of the whip served as her motivating factor. In fact, her pressure to punish above and against the legal recommendation for lashes, already quite liberal, ventured right across the line into abuse and torture.³⁵

Trouble than Twenty Males': Women Convicts in Illinois Prisons, 1935-1896, *Journal of Social History* 32, no. 4 (Summer 1999): 907-930 on administration and occupation. In Dodge's piece, the female prisoners she discovered were immigrants and women of African descent. She found that these women were often housed and put to labor beside male prisoners in a way that attested to their value in society. It is interesting that while Abbot recorded a fairly tranquil, domestic scene, a male inmate who would later offer his recollection of the institution presented a far more heinous existence from that Abbot witnessed. Perhaps he saw additional work tasked to the female inmates or maybe the workhouse administrators took into his presence as a northern outsider and "staged" the scene accordingly. Either way, these enslaved female inmates have a larger connection and history with female prisoners outside of South Carolina or even the American South.

³³ The testimony of both men have to be, without doubt, considered and critiqued through the perspectives in which they wrote their texts. Abbot's was a travel journal that, while curious of the lives of the enslaved prisoners and despite his position as a northern clergyman, was to some degree, deferential to his southern hosts. He recorded his observations but with a delicacy that has to be interrogated. The same issues are inherent in Jim's text which, as an abolitionist work meant to incite a reaction, painted the more horrific picture. Those things in mind, the writings cannot be dismissed and while neither can be seen as absolute truth, they certainly provide a glimpse into a place that has rarely been seen and taken together, they paint what can be reasonably assumed as a credible replica of the institution.

³⁴ "Recollections of Slavery by a Runaway Slave," *The Emancipator* September 20, 1838.

³⁵ The physical abuse and torture that enslaved women endured in slavery are documented by scholars like Thavolia Glymph, *Out of the House of Bondage: The Transformation of the Plantation Household* (Cambridge, NY: Cambridge University Press, 2008). Glymph looks at this abuse inside the plantation

When workhouse officials physically punished women, they exercised no mercy based on gender. While Jim recalled that enslaved female prisoners were employed to secure the ropes of other women being readied for whipping that was the extent of the distinction between modes of punishment. He stated, "both men and women were stripped entirely naked, except a small piece of cloth round the body and a cap was drawn over their face."³⁶ As an example, he remembered witnessing the whipping of an enslaved Indian woman of 17 or 18 years old who could not contain her screams of pain. The male driver was instructed to pull the cap that was routinely placed over the face during whippings to pull and bind it below her chin, in an attempt to muffle if not completely silence her screams.³⁷ Such punishment constituted regular workhouse proceedings; officials intended that punishments proceed unabated and muffling the screams of a terrified young woman promoted the efficient execution of those tasks.

Despite the pitfalls of the workhouse and life on the run, enslaved women did indeed, run. They ran alone and they ran with their children; rarely did they abscond with men. Amelia ran away alone. The property of Mrs. O'Driscoll, Amelia ran away in

household although she adamantly, and quite convincingly, challenges the home as a private realm separate from the larger institutional spaces that defined slavery. As the economic epicenter of slavery, Glymph argues that the plantation household can only be viewed as a public space.

³⁶ Recollections of Slavery by a Runaway Slave," *The Emancipator* September 20, 1838.

³⁷ For a compelling examination of the power of the visual and aural sufferings of enslaved people, see Saidiya V. Hartman's *Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America* (New York: Oxford University Press, 1997).

August of 1830 and despite the reward offered, Amelia was still on the run the following January. O'Driscoll continued to advertise that Amelia might be in the Charleston area and requested that upon apprehension, she be placed in the city's workhouse.³⁸ Rosetta ran away from her mistress in October of 1829; in August 1830, her owner Margaret Revell continued to advertise for her capture. Revell wrote that Rosetta was "well known in the city" and suspected that after all that time, she still remained there.³⁹ When Patience deserted her owner, she took her four-year old daughter Phillis with her.⁴⁰ Likewise, thirty-year old Rosanna ran away with her six-year old son in May of 1839. Her owner, R. S. Millar, offered a reward to have both captured and placed in the workhouse. Rosanna seemed a particular source of anxiety for Millar because she had relatives in Georgia and he believed the enslaved woman meant to make that journey, despite the fact that she had her child in tow.⁴¹ Enslaved women exist in the historical record as runaways. It has been, however, the tendency, almost without exception, to explain their departures as the desire to "get away" or "take a break" from their daily lives.⁴² This was undoubtedly true in many cases, perhaps most. Yet a significant

³⁸ *Charleston Courier*, January 21, 1830.

³⁹ *Charleston Courier*, August 25, 1830.

⁴⁰ *Charleston Courier*, April 30, 1832.

⁴¹ *Charleston Courier*, May 18, 1839. Millar offered an interesting distinction in the reward money: if an individual captured the duo, the reward would be \$50. If they were lodged in the workhouse, the reward was \$20. Perhaps Millar anticipated the workhouse fees and therefore the difference in the reward allowed for that difference.

⁴² In Franklin and Schweninger's *Runaway Slaves*, for example, enslaved women are rarely portrayed as successful runaways, although they are depicted as rebels who were able to disrupt the work schedule if they believed they were treated unfairly. This work also placed great emphasis on the relatively small

number of enslaved women seemed intent to escape bondage altogether and often their presence in the workhouse was, to some extent, the evidence of that fact.

The broader implications of imprisonment for enslaved women included the ways the threat of the workhouse served as a disciplinary mechanism that affected their thoughts and actions relative to escape attempts.⁴³ One of the myriad dangers female runaways encountered in addition to the threat of capture was the high probability of being housed in a jail or workhouse without the benefit of segregation from a disparate male population. Rumors and stories which circulated among enslaved communities certainly contributed to decisions women made about running away as they calculated and weighed the dangers. Lurking in enslaved women's minds and affecting their decisions were not only the real dangers of escape but the perceived threats aggravated by tales like that of the disappeared woman of Sarah's memory. The urge to take flight was certainly tempered by the uncertainty of the precise dangers that awaited women in the workhouse. And still they ran; they resisted.

number of runaways to the broader enslaved population (which indeed was scarce and women within that number even smaller), 127-129. My concern is beyond the immediate fact of escape to consider what specific outcome enslaved women anticipated. Perhaps absolute freedom was not always the goal but certainly some of them sought more than a temporary reprieve from their masters and overseers.

⁴³ Note that I borrow and expand the idea of "disciplinary mechanisms" and apply it to enslaved women's decision to run away (or not) and the role of workhouses and jails, and the rumors of workhouses and jails. This idea was posited by Genevieve LeBaron and Adrienne Robers in "Toward a Feminist Political Economy of Capitalism and Carcerality," *Signs* 36, no. 1 (Autumn 2010): 19-44.

The conditions inside the workhouse made explicit resistance more difficult for enslaved prisoners but for those willing to take the risk, certain aspects of the institution facilitated a more charged form of disobedience. Despite the voluminous newspaper articles and other evidence documenting the workhouse riot, very few mentioned what amounted to a massive congregation of enslaved people who had been labeled as troublesome. Enslaved prisoners managed to flout laws specifically designed to diminish, if not totally eradicate, rebellious activity. Long established in South Carolina law were dictates which censured the free assembly of people of African descent. The Negro laws that originated in 1740 were, after all, a direct corollary to the Stono Rebellion, another uprising that threatened Charleston's social structure.⁴⁴ In 1800, the legislature again addressed the issue of free assembly among 'slaves, free negroes, mulattoes or mestizos,' especially for purposes of "mental instruction."⁴⁵ Yet the workhouse with its large contingent of enslaved prisoners who all existed in relatively constant close proximity to each other, made it possible for workhouse prisoners to circumvent this particular law. Granted a riot hardly constitutes "mental instruction" but such a flagrant act of open rebellion suggests that something might have been articulated among the group to spark the action. Certainly the opportunity for enslaved prisoners to communicate openly with each other their shared discontent is not to be

⁴⁴ Peter Wood, *Black Majority: Negroes in Colonial South Carolina from 1670 through the Stono Rebellion* (New York: Alfred A. Knopf, 1974).

⁴⁵ *The Statutes at Large of South Carolina* Vol 7, Columbia, SC: A.H. Pemberton State Printer, 1840, p.441.

discounted. And the fact that legislators went out of their way to draft new and amend older ordinances meant that they recognized that powder keg they had created in the workhouse.⁴⁶

When Nicholas and his cohort made their escape, it could not be a stealth slipping away into the night. The physical structure of the building coupled with on-site security demanded a brutal confrontation against authority.⁴⁷ It was this element of the outbreak—the active, physical rejection and usurpation of government authority— which unnerved city officials. The typical runaway advertisement was supplanted by a notice from the mayor’s office regarding the continued search and reward for escapees on the loose.⁴⁸ The published notifications of enslaved prisoners executions and captures were numerous and continuous.⁴⁹ Officials promptly drafted new legislation for workhouse proceedings. Newspapers published the profuse opinions of local citizens in

⁴⁶ Legislators passed many new laws regarding the workhouse. Some of them included the segregation of “criminal slaves” from other, arguably more pliable and less violent prisoners and placing more guidelines in place to compensate for what was called “great laxity” which had “prevailed for some time past.” The city council put together a special commission to resolve the problems which, they implied, resulted in the riot which began inside the institution. See *Charleston Courier*, August 9, 1849. This was just the beginning of hardening regulations.

⁴⁷ In a letter from Henry D. Lesesne to Nathaniel Russell Middleton, Lesesne reported that James C. Norris, the Master of the Workhouse at the time of the riot, had locked himself in a room during the attack. On August 7, 1849, less than a month after the riots, Norris resigned his position. For details of Norris’s action in the riot, see “Nathaniel Russell Middleton, Box 1, Folder 16, Southern Historical Collection, University of North Carolina at Chapel Hill, letter dated July 16, 1849. On Norris’s resignation, see “The Work House,” *Charleston Courier*, August 15, 1849.

⁴⁸ “Public Notice,” *Charleston Courier*, July 24, 1849

⁴⁹ Some examples include Nicholas’s execution, “Execution,” *Charleston Courier* July 21, 1849; several captures, “The Escaped Negroes,” *Charleston Courier*, July 25, 1849; on trials and subsequent punishment see *Charleston Courier*, August 2, 1849 and *Charleston Courier*, August 13, 1849.

regards to the outbreak and the workhouse leadership. Everyone in the city recognized the danger of disobedience on this scale.

The actions of enslaved prisoners represented the most obvious challenge to their status as property, their rejection of other people's right to exert authority over them, and their willingness to take possession of themselves. The workhouse was often the site of such actions.⁵⁰ As much as the physical structure of the workhouse represented government power and functioned, in part, to evoke fear in enslaved people, its presence doubly represented slave resistance, the failings of slaveowners as patriarchs, and societal fear of frustrated slaves.⁵¹ The workhouse was symbolic of those moments when the authority of the slaveowner met and needed the authority of government because the actions of enslaved people proved their refusal to abide by the rules of their property-ness.⁵² And yet, many enslaved people used that same institution to different ends. The prisoner who refused to go "home," for instance, and his failure to submit

⁵⁰ Historian Robert Olwell stated, "It is the irony of everyday resistance that, precisely because it was routine, it could to a large degree be incorporated into the slave society and itself be made a part of the structures of everyday life." See *Masters, Slaves, & Subjects: The Culture of Power in the South Carolina Low Country, 1740-1790* (Ithaca: Cornell University Press, 1998), 10.

⁵¹ For some references of ex-slaves' knowledge and memories of the workhouse, also referred to as the "Sugar House," see Laura M. Towne Diary, ed. Rupert Sargent Holland, *Letters and Diary of Laura M. Towne: Written from the Sea Islands of South Carolina, 1862-1884* (Cambridge, MA: Riverside Press, 1912), 159-162 and Che Rawick and Jules Rawick, eds. "South Carolina" in *The American Slave* Vol. 2 (Santa Barbara, CA: Greenwood, 1972). Other scholars who have documented the history of the failed, or rather ambivalent, patriarch include Kathleen Brown, *Good Wives, Nasty Wenches and Anxious Patriarchs*, and Ariela Gross, *Double Character*.

⁵² For scholarship on the person/property dichotomy of enslaved people see Thomas Wren, "'A Twofold Character': The Slave as Person and Property," *Southern Studies* 24 (Winter 1985): 417-431; Gross, *Double Character*; A. Leon Higginbotham and Barbara K. Koyptoff, "Property First, Humanity Second: The Recognition of the Slave's Human Nature in Virginia Civil Law," *Ohio State Law Journal* 50 (1989): 511-40.

suggests that he imagined himself in some way contrary to his master. His refusal to be “corrected,” despite the incentives offered in the workhouse, was a clear challenge to his master’s authority and to that of local government because even as the last line of resort, they could not entice him to yield.

Nicholas and his cadre’s decision to rebel may have represented the ultimate challenge to authority. One enslaved person’s refusal to obey orders was his master’s problem. The failure of an enslaved collective represented a threat to the entire social order of a slave society. The intensity of debates in local newspapers, shifts in personnel and prompt drafting of new legislation reveal that government officials recognized this fact. By the end of the city’s response to the workhouse riot the Master of the Workhouse resigned and authorities hanged Nicholas.⁵³ City Council passed new legislation that reorganized the institution’s operating procedures which included the exclusion of “vicious” criminals from the workhouse.⁵⁴ While they implemented those measures to regain order, the officials’ actions betrayed their recognition of the transient nature of control and property.

Borrowed and transplanted from the English metropole to colonial South Carolina, the workhouse became something quite distinct from its predecessor by the early national and antebellum periods. In the local government’s efforts to formalize the

⁵³ Despite Kelly’s early admonitions for the authorities to remove Nicholas from the workhouse to the jail, government officials never compensated him for the lost value of his executed slave. By this period, such compensations were common practice.

⁵⁴ “Proceedings of Council,” *Charleston Courier*, August 9, 1849.

institution, it also became a place that enslaved people could exploit. When Nicholas decided to lay down his hammer and protest, he represented a single disruptive but manageable enslaved prisoner. When he issued the clarion call of revolt to his fellow inmates they were receptive, responded and made a serious bid for power and authority over their own bodies. The prisoners responded because many had always resisted their position in other, less visible ways. Ultimately, they failed to realize sustained freedom. Nevertheless, the promise of a similar attempt lingered and reminded slaveowners and government officials alike that their position of authority was ephemeral at best and would, as in times past, continue to be challenged by the men and women they sought to oppress.

8. CONCLUSION: “All Played Out”

The Charleston Workhouse held multiple meanings for the antebellum city's residents. Everyone, from the mayor to the enslaved population, recognized it as an important institution. For poor whites, it evolved into a drastically different place over time. Once a quasi-haven for the city's destitute, the nature of the workhouse changed in conjunction with opinions regarding the indigent. Many people read the suffering of the poor as evidence of lazy individuals, the workhouse adopted practices of forced labor. Very few white people experienced that aspect of the workhouse however, because the individuals deemed impoverished enough to warrant shelter in addition to financial assistance were often children, the elderly, the decrepit, or the sick; those groups were not always mutually exclusive. Eventually, the space held little personal meaning for poor whites because by the early nineteenth century, the threat of occupying the place lay only with people of African descent.

For enslaved people, the workhouse always operated as a place of confinement. Over time however, it became racially exclusive and torturous. The labor component of the institution which eluded their white counterparts reached its apex for enslaved prisoners, and some free people of color, with the introduction of the treadmill. The expansion and formalization of the institution also meant that a workhouse stint could last far longer than it had in the past. And for better or worse, the sentence for prisoners of African descent could end on the auction block of the in-house slave mart.

For the city's elite, the institution held different meanings. At its inception as a charitable endeavor and an extension of outdoor relief, it functioned as a testament to their performance of moral and Christian duties. Under the guidance of vestries, the poor could be served without much effort beyond a tax on the more economically fortunate of the city. As the institution evolved into a coercive space less to do with charity and concerned more with the removal of undesirables from the city's midst, it became an alternate space to the local jail. Here, local officials could confine runaway slaves, seaman and criminals alike. With continued evolution, it served as a place where local officials and slaveowners alike could place enslaved runaways and errant slaves. This iteration of the workhouse functioned as a symbiotic relationship between agents of governance and slaveowners, a relationship that began to rupture as government officials gained more control over the institution. As a government run institution, the workhouse gained greater significance within the local community but was also responding to national and global ideas.

Nicholas probably never imagined the earliest version of the Charleston workhouse. The Christian compassion espoused by the early parish vestries would have seemed foreign and at odds with the institution he had come to know. His experience, and that of so many of his compatriots, was marked by the endless toil of the treadmill, the merciless thrust of the lash, and the isolating stretches of solitary confinement. Nicholas's workhouse encounters were overwhelmingly negative and abusive. For

enslaved prisoners, men and women like Nicholas, their bondage was felt as much inside the walls as out. Twice bound, they had little reason to distinguish between the private hells as imposed by their owners as private citizens and that felt at the hands of the government.

In the aftermath of the Civil War, abolitionist school teacher Laura M. Towne found herself living in the heart of Charleston working as a teacher to newly freed people. Like visitors before her, she was curious about the institution of the workhouse. Her diary reflects the following observation of the workhouse as well as a formerly enslaved woman's memory of the site:

The burnt part of town is the picture of desolation, and the detested "old sugar house" as the workhouse was called, looks like a giant in his lair. It was where all the slaves were whipped, and the whipping room was made with double walls filled in with sand so that the cries could not be heard in the street. The treadmill and all kinds of tortures were inflicted there. I wanted to make sure of the building and asked an old black woman if that was the sugar house. "Dat's it," she said, "but it's all played out now."¹

It is a fair assumption that many formerly enslaved people shared the old woman's disdain and dismissal of the institution; with the war's closing came an end to the particular terror that was the Charleston workhouse. Other terrors followed quickly on its heels however, as new means and institutions of punishment arose in the workhouse's wake. Chain gangs, convict leasing, and the penitentiary which replaced

¹ Laura Matilda Towne, *Letters and Diary of Laura M. Towne: Written from the Sea Islands of South Carolina, 1862-1884*, ed. Rupert Sargent Holland (Cambridge, MA: Riverside Press, 1912), 159-61.

slavery, jails, and workhouses emerged to continue the work the institution had served, in part, for the community. The horrors of those latter systems generated curiosity and outrage, provoked social justice campaigns, and sparked intellectuals' curiosity and generated historical inquiry. Those post-Civil War institutions consumed the thoughts of scholars who rightly argued they managed and controlled African Americans ways slavery had. But the institution of slavery was not the only means to place strictures on the actual physical bodies of enslaved people. Those physical constraints did not only exist on the plantation, within a slave household, on the run under threat of the patrol, and in the space of the courtroom. The jails and workhouses in the American South mattered and the Charleston Workhouse serves as one example of just how well antebellum penal institutions worked to control enslaved people. The workhouse and the experiences of the enslaved people confined within them have hardly registered as a historical afterthought. It was however, a significant precursor to the penal institutions that would replace, obfuscate and relegate it to a thing marginal and superficial in the history of slavery, southern slave society, imprisonment and government control and policing of people of African descent.

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Biography

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