

Index

- Abigail* (ship), 136
 Abram (enslaved person), 100
Africa (ship), 97
 Allston, Charlotte Atchinson, 262
 Allston, Mary, 262
 American Colonization Society, 265
 Anderson, David, 103
 Andrew (enslaved child), 231
 antislavery movement, 210, 235–237, 264, 266
 Arthur, Christian, 160–161, 196, 199
 Ashburne, Thomas, 101
 Ashby, Elizabeth, 51
assumpsit, 74, 83, 95–96
 Acheson, 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,
 233
 establishment and functions of, 215, 216,
 225
 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

- 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, 195
 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
 discretion of Chancellor, 171, 172
- 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, 157
 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

Index

269

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

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

- Jack (enslaved person, sale of with plantation), 63
 Jacko (enslaved person), 188
 Jamaica
 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
 Lewis, Sarah, 204
- 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, 245
 property rights and military protection of, 227–230
 Lucretia (enslaved person), 231
 Lucy (enslaved person), 231
Ludlow (ship), 144
 Lupes (enslaved person), 251
- MacGregor, Dunkan, 65
 MacGregor, 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

- 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 (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 Señora de Candelaria (ship), 136
 Nunis, Moses, 250
- Old Ann* (ship), 143
 Osborne, Thomas, 223
- 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
 in South Carolina, 33
- 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

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

- South Carolina (cont.)
 wealth of, 184
 West Indies, comparison, 53, 54
 Spencer, Alexander, 134
 Sperriford, John, 42
 Spry, Joseph, 202
 Spry, Royal, 202
 statutes, prominence of as legal authority,
 59–61
 Stephens, Manuel, 155
 Stevens, John, 134
 Stobo, Archibald, 114–116
 Stobo, Richard, 114–116, 179
 Stono Rebellion, 58
 subjecthood, 154–157, 226–229
 enslaved people's exclusion from,
 234–235
 property, protection of, 208, 240–242,
 255
 slaves, potential to join, 235–237
 Suey (enslaved person), 232
 Sumpton, Benjamin, 142–143
 Suzy (enslaved person), 262
- Thistlewood, Thomas, 92
 Thompson, Patrick, 96
 Titus (enslaved person), 216
 Tony (enslaved person), 188
 translators, 129, 152–154
 Trott, Nicholas, 149, 177–178
 Tucker, Catherine, 202
 Tuckerman, Catherine, 118, 149
 Tuckerman, Richard, 118, 149
- Valentine, Simon, 192
 Valk, Jacob, 232
Venus (ship), 142–143
 Vice Admiralty Courts
 case load, 158
 chattel slavery, adapted to, 137–141
 enslaved people, humanity of, silence on,
 140–141
 enslaved property, value of, 132–137,
 145–148
 establishment of, 124–127
 explanation of, 120
 felony cases, 143–144
 Jamaican court, case load, 132
 jurisdiction of, 130–132
- merchants, advantages of, 129
 procedures of, 127–129
 sailors' use of, 142–148
 South Carolina, case load, 132, 133–134,
 135
 transatlantic slave trade, regulation of,
 142–148
 wage suits, 144–145
 warrants of appraisal, 139
 Villepontoux, Paul, 103
 Vinaridge, John, 51
Vrouw Dorothea (ship), 127
- Walker, Quock, 264
 Wall, Richard, 137–141, 146
 Walter, Thomas, 113
 Watkins, Charles, 138
 Welden, Jonathan, 52
 Well (enslaved child), 231
 Weyman, Edward, 233
 Whitaker, Benjamin, 137–141, 178
 White, William, 221, 248–251
 Will (Negro Will), 237–240
 wills and testaments, 64–66
 Wilson, Moses, 52
- women slaveholders
 executrices and administratrices, position
 as, 197, 201
 inheritances of, 50, 197, 198,
 199–200
 inheritances of slaves, 160–161,
 199–205
 property of, 47
 remarriage, 203–205
- Wood, Thomas, 170, 173
 Institute of the Laws of England, 64
 Worsdale, Nicholas, 146–148
Worsdale v. Barry, 146–148
 Wragg, Joseph, 192
 Wragg, Samuel, 192
 Wright, Henry, 137–141
 Wright, Joshua, 101
 writ of habeas corpus, 236–237
 writ of trespass, 29–30
 writ system, 8–10, 169, 185
- Yamasee War, 187, 188
 Yeamans, Margaret, 199
 Yorkson, Jacob, 194