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## **Cities of refuge : slave flight and illegal freedom in the American urban South, 1800-1860**

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## Chapter Five

### *Illegal but Tolerated: Urban Politics and Black Labor*

Between February 1850 and December 1860, the First District Court, which covered the Orleans Parish, Louisiana, handled 27 cases of men and women who stood accused of either harboring, stealing, or hiding runaway slaves. For a similar period, between 1852 and 1860, the Records of Prisoners Committed to the Parish Prison document 4,602 entries of arrests, of which only 11 were related to slave flight.<sup>729</sup> These numbers appear surprisingly low given the monetary value of men and women belonging to the mobile slave elite, and the emotional involvement of many slaveholders in their escape. They are all the more surprising in comparison to earlier times, when slave flight-related arrests and convictions were significantly lower, revealing that the 1850s were a decade in which legislative measures against refugees and those who helped them were most strictly executed. If slave flight in southern cities was such a large issue, why did the authorities, judging from this source, not take more rigorous steps to apprehend runaways?

This chapter approaches southern cities as spaces where political and economic interests were negotiated in distinct ways. The emphasis lies on how the urban space was politically understood and claimed in relation to labor. Growing increasingly complex, the interplay of different social groups, whose power and leeway evolved over time, impacted the political climate in Baltimore, Richmond, Charleston, and New Orleans. Economic development, democratization, and foreign immigration brought about a restructuring of civic power and economic visions. The diversification of the political voice, which had hitherto rested almost exclusively with the dominant plantocracy, entailed different responses towards the presence of refugees, undocumented residents, and free African Americans.

How did slaveholders originally craft the urban spaces? Keeping in mind the social and economic integration of slave refugees, how did slaveowners envision to design it vis-à-vis enslaved and black people? Despite their prominent position in most southern cities, slaveholders were not a homogeneous group and they had to reckon with diverging interests among themselves and with other urban groups. Given that the emerging middle and white working classes placed themselves differently in relation to urban black people and slavery than to slaveholders, how did the lives of black city dwellers change when they became more

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<sup>729</sup> Louisiana, First District Court (Orleans Parish), General Dockets, 1846-1880, v. 2 (February 7, 1850 – December 24, 1856), #4666 – 12588; v. 3 (January 1, 1857 – January 6, 1865), #12589 – 16369, VSA350, NOPL; and Records of Prisoners Committed to the Parish Prison, 1852 – 1862, June 18, 1852 – May 10, 1862, TX420, NOPL.

dominant in the political arena? What happened with slave refugees who were caught and how did this fit in with the broader understanding of labor and the restructuring of the economy? Lastly, did the growth of the white population in the cities impact the dealing with undocumented African Americans including refugees? Looking at these positions switches the level of analysis to the political economy. This allows us to pinpoint how frictions between economic interests opened up spaces of freedom for slave refugees while also threatening their endeavors.

### *A Slaveholders' World*

Southern cities were strongly influenced by the presence of slaveholders. This was most visible in Charleston, the place with the highest density of large-scale, wealthy planters. Contrary to Virginia, where they often lived on the plantations and frequented the capital for pleasure and business, in South Carolina, they were mostly absentee masters. Living in massive town houses around the waterfront of Charleston, they had their agricultural business and the management of their enslaved workforce run by agents and overseers.<sup>730</sup> Comparable to New Orleans, Charleston had a variety of light industries, yet the most essential work was performed on the waterfronts by enslaved workers. After around 1820, the importance of the port of Charleston declined, yet it was a relative downturn, and export output as well as the demand for labor increased in absolute terms. Many wharf owners were additionally plantation owners and they often employed their own bondspeople in the city alongside additional hired workers, as Michael Thompson has found.<sup>731</sup>

The concentration of wealth that characterized Charleston was not restricted to the planter class. The middle ranks of society were also often slaveholders. In 1830, 87% of white households in Charleston held slaves.<sup>732</sup> This number is very high and reveals that large shares of lower-class whites could not afford to live within the physically limited city, despite working there. Slaveholders, including those who were not wealthy planters, as well as hirers of slaves had an interest in a tight environment of social control and correctional measures taken against the enslaved population. Their numbers grew in the antebellum period as did their representation in municipal politics. The core city was, hence, dominated by slaveholders—and its regulation was worth a great deal of money to them. In 1859, Charleston expected expenditures of \$100,000 for the City Guard.<sup>733</sup> Due to its small size and geography, the city of Charleston, was indeed one of the few places which could be successfully surveilled.

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<sup>730</sup> Kolchin, *American Slavery*, 35.

<sup>731</sup> Thompson's detailed study on Charleston shows that the city faced severe difficulties around 1819-1822 and onwards when the cotton prices fell. Events like the Missouri Compromise of 1820, the Denmark Vesey insurrection, and its total dependence on cotton brought insecurities. The end of the Age of Sail took away the necessity for ships to stop at Charleston and the harbor was not deep enough to allow large vessels to dock at the city's wharves. Planters from the hinterland migrated west into the new Cotton Kingdom. Moreover, New York emerged as an intermediary between Charleston and Europe, which reduced the profit margins for Charleston's merchants. Thompson, *Working on the Dock*, 4, 6, 37, 61.

<sup>732</sup> Ira Rosenwaike, *On the Edge of Greatness: A Portrait of American Jewry in the Early National Period* (Cincinnati: American Jewish Archives, 1985), 68.

<sup>733</sup> Proceedings of the City Council of Charleston, S. C., 1859 I, Thirty-First Regular Meeting, Council Chamber, January 4, 1859, reprint in *Daily Courier*, January 6, 1859, CCPL. By that time, the police force was composed of one chief, two captains, six lieutenants, four orderly sergeants, and 150 privates. In 1836, the City Guard had been



Figure 26: Charleston 1855 (depicting the wealthy waterfront in the front and the wharves on the right)<sup>734</sup>

The dominance of slaveowners is clearly recognizable by the fact that Charleston’s municipal laws were infused with their interests. These laws, for instance, stipulated that if a person gave a ticket to a slave thereby facilitating their staying out at night “after the beating of the tattoo [curfew] without the knowledge of the owner or employer,” this person should pay \$20 to the owner or employer. Those people actually benefitting from enslaved labor, namely the owner of the slave or the person hiring them, were acquitted from any responsibilities in the matter. Or, if a slave was taken up at night, the warden was either to fine the slave, or “at the request of the owner to order the said slave to be corrected, with no less than five or more than nineteen lashes in the Work House, without subjecting the owner of said slave to any expense or charge at the said Work House.” In other words, the master of the workhouse was not allowed to reject incoming slaves nor to charge slaveowners for his “services.”<sup>735</sup> In both cases, the costs of racial control were levied on third parties.

The slave badge laws, which visibly identified enslaved men and women working for other people than their owners, were of all places most sophisticated in Charleston. (See chapter four.) Besides, racial control was made visible by the location of the workhouse. Also called the sugar house, it was located on the corner of Magazine and Mazyck (now Logan) streets. Before the incorporation of Charleston Neck in 1850, which enlarged the city to the North, the workhouse was right in the middle of the city. Workhouses functioned both as centers of punishment and as “storages” for enslaved people. In both perspectives, they offered a service

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limited to one captain, three lieutenants, two orderly sergeants, eight corporals, 90 privates, two drummers, and two fifers. Records of the Charleston Police Department, Police Department Historic Files, 1855-1991, CCPL.

<sup>734</sup> John W. Hill, “Panorama of Charleston,” 1855, New York Public Library, in Lawrence T. McDonnell, *Performing Disunion: The Coming of the Civil War in Charleston, South Carolina* (Cambridge: Cambridge University Press, 2018), URL:

<https://www.cambridge.org/core/books/performing-disunion/context/7943D74410B1639AC54A11AD2B11CF68/core-reader>, accessed May, 13, 2019.

<sup>735</sup> Eckhard, *Digest of the Ordinances*, “Guard (City),” CCPL.

for slaveholders. Bondspeople were envisioned to be punished for disobedience but more important was their correction so that they could afterwards return to their owners with an increased value. The long-term understanding of correction houses was to produce adequate workers for the future. This was a general trend and not restricted to the United States, as scholars of other regions have shown.<sup>736</sup> In Charleston, the centrality of the workhouse worked both symbolically (as a reminder for black people of their supervision) and strategically. With an architecture that reminded of a fortress, it was accessible from all parts of the city in walking distance, and slaveholders, hirers, and police could commit and take out their victims at any time.

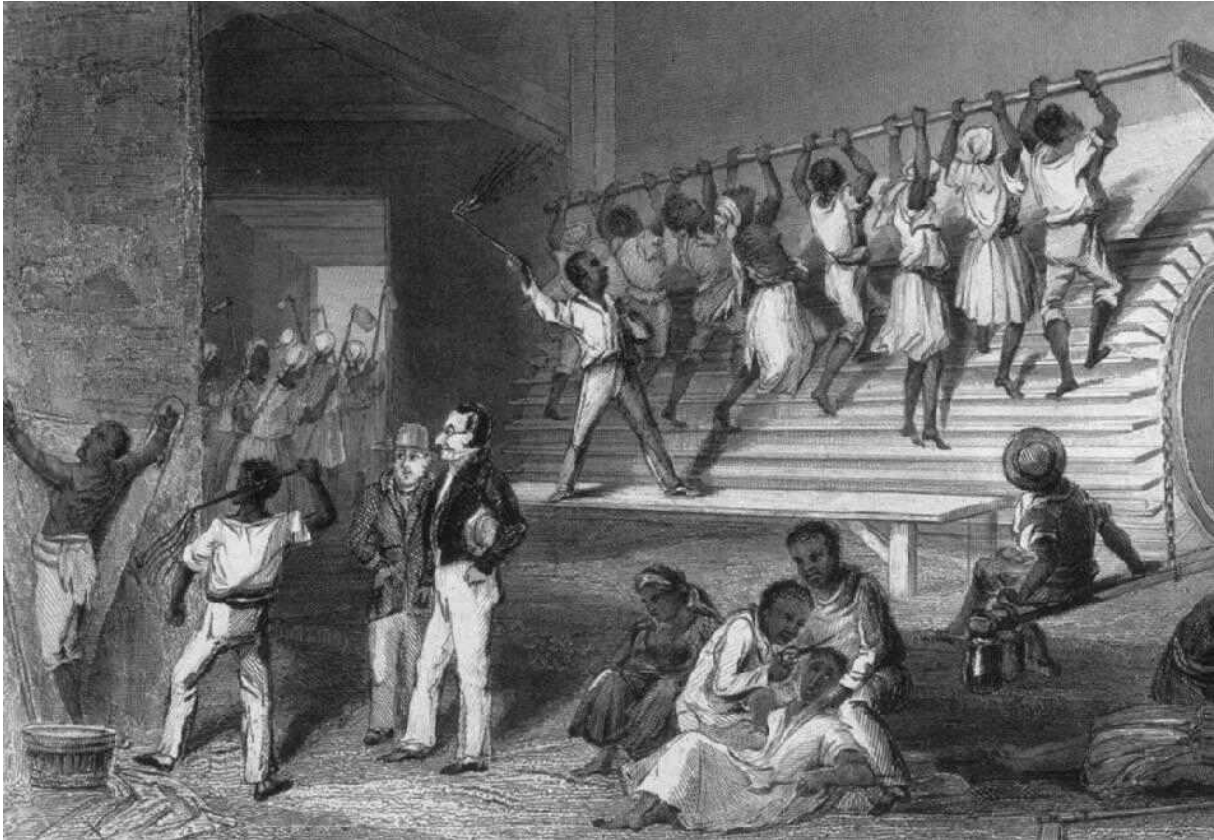


Figure 27: Treadmill<sup>737</sup>

Angelika Grimké, white abolitionist and fighter for women’s rights, gave the account of a wealthy female slaveholder in Charleston who regularly sent her slaves to the workhouse: “One poor girl, whom she sent there to be flogged, and who was accordingly stripped *naked* and whipped, showed me the deep gashes on her back—I might have laid my whole finger in them—*large pieces of flesh had actually been cut out by the torturing lash.*” Next to the most brutal whippings, Grimké also mentioned the treadmill, a work mechanism to exhaust and

<sup>736</sup> Ian Miller, “Feeding the Workhouse: The Institutional and Ideological Functions of Food in Britain, ca. 1834-70,” *Journal of British Studies* 52 (2013): 9. See also Diana Paton, *No Bond but the Law: Punishment, Race, and Gender in Jamaican State Formation, 1780-1870* (Durham: Duke University Press, 2004).

<sup>737</sup> This engraving shows a treadmill in a Jamaican House of Correction during the so-called Apprenticeship Period (1834-1838) that succeeded the abolition of slavery. Anonymous, “An Interior View of a Jamaica House of Correction (ca. 1834-1838), National Maritime Museum, Greenwich, London, Michael Graham-Stewart Slavery Collection, URL: <https://collections.rmg.co.uk/collections/objects/254651.html>, accessed July 19, 2019.

torture enslaved men and women. It was a wooden cylinder-shaped wheel with steps that was moved by stepping from one step to the next. (See figure 27.) Grimké reported that

She [the same slaveholder] sent another female slave there, to be imprisoned and worked on the tread-mill. This girl was confined several days, and forced to work the mill while in a state of suffering from another cause. For ten days or two weeks after her return, she was lame, from the violent exertion necessary to enable her to keep the step on the machine.<sup>738</sup>

It was a Sisyphus work because the grinding of corn was subordinated to the torturing of people, which was deemed more important than productivity. Historian Maurie McInnis has confirmed that while the treadmill did indeed grind corn, this measure was mostly applied for reasons of punishment.<sup>739</sup>

Unlike Grimké, James Matthews did not visit the workhouse as an observer. He was incarcerated there for three months as a penalty for running away. He described the cells as “little narrow rooms about five feet wide, with a little hole up high to let in air.” After a most brutal initial whipping, Matthews

was kept in the cell till next day, when they put me on the tread mill, and kept me there three days, and then back in the cell for three days. And then I was whipped and put on the tread mill again, and they did so with me for a fortnight, just as Cohen [his master] had directed. He told them to whip me twice a week till they had given me two hundred lashes. My back, when they went to whip me, would be full of scabs, and they whipped them off till I bled so that my clothes were all wet. Many a night I have laid up there in the Sugar House and scratched them off by the handful.<sup>740</sup>

These accounts expose the naked cruelty of what it took to keep enslaved people under control in the urban environment.

Correction in the workhouse was not free of charge. Although the clerk of the workhouse was generally “subject to owner’s order,” as the police recorded, slaveholders had to pay fees for the accommodation and disciplining of their property.<sup>741</sup> Workhouses saw a high frequency of enslaved people passing through and spending days or weeks there. In Charleston, it also functioned as the first receiving station for slave refugees throughout the entire antebellum period. In 1800, it was made known that “if any negro or other slave taken up as aforesaid [working out without ticket or badge], should prove to be a run-away from any person residing without the limits of this city, the master of the work-house shall, in such case, proceed as is directed by the law respecting runaway slaves.”<sup>742</sup> This quote also reveals that runaways from within and without the city were approached differently. When a person was suspected of having escaped from an owner in Charleston, no advertisement was placed in the paper, an additional measure that saved slaveholders expenditures.

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<sup>738</sup> Testimony of Angelika Grimké Weld (April 6, 1839), in *American Slavery As It Is: Testimony of a Thousand Witnesses*, ed. Theodore Dwight Weld (New York: American Anti-Slavery Society, 1839), 53-54.

<sup>739</sup> Maurie D. McInnis, *The Politics of Taste in Antebellum Charleston* (Chapel Hill: University of North Carolina Press, 2005), 226.

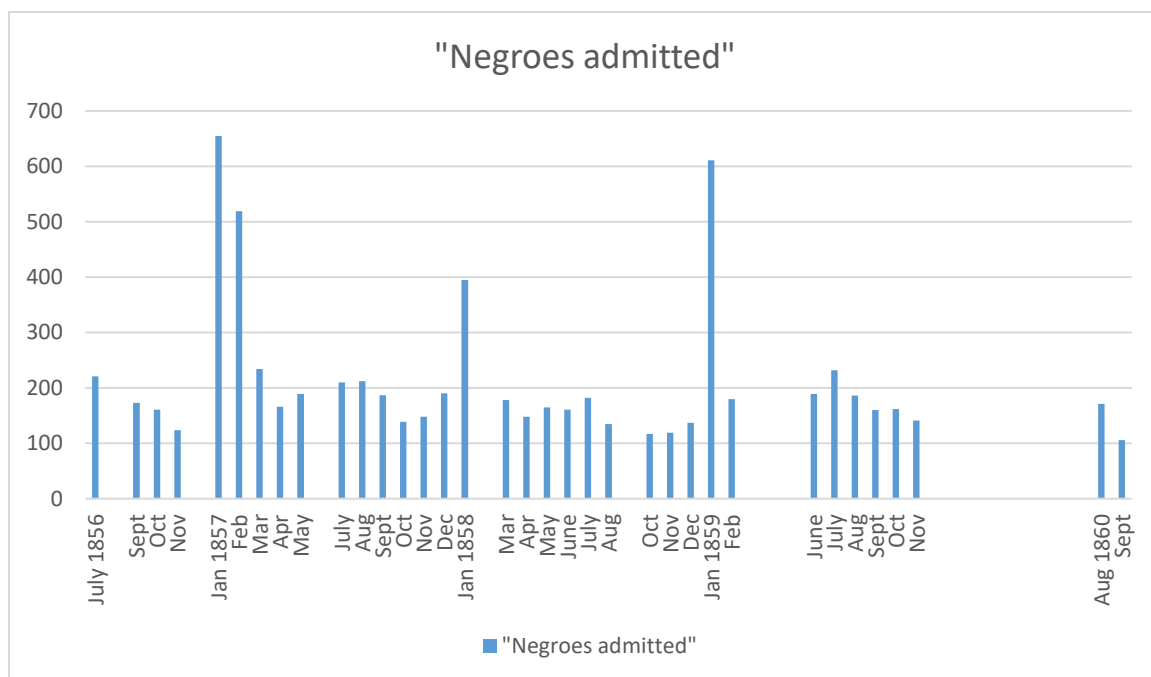
<sup>740</sup> Anonymous [Matthews], *Recollections of Slavery*, September 13, 1838.

<sup>741</sup> Records of the Charleston Police Department, Arrest Records and Morning Reports, Lower Ward 1855-1856, CCPL.

<sup>742</sup> *City Gazette and Commercial Daily Advertiser*, July 21, 1800.

Besides slaveowners who sent their slaves to the workhouse, the police committed black people every month but those numbers were never high enough to constitute the majority of the inmates. For the 18 months for which information is available in 1859 and 1860, Charleston law enforcement sent between zero and 118 people to the workhouse, including apprehended refugees.<sup>743</sup> The total number of inmates was on average 211. As table 6 shows, the number of inmates peaked in January months. The structure of the labor market for slave hire and the more numerous slave flights around Christmas suggest that many slaveholders committed their bondspersons to the workhouse for safekeeping around that time. It shows the awareness of slaveholders about possible escapes of their slaves and reminds us that they took individual actions for prevention.

Table 7: Black People Jailed in the Charleston Workhouse, 1856-1860<sup>744</sup>



According to historian Larry Koger, runaways usually were incarcerated in the workhouse between five and 30 days.<sup>745</sup> During this time, they were in contact with slaves who were committed by their owners, either for having run away, too, or for entirely different reasons. Keeping slaves to be corrected and slaves who visibly expressed their desire for freedom at the same place was ironic because it brought them into contact with each other. Due to the large numbers of slave refugees who mingled at any time with the enslaved, the workhouse was essentially a place that politically contradicted the interests of slaveowners as well as local authorities. After all, it was a place where free and enslaved black people met. Arrest records

<sup>743</sup> Proceedings of the City Council of Charleston, S. C., 1859 I; and Charleston (S. C.) City Council, Proceedings of Council, POC-002 M: 1859-1870, CCPL.

<sup>744</sup> City of Charleston Council Minutes, January 1856 to December 1858, CLCM-014; Proceedings of the City Council of Charleston, S.C., 1859 I; and Charleston (S. C.) City Council, Proceedings of Council, POC-002 M: 1859-1870, CCPL.

<sup>745</sup> Koger, *Black Slaveowners*, 92.



show that when Julia, a free black woman, was arrested for not having a ticket half an hour after curfew hit Charleston, she was lodged in the workhouse for one day.<sup>746</sup>

Moreover, authorities were aware that free people and local slaves were often committed as runaways. These numbers were high because, as demonstrated, owners of slaves were neglectful in procuring badges or furnishing them with passes and tickets. In 1821, the City Council of Charleston, in a move to distinguish enslaved from free inmates, “Resolved that a Committee be appointed to enquire what Persons of Color are now confined in the Work House as Fugitives, and whether any Certificate or Evidence to the contrary can be produced [...] so as to authorize their discharge.”<sup>747</sup> This resolution was intended to avoid that free African Americans were jailed for a too long time, which often implied that they were unable to pay the jail fees. In these cases, the workhouse clerk would be left alone with the costs of accommodation.

Similar dynamics with regard to urban racial control occurred in other southern cities where enslaved and free black people were regularly disciplined. Depending on economic and cultural factors, however, they played out differently. The city of New Orleans had a jail exclusively for black people, the so-called calaboose. Resembling the workhouse in Charleston, the calaboose of New Orleans was, citing autobiographer William Anderson, “hell on earth.”<sup>748</sup> Yet, it was just one of several places to assert control over lower-class people of African descent. New Orleans’ geography of control also included the whipping house (which corresponded to the police jail), located behind the administrative buildings at Jackson Square on Chartres and St. Peter’s streets. Free black people were sent there after curfew to prove their freedom. Besides, there was the parish prison, the police jail of the Third Municipality, and the workhouses of the First and Third Municipalities.<sup>749</sup> In one of these prisons, Fredrika Bremer, a famous Swedish traveler, feminist and novelist, encountered two enslaved women who had been incarcerated for two years because their owner had stored them there.<sup>750</sup>

Those who ruled New Orleans were highly invested in slavery, yet the diverse social composition allowed for a much more dynamic picture than in Charleston. Older inhabitants from the French and Spanish eras, refugees from St. Domingue, and American migrants concurred in transforming the former semi-productive territory into a “second St. Domingue.” New Orleans came to flourish as the commercial hub of the Deep South. Unlike Charleston, it not only had a deep enough maritime harbor but through the Mississippi River also connected its trade with the upcountry and the northern states. A great many American planters who settled in Louisiana originated from Upper South regions, South Carolina, and Georgia. To understand the social environment, we must understand their origins.

According to a number of historians, these migrants fundamentally differed from most migrants in history in that they owned both land and slaves. They departed their homes with the enterprise to continue their families’ economic success built on enslaved labor, and consequently were for the most part exclusively focused on the plantation enterprise. The

<sup>746</sup> Records of the Charleston Police Department, Arrest Records and Morning Reports, Lower Ward 1855-1856, February 25, 1856, CCPL.

<sup>747</sup> Charleston (S. C.), City Council, Proceedings of Council POC-001 M: 18 21-2, CCPL.

<sup>748</sup> Anderson, *Life and Narrative*, 20-22.

<sup>749</sup> Walker, *No More, No More*, 28-30.

<sup>750</sup> Fredrika Bremer, *The Homes of the New World; Impressions of America*. Translated by Mary Howitt. Vol. II (New York: Harper & Brothers, 1853), 211. Slaves who were stored in jail for two years were exceptional. It must have been either an extreme case of punishment or the sales prices were not acceptably high enough for the owner.

expansion of slavery did not mean that its social structures were simply transplanted. Migrating planters did dream of building a mythological version of Virginia, yet they were confronted with the very different social realities and physical environments of a frontier area. In the new lands, these plantation heirs met with pioneers who did not stem from established slavocratic families. The planter group became more diversified. Smaller plantation owners produced significant shares of cotton yet they seldom rose up into the ranks of large planters. Those who made it were included in the political elite. Although planter migrants were from diverse backgrounds, with the time passing, they melted into a rather cohesive class.<sup>751</sup>

Being strongly geared towards investing in a lucrative future, American slaveholders slingshot New Orleans through an intense phase of modernization during the first half of the antebellum era. The city had no industrialized center but came to develop some smaller industries, including sawmills, cotton mills, sugar refineries, and distilleries. In the 1820s, modern technologies brought a steam-powered cotton-mill, yet the principal economic sectors were trade and exchange. Parallel to Charleston's decline, New Orleans came to be the second most important American port after New York, and this port was the second largest employer after the government.<sup>752</sup> The merchants, who ran the port, were tied to the planters of the hinterland because they were responsible for shipping their cotton and sugar abroad. Due to the slaveholders' unity with regard to their business endeavors, New Orleans' demographic diversity was unknown to its economy.

Louisiana planters lived in New Orleans in much lower numbers than their counterparts in South Carolina, and legislation, debates in the vernacular press, and the physical environment let assume that they were less obsessed with racial control in the city. As discussed in chapter three, cultural differences within New Orleans' ruling circles split the city into three municipalities. This division of governance implied a division of supervision. Planters, who made state politics in the capital Baton Rouge and mostly gravitated to New Orleans for business and amusement, took urban social control much less seriously than elsewhere. This opened up niches for refugees. Equally beneficial for urban freedom seekers was that they were often not the main preoccupation of city authorities. When taking over Louisiana, the Americans not only inherited an ethnically diverse population but also a maroon problem.<sup>753</sup> Spread all around New Orleans, lingering about near plantations where they stole food, and occasionally entering the city's suburbs, Louisiana's maroons were usually armed and did not demure when encountering people who minded their presence. Newspapers made sure that New

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<sup>751</sup> Large planters maintained the strongest position, however, as they managed to secure the best lands with the best access to waterways. Nevertheless, smallholders had a share of one third of the cotton production and owned almost 40 percent of the enslaved workforce. Berlin, *Generations of Captivity*, 165; Edward E. Baptist, *Creating an Old South: Middle Florida's plantation frontier before the Civil War* (Chapel Hill: University of North Carolina Press, 2002); and James David Miller, *South By Southwest: Planter Emigration and Identity in the Slave South* (Charlottesville: University of Virginia Press, 2002), 5, 8, 11.

<sup>752</sup> Nathalie Dessens, "New Orleans, LA, 1790-1828," in *Cities in American Political History*, ed. Richard Dilworth (Los Angeles and London: SAGE, 2011), 106-107.

<sup>753</sup> One of the reasons why the maroons became so numerous in the first place was that under Spanish rule, there were more pressing concerns than slavery. Spain had to ward off American, British, and French invasions and unwanted American immigrants, and colonial authorities and settlers paid little attention to the slave laws. Din, *Spaniards, Planters, and Slaves*, 34, 195.

Orleans residents were aware of them.<sup>754</sup> Compared to maroons, who were a constant threat to the valuable plantation economy, urban runaways appeared much less harmful because they presented a one-time loss for their owners.

Claiming the urban space for themselves—in Charleston, New Orleans, and Richmond much more than in Baltimore—slaveholders had reasons to keep urban slavery alive. Slavery was everywhere. It infused southern economy, politics, religion, and social relations.<sup>755</sup> On a macro level, the entire commercial and financial structure of cotton production was infused by the reliance on enslaved bodies, as Edward Baptist has made clear, “both on the ability of enslavers to extract cotton from them and on the ability of enslavers (or bankruptcy courts) to sell them to someone else who wanted to extract cotton.”<sup>756</sup> Being at the same time a body with a monetary value, a commodity, an investment, the ultimate hedge, and a political support instrument, enslaved men, women, and children in the antebellum period were much more than cheap laborers.<sup>757</sup>

To ensure their interests in important urban centers, planters always cultivated their relations with merchants, slave traders, family members, and policy makers in the cities.<sup>758</sup> On special occasions, however, it became apparent that they placed the well-being of the institution of slavery over the well-being of the economy. The most obvious measure was the enactment of the Seamen Acts by various southern states. Introduced in 1822 in South Carolina, it postulated the incarceration of sailors and seamen of African descent during the time a ship lied anchor in a port. Enacted right after the Denmark Vesey plot, it was meant to appease the fear of insurrections.<sup>759</sup> The Seamen Act manifested the diverging interests of different societal groups.

For instance, proprietors in New Orleans warned the authorities that they would redirect the steamers to Lafayette. Lafayette, before 1852 not part of New Orleans, did not partake in the Seamen Act. Even more strikingly, while the city was divided into three municipalities, merchants in each district approached the police in an attempt to convince them to ignore the law that required prosecution of free black people from outside the state, who were not legally allowed to be in Louisiana.<sup>760</sup> The act not only harmed merchandising, but sailors usually spent

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<sup>754</sup> New Orleans authorities faced the phenomenon of both urban runaways within the city and “conventional” maroons in its surroundings. See newspaper coverage, for example, *Picayune*, July 19, 1837. See also Diouf, *Slavery’s Exiles*, 108-109.

<sup>755</sup> Seven of the first eleven American presidents were slaveowners, representing the nationwide support of the institution. For a discussion on the involvement of the northern states in slavery, see Fehrenbacher, *Slaveholding Republic*.

<sup>756</sup> Edward E. Baptist, “Toxic Debts, Liar Loans, Collateralized and Securitized Human Beings, and the Panic of 1837,” in *Capitalism Takes Command: The Social Transformation of Nineteenth-Century America*, ed. Michael Zakim and Gary J. Kornblith (Chicago: University of Chicago Press, 2011), 78.

<sup>757</sup> Slaves were a political support instrument because of the Three-Fifth-Compromise of 1787, which established the American states’ numbers of seats in the House of Representatives. Whereas every free person counted as one person, enslaved people counted as three fifth of a person. This gave slaveholding states significant influence in federal politics. “What was the Three-Fifth-Compromise?,” *Laws*, URL: <https://constitution.laws.com/three-fifths-compromise>, accessed May 30, 2019.

<sup>758</sup> Goldfield, “Black Life,” 126.

<sup>759</sup> In total, Seamen Acts were passed in South Carolina, North Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas. Michael Schoeppner, “Peculiar Quarantines: The Seamen Acts and the Regulatory Authority in the Antebellum South,” *Laws & History Review* 31:3 (2013): 559. W. Jeffrey Bolster has provided the number of 10,000 sailors who felt the direct effects of this legislation. Bolster, *Black Jacks*, 206.

<sup>760</sup> Richard Tansey, “Out-of-State Free Blacks in Late Antebellum New Orleans,” *Louisiana History* 22 (1981): 571. Michael Thompson has summarized that those who ruled Charleston were known to be contentious. In

a great deal of time in the cities and money on the local economies during the days and weeks they were on shore. Michael Schoepner, confronting these contradictions, has claimed that while state legislatures and white laborers demanded the incarceration of foreign seamen, local merchants, ship captains, and free African Americans pressed against it.<sup>761</sup> In general terms, wealthy slaveholders were the most powerful group during much of the second slavery. Yet, their power was not limitless and cities proved to be particularly challenging for them.

### *Cities of Capitalists*

Nineteenth-century cities were concentrations of commerce, transport, administration, a number of other services, and, to varying degrees, industry.<sup>762</sup> These sectors brought together a very diverse crowd of people with different business interests and different ideas about how to make use of the urban space. While the planter elite maintained a firm hold on most of the slaveholding states, a few places developed a business elite with decreasing stakes in slavery. Industrialists, merchants, and financiers formulated demands on their employees that deviated from those of slaveholders. Throughout the antebellum period, those players grew stronger and more important to urban economies. Although never as dominant as in the North, the new southern middle and upper classes came to play significant roles in their arenas. As owners of capital, these men shaped the economic change and the transformation of society.<sup>763</sup>

This was most visible in Baltimore, which was an important trading hub, milling center, and place of production. During the second slavery, Maryland slaveholders were less powerful than their neighbors in Virginia. Those whose businesses still evolved around plantations with a large enslaved work force partook in the state politics in the capital Annapolis where they clung to their conservative, slavocratic world views.<sup>764</sup> Robert Fogel has confirmed the claim that Baltimore, meanwhile, offered an opening space for progressive, daring, and modern business endeavors similar to those taking place in Philadelphia and New York.<sup>765</sup> These metropolitan entrepreneurs were more inclined to follow the economic restructurings around wage labor they saw happening in the North.

Economic historians have provided the background to understanding these developments. The growth and success of Baltimore, which had been a small town at the turn of the nineteenth century, was related to the wheat business; not to tobacco and, hence, enslaved labor. In the city itself, the merchant community had little overlap with the slaveholding elite and its members were often newcomers themselves (migrants from Pennsylvania and

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attempts to place the importance of slavery above everything else, they passed the first Negro Seamen Act, fought on the forefront for nullification, a co-prompted the constitutional crisis of 1832-1833. South Carolinians were the first southern state to secede from the Union and the place where the American Civil War began. Thompson, *Working on the Dock*, 6-7, 14-15. For the Seamen Acts as destructive to South Carolina's economy, see page 68.

<sup>761</sup> Schoepner, "Peculiar Quarantines," 571.

<sup>762</sup> Hobsbawm, *Age of Capital*, 210-211.

<sup>763</sup> The bourgeoisie of New York, enriched through trade, production, and finance, came to be the most powerful economic elite. These developments took off from the mid-nineteenth century onwards. They were the first elite not to rely on birth rights and privilege. Sven Beckert, *The Monied Metropolis. New York City and the Consolidation of the American Bourgeoisie, 1850-1896* (Cambridge: Cambridge University Press, 2001), 3-4.

<sup>764</sup> Fields, *Middle Ground*, 41-42.

<sup>765</sup> The development of southern industries was, moreover, not backward as often claimed. Fogel has remarked that it was more prosperous than in France, Germany, and Denmark. Fogel, *Without Consent or Contract*, 87.

immigrants from Germany and Ireland). Equally important was the commercial nature of Baltimore's industrialists. Many capitalist leaders considered production as a means to improve the infrastructure of their mercantile businesses. Therefore, Baltimore, unlike other places, saw a political unity between commerce and production relatively early, which rendered the institution of slavery even less strong. Heavy industry concentrated capital which had the power to execute considerable control over the government and to command large labor forces.<sup>766</sup>

In short, industry in Baltimore was able to grow so dominantly because slaveholders had never been very present in this city. The absence of slaveholders influenced labor relations in Baltimore. As historian Barbara Fields has explained, with commerce being the main driver of the economy and the textile industry being the main employer in the city, market relations came to replace relations of household paternalism. In other words, with regards to labor, market relations worked better for the nature of Baltimore's economy than slavery. Because urban employers demanded to a great extent seasonal and very casual workers, the market for labor power was more dominant than the market for owning laborers.<sup>767</sup>

In general, urban slavery was always less relevant than agricultural slavery and after a slight growth between roughly 1830 and 1850 it declined in almost all places.<sup>768</sup> In the cities, the advent of a broad white middle class swelled the ranks of those who sought the possession of one or more slaves as household support or simply for reputation, according to historian Calvin Schermerhorn. Upward mobility for whites meant "scrambling up the social ladder on the back of a slave," as he has claimed. This trend was clearly observable for Baltimore, where by 1860 most slaveholders owned but a single slave.<sup>769</sup> Simultaneously, the relative share of whites in slaveholding declined. In Baltimore, urban slavery evolved from a mechanical, proto-industrial labor force to a largely domestic labor force for those who could afford it.<sup>770</sup> Despite its decline, slavery remained a cultural element—and obviously was still widespread in rural Maryland.

Richmond, by contrast, was the great exception with regard to urban slavery. Slavery there showed constant growth rates up until its abolition. It was likewise an important industrial center while, at the same time, it differed from Baltimore in its heavy reliance on enslaved labor. This is striking. To set the city in its regional context, Virginia counted the absolute highest number of enslaved people at any time during the antebellum period. This was despite the expanding Cotton Empire and the high prices Virginia slaveholders could yield by selling their bondpeople south. By 1860, there were nearly half a million bondpeople, turning eastern

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<sup>766</sup> Baltimore's capitalists were not as economically well positioned as their counterparts in Boston or New York, and the city had a relatively smaller bank capital than other cities. As Sherry Olson has claimed, for capitalists, they were conservative. Olson, *Baltimore*, 108-109; Fields, *Middle Ground*, 41-42; and Hobsbawm, *Age of Capital*, 213-214.

<sup>767</sup> Fields, *Middle Ground*, 43, 48.

<sup>768</sup> These are general trends that exclude Richmond, Mobile, and Savannah. Baltimore is an obvious case where slavery had always been marginal and where it was decreasing from 1830 onwards.

<sup>769</sup> Schermerhorn, *Money over Mastery*, 104; and Fields, *Middle Ground*, 47.

<sup>770</sup> Edward L. Ayers et al., *American Passages: A History of the United States*. Fourth Edition (Wadsworth: Cengage Learning, 2010), 148; and Whitman, *Price of Freedom*. Domestic service thrives in contexts of absence of basic services in the city and high economic inequality, which were features of nineteenth-century American cities, too. The predominance of women as household laborers and their high numbers point to an expanding middle class able to afford these services. Elizabeth Anne Kuznesof, "Domestic Service and Urbanization in Latin America from the Nineteenth-Century to the Present," in *Proletarian and Gendered Mass Migrations. A Global Perspective on Continuities and Discontinuities from the 19th to the 21st Centuries*, ed. Dirk Hoerder and Amarij Kaur (Leiden and Boston: Brill, 2013), 85-86.

Virginia into the highest concentration of enslaved workers, slaveholders, and planters, as observed by Jeffrey Kerr-Ritchie. Agreeing with Lynda Morgan, he has claimed that this was partly due to tobacco production. Although it was dramatically forfeiting its importance in comparison to other agricultural slave products, tobacco production in Virginia increased in the late antebellum period and the Piedmont remained the country's largest tobacco region. Besides tobacco, which was very labor-intensive, Virginia also produced wheat, which only demanded seasonal attention. The Tidewater wheat plantations turned into a "labor reserve" for commercial and industrial demands (as well as hirelings for urban households) when planters hired plantation hands out to urban industries during off-season.<sup>771</sup> To this should be added that Tidewater planters, by using their enslaved laborers flexibly and season-oriented, secured slavery in the industries of Richmond and other cities and counteracted its replacement by wage labor, as it was happening in other places. (See chapter four.)

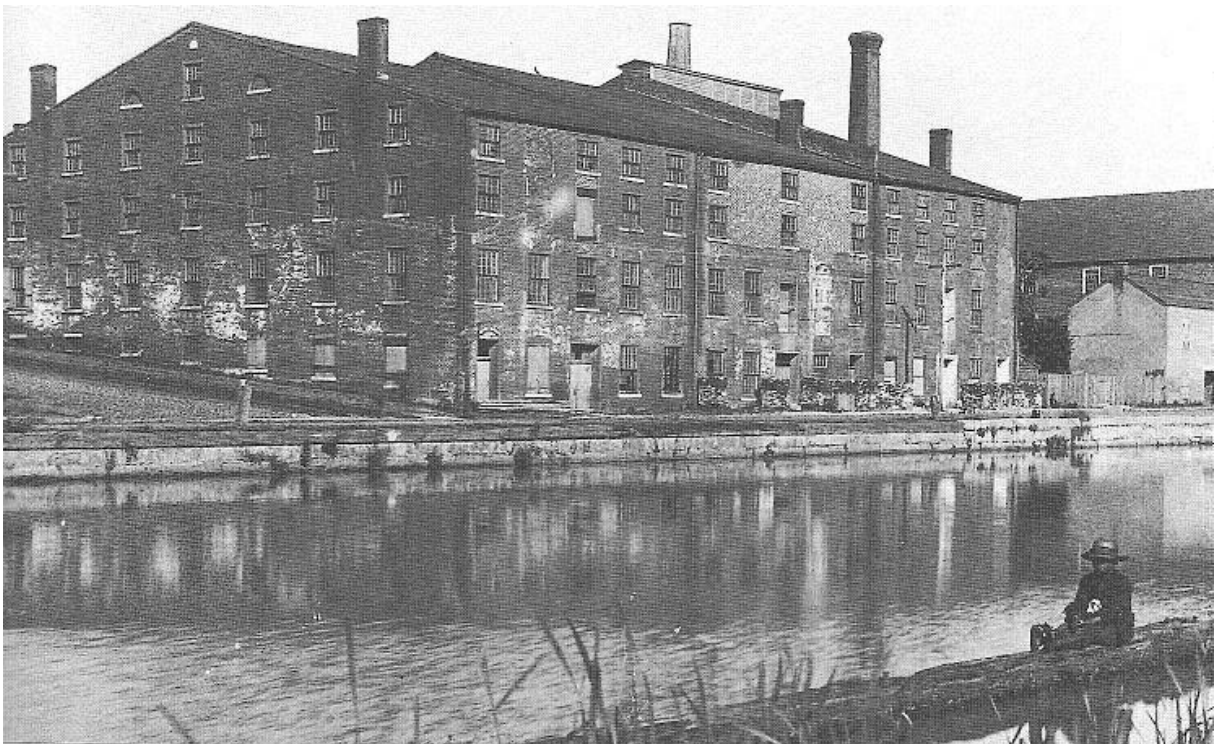


Figure 28: Warehouse in Richmond<sup>772</sup>

As the poster child of the second slavery, Richmond became more and more integrated in a net of improving infrastructure, logistics, transportation, production, and services. On the eve of the Civil War, the James River, the Kanawha Canal, and five railroads connected the city to its hinterland, the northern states, the deeper South, and affirmed its position as a hub in the Atlantic-world economy. But, as Michael Douglas Naragon has shown, infrastructure demanded high investments, maintenance, and constant improvement of the city as a magnet

<sup>771</sup> In 1859, production reached record levels yielding about \$7 million in market sales. Enslaved laborers were also engaged in wheat production and its output in the same year reached \$15 million. Most of it was distributed domestically, surplus was shipped to Brazil. The profits were mostly invested in financing and manufacturing in the North. Kerr-Ritchie, *Tobacco South*, 14, 18-19; and Lynda J. Morgan, *Emancipation in Virginia's Tobacco Belt, 1850-1870* (Athens: University of Georgia Press, 1992), 24, 57-58.

<sup>772</sup> One of 14 warehouses built around 1850 between 18<sup>th</sup> and 21<sup>st</sup> streets, in Gibson Worsham, "Urban Palimpsests," *Urban Scape Richmond* (March 29, 2010), URL: <http://urbanscalerichmondvirginia.blogspot.com/2010/03/>, accessed July 2, 2019.

for investors and businessmen. Public debt grew.<sup>773</sup> Money for public works, like gas and water works and street building, was never sufficient and the tax revenue was too scarce to finance important innovations. As the changing attitudes towards black people reveal, labor, including that performed by slave refugees, which could be recruited from the private sector, became more and more relevant.

Apart from the benefits of cheap, powerless labor, it would be a mistake to see the interests of industrialists sharply divided from those of planters and to make clear-cut distinction between the two groups. Plantation owners likewise had a stake in transporting their cotton to ports and sell tobacco, wheat, and sugar to the manufactories and refineries. *Vice versa*, merchants and industrialists often owned or employed enslaved laborers. In 1860, 80 percent of Richmond's adult male slaves were either owned or hired by urban leaders. A decade earlier, 80 percent of urban leaders were slaveholders although the city's political class did by that time not represent Virginia's planters anymore.<sup>774</sup> This corresponds to Steven Hoffman's findings. He has claimed that in order to secure their business endeavors in cities, capitalists assumed positions in local politics. Between 1840 and 1860, professionals, merchants, lawyers, and other businessmen made up around three quarters of Richmond's city council. They ruled over the city's civic affairs as well as the policies concerning city building. They were also able to direct tax money into private industries. Some of them were invested in internal improvement works and were in constant need of cheap, disposable workers to dig the canals and mount the railroads in the state, and to pave the streets in the city.<sup>775</sup> Thereby, they provided the infrastructure for the growth of their own sectors.

By using enslaved labor in industry and production, Richmond was the most obvious example of a strong planter class that at the same time was flexible enough to accommodate their own interests of slaveholding with the progressive economic promises of capitalist production.<sup>776</sup> On the one hand, they proved the compatibility of slavery and industrial production. On the other hand, following the reasoning of Seth Rockman, the profitability of industrial slavery was tied to wages, board money, and self-accommodation, which turned slaves into semi-wage workers.<sup>777</sup>

The decline, yet not demise, of urban slavery was, next to mass plantation slavery, an important characteristic of the second slavery. Dale Tomich has claimed that the concept of second slavery not only serves to analyze the capitalist world-system. Rather, it likewise shifts the attention to the interplay of slavery, wage labor, coerced labor, subsistence labor, and industrial production.<sup>778</sup> This observation sheds a different light on urban slavery as a form of labor system not only slaveholders were benefitting from. Rather, capitalist employers had a strong interest in creating a workforce as diverse as possible and combining laborers who were

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<sup>773</sup> Naragon, "Ballots, Bullets, and Blood," 16.

<sup>774</sup> Berlin and Gutman, "Urban Workingmen," 1184; and Jonathan Daniel Wells, *The Origins of the Southern Middle Class, 1800-1861* (Chapel Hill: University of North Carolina Press, 2004), 168.

<sup>775</sup> The James River and Kanawha Canal was one of the largest projects in Virginia. Steven J. Hoffman, *Race, Class, and Power in the Building of Richmond, 1870-1920* (Jefferson and London McFarland & Company, 2004), 18.

<sup>776</sup> There is little research by labor historians but sociologist Alan Dahl has come to similar conclusions. Alan Lewis Dahl, "The North of the South: Planters and the Transition to Capitalism in the Central Virginia Piedmont" (Ph.D. diss., University of Kentucky, 2010).

<sup>777</sup> Rockman, "Unfree Origins," 360.

<sup>778</sup> Tomich, "Second Slavery and World Capitalism," 483.

in different conditions. This strategy prevented laborers from allying with one another and kept them replaceable.<sup>779</sup> The creation of an undocumented working population was an additional advantage.

In the nineteenth century, the advantages of an illegal part of the population were obvious to city and state authorities. They executed willingly the menial works in the cities but did not live at common expenses in times of unproductiveness because they had no claim to poor relief. In some places, as Charleston's ordinances show, black men and women were accepted into poor houses but always in much lower numbers than white residents.<sup>780</sup> Mostly, African Americans organized themselves independently to provide for the needy and to guarantee mutual benefit.<sup>781</sup> The downside for cities was that they did not receive taxes from persons who were not registered.

The benefit of a vulnerable work force for employers was even clearer. In a time when flexibility was one of the most highly demanded qualities of unskilled labor, owning enslaved workers impeded flexible and short-term employment.<sup>782</sup> Additionally, bondspeople had to be clothed, fed, housed, and taken care of in old age. This spoke in many economic sectors against owning an enslaved work force. The great difference between free and unfree labor was that free laborers could partially bargain about the conditions of their employment (although this was even minimally the case within slavery). The less powerful workers were in terms of legal protection, the more employers geared space to follow their economic interests.<sup>783</sup> Employers benefitted from a diverse work force that was partly undocumented and policy makers failed to take preventative measures. They were aware of the implications, and authorities in their functions as representatives of the general public good took conscious decisions not to intervene. For both groups, people with a liminal status between slavery and freedom were a good solution to avoid the external costs inherent to cheap labor.

The attitudes to tackling the issue of illegal freedom seekers in the cities were as incomprehensible and complex as the general position towards black people, and were moreover constantly changing. Despite fugitive slave laws on the state level, the execution of legislation on the local level remained lax at best. In southern cities, there was never any discussion about enacting a law that would have forbidden the employment of somebody else's slave without their consent.<sup>784</sup> In 1854, petitioners in South Carolina claimed that slaveholders found their runaway slaves hired by free black people in Charleston. Being from rural St. Paul's

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<sup>779</sup> Maria Helena Pereira Toledo Machado has shown how former slaves who had joined urban maroon communities in Santos, Brazil, were after the abolition of slavery used to combat the labor movements of white workers by replacing them. Pereira, "From Slave Rebels to Strikebreakers."

<sup>780</sup> J. R. Horse (ed.), *Ordinances of the City of Charleston, from the 14<sup>th</sup> of September 1854, to the 1<sup>st</sup> of December 1859; and the Acts of the General Assembly Relating to the City Council of Charleston, and the City of Charleston, During the Same Period* (Charleston, 1854).

<sup>781</sup> Kimball, *American City*, 38. See particularly the organization of churches for black poor relief, for instance, in Raboteau, *Slave Religion*; and Elna C. Green, *This Business of Relief. Confronting Poverty in a Southern City, 1740-1940* (Athens and London: University of Georgia Press, 2003).

<sup>782</sup> "Labor flexibility is," according to Christian de Vito et al., "the result of employers' and policymakers' efforts to coordinate the availability of what they perceive as the most appropriate workforce with their productive and political needs." Christian de Vito, Juliane Schiel, and Matthias van Rossum, "From Bondage to Precariousness? New Perspectives on Labor and Social History," *Journal of Social History* (forthcoming).

<sup>783</sup> Seth Rockman has argued that employers in Baltimore and Richmond knew that citizenship weakened the productivity of workers. Rockman, "Unfree Origins," 360.

<sup>784</sup> Exceptions are the disputes about runaway slaves being harbored and employed on board of ships and vessels. This reflects the concern about slaves attempting to flee to the northern states.



Parish, they stressed that employing runaways in the city was “antagonistic to the Agricultural interests of the State.” The judge, however, declared that it could not be proven “that the person hiring was aware that his slaves were runaway.”<sup>785</sup> Another example for such a case is from Missouri where in 1852, Henke & Henke—engaged in railroad construction—were indicted for hiring a slave “to maul rails” without the consent of his master, owner, or overseer. They were not found guilty because the law only prohibited the dealing or trading of slaves, not their employing. The Supreme Court found that the law “does not include the manual labor of the slave, however wrong it may be to hire or induce a slave to work or labor for a person without the master or owner’s knowledge and permission.”<sup>786</sup>

Industrial production was less visible in Charleston and New Orleans than in Richmond. The manufacturing value per capita in New Orleans was less than one third of that in Richmond. Charleston’s output, in turn, was slightly higher than one fourth of New Orleans’.<sup>787</sup> As already demonstrated, a larger proportion of planters resided in these places and held a tight grip on urban policy making. The economy in South Carolina and Louisiana (and practically the entire Deep South) was strongly geared towards plantation production and export, and planters had no reason to foresee that their business model would not deliver the long-term profits they were used to—a fate that had hit their predecessors in the Upper South. There, the power of the industrialists became very apparent in 1850, when Virginia’s General Assembly ordered that it was henceforth the duty of the owner, not the hirer, to pay for the recovery costs of runaway slaves.<sup>788</sup> Slave refugees were tolerated. It would have been impossible and undesirable to round up all of the illegal black residents of the city. Not only were their numbers too large but, more importantly, the urban economy profited from black labor, and if black people who resided illegally in the cities—free or slave—were to be eliminated then the industries would have suffered a great deal. This concerned the heavy industries as well as lighter industries like flour mills and cotton and tobacco manufactories. The 1850s were the decade when these developments became most visible. In Richmond, the business elite was by that time “clearly in control” of the municipal government, as Steven Hoffman confirms.<sup>789</sup>

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<sup>785</sup> To the Honb Senate & Representatives of the State of South Carolina, Colleton Parish/District, South Carolina, Petition by I. Raven Mathews Sr. et al., December 7, 1854, Accession #11385404, Race and Slavery Petitions Project, Series 1, Legislative Petitions. This case is also in chapter four.

<sup>786</sup> Missouri, Supreme Court, St. Louis: *State v. Henke and Henke*, October 1853, Missouri State Archives, in *Reports of Cases Argued and Decided in the Supreme Court of Missouri*. Vol. 19: 1853-1854, ed. Samuel A. Bennett (Saint Louis: Chambers & Knapp, 1855), 226-227. Interestingly, the same happened in the northern states some decades earlier. In 1801, Representative of Maryland Joseph Nicholson presented a bill as an amendment to the Fugitive Slave Act of 1793. It was envisioned to impose painful fines on people hiring a black person without demanding to see their freedom papers. His suggestion was rejected by 46 to 43 votes by his northern colleagues. Fehrenbacher, *Slaveholding Republic*, 213.

<sup>787</sup> Fred Bateman and Thomas Weiss, *A Deplorable Scarcity: The Failure of Industrialization in the Slave Economy* (Chapel Hill: University of North Carolina Press, 1981), 22. According to John Boles, most industries in the South were of extractive nature and therefore located somewhat away from the cities. This made it even more challenging to satisfy the high labor demands. The largest southern industry was lumbering with 16,000—mostly enslaved—laborers in 1860. The bulk of these people worked in the Great Dismal Swamp between Virginia and North Carolina, and in the swamps of Louisiana. Besides, there were slaves in gold mines in Georgia, North Carolina, and Virginia, and in salt industries. (The Great Kanawha Valley in western Virginia forcefully employed more than 1,000 slaves in 1850.) John B. Boles, *Black Southerners, 1619-1869* (Lexington: University Press of Kentucky, 1984), 118-119, 121. See also *Charleston Courier*, July 10, 1828. According to Robert Starobin, the majority of bondspeople forcedly employed in industries, labored in rural areas including plantations. Robert S. Starobin, “The Economics of Industrial Slavery in the Old South,” *Business History Review* 44:2 (1970): 132.

<sup>788</sup> In Kimball, *American City*, 113-114.

<sup>789</sup> Hoffman, *Race, Class, and Power*, 18.

In other places, too, legislation suggests that running away was somewhat tolerated if the labor power was not lost to the state's economy. In Maryland, a new law of 1831 prohibited the hire, employment, or harboring of illegal free black immigrants to the state, but no mention was made of runaway slaves *from* Maryland. And although a reward of \$6 for persons apprehending runaway slaves was made mandatory in 1806 and increased to \$30 in 1832, by 1860 the reward was retracted if the runaways did not remove themselves a sufficient distance: "no reward shall be paid under this section for taking up any slave in the county in which said slave is hired, or in which his owner resides."<sup>790</sup> Additionally, from 1860 on, the commitment of an assumed runaway slave to jail was only to be announced in the Baltimore city paper. Earlier, it was also to be made public in the surrounding areas and in Washington, D.C.<sup>791</sup> Slave flight from Baltimore City or County did not entail a mandatory bounty that would have encouraged uninvolved persons to be on the lookout for the absconder.

This is remarkable, especially because jail records indicate that by the early 1850s, a growing number of runaways taken up in Baltimore were from the city itself.<sup>792</sup> It is furthermore likely that escapes of slaves from Maryland increased generally.<sup>793</sup> Already in 1849, slaveholders from Maryland's Eastern Shore complained that their bondspersons were fleeing in large numbers: "If something is not done, and that speedily too, there will be but few slaves remaining on the Eastern Shore of Maryland in a few years. They are running off almost daily," lamented a local master in the press. In 1856 alone, 60 slaves allegedly absconded, and another wave of escapes took place in 1858.<sup>794</sup> A great many of them went to the northern states, while many others went to Baltimore.

Given that businessmen were increasingly involved in municipal politics and had largely taken over local governments in some places, they also got a hold on the police as an institution of law enforcement—or non-enforcement. As chapter three has shown, the ineffectiveness and lack of commitment by police contributed to creating spaces for slave refugees to navigate. Law enforcement, to be clear, was not an autonomously operating entity. Criminal historians have claimed that the extension of public authority and public law went hand in hand with the centralization and management of the production process. The working classes came to be treated in different ways than before. The emergence of modern police in the nineteenth century was thus connected to the economic interests of the upcoming commercial elites, who saw fighting disorderly conduct as more important than crime. The definition of social and public order is not universal but imposed by those with the power to do so. In nineteenth-century American cities, these were the mercantile interests, historians have emphasized. Stressing social control before crime control, the police contributed to ensuring "a stable and orderly work force [and] a stable and orderly environment for the conduct of business [...]." Policemen were therefore not foremost instructed to go after crime or criminal behavior but to surveil

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<sup>790</sup> Laws of Maryland, 1806, ch. 81, Vol. 192, 693; 1831, ch. 323. Vol. 141, 1068, 1115; and 1860, Art. 66, Vol. 145, 450-453, in *Absconders, Runaways and Other Fugitives in the Baltimore City and County Jail*, ed. Jerry M. Hynson (Westminster: Willow Bend Books, 2004), 51-52, 61, 67, 72.

<sup>791</sup> Laws of Maryland, 1860, Art. 66, Vol. 145, 450-453.

<sup>792</sup> Baltimore City Jail (Runaway Docket), 1836-1850, MSA.

<sup>793</sup> Fields, *Middle Ground*, 66-67.

<sup>794</sup> *Sun*, October 16, 1849; and *Cecil Whig*, July 24, 1858, in James L. Bowers (b. 1810 – d. 1882), *Accomplice to Slave Flight, Kent County, Maryland, 1858*, SC 5496-8991, MSA.

the working classes. By doing so, these elites also reverted the costs of protecting their businesses to the public.<sup>795</sup>

Having investigated the politics of slave control in Charleston, it seems like the finding that mercantile interests dominated the social order was not universal. In the urban South, the interests of slaveowners and other economic players were constantly in negotiation. Nevertheless, merchants and industrialists slowly gained the upper hand in many places, including the say over law enforcement. Answering to local politicians temporarily in charge rather than having a self-maintaining system of quality insurance, police in early America were blatantly brutal and corrupt. Many drank while on duty.<sup>796</sup> These conditions impacted the experiences of undocumented people. Corruption and lack of regulation could work in favor of those who were supposed to be targeted. In 1858, when New Orleans was in her sixth year with a modernized police force, the local press reprinted voices that runaway slaves were “becoming a source of very considerable trouble now.” The police, however, did not regard slave refugees as part of the official tasks they were paid to perform and stated: “The police authorities contend that it is not part of their regular duty to hunt after runaway negroes.” Not entirely wanting to let this source of extra income slip by, they added that “if they [the watchmen] do ferret them out, it must be done outside of their regular business, and with a view of liberal consideration.”<sup>797</sup>

Since a bounty could motivate the police to find runaways, slaveholders constantly turned to the police to have them on the lookout for their missing slaves. And although some were apprehended, this happened on a much smaller scale than one might expect. Yet, official complaints by slaveholders were rare. Occasionally, a master would lose his patience, like A. B. Shelton, whose runaway slave Armstead Meckins was not taken up in Richmond although “he has been seen every day since” he ran off in February 1844. To incentivize the police, Shelton offered a reward of ten dollars only if Meckins would be brought back within the remaining two weeks of the month. Otherwise, he would only pay the legal fees.<sup>798</sup> Policemen, who were often comprised of non-slaveholding white men and, towards the later antebellum period, increasingly Irishmen, did not feel any commitment to catching other people’s slaves.<sup>799</sup> Moreover, getting involved in slave flight could bring problems, for example, when interference occurred against the will of the slaveholder.

A court case reveals that in Richmond, Billy, a slave of Thomas Massie, was taken up for not having a pass and, according to the police, resisted his arrest and caused a disturbance on the streets. Siding with his bondsman rather than with the police, “Massie said he would sooner believe his man, than the watchmen, who were a set of worthless lazy fellows, who

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<sup>795</sup> Spitzer, “Rationalization of Crime Control,” 190; Stephen Spitzer and Andrew Scull, “Privatization and Capitalist Development: The Case of the Private Police,” *Social Problems* 25:1 (1977): 20, 23; and Potter, “History of Policing.” This understanding of the police wore on into the late nineteenth century: The police “shall strictly watch the conduct of all persons of known bad character, and in such manner that it will be evident to said persons that they are watched,” was the order for the Charleston police in the 1880s. *Rules and Regulations for the General Government of the Police Department of the City of Charleston* (Charleston: Walker & Evans, 1884), 29, CCPL.

<sup>796</sup> Potter, “History of Policing”.

<sup>797</sup> *Daily Picayune*, October 27, 1858.

<sup>798</sup> Daybook of the Richmond Police Guard, February 15, 1844, UVA.

<sup>799</sup> Large numbers of the police force of New Orleans, as well as of other American cities, were comprised of Irishmen. The first Irish policeman started working in New Orleans around 1830. 20 years later, the Irish were the dominant group within in the department. Rousey, “Hibernian Leatherheads,” 63, 69.

would take up occasionally inoffensive servants, merely to show they did something.”<sup>800</sup> Compared to other accounts, this was harmless. Charles Torrey, a Massachusetts minister who did prison time in Baltimore for aiding slaves escape, witnessed severe corruption among the city’s police. Torrey informed in a letter that he had learned that black men worked as snitches for the constables who obtained by fraud the award money for runaway slaves from their owners: “Their business is to inveigle slaves to run away, hide them up, and betray them.” After the slaveholder paid, “they are ready, of course, to hand over the poor victim of their arts, and pocket the reward, besides getting praise as *very vigilant officers!*”<sup>801</sup>

Through corruption, disregard, and lax orders, the police contributed to the tolerance of runaway slaves in southern cities depending on who was in charge of giving the orders. They generally failed to effectively enforce laws passed on state level meant to keep free blacks and slaves separate, and to make slaves more visible to the authorities by enforcing the laws that required all black people to carry passes or free papers at all times. Non-enforcement went in this context hand in hand with ignoring the issue and it is altogether possible urban authorities essentially tolerated the presence of runaway slaves in their cities.

### *Labor Control and Coerced Labor*

Despite the successful maneuvers of a great many freedom seekers to become invisible in the urban disorder, smaller numbers, too, did not make it and were apprehended by slave patrols, civilians, or watchmen. While black people without documentation, whose presence in the cities was overlooked, contributed to diversifying the work force, those caught were used to feed the labor regime in a different way. The rise of industries and the increasing dominance of capitalist employers changed the ways in which labor was recruited. When prices for slaves increased manifold, the individual worker became more valuable—this had an impact on runaway slaves as well as on the black population as a whole.

Court documents about slaves accused of a crime between the 1830s and the 1850s prove to be insightful regarding the perception of the profit of workers. Around the turn of the nineteenth century, bondpeople who were convicted offenders, saw their death penalties carried out in higher numbers than in later times. Enslaved people were in the early nineteenth century hung in specific places, for instance, on Penitentiary Hill outside Richmond.<sup>802</sup> In the 1830s, many enslaved men and women, who were in a first instance found guilty of a severe crime and condemned to be executed, had their sentence commuted by the governor to sale and transportation out of the United States.<sup>803</sup> With this, policymakers aimed at getting rid of slaves

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<sup>800</sup> Mayor’s Court Docket Book, May 21, 1838, Valentine Museum, Richmond, in Campbell, *Slavery on Trial*, 30.

<sup>801</sup> Charles T. Torrey, “Letter to Mr. Alden,” in J. C. Lovejoy, *Memoir of Rev. Charles T. Torrey, Who Died in the Penitentiary of Maryland Where He was Confined for Showing Mercy to the Poor* (Boston: John P. Jewett & Co., 1847), 167.

<sup>802</sup> Executive Papers, Governor Randolph Executive Papers, Box 2, July 3, 1820, LVA. Executions of slaves were generally rare. In Virginia, there were only five slaves hanged between 1830 and 1860, and a total of 28 executed between 1804 and 1865. 377 were sold and transported from 1816 to 1842. Numbers are from Takagi, *Rearing Wolves*, 113; and Campbell, *Slavery on Trial*, 11.

<sup>803</sup> Slaveholders sometimes took the initiative to petition the governor to apologize for the crimes committed by their bondpeople and to commute their death penalties. So did John Macrae to prevent the execution of his slave Dick. Executive Papers, James Barbour Executive Papers, Box 3, June 25, 1796, LVA. Before transportation, the slaves were valued by an independent observer and their owners were reimbursed for the lost investment. This

deemed dangerous to public safety without forfeiting the investment in them. Exceptions were made for slaves who committed especially severe crimes.<sup>804</sup> Towards the late 1830s, also enslaved offenders who committed murder could be reprieved for sale and transportation. This even applied to a convicted murderer of a white man. These developments mirrored the rising prices for enslaved workers after the crisis of 1837. Since the State of Virginia officially purchased sentenced criminals from their owners, large financial loss was avoided by re-selling or forcibly employing them. In the early 1840s, George Mosby's death sentence for stealing money from his owner was reprieved for 12 months in prison and he was conveyed to the penitentiary. The governor realized that Mosby's labor force was something the state could capitalize on.<sup>805</sup>

In the 1850s, finally, the death penalty was hardly used and slaves were rather sentenced for sale and transportation which, in turn, was often commuted to life-long work on the public works. Slaves were by that time so valuable that the state often had to dig deep into its pockets to reimburse the owners. Pompey, sentenced to sale and transportation for killing the free black woman Elisha, received a commutation by the governor to "labour on the Public works" in the Virginia penitentiary. Several parties determined Pompey's value between \$1,000 and \$1,200 and his price was eventually fixed at \$1,060. This amount was transferred to the son of his legal owner Patrick Roney.<sup>806</sup> The placement of slaves and free blacks in work camps both reflects the changing ideology behind punishments and the increasing value of black bodies.

"Internal improvement" and chain gangs were also one of the main sectors in which apprehended runaway slaves were coerced to labor. Slave refugees, who were caught but not reclaimed, and men and women suspected to be of that group were especially singled out by the growing numbers of penitentiaries and workhouses and put to work for the benefit of the state household.<sup>807</sup> Jail ledgers and "Committed"-advertisements give an approximate impression of this dimension. (See figure 29.) Those who were not delivered back to their owners were forced to integrate into the economic system according to the ideas of those in power.

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happened with Dandridge, Edmund, both valued at \$500, and Harriet Smith, worth \$300, all in 1833. *Condemned Blacks Executed or Transported*, January 19; April 8; August 9, 1833, LVA.

<sup>804</sup> This concerned, for instance, Ally. She was found guilty of causing her own child's death, sentenced to be hung, and her penalty was not commuted. *Condemned Blacks Executed or Transported*, February 18, 1833, LVA. Besides Ally, there were a couple of others whose sentences were not commuted for crimes including first-degree murder and grand larceny. *Condemned Blacks Executed or Transported*, December 2, 1833; March 28, 1835; February 16, 1836, LVA.

<sup>805</sup> Severe crimes, however, could still end in a death sentence, like the case of John who in 1841 was condemned to die upon being charged of attempted rape of a white woman. *Condemned Blacks Executed or Transported*, July 29; June 8, 1839; July 11, 1842; November 14, 1841, LVA.

<sup>806</sup> *Condemned Blacks Executed or Transported*, September 7, 1859, LVA. The same punishment expected Charles, Miles, Alberta, and Nareissa, all valued between \$1,100 and \$1,300. *Condemned Blacks Executed or Transported*, September 22; November 15, 23, 1859; April 25, 1860, LVA.

<sup>807</sup> Stephanie Camp has made the same observation for Mississippi. Mississippi forced them to labor on streets and public highways from 1829 on. Camp, *Closer to Freedom*, 16. The chain gang was one of increasingly fewer integrated work sites in Richmond. In New Orleans, by contrast, it was all-black since 1829. Discussions about the management of convict institutions reveal that it was usually desired to maintain racially segregated facilities, yet this standard was only fulfilled when it did not render the work of the captives less efficient. In the 1850s, the Louisiana Penitentiary was for efficiency reasons leased out to a private company. Black and white convicts were officially required to work separately from one another "but the Lessees deem it impracticable by the present arrangement of work shops and yards," reported the Board of Directors. And so this practice was condoned. Walker, *No More, No More*, 29; and *Report of the Board of Directors of the Louisiana Penitentiary*, HML.

# The Daily Advocate.

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9 squares	74	146	218	290	362	434	506	578	650	722	794	866	938	1010	1082	1154	1226	1298	1370	1442
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**CLASS 20 DRAWS SATURDAY, MAY 14, 1859.**  
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**RUNAWAYS—SPATH DEPOT.**

**WAS** committed to the State Depot at Baton Rouge, on the 18th March, 1859, a negro man named ANDERSON, says he belongs to Frederick, Titus, of that county, Arkansas. He is 5 feet high, is a dark copper color, about 28 years of age, and has some of his upper front teeth missing. The owner will please take him away.  
J. J. GOSUM, Keeper State Depot.  
march 18-59 #7.

**WAS** committed to the State Depot at Baton Rouge, on the 7th March, 1859, a negro boy named ANDERSON, says he belongs to Joe. McNeely of Louisiana, Miss. He is 5 feet 9 1/2 inches high, copper color, is about 27 years old, heavy built. The owner will please take him away.  
J. J. GOSUM, Keeper State Depot.  
march 7-59 #7.

**WAS** committed to the State Depot, Baton Rouge, by F. Vines, Sheriff of the parish of St. Landry, as a runaway, a mulatto man, HERBERT, who says he belongs to Wm. Jackson, of St. James, St. Landry parish. He is 5 feet 6 inches high, about forty years old, and has some grey hair on his head. The owner will come forward and take him away, or he will be dealt with as the law directs. Said boy was left here on the 23d January, 1859.  
J. J. GOSUM, Keeper State Depot.  
march 23-59 #7.

**WAS** committed to the State Depot at Baton Rouge, on the 11th of February, 1859, as a runaway, a negro man, WILLIAMS, who says he belongs to John H. Blyden, of that parish. He is 5 feet 9 inches high, about 35 years old, has a large nose and thin lips, which makes him very lame. The owner will please take him away.  
J. J. GOSUM, Keeper State Depot.  
febr 11-59 #7.

**WAS** committed to the State Depot at Baton Rouge, on the 17th Dec. 1858, as a runaway, a negro boy named GILLESPIE, who says he belongs to John H. Blyden, of that parish. He is 22 years old, 5 feet 8 inches high, dark complexion, large eyes, well built, but lame. The owner will please take him away.  
J. J. GOSUM, Keeper State Depot.  
dec 17-58 #7.

Figure 29: Runaways Committed to the State Depot, in *The Daily Advocate*, April 18, 1859.

Testifying to the involvement of slave refugees in the New Orleans chain gang, visitor Alfred Wilkinson from New York stated:

I stayed in New Orleans three weeks: during that time there used to pass by where I stayed a number of slaves, each with an iron band around his ankle, a chain attached to it, and an eighteen pound ball at the end. They were employed in wheeling dirt with a wheelbarrow; they would put the ball into the barrow when they moved.—I recollect one day, that I counted nineteen of them, sometimes there were not as many; they were driven by a slave, with a long lash, as if they were beasts. These, I learned, were runaway slaves from the plantations above New Orleans. »808

In order to guard against possible claims of slaveowners whose property absconded while working for the city, the First Municipality added in 1838: “Resolved, That when slaves detained in the police jail, are employed in any of the works of the Municipality [...], the owner or owners of said slaves, shall not in any instance have the right to complaint against this Municipality on account of running away.” »809

Louisiana was the state that capitalized most visibly on the capture of freedom seekers. In 1857, a runaway slave depot was opened in the capital of Baton Rouge with the purpose of storing all captured refugees in a centralized spot. »810 The official rhetoric advocated through

808 Theodore Dwight Weld (ed.), *American Slavery As It Is: Testimony of a Thousand Witnesses* (New York: American Anti-Slavery Society, 1839), 75.

809 *Journal of the First Municipality of the City of New Orleans*, August 6, 1838, LaRC. In Louisiana, it was already under Spanish rule that captured runaway slaves whose owners were unknown became the property of the Royal Treasury. Din, *Spaniards, Planters, and Slaves*, 199.

810 *Annual Report of the State Engineer to the Legislature of the State of Louisiana*, 24. Prior to 1857, the Police jail of Baton Rouge already functioned as a centralized prison for runaways. All slave refugees detained in county jails throughout the state were to be delivered to Baton Rouge if not claimed by their owners after two months.

the legislature to make life easier for slaveholders who now did not have to scan all county jails separately in search for their property. Yet behind this stood a massive apparatus of distributing extremely cheap labor to state-sponsored and state-owned projects. If unclaimed, these people became property of the state after 12 months and were mostly used for construction projects and internal improvement.<sup>811</sup> Already in 1817, the City Council of New Orleans had issued an ordinance stating that “all such male slaves as have been brought to the police jail, and have not been claimed within three days” were to be put in the chain gang. Indeed, all runaways were foreseen to labor on the public works unless indicated otherwise. In 1840, also female slaves who were not claimed within five days, and “who are capable to work, shall be employed at the works of the city.”<sup>812</sup> These observations connect to historian Rashauna Johnson’s argument that the New Orleans penal system served “to remove from the urban landscape those persons who threatened the interests of the local planter and merchant elite and to use their labor to build local infrastructure.”<sup>813</sup>

The employment of refugees in public works and the protection against legal claims of the owners sound as if city and state authorities had an incentive to catch as many escapees from slavery as they could. Yet, the system was far from being optimized and they faced a number of obstacles in exploiting the labor power of black people. An important issue was that authorities faced major administrative challenges in dealing with runaways. They had to be careful not to infringe the legal ownership of slaveholders because the legal system was liable to protect private ownership. The responsibility to pay the jail fees was a constant nuisance between private slaveholders, jailers, and authorities; the involvement of jailers and sheriffs had to be administered; and jails and penitentiaries regularly struggled with financial issues, which raised doubts about their effectiveness and efficiency.

Petitions and court cases provide insight. It often occurred that runaway slaves were apprehended and advertised, but not claimed by anyone. In a number of cases, they stayed in jail so long that the costs for their confinement exceeded the sum they were sold for. In the 1820s, after remaining confined for 402 days in the county jail of Caroline County, Virginia, the fees for Sam amounted to \$124. Since Sam was, according to the jailer, “infirm & crippled,” he was sold for \$78.40.<sup>814</sup> The jailer of Abbeville District, South Carolina, was in 1856 “bound to receive” a senior enslaved woman called Daffney [Daphney] who was committed as a runaway. After being jailed for twelve months, advertised, and offered for sale, it turned out that nobody took an interest in purchasing her since she was, according to the jailer, “very old + utterly worthless.” The expenses of the jailer piled up to \$131.62, including \$10 for the year-

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Meinrad Greiner (ed.), *The Louisiana Digest, Embracing the Laws of the Legislature of a General Nature, Enacted from the Year 1804 to 1841, Inclusive, and in Force at this Last Period. Also, an Abstract of the Decisions of the Supreme Court of Louisiana on the Statutory Law, Arranged under the Appropriate Articles in the Digest*. Vol. I (New Orleans: Benjamin Levy, 1841), 518.

<sup>811</sup> *The Daily Advocate*, October 18, 1855; and *Journal of the House of Representatives of the State of Louisiana*. First Session – Twelfth Legislature, March 27, 1835, HML.

<sup>812</sup> *Journal of the First Municipality of the City of New Orleans*, June 22; August 24, 1840, LaRC. The death rates on the public works were immense. “Fellow Citizens of the Senate and of the House of Representatives,” Speech by A. Mouton, January 1, 1844, *Official Journal of the Proceedings of the House of Representatives of the State of Louisiana*. Second Session – Sixteenth Legislature, Journals House of Representatives Louisiana, HML.

<sup>813</sup> Johnson, *Slavery’s Metropolis*, 127.

<sup>814</sup> John T. Rawlins to the Honorable Members of the Legislature of Virginia, January 6, 1824, Caroline County, Virginia, Accession #11682405, Legislative Petitions, VSA, Race and Slavery Petitions Project, Series 1, Legislative Petitions, LOC.

long “Committed”-ad in the paper to which he was legally obligated.<sup>815</sup> It also happened frequently that the owners of jailed refugees could not be located. When in 1818 runaway Jim died in jail after 170 days, the jailer of Kershaw Parish, South Carolina, sought reimbursement for the expenditures for lodging, medicine, and the burial.<sup>816</sup>

Expenses that outran the returns of imprisonment of failed freedom seekers were also an issue in Louisiana. In the 1840s, the keeper of the runaway slave depot in Baton Rouge, Benjamin Bryan, faced the problem that “five runaway slaves belonging to five different individuals whose names are given and who reside in the State, died in the jail of which he is the keeper, without having been claimed by their owners.” Since the respective slaveowners did not pay “any part of their expense,” he petitioned to the House of Representatives “to remunerate him for the outlay to which he has been subjected on account of the said negroes: wherefore the petitioner claims from the state the sum of \$544 85 cts., as per account, for keeping, feeding, clothing and burying said negroes, as well as for the Doctor’s bill.” This appeared to happen frequently and a committee was convened to look into the matter. Citing the sum of \$869.19 which had been paid in the past four years in the context of similar claims, the committee came to the conclusion to recommend the House not to comply with Bryan’s or future requests: “If the State indulged in the liberality of paying” for the accommodation of slaves in jails, “merely because the owners of the slaves are unknown, or, if known, refuse to acknowledge the claims presented to them, your committee are of [the] opinion that such a system of appropriation and remunerations would require all the resources of an inexhaustible treasury.”<sup>817</sup>

The treasuries of Maryland confronted additional expenditures. Unlike in other states, if black persons was jailed as a runaway, but later believed to be free, they were to be released and the expenses were levied on the county. This act was passed in 1817. In 1824, the General Assembly complained “that Baltimore county is subjected to great annual expense on account of negroes being committed to the jail of that county, on suspicion of being runaway slaves.”<sup>818</sup> The law, however, remained unchanged until the Civil War. On the one hand, it made sense in combination with another law of the same year which declared the burden of proving that a black person was a slave to be on the side of the accuser.<sup>819</sup> In almost all other southern states, it was up to the alleged runaways to prove that they were free. On the other hand, both 1817 laws are surprising giving that they dramatically increased the public expenditures of the counties. The logical consequence was that Baltimore police reduced the frequency of the apprehension of people they assumed to be escapees from slavery.

The decline of slavery in Maryland did not catch those in power by surprise. When the attitudes towards black work began to shift, they found their own ways to secure cheap labor. In Baltimore, legislation stipulated that black people who did not work in the service of white

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<sup>815</sup> Petition by Benjamin J. Cochran, Jailer of Abbeville District, Petition and Supporting Papers Asking Compensation for Tending to Daphney, a Runaway Slave, Whose Master Has Not Claimed Her, and Who Could Not Be Sold Due to Old Age, 1857, SCDAH.

<sup>816</sup> To the Honorable the Speaker and Members of the House of Representatives of the Said State, Kershaw Parish/District, South Carolina, Petition by William Love, November 1820, Accession #11382001, Race and Slavery Petitions Project, Series 1, Legislative Petitions.

<sup>817</sup> *Journal of the House of Representatives of the State of Louisiana*. First Session – Seventeenth Legislature, February 3, 1845, HML.

<sup>818</sup> Ch. 171, Laws of 1824, in Runaway Docket, Baltimore City and County, Guide to Government Records, MSA.

<sup>819</sup> Laws of Maryland, 1817, ch. 112, MSA.



economic interests could be apprehended and forced to work and their children could be bound out as apprentices. Moreover, the Maryland penitentiary routinely raised its minimum terms for free African Americans. In 1817, it was one year, in 1825 two years, and in 1839 18 months.<sup>820</sup> Penitentiaries were opened in 1800 in Richmond, in 1811 in Baltimore, and in 1835 in Baton Rouge, Louisiana. South Carolina did not have such a correctional institution before the Civil War. In Maryland, the inmates engaged in the manufacture of cotton and woolen goods, boot and shoemaking, carpet weaving, and stone cutting. They also lend their labor to commercial manufacturers.<sup>821</sup> Reports and business insights show that the efficiency of these punitive institutions varied from place to place. With an average return of \$53.48 per inmate beyond the expenses of maintenance in 1842, the Maryland penitentiary yielded substantial profits.<sup>822</sup> By contrast, policy makers in Louisiana struggled over decades to render its prison cost-efficient, a project that continued to fail even after the later privatization of the institution.<sup>823</sup>

The coerced integration of runaway slaves and other illegal black Americans cannot be interpreted detached from the developments of the prisons, penitentiaries, and workhouses in the nineteenth century. Although the first penitentiaries were established in the northern states, southerners found inspiration and promising prospects in them and were quick to follow. The background to this “revolution in social practice,” as David Rothman has called this development, was the idea not to punish criminals but rather to rehabilitate them, educate them accordingly, and subsequently return them to society.<sup>824</sup> Analyzing the advent of the American penitentiary in the context of slavery, Adam Hirsch pointed out striking similarities between the two, including the subordination of the subjects to overseers, a lack of political rights, a top-down daily routine, dependence of the subjects on food and shelter, isolation from the outside world, and coerced work. Visible markers were furthermore a distinct garb and chains.<sup>825</sup>

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<sup>820</sup> Laws of Maryland, 1831, ch. 323, Vol. 141, 1068, in *Absconders, Runaways and Other Fugitives in the Baltimore City and County Jail*, ed. Jerry M. Hynson (Westminster: Willow Bend Books, 2004), 61; and Wright, *Free Negro in Maryland*, 133. In theory, the idea of apprenticeships was to teach children a trade or professional skills. African American children, however, were almost always misused as *de facto* slaves. Latimore, “Closer to Slavery,” 120.

<sup>821</sup> Virginia Department of Corrections, Brief History, URL: <https://vadoc.virginia.gov/about/history.shtm>, accessed March 21, 2019; Maryland State Penitentiary, MSA SC 5496-30976, Jail, Baltimore City, Maryland, MSA,

URL: <https://msa.maryland.gov/megafile/msa/speccol/sc5400/sc5496/030900/030976/html/030976bio.html>, accessed March 21, 2019; *Journal of the House of Representatives of the State of Louisiana*. First Session – Twelfth Legislature, January 5, 1835, *Journals House of Representatives Louisiana*, HML; and *The Constitution of South Carolina, Adopted April 16, 1868, and the Acts and Joint Resolutions of the General Assembly, Passed at the Special Session of 1868, Together with the Military Orders Therein Re-Enacted* (Columbia: John W. Denny, 1868), 92-93.

<sup>822</sup> The surplus was reached despite the decrease of the number of inmates from 395 in 1836 to 306 in 1841. Daniel H. Craig, *Craig’s Business Directory and Baltimore Almanac; for 1842*. Published Annually (Baltimore: J. Robinson, 1842), 91, MSA.

<sup>823</sup> Those in charge asked for advice from other penitentiaries which seemed to work more efficiently. “Fellow Citizens of the Senate and of the House of Representatives,” Speech by A. Mouton, January 1, 1844, HML.

<sup>824</sup> David J. Rothman, *Discovery of the Asylum: Social Order and Disorder in the New Republic* (Boston: Little, Brown & Company, 1971), xiii, xviii-xix.

<sup>825</sup> Adam J. Hirsch, *The Rise of the Penitentiary. Prisons and Punishment in Early America* (New Haven and London: Yale University Press, 1992), 71-73. Convict labor became even more important after the abolition of slavery. In the South, every state practiced convict leasing, a system in which private employers could rent prisoners. Talitha LeFlouria, *Chained in Silence: Black Women and Convict Labor in the New South* (Chapel Hill: University of North Carolina Press, 2015). A central reference for the penal systems in the Western world is Michel Foucault, *Surveiller et punir: Naissance de la prison* (Paris: Gallimard, 1975).

Penitentiaries were a systematic attempt to extract labor from people who were considered exploitable. These included refugees, who essentially were slaves without owners. Yet, also free black people were by some white southerners considered slaves without owners. (See chapter one.) Consequently, those who were found without documentation, or apprehended for committing a crime, were held and worked in state penitentiaries and on the public works. Their targeting was legally and politically less complicated because authorities did not clash with slaveholders' prerogative to make exclusive use of their bondspople's physical labor power. Comprehensive legal restrictions rendered people without documentation particularly vulnerable. The extreme criminalization of free African Americans and the discriminatory social and economic conditions they faced facilitated their imprisonment.<sup>826</sup>

At times, white citizens articulated their understanding of the penitentiaries' labor as being foreseen for the "common good." In 1825, "The Memorial of the Richmond & Manchester auxilliary Society for Colonizing in Africa," a branch of the American Colonization Society, suggested to the Virginia General Assembly "to furnish the emigrants with a few articles of coarse clothing, with farming utensils, and with such other articles manufactured in the State Penitentiary."<sup>827</sup> The petitioners' position was largely in line with that of employers who regarded the labor power of poor people as the property of society as a whole, another ideology that disadvantaged black people.<sup>828</sup> In a more extreme case, African American children were sold for the "common good." Based on the reports of the Louisiana Penitentiary, the penitentiary sold black children who were held as inmates. In 1853, for example, they sold the "Negro boy Joseph," who had arrived at the penitentiary when he was ten years old. Joseph "brought the price of eight hundred dollars," money which was handed over to the treasurer. The same happened to a girl named Angeline, who was sold as a slave. Tellingly, the returns of the sale of black children were to be placed in the school fund to benefit white children.<sup>829</sup>

A growing obsession with the commodification of labor and the demand for very cheap workers spurred the widespread belief that persons who withdrew their labor power damaged society at large.<sup>830</sup> Wealthy planters and their wives were naturally excluded from this maxim. And so, even inmates in poorhouses, in essence intended to relieve people not capable of working (anymore), were expected to execute certain tasks like cracking stones to make macadam, spinning and weaving, and building coffins. In Charleston, the records of the poorhouse reveal that between 1834 and 1840, it sometimes admitted enslaved and free black

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<sup>826</sup> Barbara Fields, in this context, has noted that the control of the free black population equaled the control of the work force. Fields, *Middle Ground*, 71. Contemporary politicians also voiced that black people ended up disproportionately in prisons and penitentiaries. Speech by W. M. Smith, *Journal of the House of Delegates of Virginia. Session 1846-1847* (Richmond: Manuel Shepherd, 1846), 10, LVA. In the North, the number of black people contained in penitentiaries was likewise disproportionate to their numbers in society. Hirsch, *Rise of the Penitentiary*, 74.

<sup>827</sup> John G. Gamble to the Delegates and Senators of the Legislature of Virginia, in General Assembly Convened, January 1825, Richmond City, Virginia, Richmond City, Virginia, Accession #11682502, Legislative Petitions, VSA, Race and Slavery Petitions Project, Series 1, Legislative Petitions, LOC.

<sup>828</sup> Rockman, "Unfree Origins," 354.

<sup>829</sup> *Report of the Board of Directors of the Louisiana Penitentiary* (New Orleans: Emile La Sere, 1854), Report for the year 1853, HML.

<sup>830</sup> The South must not be viewed as closed container. The late antebellum measures against the poor had a national, and even international, context. Edward Ayers has made up urban southern leaders as very cosmopolitan actors and stressed their cultural ties to northern reformers. Edward L. Ayers, *Vengeance and Justice. Crime and Punishment in the 19<sup>th</sup>-Century American South* (New York and Oxford: Oxford University Press, 1984), 55.

persons when the workhouse had no capacities for them.<sup>831</sup> Thus, it sheltered besides needy whites a smaller number of black women (and seldom men), and all inmates were expected to work unless they were incapacitated.

Local and state governments coerced refugees from slavery and criminalized people to labor, they rented slaves from private owners, and they held their own enslaved laborers, who they also hired out. The federal government, too, made use of this form of labor. George Teamoh worked as a young man at the Navy Yard in Norfolk as a “water bearer and common laborer.” When he was older, he was again hired as a caulker. Testifying to the involvement of the US Government in southern slavery, Teamoh stated that “above hundred, if not thousands of slaves [were] employed on the government works” in and around Norfolk in the 1840s.<sup>832</sup> The city government of Richmond employed slaves to pave the streets, clean and maintain the Capitol grounds, remove trash, and as sanitarian laborers (especially during epidemics.)<sup>833</sup> These tasks were the lowest, dirtiest, and most dangerous.

Although plantation slavery was a most brutal work regime, it would be too simple to claim that enslaved people had little to lose and that, if caught, the labor on the public works, in the chain gangs, or penitentiaries and workhouses was not much worse than working in bondage. As we have seen, most freedom seekers in southern cities were not plantation hands, they were carriage drivers, hucksters, washerwomen, tradesmen, or caulkers. Although in the cities the majority must have worked under the never-ending pressure of making enough money to make ends meet, the highly repressive, physically dangerous, and isolated work regime of the correction houses was at least as unbearable as the most violent plantations. The labor power of a slave refugee was in no event lost to white society. When they succeeded at blending in with the urban black populations, they deliberately integrated in the lower sectors of the labor markets. In the fewer cases that they were caught, they were either sent back to labor for their owners or forcefully employed by the state or local governments. In any case, the changing attitudes towards black labor culminated in the late 1850s in a situation that for the first time negatively impacted southern cities of refuge.

### *The Power of Democracy*

Those caught and forcibly employed were, as we know, only a small part of the refugee population. Because urban antebellum employers implicitly accommodated runaway slaves by employing them without asking questions and government institutions capitalized on their labor, municipal authorities felt increasing pressure from the state and surrounding counties to tackle the runaway slave “problem.” Yet, they were generally incapable and unwilling to locate or round up the vast majority of refugees. Especially for small slaveholders, who ran farms with just a handful of slaves, or urban masters with only one or two enslaved servants, the loss of a slave meant a significant financial reversal. As the class of small slaveholders grew, they gained a louder voice in legislative bodies and demanded that slave flight be tackled. Parallel to that,

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<sup>831</sup> Jane H. Pease and William H. Pease, “Social Structure and the Potential for Urban Change: Boston and Charleston in the 1830s,” *Journal of Urban History* 8 (1982): 185; and Charleston Poor House Commissioners, *Report on the Free Colored Poor* (Charleston, 1842), 3-12, in Idem, 194, FN 41.

<sup>832</sup> Teamoh, *God Made Man*, 82-83.

<sup>833</sup> Takagi, *Rearing Wolves*, 79.

non-slaveholding whites grew more assertive in their resistance towards black competition in the labor markets.

White mechanics wrote countless petitions to state and city authorities to ask for actions be taken against the competition with enslaved and free African Americans. The Maryland legislature was swamped with petitions by white residents which had the aim of driving black people out of certain occupations. None of them was granted but one from 1827, which demanded to exclude people of African descent from the transportation sector, was of special interest, because it provoked Baltimore merchants to file a counterpetition, as stated by Leonard Curry.<sup>834</sup> The reason was that employers insisted on their right to choose their workers based on their own calculations. Even the city government at times preferred cheaper black over more expensive white labor. After the crisis of 1837, for instance, Charleston mayor Henry L. Pinckney recommended such money-saving measures for the public works.<sup>835</sup> In a similar fashion, mechanics in Charleston, “suffering under the distress incident to the situation of those who have to live by their labor,” petitioned to be relieved from the “competition of Negro and Colored Workmen, whether Bond or Free.” Claiming that their situation had become direr in the previous years and that they struggled to provide for their families, these men asked to more forcefully execute the laws prohibiting the self-hiring of slaves. *Nota bene*, this was not the first time they asked, and they reminded the Senate that they already had been “disappointed in their hopes.”<sup>836</sup>

The disappointment that resonated in this petition was not exceptional nor confined to Charleston. Scholars have likewise pointed to inefficient execution of laws in other places. In Virginia, there were only 124 cases of free African Americans residing illegally in the state between 1830 and 1860. Measures like compelling hired-out slaves to wear badges were not enforced, like in New Orleans. Slave patrols, police guards, and night watches were usually understaffed and underpaid, showing that it was not considered a priority.<sup>837</sup> The vast majority of the countless petitions to state and municipal legislatures remained fruitless. More interesting than the numerous petitions by white mechanics is the fact that legislatures for most part of the antebellum era did not positively respond to these motions; the majority was neglected. This made runaway slaves and other undocumented African Americans beneficiaries of the illegal labor market since it secured their employment, and hence survival, and safeguarded their anonymity.

These diverging interests were less visible in earlier times when slaveholding was more concentrated in the hands of a few families. The planter class and the upcoming capitalist middle class were those with most economic and political power albeit their respective strengths varied, as introduced above, over time and space. In order to understand the struggles for and the clashes of power, it is useful to look at the different attitudes towards black and white labor, enslaved labor, free black people, and undocumented people. In Charleston, for example, planters defended the institution of slavery rigorously and unrelentingly and did not shy away

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<sup>834</sup> Curry, *Free Black*, 17.

<sup>835</sup> Thompson, *Working on the Dock*, 96.

<sup>836</sup> Besides lamenting their own situation, the petitioners also warned that the heavy competition with slaves scared off “those who would be willing to become Tradesmen.” To the Honorable the President and Members of the Senate of S. Carolina, Petition of Sundry Mechanics of the City of Charleston, n. d., S165015, Petitions to the General Assembly, SCDAH.

<sup>837</sup> Campbell, *Slavery on Trial*, 156; and Le Glaunec, “Slave Migrations,” 223-225.

from acting destructively to their own economy. Due to the backward technology at Charleston's wharves, enslaved labor power was in higher demand than it would have been otherwise. It seemed like the insistence on urban slavery conflicted with the introduction of efficient innovations and underlined the power of slaveholders over merchants. Slaveholders were further supported by artisans of which many owned slaves, too.<sup>838</sup> Nevertheless, urban slavery was never as strong as agricultural slavery and throughout the South, attitudes fluctuated towards who should constitute the laboring classes.

In the 1820s, former South Carolina Governor Thomas Pinckney supported free white workers in their fight against enslaved competitors. This was surprising given that Pinckney was a planter and slaveholder himself. Yet, he spoke out against the omnipresence of enslaved labor in Charleston. If employers hired white labor instead, they "would not have to maintain the superannuated, the infirm, or the indolent, who are now so heavy a tax on the proprietor," he claimed. Rather, they would "contract for efficient service" and pick a specific worker with the specific skills he needed on a specific day. And, "if the person employed, should be incapable or unwilling to perform, he would be discharged, and a more suitable subject engaged."<sup>839</sup> Pinckney's argument, in a nutshell, was that wage work was more efficient because hirers did not have to pay for the externalities of labor. Eventually, he did not manage to convince sufficient supporters.<sup>840</sup> This is hardly surprising in the light of Manisha Sinha's research. She has shown that South Carolina was very exceptional in its relation with the institution of slavery. South Carolina planters crafted the most anti-democratic society of all American states and fiercely insisted on slavery as a way of life. Immigrants and free African American posed a threat, an "internal free-labor challenge to slavery," as Sinha puts it.<sup>841</sup> Even more striking, Pinckney's idea to restrict slave labor to rural areas, however, showed his realistic assessment of the urban environment, which did not have to depend on slavery.<sup>842</sup>

His pioneering arguments were taken up again later when southern cities became more populated with white residents and the share of slaveholders among the southern population fell. Historians have argued that in the 1850s, the national economy grew more complex and local politics had to correspond more to regional and national concerns. At the same time, cities

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<sup>838</sup> Berlin and Gutman, "Urban Workingmen," 1185. Jennifer Goloboy has added that the image of Charleston merchants was rather negative. The War of 1812 had a bad impact on merchants because international commerce suffered. Some branches and even the image of the merchant carried away lasting damages. Jennifer Goloboy, *Charleston and the Emergence of Middle-Class Culture in the Revolutionary Era* (Athens: University of Georgia Press, 2016), 93, 96. It should be added that this assessment is not a black-and-white picture. Mercantile companies also owned or hired slaves.

<sup>839</sup> Pinckney, *Reflections*, 19.

<sup>840</sup> Thompson, *Working on the Dock*, 99-100.

<sup>841</sup> South Carolina planters went so far as to fight for the reopening of the trans-Atlantic slave trade in the 1850s. Manisha Sinha, *The Counterrevolution of Slavery: Politics and Ideology in Antebellum South Carolina* (Chapel Hill: University of North Carolina Press, 2000), 1-2, 135.

<sup>842</sup> A few examples point to reverse developments of white labor taking over. In Richmond, the great exception of this study, tobacco manufacturers employed free black men, white women, enslaved women and men, and children during the first half of the antebellum period. By 1840, enslaved men comprised the majority of tobacco factory workers, in some places there constituted the exclusive work force. However, tobacco did not constitute for the entire economy of the city and, similar to other places, the numbers of foreign-born laborers grew by 166 percent from 1850 to 1860. Gregg Kimball has claimed that Joseph Anderson, for instance, owner of the Tredegar Iron Works, experienced difficulties in controlling a white labor force, yet by 1860, he commanded more than 700 white workers together with 80 slaves. Still, he held a disdain for foreigners. Takagi, *Rearing Wolves*, 26, 86; and Kimball, *American City*, xxi, 19, 167. Accounts like these complicate our understanding of dominant society's attitude towards the laboring classes.

became more powerful and local leaders formed associations to present their interests on state level.<sup>843</sup> Yet, political speeches show that the question of who was to form the laboring classes in southern cities was complicated by the fact that throughout the South, different voices spoke in favor and against either black or white labor at different times. In the 1850s, Colonel C. W. Jacobs, member of the House of Delegates in Maryland, who strongly opposed “free negroism” and evoked the terrors of Haiti, claimed in 1859 that there were “in all our large cities and towns, enough poor and needy whites to perform the little handy jobs that free negroes monopolise.” Jacobs’ view of black people was that “*Some of them* are industrious, but the vast majority are so much dead weight upon the State and her resources.”<sup>844</sup> In the same year, the Convention of Maryland Slaveholders

came to the conclusion that it was highly inexpedient to undertake any measure for the general removal of our free black population from the State. [...] Their removal from the State would deduct nearly 50 per cent from the household and agricultural labor furnished by people of this color, [...] would produce great discomfort and inconvenience to the great body of householders, would break up the business and destroy the property of large numbers of land-owners and land-renters.

Showing no interest in removing free African Americans from the state anymore, the committee concluded that it would be better to “make these people orderly, industrious and productive.”<sup>845</sup> Thomas H. Hicks, governor of Maryland from 1858 to 1862, also made clear that free blacks who worked were not the problem, especially not “in her populous city [Baltimore], and in the more thickly settled portions of the State.” Being a unionist as well as an anti-abolitionist, Hicks, voicing his opinion against immigrants in the fashion of the Know-Nothing party, chose to divide the foreign and native working classes.<sup>846</sup> The American, or Know-Nothing, Party, was outspokenly nativist, anti-Catholic, and geared against immigration. In a nutshell, it was the party of commerce and the fear of slaveholders was that the Know-Nothing would at some point be able to mobilize a white majority that did not share their involvement in the institution of slavery.<sup>847</sup>

The 1850s were indeed a period in which lower-class whites were politically very active, in cities much more strongly than in rural areas. Even recently arrived immigrants were mobilized by political parties. White poverty in this decade was increasing in a great many southern cities. Counting thousands of wage laborers, immigrants often constituted the majority of white adult men. Parallel to the dominance of capitalist interests, especially in Baltimore and Richmond, lower-class whites discovered the political power of the masses and did their best to influence politics to their own advantage. Historian Michael Thompson confirms these claims for Charleston, where stevedores first became increasingly white and then increasingly active in political, economic, and labor debates. Also other white workingman gained access to

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<sup>843</sup> Hoffman, *Race, Class, and Power*, 21-22; and Sinha, *Counterrevolution*, 135.

<sup>844</sup> Col. C. W. Jacobs, *The Free Negro Question in Maryland* (Baltimore: John W. Woods, 1859), 12-13, 15, MSA.

<sup>845</sup> *Sun*, 10 June 1859.

<sup>846</sup> The Inaugural Address of Thomas H. Hicks, Governor of Maryland, delivered in the Senate Chamber, at Annapolis, Wednesday, January 13, 1858, MSA; and Frank F. White, Jr., *The Governors of Maryland 1777-1970* (Annapolis: Hall of Records Commission, 1970), 153-157.

<sup>847</sup> Fields, *Middle Ground*, 58-59. On the Know-Nothing Party, see Anbinder, *Nativism and Slavery*.

local and, later, state institutions.<sup>848</sup> Politically, European immigrants became relatively strong because they knew how to organize themselves—and were allowed to. On a social level, they relied a lot on their inter-ethnic networks. German residents in Richmond had their own German-language newspaper and formed their own singing societies. The Irish founded fraternal organizations. By doing so, they established forums for political discussion which aimed at benefitting their own kind. Importantly, a major interest which German and Irish newcomers shared was a keenness to become Americans.<sup>849</sup>

As historians have noted, contrary to other places where class struggles encompassed issues of power, exploitation, and justice, in the United States all of these themes ranked second below the dominant topic of race. Immigrants realized this upon arrival, yet being white did not prevent one from drudgery. As a newcomer in this society, it was important to position oneself on the right side of the racial divide.<sup>850</sup> Independent of whether they ever came to endorse slavery on a personal level, the political priority for immigrants was to broadcast their potential to be good American citizens. Their political awareness was channeled through participation by voting. Although visitors like Alexis de Tocqueville were struck by the “equality of conditions” they observed in the United States,<sup>851</sup> democratization of the political and the civil spheres did not improve the material conditions of the lower classes.

Lower-class whites were left behind and, as Frank Towers has argued, cities like New Orleans and Baltimore posed a threat to white unity precisely because the condition of white wage earners in a society dominated by slavery was unique. Especially the contradictions between democracy and the hierarchies produced by racial slavery loomed large. From the point of view of traditional pro-slavery nationalists, the largest cities of the South housed their political enemies.<sup>852</sup> The involvement of working-class and lower middle-class whites is key to understanding the moves against black city dwellers. Unlike capitalist employers, they saw a social nuisance and an actual economic problem in free and enslaved people of African heritage. By a certain point, their concerns could no longer be ignored by the authorities.

Nineteenth-century democracy was, according to Eric Hobsbawm, “the growing role of the common man in the affairs of state.” Yet “from the point of view of ruling classes the important thing was not what ‘the masses’ believed, but that their beliefs now counted in politics.”<sup>853</sup> As a consequence, white society became more heterogeneous and every group had to be given the impression that their political voice was taken into account. Especially the middle classes, who insisted on representative governments, and the lower classes, whose mobilization promised vast numbers, had to be accommodated.<sup>854</sup> Slave refugees were an

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<sup>848</sup> Members of the lower classes did not succeed at accessing all levels of the government. Grand juries, for instance, remained dominated by slaveholders. Thompson, *Working on the Dock*, 21, 119. See also FN 125.

<sup>849</sup> Naragon, “Ballots, Bullets, and Blood,” 17.

<sup>850</sup> Barbara J. Fields, “Ideology and Race in American History,” in *Region, Race, and Reconstruction. Essays in Honor of C. Vann Woodward*, ed. J. Morgan Kousser and James M. McPherson (New York and Oxford: Oxford University Press, 1982), 143; and Rockman, *Scraping By*, 14.

<sup>851</sup> Alexis de Tocqueville, *Democracy in America*. Translated by Henry Reeve, Esq. With an Original Preface and Notes by John C. Spencer. Fourth Edition Vol. II (New York: J. & H. G. Langley; Philadelphia: Thomas, Cowperthwaite, & Co.; and Boston: C. C. Little & J. Brown, 1841), 1.

<sup>852</sup> Frank Towers, *The Urban South and the Coming of the Civil War* (Charlottesville and London: University of Virginia Press, 2004), 1, 4; and Campbell, *Slavery on Trial*, 48.

<sup>853</sup> Hobsbawm, *Age of Capital*, 98.

<sup>854</sup> *Idem*, 99, 104.

obvious target because they presented a reason of resentment for large parts of the voting society.

However, refugees were hard to locate because they often successfully assimilated to the urban African American populations. For those in power in the cities, it was more practical to go after undocumented residents in general. Their numbers were much larger and they legally did not belong to individual whites. In 1853, Joseph Mayo was the first popularly-elected mayor of Richmond. Under his administration, illegal free black residents were systematically arrested, imprisoned, and forced to work, as shown above. In his logic, this was only consistent. On taking office, Mayo promised to intensify control over black Richmonders and to “make Negroes and mulattos know their places and obey the law.”<sup>855</sup> Besides providing cheap labor for private employers, these moves also demonstrated to the public that the mayor was acting against the large illegal free black population that constituted an economic threat to practically every social group that had the right to vote, except for the industrialist—who largely corresponded to the city’s political elite.

Next to the concentration on runaways and “criminals,” the targeting of free black people and the diversification of the forced labor force was also a reaction to the self-sustained growth of the free African American population and the number of people trying to free themselves contrary to law. Different groups came up with different ideas to counteract these processes. Citizens from Buckingham County, Virginia, communicated their fear of black people in 1831 and at the same time presented a plan to continuously be able to exploit their labor. Following an idea that dated back to Thomas Jefferson, they petitioned to put newborns to industrious occupation until they came of proper age, and then deport them out of the country.<sup>856</sup> Those in power, however, had a subtler plan. In a revealing study, Carey Latimore analyzed how legally manumitted but illegally in the state residing free African Americans and their offspring in Richmond were systematically tracked in times of labor shortage, jailed, and hired out for exceptionally low wages in order to pay off their jail fees.<sup>857</sup>

In earlier decades, people without documentation were also occasionally taken up. The records of the Richmond City Sergeant show that black people were apprehended for “going at large and want of free papers.” Most were able to pay off the jail fees for the time they were being held captive. John Tale, for example, jailed on April 6, 1841, was able to prove his freedom, and was released on April 14 after paying \$3.79. Anderson Freeman was captured by warrant of Francis Wicker. Freeman was sent to the city jail on April 22 and did not succeed at getting out until May 17. By then, his jail fees had risen to \$10.17. In an extreme case, Sarah Ann Farro remained captive for 226 days. In the end she (or somebody else) paid the costs of \$85.39. Others defaulted. Lucy Briggs, apprehended on November 22, 1841, proved her free status on April 19 of the following year. Six days later she nevertheless was hired out at the Old Market at public auction; probably because her jail fees were not paid. Ellen Banister was hired out for two years and eight months, and Jim Finney for the period of ten years. The reason for which these durations of forced labor were so long was that the Richmond City Hustings Court accepted daily hiring rates of as little as ten cents. Black people unable to prove their freedom

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<sup>855</sup> *Richmond Dispatch*, September 3, October 11, December 3, 1853, in Campbell, *Slavery on Trial*, 28.

<sup>856</sup> Petition by Citizens from Buckingham County, December 13, 1831, Legislative Petitions, LVA.

<sup>857</sup> Latimore, “Closer to Slavery.”



were sold.<sup>858</sup> In these events, escapees from slavery sometimes ended up in the police's net as "by-catch."

The criminalization of African Americans rendered their subsequent incarceration and forced labor easier and more acceptable. The Society of Friends observed these procedures in 1844. It warned that free black Richmonders without papers were regularly apprehended, jailed, and sold, and their children held in perpetual service. The Society claimed that the punishment was disproportionate to the offence committed.<sup>859</sup> These political measures benefitted the social group of small-scale slaveholders, small merchants, and middle-class craftsmen who could either not afford to buy or hire slaves, or were disproportionately affected by slave flight, as well as other employers who sought to decrease their labor costs. Latimore, counting about 600 such cases between 1850 and 1860 in Richmond, has identified tobacco processors (partly from wealthy families) and artisans among those hiring discount workers. He has stressed that this kind of labor relation reduced the willingness of the nominal masters to assume any responsibilities for the hirelings' well-being. Not being white, they could not sue against abuse, not being enslaved, they did not present a long-term investment. Conversely, those renting criminalized coerced workers from the municipality, "had every incentive to push [them] to the limit to extract as much labour as possible."<sup>860</sup>

An observation which backs up these conclusions is that during phases of a strong economy with high demand for unskilled labor, the arrest and forced hiring-out of undocumented black Richmonders was frequent. After the Panic of 1857, which negatively affected the manufacturing business, police also arrested fewer African Americans for lack of identification. In 1858, 29 criminalized blacks were hired out, a year later, it was only 22, and in 1860, 11. Such measures may have constituted a legal assault on the free black population of Richmond but in practice, from the 1840s on, efforts by the city authorities to genuinely try to keep black people out of Richmond proved half-hearted at best, as also Latimore has concluded.<sup>861</sup> While the labor demands of urban employers could render the lives of those caught in the trap unbearable, for many more the unofficial tolerance of black immigrants, undocumented residents, and slave refugees likewise offered opportunities.

Throughout the South, hitherto sporadic measures against the undocumented became systemic in the last decade before the Civil War. Especially the spikes of arrests of the years 1857 to 1860 corresponded with acute fear and frustration among white residents due to economic crises and too crowded labor markets. Mayors, even if not affiliated with the Democratic Party, saw themselves responsible for pleasing their non-traditional base. Municipal authorities in other cities likewise undertook steps that served the double purpose to alarm the African American communities and to signal lower middle- and lower-class whites that something was being done to target people who they saw as thorn in the eye. For example, in Charleston, despite the many slaveholders who purchased badges and filled the trove of the city treasurer, significant numbers did not. In 1859, after decades of white tradesmen and laborers complaining about the issue, the mayor decided to set an example. Lamenting that "the procuring of badges for slaves is a matter very much neglected by parties having servants to

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<sup>858</sup> Richmond (Va.), City Sergeant, Mss 3R415661, Section 1, Register 1841-1846, VHS; and Latimore, "Closer to Slavery," 119.

<sup>859</sup> Petition by Society of Friends, December 31, 1844, Legislative Petitions, LVA.

<sup>860</sup> Latimore, "Closer to Slavery," 120-121, 124, 127.

<sup>861</sup> *Idem*.

hire,” the city authorities started to fill the dead letter with life and instructed the police “to rigidly enforce the ordinance.”<sup>862</sup>

Table 8: Selected Arrests in Charleston, 1858-1860<sup>863</sup>

	Runaways		Slaves without pass		Improper ticket		Working without badge		Non-payment capitation tax	
	M	F	M	F	M	F	M	F	M	F
Dec. 1858	9	2	10		4		1			
Feb. 1859	12	1	16	2	3	1				
March	6		16	3	2	1	13	3	2	1
April	14	2			5		7	8	1	3
June	15	2	8	1	4	1	5	1	4	7
July	10	5	14	3	12				2	
August	13	6			10	1		3		
September	15	2	10		2	1				
October	13	3	11		7	2				
November	10		<b>20</b>		11	2	11	3	4	3
December	5	3	<b>21</b>	8	8		8	2	<b>12</b>	<b>20</b>
Jan. 1860	*		<b>15</b>	6	*				*	
February	11	2	<b>19</b>	1	5	1			°	
March	9	2	<b>21</b>	2	10	2				
April	9	3	<b>20</b>	8	13	2	<b>14</b>	<b>13</b>	3	
May	~	4	<b>23</b>	3	7		<b>17</b>	<b>28</b>	8	17
June	16	4	<b>18</b>	5			<b>12</b>	<b>20</b>	9	16
July	17	4	7	4	7		<b>9</b>	<b>31</b>	6	14
August	9	3	12	4	4		<b>39</b>	<b>54</b>	5	10
September	9	1	<b>19</b>	5				2		
October	7	5	<b>20</b>	4	9	1	6			

\*illegible one-digit number

°illegible

~illegible two-digit number

As table 8 shows, higher numbers of arrests of people who worked without badges in November and December underlined the—surely unexpected—commitment to enforce the law. This enforcement affected bondpeople, slaveowners, and those without official documentation. An article in a local paper informed in December that “Scarcely a day passes that some owner has not to pay the penalty incurred for this neglect.” The penalty referred to was indeed delicate: “The fine imposed for one omission would pay for a badge for five or ten years.”<sup>864</sup> These two months in 1859 probably came right in time to have slaveowners invest money in the tags for the following year, and afterwards the arrests paused for three entire months. After beginning

<sup>862</sup> *Charleston Mercury*, December 10, 1859.

<sup>863</sup> Proceedings of the City Council of Charleston, S. C., 1859 I; and Charleston (S. C.) City Council, Proceedings of Council, POC-002 M: 1859-1870, CCPL.

<sup>864</sup> *Idem*.

anew around April 1860, the arrests of black people for “working without badge” soared in the following summer months. This period represented the only time in the 60 years under analysis in which slave badge laws were *actually* enforced. Slaveholders gravitated to the city treasurer in large numbers to make up leeway and to prevent even higher financial cuts. In the summer of the following year, *The Charleston Courier* testified to the new situation:

It is estimated that in the last two or three days as many as three or four hundred badges have been sold by the City Treasurer. Some sixty or seventy negroes have been brought up by the Police before the Mayor for working out without a badge. Most of them were those who were under the mistaken notion that they were free and did not require it.

The mayor then announced that these people were not free.<sup>865</sup>

It is remarkable that women were overrepresented among those arrests. Although black women outnumbered black men three to two in 1860, they were during work usually less exposed than men, worked more indoors, and caused less attention.<sup>866</sup> The arrest patterns prior to the summer of 1860 furthermore show that their targeting constituted an exception. Women were for all selected offenses (being a runaway slave, having no pass (usually after curfew), working without a badge, and non-payment of annual capitation taxes) less often arrested than men. Carey Latimore has argued that illegal black residents in Richmond were taken up at their homes. He claimed that the police knew where certain people lived and, in times of labor need, dropped by to apprehend them.<sup>867</sup> The sources collected for this study rather point towards that the enforcement of the slave badge law occurred through crack-downs at the work sites. The high arrest rates of women suggest that in these four months from May to August 1860, the police targeted market places, where women were overrepresented, and spared the wharves and manufactories. This had the effect of causing maximum publicity while avoiding the resentment of merchants and manufacturers. Gender, hence, not only shaped slave flight but also the politics of retrieval, as also observed by Shauna Sweeney.<sup>868</sup>

These crackdowns were not only directed at slaves working without badges. In late 1859 and throughout the year 1860, racial control after curfew was also tightened, as the arrests of enslaved men without passes show. December 1859 furthermore denoted the absolute highest persecutions for non-payment of capitation taxes. (See also table 8.) The generally precarious economic conditions of the lower classes in the 1850s, the ideology of white supremacy, and the expansion of the suffrage led people to demand more concessions. Likewise, also whites of the lower classes, who had mostly refrained from petitions as a political tool, discovered this channel. In 1859, Charleston stevedores asked for the complete exclusion of enslaved co-workers from their business. The men signing this petition were from diverse origins, including English, Spanish, northern, southern, and Canadian men, yet they felt united in their cause as free white workers. Decision makers, however, were cautious. Stevedores did not own slaves, Michael Thompson has argued, a circumstance which made them suspicious. Because they did not want to lose their slaves working on the wharves nor forfeit the strength of slavery in all possible branches, the petitioned was rejected. The stevedores then joined the white artisans

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<sup>865</sup> *Charleston Courier*, August 9, 1860.

<sup>866</sup> Myers, *Forging Freedom*, 83.

<sup>867</sup> Latimore, “Closer to Slavery,” 128.

<sup>868</sup> Sweeney, “Market Marronage,” 214.

and redirected their efforts at a less effective but more easily winnable fight. They started to attack free black workers.<sup>869</sup>

The Democratic mayor Charles Macbeth gave in to the pressure. It was easier for him to grant to white workingmen this smaller concession and silence them for a while in their attacks on enslaved competitors. In August 1860, the newspapers informed that the manumission laws of 1820 and 1822 would from now on be executed without mercy, which would have meant enslavement for a great many people living in *de facto* freedom. For many free black people, this went too far. According to Johnson and Roark, about 1,000 free African Americans, many of them with high professional skills, fled Charleston in late 1860 and early 1861. Most of them went to northern cities.<sup>870</sup>

There is evidence that also in New Orleans, political actions against illegals were taken which could be understood as raids. 913 runaway slaves were arrested in New Orleans during 15 months in 1858 and 1859. The mayor tightened the sentence for passing as free and for aiding refugees.<sup>871</sup> Additionally, authorities announced rewards of \$10 for policemen and civilians who arrested black people who were in the state in contravention to the law.<sup>872</sup> Prior to this, this offense had only been a problem when people committed other crimes, for which they were arrested. The accompanying news coverage was massive and people flogged to the mayor's office for registration. Most people accused of contravention were handled by the recorder who gave them a warning. If they did not leave and were taken up again, their cases could end at the First District Court. Judith Kelleher Schafer has noted that many people did not appear at the hearings before the criminal court and concluded that they must have emigrated before the trial date.<sup>873</sup> Yet, it is more likely that they just disappeared in the crowd. Of those people who were committed to the Parish Prison for being in Louisiana in contravention of the law, not one was a woman, as the prison records reveal.<sup>874</sup> The assumption is close that, contrary to Charleston, the controls occurred mostly on the docks where men worked.

The poorest segments of Richmond's free black population were likewise threatened by an order to have the Sheriff arrest "delinquent free negroes" who did not pay their taxes for the year 1857.<sup>875</sup> Those who lived in Virginia illegally, saw themselves more under the pressure to petition for an official permit. Whereas in the entire decade of the 1830s, only six petitions were handed in (of which all were permitted to stay in Richmond), in the year 1860 alone, there were 41 cases. 19 were allowed to stay, 17 had to leave.<sup>876</sup> For Baltimore, no indication has been found that runaway slaves and other undocumented were systematically rounded up by government forces. The negligible presence of slavery in the city and the sheer numbers of

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<sup>869</sup> Thompson, *Working on the Dock*, 119-120, 123.

<sup>870</sup> Johnson and Roark, *Black Masters*, 236-237, 274-275.

<sup>871</sup> Wade, *Slavery in the Cities*, 218-219.

<sup>872</sup> An Act Relative to Free Persons of Color Entering This State from Other States or Foreign Countries, March 15, 1859, Louisiana Acts 1859, 70-72, in Schafer, *Becoming Free*, 140.

<sup>873</sup> Schafer, *Becoming Free*, 134, 137-138, 141-142.

<sup>874</sup> Records of Prisoners Committed to the Parish Prison, 1852 – 1862, June 18, 1852 – May 10, 1862, TX420, NOPL.

<sup>875</sup> *Richmond Enquirer*, November 16, 1858.

<sup>876</sup> Numbers taken from Rodney D. Green, "Black Tobacco Factory Workers and Social Conflict in Antebellum Richmond: Were Slavery and Urban Industry Really Compatible?," *Slavery & Abolition* 8:2 (1987): 195-196.

legally free people protected the masses.<sup>877</sup> Although the sudden execution of laws against runaways and illegal African Americans provoked panic among the urban black populations, as private correspondence shows,<sup>878</sup> these attacks should foremost be seen as an assertion of control by white society over black people. The intention here is not to downplay the effects of the raids and crackdowns of the late 1850s on the free black, undocumented, and refugee populations in southern cities. Rather, the focus should lie on the short-term, sporadic nature of these measures.

To complete the picture, in the last decade before the Civil War, laws that foresaw the punishment of helpers of slave flight were re-introduced, strengthened and, for the first time, executed with visible effects. Virginia tightened a code “to more effectually prevent the escape of slaves” in 1856. A year later, John McKinney was sentenced to six years in jail for “being engaged in carrying off a slave named Ann, the property of Joel Ruffner.” Thomas Dunn came to feel the new reach of the law, too. He was sentenced to five years in the penitentiary for the same offense. The same went for Edward Lee the following year.<sup>879</sup> Those who were caught forging papers for prospective refugees likewise ran more risk of having their lives destroyed. Whereas Thomas W. Stubbs got off fairly lightly for writing a paper testifying to the freedom of a slave in 1839, for those daring the same 15 years later, things looked more dire.<sup>880</sup>

It was clear that these acts were not adequate to accommodate the desire of most white Americans in the Upper South, which was to get rid of the entire free black population. The brief revival of the American Colonization Society in the 1850s (after a gradual decline in the 1830s) reflected this. Suddenly, deporting all African Americans in the country turned into a solution that seemed desirable to many whites. The way they saw the world, slavery could not be abolished because black people remained inferior, posed, when free, a threat to the racial order, and only worked under pressure.<sup>881</sup> The most visible and literal exclusion of black people from American society was the infamous Dred Scott ruling of 1857. The Supreme Court ruled in its landmark decision *Dred Scott v. Sandford* that no person of African descent could claim citizenship in the United States.<sup>882</sup> Nevertheless, it was not possible to force black people out and it was likewise not possible to incarcerate them all. What municipal governments could do, however, was to aggravate their lives, spread fear among the urban communities, and simultaneously give the white residents the feeling that they were being supported.

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<sup>877</sup> Seth Rockman has even claimed that in Baltimore, there was less racist coverage in the media than elsewhere because black people were too pivotal in the labor market. Rockman, *Scraping By*, 13.

<sup>878</sup> This is testified to, for instance, in the private conversations of a member of the Charleston free black elite. Johnsen to Dear Henry, August 29, 1860, Ellison Family Papers, SCLC.

<sup>879</sup> Auditor of Public Acts Fugitive Slave Fund Claims, Luther B. Kurtz, June 17, 1857, November 25, 1857; Edward Lee, April 15, July 6, 1858, LVA.

<sup>880</sup> In the case of Stubbs, the prosecution even produced the paper written for the enslaved man called Richard Cooper, yet Stubbs was discharged. Hustings Court Suit Papers, Ended Causes, March – October 1839, Commonwealth v. Thomas W. Stubbs, August 15, 1839; and Commonwealth v. Eliza Ann Johnson, May 16, 1861, Suit Papers, Hustings Court Suit Papers, LVA.

<sup>881</sup> Matthew Spooner, “‘I Know This Scheme is From God’: Toward a Reconsideration of the Origins of the American Colonization Society,” *Slavery & Abolition* 35:4 (2014): 559-560. In a revisiting approach, Spooner has dated the origins of the ACS further back in time than the actual founding of the society and argued that not the idea to expel free black people changed in the nineteenth century but rather the social context. Also Berlin, *Slaves Without Masters*, 85-86.

<sup>882</sup> *Dred Scott v. Sandford*, Primary Documents in American History, LOC (April 25, 2017), URL: <http://www.loc.gov/rr/program/bib/ourdocs/DredScott.html>, accessed October 18, 2017.

## *Conclusion*

The attitudes towards slave refugees in urban spaces depended on how political power was negotiated and divided between different groups. These groups had partly converging, but, more importantly, partly diverging understandings towards and interests in black labor. Slaveholders were responsible for legislation regarding racial control in the cities, and Charleston was decidedly the city where their power was most marked. Their affairs dominated the economy in South Carolina with the effect that the emergence of an industrial middle class was significantly slower than elsewhere. When compared to other places, Charleston's political structure provided fewer niches and therefore fewer freedom spaces for people who were ought not to be there. Yet, for planters who constituted the highest political authorities in the southern states, merely ruling in their own favor became increasingly challenging in combination with the second slavery.

The upcoming classes of financiers, merchants, and industrialists grew stronger and came to fill in important political positions on local level. Their businesses depended on a plentiful and cheap labor force. The more powerful this capitalist middle class became with regards to politic measures and the labor markets, the more absorptive the respective city grew vis-à-vis slave refugees. Employers benefitted most from the tolerance of undocumented black residents, and the presence of runaway slaves. In Baltimore and Richmond, these dynamics were strongest due to the industrial focus of the urban economies. When it came to runaways, those in power had to recognize the right of slaveholders to their property, which is why states enacted legislation to countervail possible loss and damage. But they also made sure that the economy was filled with a supply of wage workers willing to work for the lowest possible wages. This was achieved by illegalizing large parts of the African American population in the South—and refugees and illegals came to be an integral part of the laboring population. Ultimately, this turned southern cities into cities of refuge for escapees from slavery.

Demand for labor, both by private and public entities, also led to instrumenting the labor power of those who were discovered. In fact, the illegalization and criminalization of significant shares of the African American population made sure that the upcoming penitentiaries were filled and that workhouses and jails contributed to the enlargement of the group of people forced to work. These institutions created future labor outside of slavery which (directly and indirectly) benefitted the white middle classes. Although political players did not purposely create cities of refuge, the diverging interests with regard to the tackling of black people of a variety of legal statuses opened spaces that came to have a similar outcome.

Towards the end of the antebellum era, the lower and the lower-middle classes achieved a stronger political voice. Primarily driven by resistance to economic competition by black people, they demanded what white supremacy had promised them. Political leadership, now increasingly divided between planters and industrialists, tried to stall action for as long as possible. Yet, in the last years of the 1850s, democracy had provided lower-class whites with enough power and legislators began to go after free people of African descent, especially the undocumented. This had negative impact on illegal spaces of freedom and increased the discovery of slave refugees.