

Abigail (ship), 136

Africa (ship), 97

Allston, Mary, 262

Abram (enslaved person), 100

Allston, Charlotte Atchinson, 262

American Colonization Society, 265

Index

Anderson, David, 103 Andrew (enslaved child), 231 antislavery movement, 210, 235-237, 264, Arthur, Christian, 160-161, 196, 199 Ashburne, Thomas, 101 Ashby, Elizabeth, 51 assumpsit, 74, 83, 95-96 Atcheson, Jonathan, 110, 112 Austin & Laurens, 110 Baillie, Robert, 93-94, 112 Baker, J. H., 3, 7 Baker, Richard Bohun, 69, 76, 100, 106, 109 Balfour, Nisbet, 215 Ball, Elias, 257 Ball, John, 262 Ball, John Coming, 262 Barbados Debt Recovery Act, 48 model for slave society, 39, 40 Barnadina, Manuel, 155 Barry, Thomas, 146-148 Bassett, George, 200 Bassett, Mehatabel, 200 Beaden, Stephen, 149

Beauchamp, Isaac, 139 Bee, Thomas, 223 Ben (enslaved person), 250, 251 Beresford, Richard, 99 Betsy (enslaved child), 262 Bill of Middlesex, 9-10 bills of exchange, 70, 79-80, 86. See also conditional bonds printed bills of exchange, 76, 78, 87 Billy (enslaved person), 251 Binkey (enslaved person), 231 Binkey (enslaved child), 231 Black Act of 1723, 60 Black Death, 82 Blackstone, William, 8, 173 Blake, William, 63 Blanchard, Andrew, 189 Board of Police colonial precedent, continuity with, 211-213, 221, 224-225, 231-232, establishment and functions of, 215, 216, rebels, pardoning of and returning of slaves, 242, 243 slave holders' property rights, prioritization of, 237 slave insurrections, prevention of, 220-222 slave labor, redistribution of, 222, 223 slave ownership and debt litigation, 230-232 slave policy, lack of, 210



268 Index

Board of Police (cont.) slaves running away to British lines, 242 slave-stealing cases, 208, 232-233 Board of Trade, 57 Bonnet, Stede, 118, 149 Boone, Thomas, 227 Boson (enslaved person, leased out), 188 Boson (enslaved person, enslaved by McCulloh), 251 Bostock, Peter, 143 branding of enslaved people, 147-148 Brewton, Miles, 106 Bronka (enslaved person), 63 Brown, John, 190 Brown, Joseph, 100 Bryan, Jonathan, 251 Buckley, Grace, 194 Bull, William, 216 Burden, Kinsey, 191 Burgoyne, John, 215 Butler, William, 113 Campbell, Alex., 233 Campbell, Archibald, 247 Cantey, John, 204 Cary, Nathaniel, 208, 227 Catharine (enslaved person), 262 Chancery Court in Jamaica, 177, 189 Chancery Court in South Carolina advantages of, 161, 187 atmosphere, 180 case load of, 180, 182, 183, 184, 185, 186, 187, 188 Court of Common Pleas, comparison, criticisms of, 164, 181-182 establishment of by statute, 175-176 fraud cases, 192 governor, role on court, 176 injunctions, 179 Latin side, lack of, 177-179 patriarchy, reinforcement of, 206 procedure of, 180, 181, 190 records of, 164 slave cases, 160-161, 162, 187-205 women litigants, prevalence of, 195-199 Chancery Court in Westminster advantages of, 173 criticism of, 164 decline in use of, 173

enforcement of decisions, Chancellors' power of, 172 English side, 171 Latin side, 170 origins of, 170 trusts, 173 chattel legal meaning of, 31, 34 real estate, comparison, 33, 34 term, colonists' familiarity with, 51 chattel slavery. See also Chancery Court in South Carolina; conditional bonds; Vice Admiralty Courts British officials' and administrators' adaption to (see McCulloh, Robert) codification of, 51, 58, 59 collateral, use of slave as, 116, 262 creditor-debtor relation, effects on, 55-56, 109 dehumanizing effects of, 32, 34, 61-68, extant legal framework, use of, 107 flexibility of, 53-56, 71-72, 120, 123 language of, 244 post-Revolution, 258-260, 264 rigidity of, 122, 152 Vice Admiralty Courts, adapted to, 137-141 widow's entitlement, 55-56 Clarendon, Smith, 232 Clarke, Alured, 227, 235 climate destruction of legal records, 193 high mortality rates, 197 Clinton, Henry Charlestown, siege and surrender of, 215-216 debts, on repayment of, 230 enslaved people as public/private slaves, 229, 241-242 enslaved people on rebel plantations, redistribution of, 219 memorandum on returning slaves, 244-246 pardons for rebels, 243 Philipsburgh proclamation, 217 Clitherall, James, 218, 227 Code Noir, 24 Coke, Edward, 129 colonial debts, 97 Comer (white sailor), 152-154

discretion of Chancellor, 171, 172



Index

269

commodity production, 56	attachment of slaves, 47, 48, 56, 75, 95,
common law courts	102, 109–116, 193, 231, 250
Chancery Courts, comparison, 161, 171,	commercialism, 70
195	court case forums, 184
Vice Admiralty Courts, comparison,	creditor-debtor relations, 116
127–129	currency, use as, 71
Commons House of Assembly, 224	enslaved Africans as property, 47
Commonwealth v. Aves (1836), 265	extant legal framework, use of for new
conditional bonds	exchanges, 71
adaptation and modification, 85-86	financial dependence, concern about, 70
adornments, 79–80	form of debt over underlying transaction,
Common Pleas litigation, 192	79-81
currency, use as, 85	paper debt, 76–78
enforceability of, 71, 74	property and inheritance, 34
estate records, 101–102	transatlantic commerce, fuel for, 70
examples of, 69–70	Debt Recovery Act (1732), 47, 55, 57,
interest, 79–80	97-99
origins of, 81, 82–84	DeFollenare, Sarah, 257
print forms, 84–85, 102, 105–108	DeLavillette, Andrew, 110
purpose of, 69, 72, 81	Diamond (ship), 134
security of, 101–102	Dick (free Black sailor), 152–154
slave mortgages, 111–116	Dinah (enslaved child), 262
slaves as collateral, 110–116	Dobb, John, 143
slaves' mobility, 109, 110–116	Doll (enslaved person), 188
terms of, 81	Dom. Rex v. 3 Negro Men Slaves, 137–141,
transatlantic slave trade, 88, 90, 95–99	146
use in long-distance trade, 69	Donald (enslaved person), 251
use of outside slave trade, 101–102	Drayton, Billy, 1
Cooper, Anthony Ashley, 16–17, 174	Drayton, William Henry, 100
Cornwallis, Charles, 227, 238, 244–246	Duke's Laws (1665), 44
Council of Safety, 221, 224	Dupont, (Mr.), 250
Court of Common Pleas	Durand v. Guichard, 181
business litigants, 185	Dye (enslaved child), 231
Chancery Court in South Carolina,	Dyssli, Samuel, 15
comparison, 195	Dyssii, Sainuci, 15
conditional bonds litigation, 192	East India Company, as judicial body, acting
debt collection procedures, 184 writs, use of, 8, 184, 185	as, 7 Edmund (enslaved person), 233
Court of Exchequer, 129, 147	Elliot, Edward, 97
Court of Exchequer, 129, 147 Court of King's Bench, 8	Elliott, Elizabeth, 104
Court of Ordinary, 182	English Reformation, 6–10, 59
covenant, 74, 83–84	enslaved drivers, 150–152
coverture, 35–36, 55, 172, 203	enslaved people
Cruden, John, 220, 244–246, 253	British military, joining with, 218, 237,
Cudjo (enslaved person), 188	239-240, 241-242
Dagasta & East Tra	capital, 15
Dacosta & Farr, 113	collateral, 109
Danford, Joseph, 134	hereditary condition of servitude, 52
Dawson, John, 153	humanity of, 109
Deas, David, 63	labor of, 14
debt and credit. See also conditional bonds	legal status of, 52



270 Index

```
enslaved people (cont.)
                                              freedom suits, 265
                                              Fundamental Constitutions of Carolina
  military service in British military,
                                                  (1669), 16-17
    234-235
  monetary value of, 53, 250, 251, 258
  population in Charlestown, 216,
                                              Gale, Hannah, 65
    220-221
                                              Garden, Jack, 1
  post-Revolution, legal status as
                                              Germain, George, 216
    dependent on owner's allegiance to
                                              Glen, James, 127, 181
                                              Glover, Joseph, 223
    Crown, 239-240
  public versus private slaves, 240-246
                                              Godin, Benjamin, 195
                                              Gooch, William, 47
  resistance of, 10-11, 19-20, 41, 109, 237,
                                              Goods and Chattels, 51
    249
  sailors' autonomy, compared to
                                              Goose Creek men, 51
    plantation life, 121
                                              Gordon, Thomas Knox, 216
  subjecthood, exclusion from, 234-235
                                              Gough, John, 196
  wartime, running away, 216-218
                                              Grant, Ned, 118, 136, 149-152
                                              Greater Caribbean region, South Carolina
  women as productive capital, enslavers'
    focus on, 62
                                                  role in, 13-15
  work conditions, self-shaping of,
                                              Gregory, Theophilus, 175
    151-152
                                              Gurry, Marget, 65
entail, 50
                                              Gurry, Peter, 65
equity. See also Chancery Court in South
    Carolina; Chancery Court in
                                              Habersham, John, 247
    Westminster
                                              Hale, Matthew, 154
  as concept, development of, 168-169
                                              Hannah (enslaved person), 188
  as legal concept, compared to common
                                              Harleston, John, 217
                                              Harrison, Joseph, 152-154
    law, 169
  Courts in British colonies, 174
                                              Harvey, John, 144
Everleigh, Ann, 200, 205
                                              Hawett, William, 189
Everleigh, Thomas, 200, 205
                                              Henry VIII, King, 6-10, 59
executors and administrators, 196, 200-203
                                              hiring out of enslaved people, 188-191, 262
Executors of Baker v. Executors of Jenys,
                                              Hornett (ship), 136
                                              Howard, Thomas, 96
    181
Fabre & Price, 96, 110
                                              in personam, 128
factors, 48, 49, 81, 86, 90, 96-99
                                              in rem
Fenwicke, Sarah, 101
                                                as dehumanizing, 122-124
Ferguson, Martha, 202
                                                existing British legal framework,
Ferguson, Thomas, 223
                                                  122-124
Fesch, Andrew, 113
                                                explanation of, 120, 128
Fisher, Elizabeth, 262
                                              instance jurisdiction, 131-132
Fisher, John H., 262
                                              insurrections, and enforcement of slave
Flood, George, 101, 201
                                                  laws, 260
                                              intestacy laws, 45-47, 198
Flood, Mary, 101, 201
Floyd, William, 142-143
                                              Intestates Estates Act, 54
Fly (ship), 145
                                              Isabella v. 3 Slaves, 155
Fort Fernando de Omoa, 136
                                              Izard, Ralph, 93, 100, 221
Francis (enslaved Native American), 52
Francis (enslaved person), 100
                                              Jack (enslaved person, lease of), 188
free Blacks, 152-154
                                              Jack (enslaved person, post-Revolution
  subjects of Crown, claim to, 154-157
                                                  resistance), 216
```



Index 271

Jack (enslaved person, sale of with plantation), 63 Jacko (enslaved person), 188 Black population of, 14 Chancery Court in, 177, 189 plantations of, 92 settlement and cultivation of by Europeans, 14 slave trade, 14 Jeffrey (enslaved child), 231 Jenny (enslaved child), 262 Jenny (enslaved person), 262 Jeremiah, Thomas, 221 Johnson, Robert, 175 Johnson, Samuel, 213 Joseph, Gabriel, 155 July (enslaved person), 251 Justices of the Peace, 6 Ju Vrouw Anna, 129

Kelly, Sam, 42 Kincaird, John, 188 King, Isaac, 114 King George's War, 97 King v. Harrison, 143, 152–154 Knights, Mark, 6 Knox, William, 48, 97

Lamb, Matthew, 57 Laurens, Henry Austin & Laurens, 110 backcountry, demand for slavery, 258 Chancery Court, criticism of, 181 conditional bonds, 100, 106 debt, views on, 93, 94, 112-114 debt slaves as bargain, 96 enslaved people, humanity of, 21 enslaved people, resistance, 19, 89 enslaved people compared to livestock, rhetoric of, 62 father, death of, 101 legal literacy of, 18 requisitioning of slaves by colonial government, 224 slave trade, 89 transaction of business himself, 103 Leigh, Egerton, 216 Leslie, Alexander, 234, 253 Lewis, (Judge), 137-141

Lighbourn (ship captain), 239 Lincoln, Benjamin, 215 Linthwaite, William, 65 Lister (enslaved person), 65 Littman, James, 143 Locke, John, 16-17 Lords Proprietors, 174 Lowe, Ralph, 143 Lowndes, Rawlins, 228 Loyalist Claims Commission, 255 loyalists abuse of by patriots, 228 evacuation of slaves, 252-256 financial hardship during revolution, 228, property rights and military protection of, 227-230 Lucretia (enslaved person), 231 Lucy (enslaved person), 231 Ludlow (ship), 144 Lupes (enslaved person), 251

MacGregror, Dunkan, 65 MacGregror, Mary, 65 Manigault, Gabriel, 1 Manigault, Peter backcountry, demand for slaves, 258 career of, in South Carolina, 2 Chancery Court, criticism of, 181 debt collection, 113, 114-116 education in England, 1 injunctive relief, 179 sale of property, 63 Mansfield, Earl of (William Murray), 3, 6-10, 60, 236-237 marriage settlements, 186 Massachusetts Body of Liberties (1641), 44 matrilineal heritability of slavery (partus sequitur ventrem), 57, 58 Matthews, Arthur, 19, 103 Matthews, John, 223 McCormick, Daniel, 217 McCulloh, Robert, 218, 221, 227, 246-252 McKinnon, Charles, 233 McQueen, John, 65 Mears, Jacob, 192 Mickie, James, 184 Middleton, Liston, & Hope, 94, 110 Middleton, Thomas, 94 Mills, William Henry, 69

Moll (enslaved person), 188

Lewis, Sarah, 204



272 Ind

Moncrief, James, 219, 234–235, 246
Moncrief, Richard, 191
Moore, Elizabeth, 189
Moore, John, 179, 187
Morgan, Willis, 237
Movil Trader (ship), 136
Murray, John, 91–92, 93
Murray, William, 91–92
Nanny (enslayed person, enslayed by

Nanny (enslaved person, enslaved by Laurens), 63
Nanny (enslaved person, enslaved by McCulloh), 251
Nanny (enslaved person, post-Revolution resistance), 257
Native Americans, enslavement of, 15
Navigation Acts, 126–127, 129, 130
Negro Act of 1740, 34, 56–61, 260. See also chattel slavery
Nicholson, Francis, 43
Nickleson, Sarah, 114
Night, John, 232

Nuestra Senora de Candelaria (ship), 136

Old Ann (ship), 143 Osborne, Thomas, 223

Nunis, Moses, 250

Parliament, strengthening of, 6-10, 37, 59-61 Parris, John, 100, 141 paternalism, rhetoric of versus reality, 21 Patience (ship), 155 Pearson, John, 232 Percy, Catherine, 21 Peronneau, Samuel, 110 Peter (enslaved child), 262 Peter (enslaved person), 149 Phibo (enslaved person), 251 Phillips, Eleazar, Jr., 105 Phillips, John, 29–30, 66, 261 Pinckney, Eliza Lucas, 64, 103 piracy, 148-149 plantation leases, 188 policing of enslaved people, 51 Pool (ship), 137-141 Porcupine (ship), 136 Port Royal (ship), 136 positive law in America, 6-10 in England, 3, 6-10

Index

primogeniture, 37, 54
Prince (enslaved person, lease of), 188
Prince (enslaved person, post-Revolution resistance), 216
Prince George (ship), 143
Pringle family, 262
print revolution, 84
private law, 11
prize ships, 130–131
promissory notes, 79–80
property law, English, 35–38. See also chattel
Provincial Congress, 221
Pussaugh (enslaved person), 188

Quaminash (enslaved person), 188 Quaro (enslaved person), 100 Quash (enslaved person), 100 Quashee (enslaved child), 63

Rainbow (ship), 152-154 Rastell, John, 8 Ravenel, Rene, 63 real property, and debt, 34 Regulation movement, 260 Revenge (ship), 136, 149 Rhett, William, 149 Rivers, Joseph, 134 Rivers, Richard, 134 Robin (enslaved child), 194 Rochdale (ship), 132 Rocks, George, 147 Rose, John, 101 Rowsham, Anne, 101 Royal African Company, 42-43 conditional bonds requirement of, 96-98 Royall Fancy (ship), 155

sailors, meritocracy versus racial hierarchy,

121

St. Antonio (ship), 127

St. German, Christopher, 169

St. John, John, 195

Sally (enslaved person), 251

Sampson (enslaved person in Jamaica), 189

Sampson (enslaved person, enslaved by

Laurens), 19, 100

San Domingue, 24

Sandwich (ship), 223

Saratoga, battle of, 215

Saseau, John, 204

in South Carolina, 33



Index

273

Saseau, Mary, 204	conditional bonds, use of, 71-72, 90,
Saunders, Abraham, 201, 203	95-99
Saunders, Mary, 201	conditions on ships, 142-148
Schenckingh, Benjamin, 179, 201	connecting business transactions, 52
scientific racism, 265	credit, tightening of practices, 97-99
justification for slave trade, 67	financial structure of, 90-99
Scott, William, 145	justification for, dehumanization of
Seaflower (ship), 144	enslaved people, 67
sequestered slaves, 220–222, 232, 238,	mortality rates, 142-143
244-246. See also McCulloh,	mutinies, 142-143
Robert	numbers of humans transported, 88,
Sereven, Bridget, 63	142-143, 258
Sereven, William, 63	resistance of enslaved people, 88
Seven Years' War, 126, 155, 235	sale prices of enslaved people, 90-93, 96
Shaw, Lemuel, 265	sickness and disease, 89
Shepoe, Thomas, 69	slave revolts, 153-154
Simons, Othniel Beale Ebenezer, 139	Vice Admiralty Court regulation of,
Simpson, James, 216, 225, 228	142-148
Skirving, William, 223	volatility of as commercial venture, 86
slave codes	slave trade in England, and enslaved
Barbadian, 49–51	Africans as movable property, 42–43
construction of, 10–11	slave traders, use of conditional bonds,
enslaved people as freehold and chattel,	81
mixture of (1691), 51	slave trover cases, 29–30
enslaved people as real estate of chattel,	small slaveholders, 56
hybrid model, 49–51	Smith, Benjamin, 106
humanity of enslaved people, 21-24, 41	Smith, Charles, 147
Jamaican, 50	Smith, Josiah, Jr., 257
New England and mid-Atlantic colonies,	Smith, Landgrave Thomas, 99
44-45	Smith, Philip, 223
origins of, historiography, 12	Smith, Thomas, 193
overview of, 38–42	Snipes, Thomas Clay, 223
protections of English citizenship, lack of,	Somerset, James, 236–237
40	Somerset v. Stewart (1772), 3, 6–10, 60,
slaves defined as chattel (1740), 51	236–237
Virginian, 49–51	Sommers, John, 257
slave laws in England	Sothell, Seth, 51
compared to Spanish and French laws, 3,	South Carolina
24, 31	Atlantic world, role in, 13–15
statutory laws, lack of, 3, 42	Black population of, 14
slave mortgages, 56, 111–116, 194, 196	conditional bonds, 100
slave sale advertisements, 51	court systems of, 17
slaves-as-real-estate, profitability of, 57	credit, need to maximize, 56
slave stealing, 250	legal literacy of, 18–19, 61, 102–108
sequestered plantations, 248	merchants of, 56, 57
slave trade, internal, 73, 99–101, 259	mortality as high, 54
slave trade, transatlantic	planters and English merchants, 52
abolition of, movement for, 210	remedy to creditors, 100
closing of, 73, 260	settlement of by Europeans, 13–15
commodification of enslaved people,	slave trade in, 14, 53
87-88	Virginia, comparison to, 53, 54



274 Index

South Carolina (cont.) merchants, advantages of, 129 procedures of, 127-129 wealth of, 184 West Indies, comparison, 53, 54 sailors' use of, 142-148 Spencer, Alexander, 134 South Carolina, case load, 132, 133-134, Sperriford, John, 42 Spry, Joseph, 202 transatlantic slave trade, regulation of, Spry, Royal, 202 142-148 wage suits, 144-145 statutes, prominence of as legal authority, warrants of appraisal, 139 59-61 Stephens, Manuel, 155 Villepontoux, Paul, 103 Stevens, John, 134 Vinaridge, John, 51 Stobo, Archibald, 114-116 Vrouw Dorothea (ship), 127 Stobo, Richard, 114-116, 179 Stono Rebellion, 58 Walker, Quock, 264 subjecthood, 154-157, 226-229 Wall, Richard, 137-141, 146 enslaved people's exclusion from, Walter, Thomas, 113 Watkins, Charles, 138 234-235 property, protection of, 208, 240-242, Welden, Jonathan, 52 Well (enslaved child), 231 Weyman, Edward, 233 slaves, potential to join, 235-237 Suey (enslaved person), 232 Whitaker, Benjamin, 137-141, 178 White, William, 221, 248-251 Sumpton, Benjamin, 142-143 Suzy (enslaved person), 262 Will (Negro Will), 237-240 wills and testaments, 64-66 Thistlewood, Thomas, 92 Wilson, Moses, 52 women slaveholders Thompson, Patrick, 96 Titus (enslaved person), 216 executrices and administratrices, position Tony (enslaved person), 188 as, 197, 201 translators, 129, 152-154 inheritances of, 50, 197, 198, Trott, Nicholas, 149, 177-178 199-200 Tucker, Catherine, 202 inheritances of slaves, 160-161, Tuckerman, Catherine, 118, 149 199-205 Tuckerman, Richard, 118, 149 property of, 47 remarriage, 203-205 Valentine, Simon, 192 Wood, Thomas, 170, 173 Valk, Jacob, 232 Institute of the Laws of England, 64 Venus (ship), 142-143 Worsdale, Nicholas, 146-148 Vice Admiralty Courts Worsdale v. Barry, 146-148 case load, 158 Wragg, Joseph, 192 chattel slavery, adapted to, 137-141 Wragg, Samuel, 192 Wright, Henry, 137-141 enslaved people, humanity of, silence on, Wright, Joshua, 101 140-141 writ of habeas corpus, 236-237 enslaved property, value of, 132-137, writ of trespass, 29-30 145-148 establishment of, 124-127 writ system, 8-10, 169, 185 explanation of, 120 Yamasee War, 187, 188 felony cases, 143-144 Jamaican court, case load, 132 Yeamans, Margaret, 199

Yorkson, Jacob, 194

jurisdiction of, 130-132