AGING IN BONDAGE: SLAVERY, DEBILITY, AND THE PROBLEM OF DEPENDENCY IN THE ANTEBELLUM SOUTH

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ABSTRACT

Both the history of old age and the history of poverty are fundamentally entwined with the history of caretaking; poverty, like old age, has generated both public and private conflict over the parameters of care, and over those responsible for its distribution. Historians have long interrogated the nature of care for the poor and, more recently, have turned their attention to the elderly. Often those two groups have overlapped, and, together have formed the demographic perhaps most in need of maintenance. This dissertation takes that key demographic – the old pauper – and adds another dimension to the historical problem of its support: slavery.

Even though proslavery advocates and abolitionists alike emphasized the singularity of slavery – its uniqueness, its difference, its special character – old slaves were pushed into traditional categories of poor relief when it came to the caretaking obligations that slavery supposedly imposed. To be ‘chargeable’ became a central keyword not only in the development of poor relief but also in the legal history of slavery (and manumission). Just as overseers of the poor were worried about residents becoming charges on the county, slaveholders and administrators were worried about slaves becoming charges on the estate.

In fundamental ways, the laws, customs, and practices of poor relief informed and helped constitute the ways that lawmakers, slaveholders and southern apologists understood and enacted care for old slaves. And as slavery expanded, care for old slaves also informed and helped shape the development of southern poor relief. Using poor relief as a lens into slavery reveals that the caretaking obligations of both slaves and the poor shared similar and overlapping histories.
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CHAPTER 1:

Introduction: Graying The Black South

I. Linking Poverty, Slavery, and Age

The history of old age is fundamentally entwined with the history of caretaking, the former – across time and space - requiring different degrees of familial, social, institutional, and legal intervention. The history of poverty is similarly entwined with the history of caretaking; though a material state rather than a biological imperative, poverty, like old age, has generated both public and private conflict over the parameters of care, and over those responsible for its distribution.

Historians have long interrogated the nature of care for the poor and, more recently, have turned their attention to the elderly. Often those two groups have overlapped, and, together have formed the demographic perhaps most in need of maintenance. This dissertation takes that key demographic – the old pauper – and adds another dimension to the historical problem of its support: slavery. Age, in other words, has always been a key category in the assumptions, experiences and classification of persons; the central questions of this dissertation are: how did care for the old pauper mutate under the guardianship of the slave-master? What did caretaking mean? For lawmakers? For slaveholders? For slaves?

On its surface, we might be tempted to think of this care-taking exchange as the converse of the twentieth-century transaction that Dirk Hartog has explored. Rather than the “care for me, and you will get my property” promise, the slave contract simply ensured ‘labor for me, and you
will get taken care of (in your old age)." Indeed, so widespread and potent was this apparent covenant that it became, for contemporaries, an ideological cornerstone of the proslavery defense, as southern apologists eagerly contrasted the care of old slaves in the south with the abandonment of old workers in the north. In both law and practice, however, the reality was far more complex. As slaves grew old and became, in their masters’ words, “past labor,” they found themselves entangled in a unique web of laws, assumptions, and disagreements over the source and substance of their support.

Old age in America – among both the free and enslaved – could bring veneration and respect. But so too could it breed resentment and scorn. This dissertation examines the development and intersection of poor relief and slavery from the inception of their regulation in the British colonies until the brink of the Civil War. One might expect that the legal strictures that governed poverty and slavery increasingly differed over time; as slavery solidified its stronghold in the south, lawmakers would have worked to differentiate the pauper from the slave – not only as a response to northern free-labor ideology but also as a protective measure in the south. The opposite, however, was the case; the laws and regulations of slavery and poverty remained not just consistently connected but increasingly similar and intertwined.

II. Old Slaves

"It had been the unvarying rule of my father,” explained one planter in reference to his father’s slaves, that “no old man or woman be required to work after seventy.” That slaves did

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1 Hendrik Hartog, Someday All This Will Be Yours: A History of Inheritance and Old Age (Cambridge: Harvard University Press, 2012), Introduction.
indeed live to old age was a concrete reality of this planter’s recollection. That they would not have to labor was, among a host of other age-related issues, far less clear. A labor system at its core, the institution of slavery was built on the productive and reproductive capacity of its work force. Thus the problem of old age raises the question of what happened when slaves lost their market value – when they became, for all practical purposes, not workable and not salable.\(^3\) If slavery was a labor system, what happened when slaves could no longer work productively? If the commodity form was corporeal, what happened when slaves’ bodies could no longer fetch a price?

Problems of pecuniary interest and plantation management were, for lawmakers, county officials, and slaveholders, fundamentally intertwined with problems of caretaking, responsibility for maintenance, and protection of the community at large. For some southerners, these issues were realized in concrete, lived realities. For more southerners, these issues took the form of abstract, imaginative speculations. For all southerners, these issues mattered. “In buying old slaves we could afford a pretty good price if it was certain they would die as soon as past labor,” wrote one slaveholder, “but the possibility, nay probability, of comfortably boarding a superannuated negro 10 to 30 years is appalling. I have now 7 of that kind on my hands, most of whom have been past labor 13 to 18 years.”\(^4\) Public petitions, legal statutes, debates, and private letters, diaries, and conversations among southerners were filled with complaints about the burdens of “chargeable” old slaves. “Negro Roger the elder from old age and infirmities is

\(^3\) James Oakes argues that “the distinguishing function of slaves in the South’s market economy was to serve not only as a labor supply but also as capital assets.” This project takes that dualism as its starting point, and asks what happened when slaves began to fail in both capacities. See James Oakes, *The Ruling Race: A History of American Slaveholders* (New York: W. W. Norton & Company, 1982), 27.

\(^4\) Manuscript in the Massie Papers, University of Texas, as quoted in Ulrich Bonnell Phillips, *Life and Labor in the Old South* (Columbia: University of South Carolina Press, 1929), 246.
rendered totally useless and very expensive,” noted a Virginian slaveholder.5 “The negro woman named Phoebe is aged and infirm and of no value,” noted another.6

Remarkably, the problem of aging under slavery has been largely ignored by historians of the United States.7 So concerned have historians been with agency and resistance, with metaphysical alienation, with the hegemonic reach of the market, that they have missed the more literal problem inherent in the human commodity form: human chattel, as living chattel, was aging chattel.

The “superannuated” slave, however, was no anomaly in the American South.8 While surely not as ubiquitous as younger sectors of the population, (some)older slaves lived well beyond their height of productivity – and, at times, beyond any productivity at all. The elderly slave was not predominant on most farms or large plantations– but neither was he or she a rare sight. “I see a great many old, feeble-looking men and women around in this place,” remarked a

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5 "Race, Slavery, and Free Blacks, Series II: Petitions to Southern County Courts, Part C: Virginia (1775-1867) and Kentucky (1790-1864)," PAR Number 21680006.
6 "Race, Slavery, and Free Blacks, Series II: Petitions to Southern County Courts, Part C: Virginia (1775-1867) and Kentucky (1790-1864)," PAR Number 21682603.
8 As Oakes briefly mentions, “because they were enslaved and survived into old age, North American slaves lived without freedom longer than most slaves in human history.” See Oakes, Slavery and Freedom: An Interpretation of the Old South (New York: W. W. Norton, 1990), 35.
bondswoman.9 “I find here an immense proportion of old people,” remarked Frances Anne Kemble, upon her visit to a plantation on St. Simon, Georgia.10 Thousands of slaves – “quite crooked with years of labor,” “old, worn, scarred, weather-beaten,” marked by a “gray head, wrinkled face, and bent form,” lived into their eighties and nineties and beyond.11

The demography of old slaves ranged across the south. Slaves aged fifty or over composed the smallest proportion of the slave populations in Delaware, Texas and Arkansas, hovering around 4.5%. They constituted nearly 10% of the slave populations in Virginia, Maryland and the Carolinas.12

It’s not especially surprising that those states contained the highest proportion of old slaves. After all, those states were primary export regions and old slaves were not particularly marketable (if at all) or particularly suited to traveling (if even taken by a mobile master). Virginia was also based on a tobacco rather than a cotton or sugar economy, which required more labor-intensive effort. Not all slaveholders who moved west or deeper south left their old slaves behind. Augustin Pugh, sailing from North Carolina to Louisiana in 1819, brought seventy

slaves with him, some of whom were sixty.\textsuperscript{13} Indeed, old slaves were found in every slaveholding state. “According to the Virginia mortality census of 1850, and the death registers of four Virginia counties and towns between 1853 and 1860, more slaves than whites died of old age.”\textsuperscript{14} So too were old slaves a usual sight in cities. An 1848 survey of slave occupations in Charleston listed fifty-four females and thirty-eight males as “superannuated and disabled.”\textsuperscript{15} A search of the Slave Schedule of the United States Federal Census reveals that more than a quarter of a million slaves aged fifty or older spanned the southern United States on the brink of the Civil War.\textsuperscript{16}

What exactly constituted ‘old age,’ though? The answer is unclear for the historian because it was unclear for early American whites and blacks alike. No clear or simple nineteenth-century definition of old age existed - not for slaves or for freemen. Still, numerical benchmarks existed. All those “who have attained to threescore,” noted Increase Mather in 1716, “are everywhere accounted as old men.”\textsuperscript{17} However, old age wasn’t necessarily defined by a number at all. For some slaveholders, old slaves were those who reached a certain age, like 45 or 50 or 60. One lawyer arguing before the Supreme Court of Louisiana in 1851 characterized a forty-five year old slave as “an old negro.”\textsuperscript{18} A couple of years earlier, the Supreme Court of

\textsuperscript{15} J. L. Dawson and H. W. DeSaussure, \textit{Census of the City of Charleston, South Carolina, For the Year 1848, Exhibiting the Condition and Prospects of the City, Illustrated by Many Statistical Details, Prepared Under the Authority of the City Council} (Charleston, 1849), 34.
\textsuperscript{17} Increase Mather, \textit{Two Discourses} (Boston: B. Green, 1716), 120.
\textsuperscript{18} Herman P. Benjamin v. Samuel D. Davis et al., 6 La.Ann. 472 (1851).
Alabama referred to “an old negro woman forty years old.” Further complicating the numerical definition was the fact that age itself could be an unknown or even negotiated category. Some slaves had no idea how old they were. “I do not know how old I am, but think I may be any age between thirty-five and forty,” explained one former slave from Georgia. Moreover, as Walter Johnson explains, “even slaves who knew how many years they had been alive were often assigned a new age by the traders” who tried to sell them.

For others, old slaves were those who lost their ability to hit certain labor quotas, like picking 130 pounds of cotton per day. For some slaves, elders were defined by their relations to kin, like grandparents – regardless of age. For others, old slaves were those who acquired certain visual markers. One former slave recalled her grandfather’s “gray head, wrinkled face, and bent form, [which] told of many a year of hard servitude.” The difficulty of defining ‘old age’ is enhanced by the circumstances of slavery, in which the rigors of forced labor and the terrors of bondage likely accelerated the aging process for many if not most slaves. He always over-worked his people,” recalled a former slave of his master. “His young men of eighteen and twenty years looked to be thirty and thirty-five years old.” Indeed, recalled a former slave of a

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19 Stewart, Guardian, v. Lewis, By His Guardian, &c., 16 Ala. 734 (1849).
24 William Green, Narrative of Events in the Life of William Green (Formerly a Slave), Written by Himself (Springfield: L.M. Guernsey, Book, Job & Card Printer, 1853), 8, Documenting the American
visit home, his mother was “prematurely old.”\textsuperscript{25} Remembered another, “I felt I was growing prematurely old.”\textsuperscript{26} Such premature aging, argued slaveholders, ultimately hurt the master. “Too great eagerness for the profit of soft and newly grown muscles,” cautioned Dr. J.S. Wilson, “pays the penalty of an early superannuation.”\textsuperscript{27} Slaveholders, argued an article on plantation management, needed to pay attention not only to their annual yield of crops but also to the manner in which their overseers managed the slaves who produced such yield – and whether, as slaveholders, they “have lost more in the diminished value of [their] slaves by overwork than [they have] gained by [their] large crop. It is a well-established fact, that over-work produces premature old age, bodily deformity, and debility of constitution, and checks the increase of females.”\textsuperscript{28} The point is that in the nineteenth-century South, the age, ability, and valuation of the slave, as well as the consequent power dynamics that governed all southern relationships - were inextricably linked, albeit malleable.

Old age, then, was never static. One plantation nurse, for example, though “well on in years, was still hale and hearty.”\textsuperscript{29} The capabilities of some (but not all) fifty-year-olds were


\textsuperscript{27} J.S. Wilson, M.D. “Peculiarities and Diseases of Negroes,” \textit{De Bow’s Review}, Vol. 29 (July 1860), 113.


different from the capabilities of some (but not all) seventy-year-olds. And the capabilities of some seventy-year-olds were different from the capabilities of some ninety-year-olds. That is, in contrast to childhood ages, which were taken to be much more predictable and linear in their indication of ability and marketability, old ages brought variability and uncertainty – both for slaves and their masters.

Perhaps nowhere was this more apparent than under the circumstances of bondage, where hard labor and cash value were, at least from the slaveholder’s perspective, the ultimate measures of worth. Indeed, for all those involved in the making of slavery, age played a central role in determining the value – or lack thereof – of every slave. Some slaveholders left behind detailed accounts of their human property, recording the ages and values of their slaves. The estate records of Izard Bacon, of Henrico County, Virginia, carefully list such information. One slave, Dick, aged 70, was described simply as “past labour.” Patty, a sixty-five year old, was described as “healthy of her age, but lame.”

Slaves themselves have revealed just how much their age depressed their market value. “They began to sell off the old slaves first, as rubbish,” recalled a former slave. “One very old man went for one dollar; the old cook sold for seventeen dollars.” “Some of the old and decrepit slaves could not be sold at all. They were not worth purchasing, and nobody would bid,” remembered a former slave. “I do not know what became of them.” Such calculations were not

30 Henrico County Court Papers, Virginia Historical Society, Richmond, Virginia.
just tied to physical labor, but to reproductive labor as well. One slave trader, “who had purchased most of the children, declined buying such of the mothers as were past the age of child-bearing.” Age, then, functions dually in this dissertation. On the one hand, old age was a category – a particular class of slaves who were targeted through law, ideology and the dictates of the market. On the other hand, old age was a process – a continuum along the latter half of the life cycle, which, at different stages, posed different challenges and opportunities to master and slave alike.

All property ages, of course. “The horses,” cautioned an 1852 plantation manual, “must be fed, and are growing older every day.” Floors cracked. Wagons broke down. Two pumps, recorded a southern planter in his journal in 1851, were “old & worthless.” But the complexities of human chattel rendered the problem of aging slaves salient, if not unique. The status of slaves was to be permanent – property for life. But over time, for all slaves, the qualities that rendered their bodies and labor valuable deteriorated so as to negate the qualities that rendered their status as property meaningful. Aged, debilitated slaves, noted proslavery ideologue George Fitzhugh in 1854, “are simply a charge to their master; he has no property in them in the common sense of the term.”

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33 Ibid., 128.
34 J. W. Randolph, Plantation and Farm Instruction, Regulation, Record, Inventory and Account Book. For the Use of the Manager of the Estate of Berry Plain. And for the Better Ordering and Management of Plantation and Farm Business in every particular. (Richmond, Virginia, 1852), 7, Dickinson Family Papers, Virginia Historical Society, Richmond, Virginia.
35 Journal 1851-1852, Wednesday, October 1, 1851, Eppes Family Papers, Virginia Historical Society, Richmond, Virginia.
36 George Fitzhugh, Sociology for the South, or the Failure of Free Society (Richmond: A. Morris, 1854), 68.
Indeed, thinking about the life cycle of the slave complicates the very notion of slave property. Owning property in a child meant something different from owning property in a young adult or middle-aged person. And owning property in a young adult or middle-aged person meant something very different from owning property in an old or superannuated being. As the parameters of negotiation shifted over the course of a slave’s lifetime, so too did the person-as-property paradigm contort, taking on different forms and carrying different meanings for all those involved in the making of slavery.

The particular problems and opportunities that derived from the presence of old slaves – that is, unproductive bodies in a production-based system – call for special attention to aging during the latter half of the life cycle. Children, we might be tempted to analogize, also imposed a burden on their owners. Plantation inventories and sale records indicate that the prices of slaves fell along a bell curve, with the oldest and youngest similarly valued the least. “There are sixty or seventy people kept here to wait upon this household,” recorded Mary Boykin Miller Chesnut in her diary, “two-thirds of them too old or too young to be of any use.” Indeed, the potential purchase price of a slave – a direct reflection of that slave’s value in the market – was directly tied to age. Robert Fogel and Stanley Engerman have described this value as a bell-shaped curve, peaking in the mid-20s and eventually becoming negative, after age 75.


There was, however, a critical difference in the nature of the valuation between the very young and the very old: property in children carried the promise of a future payoff. As former slave Peter Bruner recalled, “when I was about 10 years old a man from Lexington by the name of Allen offered $800 for me. My master told him he would not sell me and he also stated that I was just growing into money, that I would soon be worth $1,000.” A child was an investment — a commodity that, quite literally, grew before the master’s eyes. It was precisely that promise of future value that made slaves economically useful at an early age. And it was precisely the later depreciation of their value that made aging in the latter half of the life cycle so problematic. “The reason [my master] assigned for disposing of my parents, as well as of several other aged slaves,” remembered William Craft, “was that ‘they were getting old, and would soon become valueless in the market.’”

Old age provides a powerful barometer for understanding how the institution of slavery dealt with its most vulnerable members. In one sense, though, the slaves who take center stage in this dissertation have indeed all been written about before — just simply when they were younger. Thinking about aging, in other words, does not just lead us to ‘discover’ thousands of new slaves but also reminds us that every one of the millions of persons enslaved in antebellum America passed through the aging cycle every year. The circumstances of old age force us to rethink not

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only the nature of slave relationships, but also the nature of slave property itself. Some
slaveholders willingly and even eagerly abandoned their aging property, implicating (even if
only indirectly) public institutions in their private relationships. Such intrusions have been
obscured by the guise of fully functioning laboring bodies.

The southern economy was entirely dependent on the idea that human bodies held
monetary value.\textsuperscript{42} As such, the realities of unproductive and burdensome bodies threw the
master-slave relationship in flux. Insofar as the market was concerned, the problems posed by
aging slaves were predominant on small farms. With fewer workers came fewer opportunities for
assistance from fellow slaves. So too were there fewer kin to provide care, as slave families were
broken up due to sale far more frequently on small farms than on large plantations.\textsuperscript{43}
Nevertheless, the problems (and opportunities) caused by aging slaves crossed the boundaries of
wealth. So too did they cross the boundaries of agricultural labor. In 1848 Charleston, for
example, thirty-eight men and fifty-four women were recorded by their masters as
“superannuated.”\textsuperscript{44} Thus aging slaves are examined here from small farms, to cities, to large,
multi-acre estates.

In the nineteenth-century south, nothing divided classes of persons so much as the categories of
master and slave. And yet both grew up. And both grew old. A central question underlying this
project thus asks how the hopes and fears, how the expectations and experiences, and, most of
all, how the problems of growing old, did and did not transform under bondage. In other words,
this is not just a project about slavery. And it’s not just a project about old age. It’s a project that

\textsuperscript{42} Johnson, \textit{Soul By Soul}, 25.
\textsuperscript{43} Wilma A. Dunaway, \textit{The African-American Family in Slavery and Emancipation} (New York:
Cambridge University Press, 2003), 54.
\textsuperscript{44} Phillips, \textit{American Negro Slavery}, 403.
exists at the confluence of both, and a project which argues that neither slavery nor old age can be adequately understood unless understood together.

General neglect of old age in historical scholarship surely accounts in part for the lack of attention to aging slaves. And yet, in a field as saturated as the history of slavery, what’s perhaps most perplexing about historians’ neglect of the aging process is the very attention and importance to which slaveholders, as well as slaves themselves, showered upon it. That attention was, in fundamental ways, peculiar to the American South. In the antebellum United States – and especially in the 1850s – southern states passed increasingly stringent laws against the manumission of slaves. No such laws existed in other major slaveholding arenas, like Cuba, Brazil or mainland Spanish America. Thus American masters were, at least according to law, stuck with their aged property and, as a result, forced to confront unique challenges of plantation management and obligations of care. The permanence of slave status, coupled with the aging process, fundamentally shaped all the relationships in the matrix of slavery.

James Oakes has noted that on most plantations there was a “human dimension” that governed interactions and which rendered theories of plantation management more abstract than representative.\(^\text{45}\) In other words, while slavery was capitalistic, the lived experiences and negotiations of masters as well as slaves cannot be reduced to just capitalism. They existed firmly in relationships. For some slaveholders, the death of old slaves could not come too soon. As an overseer writing to his employer in 1864 reported, Grace, an “old woman that has Bin sick for 2 years” died. She had been, the overseer stated with, it seems, frank honesty, “a Dead

\(^{45}\) Oakes, *The Ruling Race*, 166.
But slaveholders did not always act with rational profit maximization in mind. Some provided a minimal amount of care for their old slaves. Some went well beyond the minimum required by law. Others ignored the law and provided no care at all. Relationships rather than rules reigned supreme. Those relationships take center stage in this dissertation.

Slaves never existed as isolated units of production. Rather, they existed centrally in relationships – with masters, with traders, with fellow slaves. Age was a constitutive ingredient in the nature of those relationships – in how power was organized, in how work ability was expected and measured, and in how care was given and received. So too did the aging process of slaves affect the relationships among slaveholders – in how they negotiated the prices of their property and in how they thought and spoke about the nature of slavery.

Thinking about the life cycle of the slave – and the consequent relationships that the life cycle shaped and demanded – forces us to rethink the very logic of property at work in the system of slavery itself. An 1855 article in *Debow’s Review* defined slavery as “that system of labor which exchanges subsistence for work, which secures a life-maintenance from the master to the slave, and gives a life-labor from the slave to the master.”47 But what happened when work was no longer possible? When subsistence was not adequately given, or was denied altogether?

Indeed, Johnson has emphasized just how prevalent the chattel principle was in the export regions of the upper South; for slaves in those regions, Johnson has argued, “time and space were


bent around the ever-present threat of sale to a slave trader.\textsuperscript{48} However, as mentioned, an examination of the census records across the southern states reveals that Virginia, the central state in the export region, actually housed the largest proportion of aged slaves.\textsuperscript{49} As these slaves aged, and as their values became depressed, so too did the chattel principle’s reach over their beings erode. The market’s hostility to old slaves stretched far beyond the auction house and permeated the exchange between master and slave on individual plantations. Just as a slave might lose his ability to physically threaten his master, so too did the master begin to lose his ability to threaten to sell his slave. The chattel-principle, it seems, had a clock. Thus with the disintegration of aging bodies, a central aspect of the master’s mechanism of coercion disintegrated as well.

III. Historiography: Old Age

Only in the late 1970s did American historians start to pay attention to the importance of aging as a social, cultural, and economic process. Such attention nevertheless remained limited.\textsuperscript{50} David Fischer’s \textit{Growing Old in America}, the first major history of aging in the United States, argued that the elderly occupied a venerated status in the colonial era but that, after the American Revolution, they became objects of pity, contempt, and derision.\textsuperscript{51} That change, for Fisher, was not economic but rather cultural; well before industrialization took hold, he argued, Republican virtues undermined the respect that once came with old age.

\textsuperscript{48} Johnson, \textit{Soul By Soul}, 23.
W. Andrew Achenbaum’s *Old Age in the New Land*, the next major study, agreed with Fischer on the fact of a transformation from veneration to contempt for the elderly, but disagreed with Fischer on the periodization of that transformation.⁵² While Fischer pegged the American Revolution as the turning point, Achenbaum argued that Americans in the early republic continued to regard the elderly in high esteem; it was only after the Civil War – with new retirement laws – that the status of the elderly declined. Subsequent historians turned their attention to asking why the elderly lost status.⁵³ And these works set the agenda for a new group of historians, who argued that economic data and employment statistics revealed that such a transformation did not actually occur. Even with the emergence of industrialization, these historians argued, most old men remained heads-of-household.⁵⁴

The historians who have studied the history of aging in early America have all concluded their studies with the same glaring absence: slaves. The unfree are remarkably not even mentioned in such examinations. Merging the history of old age with the history of slavery should force historians to question the argument that with age came veneration – or, at the very least, should force historians to ask who exactly among the aged was venerated, and what did it mean for those who were not?

**IV. Argument**

In the decades after the American Revolution, lawmakers amended their state constitutions to newly exclude paupers from the right to vote. The relationship of the master to his slaves was analogous to the relationship of the town or county to its paupers. Both relationships were reciprocal insofar as the master and county owed their dependents care and protection and the slaves and paupers owed labor (when capable) and loyalty in return. Delaware lawmakers made this perfectly clear; “Paupers who live on the public funds,” they declared in 1831, “and who were under the direction of others, who might control their wills,” should not be allowed to vote.

The caretaking problems posed by the poor and the caretaking problems posed by the enslaved have different historiographies. Scholars have accepted the notion of early American contemporaries that poverty and slavery were completely distinct. Robert Steinfeld especially has argued for a transformation in the early nineteenth century of the relationship between employers and employees, one that reflected a desire to differentiate free workers from slaves. Nonetheless, their histories and the laws that they produced, carried striking and, at times, overlapping, parallels.

To be ‘chargeable’ became a central keyword not only in the development of poor relief but also in the legal history of slavery (and manumission). Just as overseers of the poor were worried about residents becoming charges on the county, slaveholders and administrators were worried about slaves becoming charges on the estate. “She is about 60 or 70 years of age,” noted

56 Debates of the Delaware Convention, for Revising the Constitution of the State or Adopting a New One (Wilmington: William Gouge, 1831), 23.
a Virginia estate administrator about a slave, “& although not now chargeable is likely to be so to the estate.” Just as the care of slaves was highly dependent on the particular master, so too was the care of paupers dependent on the temperament or kindness of particular overseers of the poor – all of whom wielded vast discretionary power.

Even though proslavery advocates and abolitionists alike emphasized the singularity of slavery – its uniqueness, its difference, its special character – old slaves, abandoned slaves, soon-to-be manumitted slaves were all pushed into traditional categories of poor relief, when it came to the caretaking obligations that slavery supposedly imposed. Using poor relief as a lens into slavery reveals that the caretaking obligations of both slaves and the poor shared similar and overlapping histories. The laws that governed both paupers and slaves developed in response to each other. These relationships were not just analogous but also were interconnected. Contrary to the arguments of pro-slavery apologists, anti-slavery advocates, and generations of historians, poverty and slavery were not wholly separate and distinct. In fundamental ways, the laws, customs, and practices of poor relief informed and helped constitute the ways that lawmakers, slaveholders and southern apologists understood and enacted care for old slaves. The property right of the master in his slave was not absolute; lawmakers restricted that right when it infringed on the well-being of the larger community. And as slavery expanded, care for old slaves also informed and helped shape the development of southern poor relief.

Most notably, in both arenas, decentralization meant not so much local management as it did negotiation among localities, on various planes. Poor relief officials negotiated with

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overseers in other counties. Masters negotiated with other slaveholders. Laws dictating a slaveholder’s responsibility for care could go unenforced. Expectations for care could be unmet. The extra-legal abandonment of old slaves created a class of persons whose status was unknown. Private individual acts of manumission, coupled with banishment laws and residency requirements for poor relief, created confusion and conflict over the parameters of support.

That masters might, at times, share authority over their slaves with some public officials is not surprising; slave patrols, sheriffs, jailers and judges all exercised police powers, in a variety of circumstances, over chattel property. But none of those public officials created a ‘problem’ for slavery; on the contrary, they were accepted by contemporaries as part of the matrix of bondage, largely bolstering the institution. Overseers of the poor, however were supposed to be in charge of paupers. And paupers were supposed to be “not slaves.” In directly caring for slaves, overseers of the poor diluted the line that divided freedom from slavery.

V. Historiography: Slavery

The absence of old slaves, and of wide-spread attention to the aging process in general in the scholarly literature, is as perplexing as it is problematic. Why the absence from the scholarship? Historians tend not to think about old age. Our discipline is normed around adulthood, around the able-bodied, income-earning, child-bearing members of society. Childhood as a field of inquiry has just started to flourish.\textsuperscript{60} Yet old age remains largely

ignored. This absence is particularly surprising in light of the thematic directions that the historiography on slavery has taken in the last few decades.

Eugene Genovese-generation historians argued that slavery was a pre-capitalist system of labor because the master-slave relationship was mediated by paternalistic, reciprocal duties rather than by the cash nexus. In stark contrast, historians have since emphasized just how capitalist slavery was. An early challenge was James Oakes’ 1982 *The Ruling Race*, which argued that the dominant theory of slaveholders was not paternalism but rather pecuniary interest. In contrast to Genovese’s slaveholders, who were dormant, Oakes’ were constantly in motion. Intensely acquisitive, forward-looking and upwardly mobile, slaveholders constantly sought more land and more slaves. For Oakes, the master-slave relationship was not mediated by paternalism; it was dominated instead by a capitalist ethic.

Oakes’ intervention paved the way for historians to examine more closely how the market affected the master-slave relationship, and how slaves themselves negotiated the workings of the market. Michael Tadman argued in his 1989 study of the slave trade that planters’ relationships with what he termed ‘key slaves’ allowed masters to maintain a self-image as kind patriarchs while in reality treating almost all slaves with violence or indifference.

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“The favoring of key slaves,” argued Tadman, “had the critically important role of allowing a slaveholder to tell himself or herself that he or she treated slaves well.”63 For Tadman, paternalism was far more an ideology than a practice – at least as it applied to the vast majority of slaves.

Steven Deyle argued that the market infiltrated the South as much as it did the North, examining how the slave trade, by its very nature, forced the cash-nexus into the master-slave relationship.64 While some of this literature on slavery and the market has forged a kind of middle ground, recognizing the acquisitive ethic of slaveholders while simultaneously acknowledging the negotiations of slaves, most of it has emphasized the chattel principle and the all-consuming power of the market.

Edward Baptist, in his latest book on slavery and capitalism, goes so far as to organize his chapters by isolated body parts – a slave’s feet, head, back. The lingering abstraction of a person into a price suffused the slave economy in the antebellum South, notes Walter Johnson. The “daily interchange between ‘slavery’ and ‘the market’ was so dense,” Johnson argues, “as to make the boundary between them indistinguishable.”65 Put bluntly, to see slavery was to see the market.

Or was it? This latest historiographical orientation has shifted our focus to slaves as commodities so far that it has overlooked a critical complication: not all slaves could be reduced to persons with a price, because not all slaves held value. Indeed, Baptist’s very organization, in

65 Johnson, Soul By Soul, 26-7.
emphasizing isolated parts, reduces the slave to a stagnant body, a body that does not age. But old slaves were not easily convertible into cash. They were not readily mortgaged, or bartered, or sold. They were not ordinarily put to work. Old slaves – contrary to Johnson’s argument – rendered the interchange between slavery and the market highly distinguishable.

Moreover, historians of slavery have increasingly emphasized the importance of thinking across time and space. And yet, the life-cycle of the slave has largely elided recognition. Every year, though – in every city, county, and state, on every farm and plantation, every slave grew older.

**VI. Proslavery Ideology**

What was a legal responsibility of masters for their slaves’ maintenance was for proslavery ideologues a moral marker between a benevolent South and a cold and distant North. Proslavery ideologues developed a social language about poverty that responded directly to northern accusations of abuse and neglect; an especially “dark side of slavery,” noted Reverend Horace Moulton of the Methodist Episcopal church in Marlborough, Mass., “is the neglect of the aged and sick.” Caretaking – its form and reach – became a critical component of southern thought. Those ideologues should not simply be dismissed as apologists for slavery. For all their posturing and disregard for the horrors of bondage, they asked searching questions about the

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nature of caretaking – about how society should provide for its poor, and about who exactly should do the providing.

Virginian Edmund Ruffin argued that it was southerners who were free and northerners who were truly slaves, as they were vulnerable to the proclivities of the overseers of the poor, who had no true incentive to care for them. A so-called free laborer, he argued, was really “a slave to the administrators of the law and dispensers of the public charity.”68 “What a glorious thing to man is slavery, when want, misfortune, old age, debility and sickness overtake him,” boasted George Fitzhugh in 1854.69 Not only was the slave protected by law, continued Fitzhugh, but also by sentiment; the master’s “feeling for his slave never permits him to stint him in old age.”70 “The interest of the master,” argued an article on slave management, “in connexion with the hireling is to obtain as much labor from him as possible at the smallest cost, and when he becomes too old or decrepit, from disease or over labor, to work, to get rid of him as soon as possible; whilst the owner of the slave, as the slave is his property, and he is bound for his support under all circumstances, we can readily conceive how strongly the motive of the master in taking good care of the slave, and thus extending the time of his usefulness.”71


69 Fitzhugh, Sociology for the South, 68.

70 Ibid., 246. The participants in Tennessee’s constitutional convention twenty years earlier affirmed this sentiment, writing that “when old age overtakes [the slave], and his limbs require rest and his hands can work no longer,” his master has secured him support. The legislators juxtaposed this support with the predicament of the free, who in their old age could not provide for themselves and thus faced “the ills of poverty.” See Journal of the Convention of the State of Tennessee: Convened for the Purpose of Revising and Amending the Constitution Thereof, Held in Nashville (Nashville: S.H. Laughlin and J.F. Henderson, 1834), 89.

The capitalistic nature of such cautions could take explicit form. One slaveholder, writing in *De Bow’s Review*, bemoaned the fact that some slaveholders think only about their crops and not at all about preserving the value of their slave property. “To say nothing about morality,” explained this slaveholder, “this is a great pecuniary evil.”

Indeed, explained this slaveholder, “the great object is to prevent disease and prolong the useful laboring period of the negro’s life.”

The reversal of the realities of freedom and slavery was common among proslavery ideologues. ‘The pauper in an alms house is a slave,” declared Elwood Fisher to a meeting of a Young Men’s Mercantile Library Association in 1849. “He works under a master, and receives nothing but a subsistence.”

“By focusing on the degrading lives of the northern poor,” notes James Schmidt, “proslavery writers attempted to defend slavery by diverting attention both from the extreme and obvious destitution of slaves and from the less noticeable privation of the region’s poorer whites.” On the one hand, proslavery literature was part of a national conversation, with southern defenders praising the superiority of their economy to the wage slavery of the north. As such, care of aged slaves played a central role, a direct response to the poverty that afflicted aged, worn-out workers in the north.

On the other hand, however, proslavery ideologues were writing for a southern audience; caretaking played a central role in the self-identity of the southern way of life, that is, in the way that southerners saw themselves. As Eugene Genovese has written, “the slaveholders

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73 Ibid., 420.
congratulated themselves on their solicitude for the aged slaves and loudly claimed that no free laboring class could look forward so securely to decent retirement.” That they cared for their unproductive property was, however untrue in reality, confirmed for themselves their own moral superiority. R. E. Colston, for example, admitted in the *Southern Literary Messenger* that he was “writing chiefly for the Southern public.” Southern journals often published rules and advice on the management of slave plantations; care for the elderly was a common component of such guidance. *De Bow’s Review* published many such articles, often using the exact same language. One piece from 1857 stressed that slaveholders should “be kind and attentive to [slaves] in sickness and in old age.” An 1860 *De Bow’s Review* article on the duties of plantation life implored slaveholders to “look to it that their negro slaves do not fall into the class and category of ‘the poor.’ They have no right to be there, they do not belong there, and they will not be there if masters do their duty.” What prevented the slave from becoming a pauper, argued the article, was care and support for life. “Capital is not charged with the care of the laborer. It drives its own hard bargains with him – uses him, wears him out, and then throws him away.”

**VII. Southern Poverty**

Slavery “secures a life-maintenance from the master to the slave,” exclaimed William Grayson in his 1854 study *The Hireling and Slave*. “It knows no pauperism.”

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80 Ibid., 361.
thing is known among us. We have no paupers – no beggars.”82 So proclaimed an editorial in De Bow’s Review in 1851, contrasting the North with a South that apparently knew no poverty. For proslavery ideologues, the only “poor” in the south were slaves; “scarcely can there be a necessity for any other legislative enactment for the support of the poor than that which compels the owners of slaves to supply them at all times with a sufficiency of food and clothing,” remarked a South Carolinian.83 Such sentiment among Southerners was hardly unfamiliar. Indeed, seventy years earlier, Thomas Jefferson, in his Notes on the State of Virginia, proudly informed his readers that “from Savannah to Portsmouth you will seldom meet a beggar.”84 The poor laws that took root in the southern colonies and continued, in a legislative and administrative onslaught throughout the antebellum period, however, tell a vastly different story.

The earliest forms of poor relief in the British colonies effectively transplanted the Elizabethan Poor Laws of 1601 across the Atlantic.85 But nearly as quickly, the importation of slaves into the New World reassigned responsibility for the care and maintenance of a burgeoning segment of the pauper population – namely, slaves. As Philip Morgan has proclaimed, “in most early American societies slaves were the poor.”86 The responsibility of the

83 Report from His Majesty’s Commissioners for Inquiring into the Administration and Practical Operation of the Poor Laws, Appendix F: Foreign Communications (House of Commons, February 21, 1834), 117.
slaveholder to maintain his slaves was paralleled by the responsibility of the master to maintain his indentured servants, who in fact outnumbered free whites until at least the beginning of the eighteenth century. Thus from the very beginning of New World poor relief, the bounds of the plantation abridged the reach of the parish.\(^{87}\) The plantation, in other words, functioned as more than a domain of privatized dependency relations, binding wives to husbands and servants or slaves to masters via contract; it served the very public function of managing care for the poor, shifting jurisdictional responsibility from the county at large to the head-of-household.

Enslavement in no way eradicated southern poverty, however. Free whites and blacks across the south fell victim to many of the same causes of northern poverty: they lost jobs; they lost husbands; they grew old and infirm and unable to support themselves. The Georgetown Gazette of South Carolina, for example, published the account of an “old soldier” in 1826. This old man, about seventy years old, lived with his wife and daughter, “the former of whom is too infirm to labor, and the latter is a burden and expense.” Another daughter was married, but she was “miserably poor.” The old man explained that he owed several debts, and that hiring anyone to work on his farm would cost more than any crops he could grow. “Winter is coming on,” he lamented, “and I have no means of getting wood, and I see nothing for me but a poorhouse or jail.”\(^{88}\) The realities of age and poverty could be terrifying indeed.

If anything, enslavement complicated the problems of southern poverty by raising new questions about the scope and nature of caretaking, about who might be legally responsible for different segments of the population, and who might have to step in when those responsible for

\(^{87}\) Ibid. 93, 100; Christopher L. Tomlins, *Freedom Bound: Law, Labor, and Civic Identity in Colonizing English America, 1580-1865* (New York: Cambridge University Press, 2010).

care refused to fulfill their duties. Southern poverty, like northern poverty, was a very real phenomenon. Indeed, not too long after settlement, colonists were already struggling to manage and limit a growing pauper population. As early as 1713, South Carolina lawmakers bemoaned “the great number of poor that are commonly in Charlestown” and noted that the amount of money spent on poor relief the previous year was already insufficient. 89 Lawmakers across the South, from the colonial era through the antebellum period, consistently noted the growing burden of maintaining their poor. “The number of beggars which have lately appeared in the streets of Charleston has become highly disagreeable to the inhabitants,” noted city intendant John Hunger in 1793. 90 That concern – about the number of paupers, about their increase, their chargeability, and the community’s struggle to support them, remained pronounced and consistent across the south over time.

“It must naturally excite astonishment,” announced an 1827 article in the Baltimore Gazette and Daily Advertiser “that there should be found so large a mass of poverty as is concentrated in the Alms House of Baltimore city and County.” 91 “I saw as much close-packing filth, and squalor, in certain blocks, inhabited by laboring whites in Charleston,” remarked Frederick Law Olmstead, “as I have witnessed in any Northern town of its size.” 92 By 1820, lawmakers in Charleston reported that they had been authorized to spend $8,000 to support the

poor the previous year but had in fact spent nearly three times that much. So too did lawmakers in Maryland make the same complaint in 1807, noting that “the number of infirm and indigent persons received in the poor-house of [Washington] county have greatly increased, and that the sum now levied for their support is inadequate.” Although the governor of Virginia reported in 1824 that “the number of paupers varies considerably in each county and town almost every year,” the pattern of lawmaking, even in that state, indicates that the resources expended to support the poor vastly increased over time.

Although poverty occurred throughout the south, the number of paupers in Maryland and Virginia significantly exceeded those in any of the other southern states. In 1850, there were 4,494 paupers in Maryland and 4,356 in Virginia, with ratios of 1 to 129 and 1 to 326 of paupers to the total population. Proportionally, Delaware and the Carolinas, along with Maryland and Virginia, held the highest ratios – though the total number of paupers in those states was markedly lower. Census returns indicate that by 1850, the average proportion of paupers to the total population in the slave states was 1 to 2,662 while the average in the free states was 1 to

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96 Delaware had 697 paupers, North Carolina had 1,931 and South Carolina had 1,642. The ratio of paupers to the total population in those states, respectively, was 1 to 135, 1 to 448, and 1 to 407. “Modern Philanthropy and Negro Slavery, Table: Returns of the Paupers of the United States Census – 1850,” *De Bow’s Review*, Vol. 16, Issue 3 (March 1854), 272.
The problem of southern poverty was clearly less numerically overwhelming than in the North. But, as the next chapter will show, it was no less real.

97 Ibid., 272.
CHAPTER 2:

To Prevent Public Charges: A Legal Survey of Poor Relief and Manumission from the Colonial Era to the Civil War

I. Introduction

Caretaking was never just a familial function. It was a public, taxable obligation. And, at times, it was both. The journey of British nationals to the colonies, coupled with their repopulation and the influx of immigrants through the antebellum era, forced lawmakers, church wardens and overseers of the poor in the New World to grapple with problems of both domestic and property relationships. Indentured servants, feme coverts, children, parents, and grandparents all operated under different degrees of dependency and related to the state through their relationships with each other. Underscoring the complexity of these domestic and property relationships was the problem of the poor. When a father could not provide for his wife or children, when a single man or woman could not earn his or her own subsistence, when an old grandparent was left behind by a mobile family, who was to be held responsible for that person’s care? The ties that bound people to each other created caretaking obligations among them – obligations that extended beyond moral imperatives to become legal duties.

In a similar vein, the importation of slaves into the British colonies, coupled with the internal growth of that population through the antebellum era, also forced lawmakers to grapple with problems of both domestic and property relationships. Slaves, as both persons and property, occupied an extreme end on the spectrum of unfreedom; they further complicated the ways that lawmakers thought about the obligations of caretaking by raising questions about the master’s rights as a property owner, and whether those rights including the discarding of his human chattel through manumission. Indeed, manumission laws
raised the specter and fear of a magnified pauper population, and were often formulated with the
direct and specific purpose of preventing the freed slave from turning into the free pauper.

So too was age a critical component of the causes of poverty, of the problems under
slavery, and of the scope and nature of caretaking as it developed through the colonial and
antebellum eras. One Maryland servant noted in 1819 that she had “become so old and feeble
that she is unable any longer to labour and is entirely destitute and helpless and a burden to those
around her.”

98 How was she to be cared for? Who was to pay for her support? And how should
that care and support differ if she were a slave rather than a servant? Enmeshed under a general
umbrella of care, the history of poor laws and the history of manumission laws together highlight
how lawmakers thought about the obligations that different types of persons owed to one
another.

II. Designating the Pauper and Overseers of the Poor

The definition of the southern pauper was malleable and vast. A Justice of the Peace in
New-Kent, Virginia explained in 1736 that “the legal poor of this Colony are indigent persons,
disabled by age, sickness, or corporal infirmities, and incapable of maintaining
themselves…where they have gain’d a legal settlement.”

99 In contrast to English law, which
generally restricted the definition of paupers to the “strolling poor,” southern law included wide
varieties of dependents in its definition of the poor. As a committee appointed in 1842 to
examine the free black paupers of Charleston explained, “the terms used in the different statutes

98 “Race, Slavery, and Free Blacks, Series II: Petitions to Southern County Courts, Part B: Maryland
(1775-1866), Delaware (1779-1857), District of Columbia (1803-1865),” PAR Number 20981914.,
Slavery and the Law, Proquest History Vault.
99 George Webb, Justice of the Peace of the County of New-Kent, The Office and Authority of a Justice of
Peace (Williamsburg: William Parks, 1736), 250.
and ordinances to describe and designate the poor, who are objects of public relief, are of the most comprehensive and extensive signification.”\textsuperscript{100} Those keywords and phrases – which the committee traced from the state’s earliest poor law in 1712 through the date of the report a hundred and thirty years later, included “any of the poor, whether young or old,” “any person...to be chargeable,” “strolling beggars,” “sojourners” and “servants” – all general, far-reaching terms, which could not, the committee concluded, be restricted to “any particular class or classes of ‘poor.’”\textsuperscript{101} Statutes might also refer to the poor as the “impotent” or “infirm.”\textsuperscript{102} Thus paupers included old men and women without family members to care for them, widows or abandoned wives, unemployed heads of household and even young single men.\textsuperscript{103}

The earliest poor laws in the New World focused on establishing particular authorities to care for the poor. As a typical example, South Carolina lawmakers directed that the vestries should “nominate two or more sober, discreet and substantial persons to be overseers of the poor.”\textsuperscript{104} These special overseers, together with churchwardens, oversaw and managed the poor within their local parish. Statutes were typically vague about the way that churchwardens and overseers were to share their oversight – South Carolina’s law, for example, noting only that overseers would share their authority with the churchwardens of the parish, with whom they

\textsuperscript{100} Report of the Free Colored Poor of the City of Charleston (Charleston: S.C., Burges & James, 1842), 8.
\textsuperscript{101} Ibid., 8-9.
\textsuperscript{102} Elizabeth Wisner, Social Welfare in the South from Colonial times to World War I (Baton Rouge: Louisiana State University Press, 1970), 7.
\textsuperscript{104} “An Act for the Better Relief of the Poor of this Province,” No. 325, Preamble and Section I, 1712, Cooper, ed., The Statutes At Large of South Carolina, 593-4.
would meet on a monthly basis to “consider and advise together” on matters related to the poor.¹⁰⁵

Electing overseers of the poor was not always simple. In fact, it could be quite difficult for parishioners to even collect the relief the overseers were supposed to provide for the simple fact that those elected might try to refuse their appointment. Lawmakers in North Carolina suspected precisely this in 1777, noting that those elected might “refuse or neglect to qualify” and would as a result be charged with a five pound penalty.¹⁰⁶ A North Carolina law, passed that same year, declared that if the overseers of the poor failed to levy a “sufficient tax” for the payment of debts due in their parish, those overseers would be “liable to the action of the party or parties aggrieved.”¹⁰⁷ Apparently the five-pound penalty in that state proved insufficient; less than five years later, lawmakers raised the penalty to ten pounds, noting that “many overseers of the poor in different counties in this state refuse” to serve – to the “great distress” of the poor and “to the scandal and disgrace of society.”¹⁰⁸ Still yet, even the 10-pound penalty failed to compel some to serve, as lawmakers in 1783 again bemoaned the fact that “there are no overseers of the poor elected in many counties.” The problem continued through the antebellum era. In 1816 the

¹⁰⁵ “An Act for the Better Relief of the Poor of this Province,” No. 325, Section II, 1712; An Act for the Better Relief of the Poor of this Province, No. 325, Section IX, 1712; Cooper, ed., The Statutes At Large of South Carolina, 594; 596.
¹⁰⁸ “An Act to relieve all such persons as are rendered incapable of Procuring themselves and families subsistence, by reason of wounds received in defense of their Country, and for other purposes,” Chapter XV, Section V., 1781, Clark, ed., The State Records of North Carolina, Laws 1777-1788, vol. XXIV, 409-410.
wardens in Craven County complained to the General Assembly that the fine for refusal – twenty dollars at the time – was so small that three out of the seven elected refused to serve. “It is an unthankful office,” they lamented, “and most men shun it.” They suggested increasing the fine to one hundred dollars.\textsuperscript{109}

Potential overseers perhaps feared being held personally liable for mistakes they might make in assessing and distributing the costs of care. There was no sovereign immunity. The struggle to elect overseers of the poor - as with the fear of being held liable for the tasks required of the position – was neither limited to North Carolina nor the eighteenth century. An 1801 South Carolina statute instituted a 20-pound penalty for refusal to serve.\textsuperscript{110} An 1829 Delaware law held that any overseer who admitted to the poorhouse any person “who ought not to be here” would be liable to pay “double the cost of such person’s support.”\textsuperscript{111} And such laws were not empty threats. The Virginia state legislature took note in the early nineteenth century that lawsuits had already been brought against overseers of the poor in multiple counties across the


\textsuperscript{110} “An Ordinance for Appointing Commissioners of the Poor House, in the City of Charleston, and to Repeal the Ordinances Relating to the Poor, Ratified in City Council the 20\textsuperscript{th} Day of May, 1784,” Chapter 2, Section 1, George B. Eckhard, comp., \textit{A Digest of the Ordinances of the City Council of Charleston, from the Year 1783 to October 1844} (Charleston: Walker and Burke, 1844).

\textsuperscript{111} “An Act to Consolidate and Amend the Laws for the Relief of the Poor,” Section 6, February 12, 1829, \textit{Laws of the State of Delaware, Arranged and Published Under the Authority of the General Assembly} (Wilmington: R. Porter and Son, 1829), 438.
Lawmakers throughout the South consequently turned to county sheriffs to order and carry out the election of overseers of the poor.

The overseers of the poor shared their authority with churchwardens only throughout the colonial period. During the revolutionary era, lawmakers in the new United States removed the remnants of parochial administration and rendered overseers of the poor the sole guardians of relief. A 1787 Maryland law, for example, appointed trustees of the poor and gave them “full and absolute power, liberty, and authority” in making all laws for the regulation and relief of the poor.

III. Local Management

What’s important, however, and what remained consistent through the colonial era to the Civil War, is that even colony- or statewide policies were effectuated through local management. The passage of hundreds of laws appointing overseers of the poor, authorizing the boarding of paupers, the construction of poorhouses, and even the responsibility of family members all point to a general pattern of the way poor care was managed in the south: it was wholly decentralized,

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112 For example, the General Assembly of Virginia noted that “certain suits have been instituted in the courts of this commonwealth against the overseers of the poor in sundry counties.” See “An Act for the Reimbursement of Certain Expenses Incurred by the Overseers of the Poor,” Chap. XXV. Preamble, January 3, 1804, A Collection of All Such Acts of the General Assembly of Virginia of a Public and Permanent Nature, As Have Passed Since The Session of 1801 (Richmond: Samuel Pleasants, Junior, 1808), 27.

113 See, for example, “An Act to amend an Act passed at Newbern, the fifteenth day of November, in the year one thousand seven hundred and seventy seven, for making provision for the poor, and other purposes,” Chapter XVI, Sections I, III, IV, 1783, Clark, ed., The State Records of North Carolina, Laws 1777-1788, vol. XXIV, 498.


with each county often acting independently of the others. South Carolina had actually passed a poor tax on the entire colony in 1698, but residents of the colony’s rural parishes objected because already the majority of paupers congregated in Charleston. Lawmakers soon thereafter repealed the tax. The local nature of poor relief continued, then, through the colonial era through the antebellum period. Indeed, the governor of Virginia explained in 1824, “our poor laws, in their practical operation, are entirely local, confined exclusively within the limits of the counties and towns…no report or general return is made from these local jurisdictions, to any central office.”

The decentralized nature of poor relief allowed overseers to respond to the particular needs of their counties. But so too did it complicate the distribution of that relief, as residency requirements clashed with the realities of immigration and mobile populations. The wandering poor could easily outnumber the local, resident poor. This was especially the case in cities, with larger populations – especially of foreigners, and in southwestern states, which attracted newcomers. The treasurer of the City Council of Charleston, for example, noted in 1820 that the city’s poorhouse supported 139 local paupers and 372 transient paupers. Kentucky lawmakers, in 1798, feared that their state was becoming a dumping ground for paupers; “Unfair practices

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117 Yates, "Report of the Secretary of State in 1824, 1102.
are used by introducing into Kentucky, friendless, indigent persons, who are abandoned to all the miseries of penury and want.”

Lawmakers were keenly aware of the potential burden that wandering paupers could place on the permanent residents of each county. As early as laws were established to elect overseers of the poor and to impose taxes for the poor’s maintenance, so too were laws passed to protect each county from bearing the cost of another county’s poor. The law, in other words, was meant to protect against the assertions of non-residents that they were entitled to support. North Carolina lawmakers in 1777 authorized the justices of the peace of each county to remove any person “likely to become chargeable.” However, if such person could not be removed without endangering his or her life, that person was to be cared for first, and thereafter removed to the county where he or she last legally resided, with that county held liable to repay the cost of care. South Carolina lawmakers, as early as 1712, authorized churchwardens to remove any newcomer “it is feared may be chargeable to the parish.” Chargeability covered not just basic provisions but also medical care. “Poor sick persons coming to Charleston for the assistance of physicians and medicines,” explained a South Carolina Justice of the Peace in 1761, a record was to be kept of the charges “and the overseers of the poor of the parish to whom the persons so coming” belong would be held liable.

121 “An Act for the Better Relief of the Poor of this Province,” No. 325, Section V., 1712, Cooper, ed., The Statutes At Large of South Carolina, 595.
122 William Simpson, The Practical Justice of the Peace and Parish Officer, His Majesty’s Province of South Carolina (Charleston: Robert Wells, 1761), 201.
Beyond their authorization to remove potential burdens, overseers were granted
discretion to generally prevent paupers from wandering about, among different counties.
Mississippi lawmakers in 1807 granted its overseers the general authority to “take measures to
prevent the poor from strolling from one district into another.” Moreover, lawmakers directly
tied a person’s admittance into a poorhouse to that person’s previous residence in that
jurisdiction for a specific period of time. “Our first enquiry from the applicant for relief,”
reported Robert Greenhow, the president of the overseers of the poor of Richmond in 1824, “is
has he gained a legal residence?” If the residency requirement was not met, Greenhow
explained, the overseers would find out where the applicant for relief last lived, and police
officers would remove him back to that county.

Residency requirements, unlike most aspects of poor laws, tended to vary by state rather
than county. They also tended to remain largely static over time. The North Carolina General
Assembly instituted a residency requirement of one year in 1777. Paupers in South Carolina,
by an act of 1712, had to have been settled in a parish for a period of three months before they
became eligible for relief but in 1768 that requirement was raised to a full year. Those same
requirements were still in place across the states when John Yates published his report on the
poor in 1824. Missouri law required only nine months of residence in a county before a person

125 Ibid., 1106.
127 Tim Lockley, "Rural Poor Relief in Colonial South Carolina," The Historical Journal 48, no. 4 (2005), 957; 960.
became eligible for support. While states varied slightly with the amount of months they required a person to be resident in a county before becoming eligible for support, almost all states required some period of residence. As Lawrence Friedman has pointed out, “case after case bore on the question of whether a pauper was ‘settled’ in this or that county or town.”

Georgia, which by the mid-1820s still had no law requiring residence, was the exception to the general rule.

Enforcement problems arose almost immediately. A 1767 report to the Commons House Assembly in South Carolina indicated that the number of paupers in Charleston had greatly increased due, in part, to both the “too easy means of gaining a settlement” as well as “the inattention of the Vestry & Church Wardens in some instances to the laws now in being whereby they are directed & impowered to cause poor persons to be sent back to the Parishes from when they came.” Kentucky lawmakers in 1798 declared – without much elaboration – that “unfair practices are used by introducing from other states into Kentucky, friendless, indigent persons, who are abandoned to all the miseries of penury and want.” Thus lawmakers declared that any person who “shall convey or bring” into the state, or into another county within the state, a person unable to support him or herself, would have to post sufficient security for the

129 “An Act for the relief of the Poor,” Section 1, December 30, 1824, _Laws of the State of Missouri, Revised and Digested By Authority of the General Assembly_, vol. II. (St. Louis: E. Charles, 1825), 618.
131 As reported in the Yates Report, “there appears to be no law defining the requisites of a settlement.” See Yates, "Report of the Secretary of State in 1824, 1109.
maintenance of that poor person. Exceptions were made only for direct family members – a “father, mother or child.”\textsuperscript{133}

Over the course of the early nineteenth century, westward migration, immigration, and urbanization made it increasingly difficult for local officials to know and identify paupers. As planters moved to the new territories of the west, immigrants flooded the south, entering from northern cities like New York and Philadelphia or directly through southern ports, like New Orleans. Although the total number of immigrants in the south was lower than in the north, “the proportion of foreigner-born persons…of the South’s ten largest cities was higher than in almost every Northern city.”\textsuperscript{134} People in motion could not establish residency, and residency was required for care. Claims of settlement among new arrivals abounded. As an administrator of the Baltimore Almshouse remarked of his city’s paupers, “what they lack in industry, they make up in their ability to tell a good story if it might get them relief.”\textsuperscript{135}

IV. Tax Relief and Outrelief

The earliest responsibility of the overseers – once elected – was often to collect taxes. Because there was no centralized form of welfare – no Social Security or old age pensions, for example, public officials relied on local taxpayers to cover the costs of poor relief.

\textsuperscript{133} “An Act to amend an act entitled ‘an act concerning the Poor,’” Chapter LI, Preamble and Section 1, February 10, 1798, William Littell, Esq., ed., \textit{The Statute Law of Kentucky, with Notes, Praelections [sic] and Observations on the Public Acts}, vol. II. (Frankfort: Johnston and Pleasants, 1810), 87.


officials, before they built a poorhouse, levied tobacco to relieve their poor.\textsuperscript{136} Lawmakers in the Parish of St. John, in the county of Pasquotank, North Carolina authorized the vestry to provide for the poor, and to levy a tax of six pence on every taxable inhabitant.\textsuperscript{137} South Carolina church-wardens were directed to “rate and asses all the taxable inhabitants of each parish” for the support of the poor.\textsuperscript{138} The poor tax could vary greatly not just among states but also within counties, on a year-to-year basis. “Such is the fluctuating in this respect, that the county levy…in which is included the poor-rates,” reported the governor of Virginia in 1824, “frequently varies in one year from another, 25, 50, or even 100 per cent.”\textsuperscript{139}

In addition to taxing residents for the sole purpose of raising funds for the poor, lawmakers also introduced fines for a wide range of ‘wrongs,’ directing that all or part of those fines be used for the support of the poor as well. Such fining – or punitive taxation – was a less pronounced but nevertheless widespread measure of poor relief that lawmakers employed from the colonial era through the antebellum period. The ‘wrongs’ fined were all encompassing, ranging from acts dealing with slavery to acts dealing with inanimate objects. A 1692 Maryland statute allowed parishes to use the money raised from fining those who broke the Sabbath for the support of the poor.\textsuperscript{140} An 1806 Louisiana law, for example, fined slaveholders who failed to

\textsuperscript{136} John Thomas Scharf, \textit{History and Chronicles of Baltimore City and County} (Philadelphia: L.H. Everts, 1881), 72.

\textsuperscript{137} “An Act to enable the Freeholders of the Parish of St. John, in the County of Pasquotank, to elect a Vestry, and provide for their Poor,” Chapter IV. Sections I and III. 1771, Walter Clark, ed., \textit{The State Records of North Carolina, Laws 1715-1776}, vol. XXIII (Goldsboro: Nash Brothers, 1904), 853.

\textsuperscript{138} “An Act for the Advancing the Salaries of the Clergy,” No. 460, Section VI., 1722, Thomas Cooper, ed., \textit{The Statutes At Large of South Carolina...Containing the Acts from 1716 to 1752} (Columbia: A.S. Johnston, 1838), 175.

\textsuperscript{139} Yates, "Report of the Secretary of State in 1824, 1102.

\textsuperscript{140} Zachary Ryan Calo, “From Poor Relief to the Poorhouse: The Response to Poverty in Prince George’s County, Maryland, 1710-1770” \textit{Maryland Historical Magazine}, Vol. 93, Issue 4 (Winter 1998), 395.
provide their slaves with sufficient clothes and food up to twenty dollars, “which fine shall be paid to the church wardens of the parish…for the benefit of the poor of the said parish.” An 1851 North Carolina law fined any person who might “sell any article of forage or provision” imported from another state without it having first been inspected; half of the fine was to be paid to the wardens of the poor.

Age itself could exempt county residents from being characterized as taxable inhabitants, offering a less direct but early and immediate form of poor relief to the aged population. As early as 1643, Virginia legislators relieved from the payment of taxes “diverse poore people that…are disabled to labor by reason of sickness, lameness or age; this relieved them from all taxes except for parish and ministers’ duties.” And again, in 1792, Virginia counties were required to “exempt from the payment of poor rates all such persons as from age or infirmities” were not subject to public taxation. North Carolina lawmakers exempted from taxation “such poor and infirm persons” whom the county court judged to be “fit objects of exemption.” In 1726 the Prince George’s court in Maryland exempted Hugh Riley from taxes after he explained to the

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141 “An Act prescribing the rules and conduct to be observed with respect to Negroes and other Slaves of this Territory, Section 39, June 7, 1806,” L. Moreau Lislet, Esq., ed., A General Digest of the Acts of the Legislature of Louisiana: Passed from the Year 1804 to 1827, Inclusive, And in Force at This Last Period, with An Appendix and General Index, vol. II (New Orleans: Benjamin Levy, 1828), 112.
142 “An Act to amend an act, entitled ‘An Act to authorize the inspection of provisions,’” Chapter LXXIV, Section 2, January 17, 1851, Laws of the State of North Carolina, Passed by the General Assembly, At the Session of 1850-51 (Raleigh: T. J. Lemay, 1851), 143.
county court that he was “between seventy and Eighty years of age and not able to work to maintain his family having no servants to work for him and having five small children not able to work.”

Requests for exemption sounded precisely like this; an applicant would state his age and explain that he was helpless, and unable to work or care for himself and any dependents. John Hicks of Chowan County, North Carolina, for example, explained in his petition that he was “advanced to the age of Sixty Six Years, [was] very infirm & poor, and unable to labour.”

This poor relief via tax exemption applied not just to free whites but to blacks as well. Thomas Jackson, for example, an Amelia County, North Carolina “Free Negro” who was “Old and infirm” in 1746 was then exempted from paying taxes. Such tax relief was a widespread relief measure, usually applied only to the aged and sick.

Over the course of the colonial era, churchwardens and overseers of the poor oversaw multiple avenues of poor relief, all of which continued, to various degrees of success, through the antebellum era. These avenues included the auctioning off or binding out of paupers to the lowest bidder, the relegation of paupers to a poorhouse, the distribution of out-relief, and even, at times, the legislated demand of familial care. Though all distinct methods of relief, none were mutually exclusive; a pauper might receive provisions in multiple forms, over the course of his

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147 Petition of John Hicks, as quoted in Alan D., “Public Poor Relief in Colonial North Carolina,” The North Carolina Historical Review, Vol. 54, no. 4 (October 1977), 358.
149 Howard Mackey, "The Operation of the English Old Poor Law in Colonial Virginia," The Virginia Magazine of History and Biography, 1st ser., 73, no. 1 (January 1965), 36.
life or even at the same time.\textsuperscript{150} Out-relief, for example, might on its own be insufficient for even bare survival, and familial help might be used as a supplement.

Colonial and antebellum overseers often contracted with local residents to provide support for individual paupers – “the house-keeper,” explaining the Secretary of State in 1824, “undertaking for such sum, to board them, to furnish them in clothes, and other necessaries.”\textsuperscript{151} Unlike the other avenues of relief, the boarding of paupers in private homes directly involved local residents in the caretaking of the poor.\textsuperscript{152} “It shall be lawful for the overseers of the poor to contract with any person or persons for keeping, maintaining, and employing any, or all such poor persons, to take the benefit of their work” directed a Mississippi law in 1807.\textsuperscript{153} Thomas Jefferson pointed out that this was the common form of relief for those who could not maintain themselves; paupers were “boarded in the houses of good farmers, to whom a stipulated sum is annually paid.”\textsuperscript{154} Out of the 456 North Carolina residents who received some kind of relief between 1725 and 1759, 42% were boarded in private homes.\textsuperscript{155} Resistance to boarding might be met with denial of relief altogether. Should a pauper refuse to be so boarded under the Mississippi law, the overseers were authorized to take that person off their list, denying him any form of support “during such refusal.”\textsuperscript{156} Such was the law in Alabama as well; any pauper

\begin{thebibliography}{99}
\bibitem{151} Yates, "Report of the Secretary of State in 1824, 1102-3.
\bibitem{155} Guest, “The Boarding of the Dependent Poor, 97.
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refusing to be “lodged, kept, maintained and employed in such manner” was to be refused relief altogether.\textsuperscript{157}

We might imagine that church vestries and overseers of the poor most readily turned to boarding when dealing with the poor elderly, who, due to age and infirmities, would have been least able to handle the everyday circumstances of life and who likely required supervision or round-the-clock assistance. Frances Stowers was awarded six dollars in 1828 from the overseers of the poor in Cabell County, Virginia “for boarding a poor old man March last past.”\textsuperscript{158}

The boarding of paupers in private homes was often contracted for with a fixed amount of money for each person.\textsuperscript{159} Retroactive compensation for care already performed was a common and integral component of multiple forms of poor relief from the earliest laws in British America through the antebellum era. In the colonial era, such compensation came with the boarding of paupers in private homes. In counties that did not yet have overseers of the poor, or whose overseers met infrequently, private residents often arranged for the boarding of paupers; friends or neighbors would place a pauper in a private home and then seek formal ratification of the arrangement, from overseers of the poor or from the local courts.\textsuperscript{160}

However, sometime overseers held public auctions in which they would sell the maintenance of poor persons to the lowest bidder. This bidder would provide the pauper with necessaries, like food, clothing and shelter, in exchange for labor. Chatham County, North

\textsuperscript{157} Report from His Majesty’s Commissioners for Inquiring into the Administration and Practical Operation of the Poor Laws, Appendix F, 113.
\textsuperscript{158} Carrie Eldridge, ed., Miscellaneous Cabell County Virginia Records, Order Book, Overseers of the Poor, 1814-1861 (Heritage Books, 2015), 11.
\textsuperscript{160} Guest, “The Boarding of the Dependent Poor, 98-99.
Carolina overseers in 1818 were directed to “contract with some responsible and suitable person, on the lowest terms which can be obtained, to take charge of the poor.”\textsuperscript{161} Though such statutes were more commonly enforced in the colonial than antebellum era, the North Carolina statute remained in effect through mid-century, only becoming illegal in 1877.\textsuperscript{162}

Such care of paupers, even when generously compensated, was no easy task. In early Maryland, William Jones relayed to his county court the “extraordinary trouble” of boarding a pauper; Jacob Waggaman asked the court to remove the pauper he was boarding, as she had become “unsupportably troublesome.”\textsuperscript{163} Historian Geoffrey Guest has found that in the county of Somerset, Maryland, between 1725 and 1759, fewer than 10\% of residents who took in a pauper did so a second time.\textsuperscript{164}

So too did lawmakers authorize overseers of the poor to bind out paupers and “vagrants” to labor for set periods of time. The majority of such statutes applied to poor orphans, the children of free black and white paupers. For example, in South Carolina, when “poor children [became] chargeable,” overseers of the poor were authorized to bind them out as apprentices until the males were twenty-one years old and the females were eighteen.\textsuperscript{165} Virginia lawmakers directed that every orphan, without sufficient maintenance, was to be “bound apprentice by the overseers of the poor” to a master or mistress, from whom they would learn a trade. The law applied equally to both white and black orphans. However, the law specified that, unlike white

\textsuperscript{162} Klebaner, “Some Aspects of North Carolina Public Poor Relief, 480.
\textsuperscript{163} Guest, “The Boarding of the Dependent Poor, 102.
\textsuperscript{164} Ibid., 103.
\textsuperscript{165} Simpson, \textit{The Practical Justice of the Peace}, 202.
pauper children, “black and mulatto” children were not to be taught “reading and writing, and common arithmetic.”

Delaware lawmakers singled out black children for special oversight. Trustees of the poor were instructed to watch for any “poor negro or mulatto child, whose parents are not able to maintain it, or may not have the means of bringing it up to industry,” and to consequently bind those children out as apprentices” – males until they were twenty-one and females until they were eighteen years old. While poor orphans were the primary target of such laws, it’s important to note that such child-apprenticeship statutes did not just apply to orphans. Rather, they applied to all children who were “likely to become chargeable,” and to “the children of all such parents who shall not be thought of ability to maintain and educate them.”

The overseers of the poor, in other words, were granted wide discretionary power; they weren’t just responsible for binding out orphan children; they were also endowed with the power to seize children from any parent or parents deemed incapable of properly raising their children, and empowered to reassign those children to different homes. James Ely has noted that “not only were black children apprenticed in large numbers, but the courts often gave no reason for the order except that the children were black.”

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167 Yates, "Report of the Secretary of State in 1824, 1098.
168 Ibid., 1099.
Lawmakers passed such labor laws for poor adults as well. Vagrants found in Virginia, under a 1792 statute, were to be delivered to the overseers of the poor and subsequently “hired out for the best wages that can be procured” for up to three months.\textsuperscript{170} The definition of “vagrants” was not always precise, but it usually referred to paupers who were “found loitering” and “persons found begging.”\textsuperscript{171} A Virginia Justice of the Peace in 1736 defined the interchangeable terms “Rogues and Vagabonds” as those “found wandering, begging, loitering…without employment or honest labour.”\textsuperscript{172} The General Assembly nearly a hundred years later brought more specificity, defining vagrants as “any able bodied man, who, not having wherewithal to maintain himself, shall be found loitering…or shall go about begging.”\textsuperscript{173} Such practices were a precedent for – and direct preview – of what was to come in the Black codes enacted throughout the South immediately after the Civil War.

Even as the frequency of indenture contracts and boarding practices declined over the course of the nineteenth century, the rate of outrelief – the giving of provisions to paupers within their own homes – remained high. In Maryland, these recipients, called “quarterly pensioners,” had to apply in writing and submit letters of recommendation to the trustees of the poor.\textsuperscript{174}

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\textsuperscript{170} “An Act Providing for the Poor, and declaring who shall be deemed Vagrants,” Chapter CII, Section XXVI., 1792, \textit{A Collection of All Such Acts of the General Assembly of Virginia, of a Public and Permanent Nature, As Are Now In Force} (Richmond: Samuel Pleasants, Junior and Henry Pace, 1802), 183.
\textsuperscript{171} Yates, ”Report of the Secretary of State in 1824, 1102.
\textsuperscript{172} George Webb, Justice of the Peace of the County of New-Kent, \textit{The Office and Authority of a Justice of Peace} (Williamsburg: William Parks, 1736), 250.
\textsuperscript{173} Act of February 10, 1819-January 1, 1820, Ch. 239, Joseph Tate, comp., \textit{Digest of the Laws of Virginia, Which Are of A Permanent Character and General Operation} (Richmond: Smith and Palmer, 1841), 885.
\end{flushright}
Lawmakers allowed their trustees to maintain up to twenty outrelief paupers at a time, within each county. Trustees were to use their discretion, granting outrelief in cases where the “circumstances of the applicant are such as to render a situation in the poor-house particularly unsuitable.” Still, overseers were granted wide discretion in determining the provisions that each pauper might receive. The amounts given to apparently similar individuals could vary greatly. The overseers of Prince William County, Virginia in 1789 assigned 400 pounds to “Climant Faire a poor Old Man,” 500 pounds to “Elizabeth Hurley a poor aged Woman,” and 800 pounds to “John Casey a poor Old Man.”

As such, it was out-relief recipients who most often requested greater provisions. James Bettsworth, nearly eighty years old, complained to the Somerset Court that he was “not capable of helping himself he having a pension of 400 pounds of tobacco which is so small that it cannot relieve his common necessity.” In 1856, a group of Maryland residents came together to petition the Prince George county court to raise the provisions of Kitty, an old infirm and afflicted” free black woman. They noted that the ten dollars that she received from the county

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176 Guest, “The Boarding of the Dependent Poor, 105.
178 James Bettsworth, as quoted in Guest, “The Boarding of the Dependent Poor, 105.
was “inadequate and insufficient to buy the necessarys [sic] of life.” Overseers of the Poor had
the power to determine not only the poor rates but also the distribution of relief to individual
paupers; the operation of poor relief, then, was a process of negotiation not only among
overseers, but between overseers and residents, as well as overseers and paupers.\footnote{180}

In Delaware, by the late 1820s, recipients of outdoor relief must have first resided in the
poorhouse for three months. The number of outrelief recipients was further restricted in
proportion to the number of inhabitants in the poorhouse, as the number of outrelief recipients
was to be no greater than one third of the number of poorhouse residents.\footnote{181} Some South
Carolina counties similarly maintained a policy of “extending relief alone to such paupers as are
willing to receive their support at the Poor House establishment.”\footnote{182} Orange County, North
Carolina initially provided relief only to those who resided in its poorhouse. But in 1830, its
lawmakers authorized the county wardens to grant outrelief to paupers “who have children
unraised and wish to remain with them.”\footnote{183}

In Virginia, out-relief was actually always more widespread than the use of poorhouses.
As the governor of Virginia explained in 1824, “the system of poor houses, which the officers
have the power of establishing, has been carried into effect in so few instances.” Rather, he
explained, paupers were provided with money or provisions to maintain them in their own

\footnote{179} “Race, Slavery, and Free Blacks, Series II: Petitions to Southern County Courts, Part B: Maryland
(1775-1866), Delaware (1779-1857), District of Columbia (1803-1865),” PAR Number 20985621.
\footnote{180} Samantha Williams, \textit{Poverty, Gender and Life-cycle under the English Poor Law, 1760-1834}
\footnote{181} Yates, “Report of the Secretary of State in 1824, 1097.
\footnote{182} “Report of the Commissioners of the Poor,” \textit{Edgefield Advertiser}, October 24, 1849.
\footnote{183} “An act to extend the provision of an act, passed in the year one thousand eight hundred and eleven,
entitled an act to establish a poor house in the county of Orange,” Chapter CVIII. § I., \textit{Acts Passed by the
General Assembly of the State of North Carolina, at the Session of 1830-31} (Raleigh: Lawrence &
Lemay, 1831), 95.
residences. Indeed, the president of the overseers of the poor of Richmond, in 1824, reported the average number of poorhouse residents to be seventy, and the average number of out-relief recipients to exceed two hundred.\textsuperscript{184} Age indirectly factored into such relief, as provisions were distributed in proportion to a recipient’s physical abilities, as well as family size.\textsuperscript{185}

Unlike poorhouse relief, which, at least in the upper South, was relatively available to blacks, the distribution of weekly rations was largely a white benefit. Welfare officials in Charleston provided rations to Mary Gauther, a free black woman, in 1815, for example, because she was “infirm and aged.”\textsuperscript{186} But she was among the isolated cases. By 1844, Charleston blacks only received 6.7% of weekly rations; that percentage dropped by mid-century.\textsuperscript{187} As historians Carole Haber and Brian Gratton have shown, “blacks who received such support were clear and noted exceptions.”\textsuperscript{188}

Still, blacks, like whites, also applied for a very particular form of outrelief: pensions. Such poor relief, for Revolutionary War soldiers, could be applied for beginning in 1776. This first pension law provided half-pay for disabled former soldiers who were unable to earn a living. In 1780, widows and orphans of former officers were deemed eligible for pensions as well. In 1818 the U.S. Congress removed disability as a requirement but only two years later, due in part to charges that some applicants were faking their poverty, required every applicant to submit

\textsuperscript{184} Yates, ”Report of the Secretary of State in 1824, 1104.
\textsuperscript{185} Ibid., 1106.
\textsuperscript{187} Ibid., 267.
\textsuperscript{188} Ibid., 266.
details about his or her estate and income. In the 1830s, Congress again widened the scope of applicants, providing pensions for all former enlisted soldiers and their widows.\textsuperscript{189}

Pension applications among former soldiers emphasized their old age and consequent struggle to earn a living. “The afflictions of myself & wife and advancing age, and encreasing [sic] infirmities,” wrote John Cottrill of Virginia in his application in 1825, “has compelled me to ask for the gratuity & support of my Country.” Cottrill explained that he was a farmer and occasionally a shoe maker “but from old age, Rheumatism am unable to follow the latter or pursue the former with advantage.” He had a wife and six children to support.\textsuperscript{190} Joseph Wilson, also in Virginia, noted in his pension application a few years earlier that he was a weaver “but from his age and bodily debility he is unable to pursue it.”\textsuperscript{191} Such pension requests emerged not only among poor whites but also among former black soldiers as well. John Busby, a free black man in South Carolina, asked to be added to the pension list in 1829. Busby, about eighty years old, explained that he was “no longer able to work for his support” and thus asked to be “placed on the pension list and thereby kept free from absolute want for the short period he has to live.”\textsuperscript{192}

Though black or mixed skin color did not seem to disqualify a county’s inhabitants from receiving assistance, it did, at times, subject them to a much greater scope of monitoring – even if they did not apply for relief. Virginia lawmakers, in 1820, directed its overseers of the poor “to

\textsuperscript{191} Ibid.
\textsuperscript{192} “Race, Slavery, and Free Blacks, Series I: Petitions to Southern Legislatures, 1777-1867,” PAR Number 11382903.
examine once in every three months, into the condition of all free negroes and mulattoes residing in their respective districts.” If it appeared to the overseers that any of these persons “of full age” was unable to support themselves and/or their families, they were “deemed and taken to be vagrants, and treated and disposed of” as such.  

That could mean a variety of consequences: seizure and confinement in a poorhouse or, more commonly – and in a preview of what was to come on a large scale after the Civil War – the forced binding out of that vagrant’s labor. Charleston lawmakers endowed the Commissioners of the Poor in that city with vast policing powers as early as 1796, empowering them to “take up any person” found wandering or “strolling and begging about the city” and to confine them to the Poor House.  

Such surveillance was totally inflected by considerations of racial status - and age. In 1805, Charleston lawmakers appointed City Assessors to not only keep track of all slaves and other taxable property in the city, but to also keep an account of all free blacks between the ages of sixteen and fifty, “noticing their trades, occupations, or employments.” Such surveillance could yield special punishment. Charleston lawmakers in 1844 passed a special ordinance for “any free negro or person of color” who neglected to pay his taxes. Any such person could be seized and

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194 “An Ordinance to Authorize the Commissioners of the Poor of Charleston, to Take up and Confine to Labor, if they are Capable Thereof, All Strolling Beggars That may hereafter be found Strolling and Begging about said City, and for Other Purposes therein Mentioned,” Section I, February, 20, 1796, Eckhard, comp., A Digest of the Ordinances of the City Council of Charleston, from the Year 1783 to October 1844.

195 “An Ordinance Declaring the Powers and Duties of the City Inquirer and Assessor; and of the City Treasurer, and Sheriff, with respect to the collection of city taxes, and the duties of other persons concerned therein,” Section II, August 22, 1805, Eckhard, comp., A Digest of the Ordinances of the City Council of Charleston, from the Year 1783 to October 1844.
“confined in the Work-House, and placed on the Tread Mill” for up to one month. Virginia lawmakers in 1820 ordered the overseers of the poor “to examine once in every three months, into the condition of all free negroes and mulattoes” in their districts, to see if they had “sufficient means of subsistence.” If not, they were to be treated as vagrants.  

In August 1839 The Sun noted that in the past week, “more than forty persons, principally blacks, have been committed by the police to the alms-house” as vagrants without a known means of support. “We have heard it intimated that the police are overzealous in taking up these unfortunate beings,” the article continued, denying that the police were motivated by financial reasons but acknowledging that they received 50 cents for each inmate they walked to the poorhouse. Assessment and surveillance was not only formal. And it was not only confined to blacks. Community members could police each other. A group of Charleston residents, for example, brought a white neighbor, Sarah Waters, to the poorhouse after she apparently collapsed in grief when deserted by her husband in 1850.

V. Constructing the Poorhouse

In addition to contracting with private individuals for the boarding of paupers and to the distribution of provisions, overseers of the poor were increasingly authorized to build and fund poorhouses which would, in effect, board the poor with each other. The first poorhouse in Charlestown was opened by the vestry of St. Phillip’s church in 1738. The inhabitants of

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196 “An Ordinance to Regulate the Collection of the City Taxes, Prescribing the Duties of Certain City Officers, and for other purposes,” Section XX, March 12, 1844, Ibid.
197 Act of February 19-May 1, 1820, Ch. 26, Tate, comp., Digest of the Laws of Virginia 885.
198 “Vagrants,” The Sun, August 3, 1839.
199 Poor House Minutes, as quoted in Kennedy, Braided Relations, Entwined Lives, 207.
Lunenburg Parish in Richmond, Virginia purchased a four hundred acre slot of land in 1766 “for the better accommodating their present glebe…except a small part thereof, to be laid off for erecting a poor house.” Lawmakers directed poorhouses (and workhouses) to be established in various counties of Maryland as early as 1768. Echoing South Carolina’s statute, the Maryland law held that the “number and continual increase, of the poor within this province is very great, and exceedingly burthensome,” and that the burden would likely be significantly reduced by proper regulation and management of the poor. Poorhouses and workhouses were thus to be established, and funded by a tax on the inhabitants of the various counties, not exceeding fifteen pounds of tobacco. Baltimore enacted such a law five years later.

By the American Revolution, almost all of the colonies had established at least one poorhouse; North Carolina and Georgia were the exceptions, though North Carolina was not far behind, authorizing the building of a poorhouse in 1785. It was in the late 1780s through the early antebellum era that southern lawmakers were most willing to experiment with institutional solutions to the problem of the poor.

The language of early poor laws suggests that authorities hoped poor houses would not only regulate and decrease the number of poor, but also decrease the burden on the county

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203 “An Act for the relief of the poor within the county of Baltimore,” Chapter XXX, Preamble, November 1773, A. Hutchinson, ed., Code of Mississippi: Being An Analytical Compilation of the Public and General Statutes of the Territory and State, From 1798 to 1848 (Jackson: Price and Fall, 1848), 303.
204 Klebaner, “Some Aspects of North Carolina Public Poor Relief, 482.
inhabitants to support them. An institutional solution, they reasoned, would congregate the poor together under one roof and require no more than a few caretakers – a stark contrast to paying for many separate, individual boarders. Indeed, boarders usually only accepted one or two persons at a time, leaving paupers spread out all over the community, and the overseers of the poor responsible for paying many such people. In St. Paul’s parish in early North Carolina, for example, the 114 individuals in need of boarding were cared for by 150 people.\textsuperscript{205} When the vestrymen of Charleston petitioned the Assembly to build a “Publick Workhouse & hospital” in 1735, they hoped that such institutions would “prove the most Effectual Remedies” for the “great and dayly increasing Burthen” of supporting the poor.\textsuperscript{206} The inhabitants of Kent County, Maryland in 1787 argued to the General Assembly that they were “heavily burthened with taxes for supporting the poor…whose numbers annually increase.” In response, lawmakers authorized the construction of a poorhouse and workhouse in that county.\textsuperscript{207}

Indeed, for many lawmakers, the emphasis on poorhouses was a direct strategy to cut back on the indigent. \textit{Niles’ Weekly Register} noted in 1824 that “it appears that in those states where the poor house system has prevailed for the greatest length of time, the ratio of pauperism…is less than in states where the system has been but partially or recently introduced.”\textsuperscript{208} “I approve of the poor or work house System as being a saving of expense,”

\textsuperscript{205} Watson, “Public Poor Relief in Colonial North Carolina,” 353.
\textsuperscript{206} Minutes of January 6, 1734, \textit{The Vestry Book of St. Phillips Parish, 1732-1755, Charleston, South Carolina} (South Caroliniana Library), 5.
\textsuperscript{208} \textit{Niles’ Weekly Register}, June 26, 1824, p. 265.
remarked an Overseer of the Poor of Prince Edward County, Virginia in 1829. The governor of Virginia similarly reported that poor and work houses significantly reduced the number of poor. “Hundreds are found soliciting, or willing to receive pecuniary aid,” he explained, but “very few of whom will take refuge in a poor house, but in the last extremity.” Indeed, lawmakers in Allegany county, Maryland authorized the construction of a poorhouse in 1824, specifically noting that the county’s residents “would be relieved from much unnecessary and onerous taxation, by the establishment in said county [of a poorhouse].” The county clerk of Mecklenburg, Virginia noted a few years later that “the poor house plan is better than the old system of boarding out.” The paupers, he explained, were “better fed and attended to,” especially compared to the system of auctioning off the care of paupers to “the lowest bidders, who were frequently almost paupers themselves.”

Officials imagined that poorhouses might reduce expenses for a number of reasons, but the bedrock of that belief was that poorhouses were to be, at least in part, self-supporting institutions. Paupers, to the best of their ability, were to be put to work at the poorhouse, growing their own food, for example, in the poorhouse garden. “It appears that the expense of boarding those in the house has amounted to less than 5 cents per day,” reported the overseers of the poor

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209 Minutes of November 20, 1829, Clerk of the Board of Overseers of the Poor, State Auditor’s Report, Overseers of the Poor, St. Patrick’s Parish, Prince Edward County (1829).
210 Yates, "Report of the Secretary of State in 1824, 1103.
211 “An Act to provide for the purchase of Land, and the erection thereon of an Alms-house in Allegany County,” Ch. 244, Preamble and Section II, 1832, Clement Dorsey, ed., The General Public Statutory Law and Public Local Law of the State of Maryland, From the Year 1692 to 1839 Inclusive, vol. II. (Baltimore: John D. Toy, 1840), 1332.
of New Castle County, Delaware in 1822, “owing to the supplies of meats, vegetables, butter &c., which they raise on the small spot of land attached to the establishment.”

The strategy, when employed, was understood among lawmakers, politicians, and wardens of the poor to be largely successful. The Chamberlain of Richmond reported in 1824 that when the expense of supporting the poor became great, a few counties in the state of Virginia required residence in poor- and workhouses which, “in every instance…the effect has been to lessen very much the number of paupers and the expense.” Similarly, the commissioners of the poor for the district of Spartanburg, South Carolina reported in 1856 that they had “greatly reduced the number of outstanding paupers…by ordering all who are entitled to the public charities of the district to the Poor House” – and the institutional requirement had reduced the number of applicants for relief. As confirmed by the Board of Guardians a few years later, “the diminution of the out-door relief…have so greatly lessened the number of paupers.”

Antebellum lawmakers passed hundreds of laws authorizing the building of poorhouses in the various districts of their states. The General Assembly of North Carolina in 1819 authorized its wardens of the poor in the counties of Edgecomb, Martin, and Washington to tax its residents with the purpose of raising money to purchase land which would be used for the construction of “a house or houses sufficient for the reception of the poor of said counties.”

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Nearly ten North Carolina counties passed such laws in 1819. The poorhouse—depending on the location and year—could range from a single-room wooden shack to a large, multi-level institution. The earliest, pre-revolutionary poorhouses might not be more than a room set aside for paupers in a larger building for criminals. In this respect, the earliest poorhouses resembled the earliest debtor prisons—single-room dwellings in buildings that housed a variety of persons, rather than stand-alone, single-purpose institutions. City poorhouses were usually much larger and sturdier than their country counterparts, though even among cities the range could be vast. In the 1820s, Richmond’s poorhouse was a brick building capable of housing about 90 paupers. The Charleston and Baltimore Almshouses, in contrast, was capable of accommodating 800 to 900 paupers. The Charleston poorhouse, according to the state’s lawmakers, underwent “great improvements and extensive additions” in the late 1790s. It was a brick building three stories high, “crowned with a large cupola” to

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221 Yates, "Report of the Secretary of State in 1824, 1104.
222 Digest of Ordinances of the City Council of Charleston, From the Year 1783 to July 1818; To Which Are Annexed Extracts from the Acts of the Legislature Which Relate to the City of Charleston (Charleston: Archibald E. Miller, 1818), 28.
“ventilate the house.” The Baltimore institution, located about three miles from the city, contained a three-floor center building with a stone basement; it was composed not only of rooms for the paupers but of offices for the overseers, trustees, doctors, nurses and matrons, plus a kitchen and storeroom. The building also contained multiple wings, including “an infirmary, a lying hospital, work house for the employment of vagrants, an asylum for destitute children, a lunatic hospital, and a medical and chirurgical school.” Each wing was separated by sex and, within each wing, men and women were segregated by race. Such separation was in fact a central rule of the institution. “Persons of different sexes and colours,” noted the overseers, “shall be and remain separate.” In the women’s wing, for example, black women slept in the attic, while white women slept on the third floor. So too were the white women separated by age, with the second floor containing “a sleeping room for old women, and a large room for children.”

VI. The Workings of the Poorhouse

While overseers of the poor (also known as ‘wardens’ or ‘trustees’ - depending on the state or county) maintained general oversight over the scope and distribution of relief, the Master and Matron of the poorhouse held specific authority over the institution’s workings; that authority came with specific occupational duties. In addition to keeping a record of every inmate,

225 Niles’ Weekly Register, August 4, 1827, p. 383.
227 Ibid., 20.
228 Ibid., 20.
the Master of the poorhouse was responsible for making sure that good behavior was maintained and adequate provisions were distributed among the inmates. Paupers in the Baltimore Almshouse received three meals a day, with two days a week devoted to “meat days. All of “the old, and the working women” were provided with a supply of tea and sugar every two weeks.\textsuperscript{229} The Matron generally attended to the cleanliness of the institution and its inhabitants.

Institutionalization was meant to be productive – at least for those who were able to work. The New Castle County, Delaware poorhouse, for example, reported that it spent less than 5 cents per day on each of its paupers, due to the “supplies of meat, vegetables, butter &c.” which the paupers themselves raised “on the small spot of land attached to the establishment.”\textsuperscript{230} Even city poorhouses were often located a couple of miles outside of the city, placed on a nearby farm with the purpose of being mostly self-supporting.\textsuperscript{231} In addition to working in the garden, men who were able to work were often tasked with “grinding corn, breaking stone, picking oakum,” and mechanical or artisanal tasks for which they might have training. Women who were able to work were usually given jobs like “spinning wool, cotton, flax and hemp, knitting, sewing, weaving, washing, cooking, [and] nursing.”\textsuperscript{232}

The outside door and gates of the poorhouse remained locked at all times, and inmates were not allowed to leave the premises without permission. Life inside the poorhouse was regimented and repetitious. Inmates were awoken every morning and put to sleep every night by

\textsuperscript{229} Niles’ Weekly Register, June 26, 1824, p. 265-6.
\textsuperscript{230} Niles’ Weekly Register, March 30, 1822, p. 67.
\textsuperscript{231} Roy M. Brown, Poor Relief in North Carolina (Raleigh: North Carolina Board of Charities and Public Welfare, 1925), 7.
\textsuperscript{232} Rules for the Government of the Poor House, and of the Poor in the City of Charleston (Charleston: B. R. Gitsigner, 1839), 11.
the ringing of a bell. They were expected to follow a strict set of rules. Paupers who left the Baltimore Almshouse before they “remunerated the house by their labour, for all expenses,” could be found guilty of a misdemeanor and imprisoned for up to a year. All inmates of the Charleston poorhouse, reported William Ogilby, of the British Consulate Office in Charleston in 1834, were “compelled to conform to the strict discipline of the institution.” They were to “behave respectfully” to the officials in charge of them as well as to their fellow inmates and they were expected to maintain a “decent appearance” with regular washing and change of clothing. They were also expressly prohibited from begging for money or provisions from any person who visited the institution.

Inmates who broke these rules could be punished by being denied food for a day, or by being thrown into solitary confinement for up to a week. So too did the Baltimore overseers regulate the behavior of inmates; not only were they to “wash and comb every day,” but they were also prohibited from treating their inmates with “ridicule” or “slander.” Such prohibitions extended especially to the aged inmates. The paupers were to “administer” to all those in the house, “especially to the aged and infirm.” Finally, multiple states instituted express prohibitions against marriage. “No pauper supported in the poor-house shall marry,” declared an

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233 Rules for the Government of the Poor House, and of the Poor in the City of Charleston, 6.
234 Parker, "Report of the Committee Appointed by the Board of Guardians of the Poor," 5.
235 Report from His Majesty’s Commissioners for Inquiring into the Administration and Practical Operation of the Poor Laws, Appendix F, 118.
236 Rules for the Government of the Poor House, and of the Poor in the City of Charleston, 9.
237 Ibid., 9.
act of the General Assembly in Delaware in 1829. “Any pauper offending against this provision shall be immediately dismissed from the poor-house.”

Urbanization and immigration from the late eighteenth century through the antebellum period transformed the spread and scope of public almshouses in both the North and the South. An influx of foreigners into U.S. cities made it impossible for public houses to support so many new paupers. And at the same time, professionals began to categorize the poor by age, separating children into orphanages. Still, the number of paupers could overwhelm poorhouses, and local lawmakers increasingly allocated money to expand or build new institutions altogether.

Charleston officials in 1796 celebrated the “great improvements and extensive additions lately made to the Poor House,” which would now be able to support “a much greater number” of paupers. The Baltimore almshouse, under the authority of seven trustees, was built on a three-hundred-acre farm about two and a half miles from the city; in the late 1820s it averaged about 400 paupers at a time. The Richmond poorhouse similarly averaged 390 paupers. In Delaware, the majority of paupers were sent to the poorhouses in their various counties. As reported by the Secretary of the State of Delaware in 1824, there were three hundred and thirteen persons boarded in the state’s poorhouses, rendering one out of every 227 Delaware residents a

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241 “An Ordinance to Authorize the Commissioners of the Poor of Charleston, to Take up and Confine to Labor, if they are Capable Thereof, All Strolling Beggars That may hereafter be found Strolling and Begging about said City, and for Other Purposes therein Mentioned,” Section I, February, 20, 1796, Eckhard, comp., *A Digest of the Ordinances of the City Council of Charleston, from the Year 1783 to October 1844*.
242 Parker, “Report of the Committee Appointed by the Board of Guardians of the Poor,” 4-5.
pauper.\textsuperscript{244} Most rural counties supported an average of ten to twenty paupers a year; some, like Abbeville and Edgefield, supported fifty to sixty. Charleston, by contrast, supported 983 paupers in 1826.\textsuperscript{245}

VII. The Fuzziness of Public Institutions

There was a fuzziness surrounding the purpose and scope of public institutions; poorhouses and workhouses and orphan houses and hospitals and insane asylums and jails could overlap and mesh together, making it all the more difficult to abide by strict rules of entry – even when such rules did exist. In Delaware, as a general rule, the overseers of the poor were required to admit into the poorhouse “all lunatics and insane persons, confined in the several gaols,” when so ordered by the Levy Court.\textsuperscript{246} In Charleston, lawmakers created a special ward within the poorhouse in 1795 to house the insane.\textsuperscript{247} Such fuzziness was captured by different public understandings of exactly what such institutions were supposed to achieve. Newspaper editor Thomas Ritchie praised the harshness of the Richmond poorhouse, noting that it was really meant to be a workhouse, providing the poor “not so much with subsistence itself, as with the materials of work.”\textsuperscript{248} The Workhouse, though, throughout the antebellum South, was meant to be a kind of jail for slaves; it housed runaway slaves and slaves charged with crimes. So too was it a public institution where masters, who might not want to do the private work of punishment, could send their slaves to be “corrected” for a fee; they might be whipped, ordered to walk on the

\textsuperscript{244} Ibid., 1097, 1100.
\textsuperscript{245} Mills, \textit{Statistics of South Carolina}. 354, 431, 528.
\textsuperscript{246} Yates, "Report of the Secretary of State in 1824, 1098.
\textsuperscript{247} Kennedy, \textit{Braided Relations, Entwined Lives}, 205.
\textsuperscript{248} As quoted in Elna C. Green, \textit{This Business of Relief: Confronting Poverty in a Southern City, 1740-1940} (Athens: University of Georgia Press, 2003), 28.
treadmill, or simply locked up in a cell.\textsuperscript{249} “The offending slave is sent to the work-house with a note and piece of money,” explained an English traveler in 1827, “on delivering which, he receives so many stripes and is sent back again.”\textsuperscript{250} Slaveholders could also drop off their unwanted slaves at the workhouse for longer periods of time, as long as they were willing to pay a fee.\textsuperscript{251}

Indeed, it was not uncommon for slaveholders to turn to such public institutions to do what was supposed to be the private work of slavery. A South Carolina slave noted of slaveholders that “when they wish to chastise a slave, they send him to the workhouse…and there the poor wretch receives a regular lashing…and for this accommodation the owner must pay half a dollar.”\textsuperscript{252} Karl Bernhard, Duke of Saxe-Weimar Eisenach, recounted in his visit to Charleston in 1825 the workhouse, or, “other prison,” which was responsible for punishing slaves.\textsuperscript{253} At the time of Bernhard’s visit to the Charleston workhouse, there were about forty slaves in the institution, both men and women. There were essentially two ways that slaves might end up in the workhouse: 1) they were either arrested or seized by police or slave patrols for any variety of infractions, or 2) they were sent to the workhouse by their owner for punishment. Slaveholders, in other words, could rely upon the public institution of the


\textsuperscript{250} Captain Basil Hall, \textit{Hall’s Travels in North America in the Years 1827 and 1828}, vol. III. (London: Simpkin and Marshall, 1829), 167.

\textsuperscript{251} H. M. Henry, ”The Police Control of the Slave in South Carolina,” PhD diss., Vanderbilt University, 1914, 46.


workhouse to do the private work of chastisement. The law allowed slaves in the workhouse to be flogged with a cowhide up to nineteen times though, apparently, relegation to work on the treadmill was the more common form of punishment. The treadmill in the Charleston workhouse was built in the back of the building and contained two tread wheels, each with spots for twelve prisoners, who worked a corn-grinding mill. Six of the prisoners would tread at a time, at each wheel, while six would sit on a bench behind the wheel. Every thirty seconds, each prisoner would shift one spot over, so that each prisoner would tread for three minutes and rest for three minutes; often, prisoners would continue at this rate for eight hours. Unclaimed slaves – those essentially deserted in the workhouse – might be sold to retroactively cover the expense of their room and board.

Even when the poorhouse and workhouse overlapped – institutionally or, at least, functionally, there was supposed to be a difference; one was meant for free persons, whether white or black, and the other was meant for slaves. This distinction mattered to lawmakers and officials. The Charleston City Council, for example, rejected a proposal to install a treadmill in the poorhouse. Although they favored the idea of making residents contribute to the cost of their care, they voted against the proposal because it was meant to be a “punishment for slaves” and they were unwilling to dilute the “distinction between that class of persons and the white population.”

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254 Bernhard, Travels Through North America, 9.
256 Walter J. Fraser, Charleston! Charleston!: The History of a Southern City (Columbia: University of South Carolina Press, 1989), 217.
Slaveholders in the south were invested in the workhouse in a way that they were not in the poorhouse; the result could lead to some public consternation. Charleston, for example, built a new and modern workhouse for the incarceration of slaves in 1850; the building was situated in the middle of the run-down poorhouse and jail.257 “Are we willing that the public money shall be again lavished upon palaces…for the accommodation of negroes…standing in shameful contrast to those old and half ruined buildings” for paupers, asked The Charleston Mercury in 1851.258 The poorhouse, hospital and jail, according to F.C. Adams in 1853, were a “stain upon the name of civilization.” The workhouse, however, was “spacious” and “extravagant” even though it was “exclusively for negroes.”259

The overlap between the hospital and the poorhouse was most pronounced, regardless of whether the institutions themselves were separate buildings. Robert Greenhow, president of the overseers of the poor, noted that the institution largely functioned as a hospital.260 In Petersburg, lawmakers in 1824 ordered that “the Poorhouse establishment of this town be hereafter also considered & used as a Workhouse.”261 By the early nineteenth century, the poorhouse, hospital, jail, and the workhouse – which housed runaway slaves – were not connected but were all built on the same square.262 When a yellow fever epidemic hit Baltimore in 1794, for example, the Almshouse was used as a hospital for those infected.263 Moreover, as a general policy, medical

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258 The Charleston Mercury, September 3, 1851, p. 2.
262 “Magazine Street," Charleston County Public Library.
care, like food, clothing and shelter, fell under the umbrella of poor relief, and thus under the responsibility of the overseers of the poor. In Virginia, medical assistance – when provided to poorhouse inmates – would be “paid for by the officers of the poor.”264 In Alabama it was the obligation of the overseers of the poor to not only provide provisions for those unable to maintain themselves but also to provide “nurses and physicians, in such cases as they shall think necessary.”265 When the Baltimore Almshouse was built in 1773, lawmakers immediately appropriated money for the salary of an attending physician; by 1838, lawmakers appointed two physicians, one to attend to the poor men and another to attend to the poor women.266 The trustees of the poorhouse put a notice in the American and Commercial Daily Advertiser for a request for a donation of medical books, which, they assured their readers, would “be duly preserved for the use of the institution.”267 The Medical School of South Carolina, by an ordinance of 1825, was obligated to provide the city poorhouse with at least two physicians.268

Robert Greenhow, president of the city overseers of the poor of Richmond, reported in 1824 that the city’s poorhouse was “infinitely more worthy…of the name of the City Hospital,” given the sick and old population.269 In the same vein, Thomas Griffith, a poor law administrator in Baltimore, reported that “almshouses [were] in fact, hospitals.”270 Infirmity was not always

264 Yates, "Report of the Secretary of State in 1824, 1103.
265 Report from His Majesty’s Commissioners for Inquiring into the Administration and Practical Operation of the Poor Laws, Appendix F, 113.
267 American and Commercial Daily Advertiser, November 25, 1819.
268 “An Ordinance Authorizing the Faculty of the Medical School of South-Carolina, to Supply Certain Public Institutions with Medical Attendance, and for other purposes,” Preamble and Section I, June 14, 1825, Eckhard, comp., A Digest of the Ordinances of the City Council of Charleston, from the Year 1783 to October 1844.
269 Yates, "Report of the Secretary of State in 1824, 1104.
readily accepted by county officials, who were well aware that poorhouse inmates might fake their illness or weakness in order to get out of work. The rules of the Charleston poorhouse noted that if the Master “shall suspect any inmate of the house of pretending sickness or infirmity” he should still call upon the physician to examine the inmate, and, if the physician also believed the inmate were faking, that inmate would then be punished.  

VIII. Age, Race, and the Conditions in the Poorhouse

The aged and infirm always made up a significant segment of poorhouse inmates – though their number and proportion varied. A committee appointed by the Board of Guardians of the Poor assessed the proportion of aged inmates in Baltimore’s poorhouse at one fourth, a notable proportion given how relatively few people lived to old age, and given the younger and foreign population of the city. Between 1830 and 1850, about eighteen percent of inmates at the Baltimore poorhouse were over fifty, yet only four percent of all Americans at the time were older than forty-five. More than a third of the poorhouse’s inmates were deemed foreigners. As reported by the Chamberlain of Richmond, however, the vast majority of poorhouse residents were old. “A few only of the paupers in the poor-house, are able to do much work,” he explained, “as they are pretty generally aged or infirm.” North Carolina lawmakers in 1818 underscored the extent to which their poor population was aged, noting that the state’s poorhouses were to be built for “all such persons of either sex as shall be adjudged by the

\[271\] Rules for the Government of the Poor House, and of the Poor in the City of Charleston, 12.
\[273\] Parker, "Report of the Committee Appointed by the Board of Guardians of the Poor,” 5.
\[274\] Yates, "Report of the Secretary of State in 1824, 1104.
wardens incapable through old age or other infirmities” to earn their own subsistence – presumably all those who could not be contracted out.275 Of the nineteen persons reported to be occupants of the poorhouse in Edgefield District, South Carolina in 1858, nine were fifty or older, and almost all were indicated to be “blind, infirm, or afflicted.”276 One traveler to the Charleston poorhouse noted that it would “only admit such poor persons as are completely disabled.”277 Indeed, Tennessee in 1819 made the category of old age one of the few prerequisites for even qualifying for relief; “No court shall make any appropriation for any person, but such may be rendered incapable by old age, or bodily, or mental disability from ministering to their own support,” noted the state’s lawmakers.278 Social Reformer Dorothea Dix noted that the poorhouse in Lawrenceville, North Carolina required more attention and work from the wardens “to supply comfortable and necessary attendance upon the aged and infirm, who alone occupy the buildings.” So too did she note that in the poorhouse near Halifax, “most of the inmates are aged and infirm.”279 By the start of the Civil War, there were poorhouses in nearly two-thirds of all the Southern Appalachian counties, “but the only inmates residing in these facilities were elderly, physically or mentally handicapped, or insane whites.”280

275 “An Act to establish Poor Houses in the counties of Edgecomb, Martin and Washington,” Chapter XLIII. § 1., Laws of the State of North Carolina, Enacted in the Year, 1818, Transmitted According to Law, to One of the Justices of the Peace, 38.
276 “Report of the Commissioners of the Poor for Edgefield District,” Edgefield Advertiser, November 10, 1858.
277 Bernhard, Travels Through North America, 10.
For the old, the poorhouse was not just a present refuge from the streets but a final resting place for the last phase of their lives. Of the six deaths reported at the poorhouse in Petersburg, Virginia, over the course of two months in 1825, all the deceased – white and black – were reported to be at least 95 years old.  

In 1850, 210 of the 1610 inmates died in the Baltimore Almshouse. In such cases it fell to the overseers of the poor to use “their discretion to make a moderate allowance for the burial expenses” of those who died in the poorhouse. The overseers of the poor of Cabell County, Virginia, for example, assigned “James Plymale $2 for making coffin for Old Mrs. Cooper” in 1834.

Poorhouses in the upper South were generally – though not always – more open to free blacks than institutions in the Deep South. Thomas H. Wright, the physician to the Baltimore Almshouse, reported on the admittance in 1829 of J. Coursey, “a robust black man, about fifty years of age” who was suffering from a hernia and wholly unable to work. The Worcester County institution in 1850 housed twenty-four paupers, ten of whom were black. Four of those black inmates were at least eighty years old. Two of them, Henry Jones and Wm. Harmon, were in their early twenties, and each was noted to be a “laborer.” They were most likely not paupers but rather hired laborers, perhaps to assist with farming. They were almost certainly free blacks,

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281 Niles’ Weekly Register, March 5, 1825, p.16.  
283 “An Act to Consolidate and Amend the Laws for the Relief of the Poor,” Section 10, February 12, 1829, Laws of the State of Delaware, Arranged and Published Under the Authority of the General Assembly (Wilmington: R. Porter and Son, 1829), 439.  
284 Eldridge, ed., Miscellaneous Cabell County Virginia Records, 19.  
however, and not slaves, as they were listed in the federal census rather than the slave schedules, and were termed *laborers* rather than *slaves.*

Access, however, did not mean equal access. Nor did it mean equal resources once admitted. Just as men and women and blacks and whites were kept separate in the main building of the Baltimore poorhouse, for example, so too were men and women and whites and blacks kept separate in the attached medical wings. A hospital for “aged colored women” was housed in a small attic. And officials in the upper south did not always provide more relief than their more southern counterparts. The number of black paupers that received relief was not always affected by the construction of poorhouses, however. Augusta County, Virginia, from 1800 to 1819, before the construction of a poorhouse, supported an average of 27 paupers a year, with only an average of 1 “free coloured pauper” each year. After the construction of a poorhouse, from 1824 to 1829, the county supported an average of 22 paupers a year, with, still, only about 1 black per year. In 1829, the state of Virginia supported a total of 4,283 paupers, only 176 of whom were free blacks.

The Charleston Poorhouse was built in 1736 and began admitting blacks in 1809. Still, it remained largely the domain of struggling white citizens. Indeed, only two years later, the Commissioners of the Poor in Charleston decided that they would only allow “insane blacks” into the poorhouse. Exceptions were made. The commissioners admitted Paul Noble, a free

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287 Ibid.
288 Harvey, “Practicing Medicine at the Baltimore Almshouse, 225.
289 Heath, “A Report, or Abstract Statement of the Various Returns, Made to the Auditor of Public Accounts, By the Clerks, or Agents of the Overseers of the Poor,” 463.
290 Ibid., 488.
black, “in consideration of his very advanced time of life and his infirm state of health.” But such instances were exceptions to a general pattern of exclusion – and those exceptions did not come without objections. Mayor Henry Pinckney was not alone when he declared in 1838 that it was “repugnant” to house insane blacks in “an institution whose benefits were specifically intended for destitute whites.”

Charleston lawmakers were more open to the idea of admitting free blacks to the poorhouse as mid-century approached. In 1842 the city’s overseers of the poor commissioned a report on the “powers and duties of the board, in relation to the free colored poor of the city,” to determine and make known exactly the kind and degree of relief to be distributed to free blacks. While far more open to relieving black paupers, lawmakers were also more opposed to housing blacks and whites together. Rather than simply admit black paupers into the poorhouse, city officials in 1856 built a new poorhouse – the Charleston Home – for poor whites and kept the old, worn-down institution for poor blacks. Nevertheless, as mid-century approached, officials made clear that, at least legally, blacks were entitled to relief; they tied that entitlement expressly to the tax-paying requirements of black, property-owning residents. “Above all,” noted city officials in an 1842 report, “free persons of color being allowed to be owners of both real and personal estates, and being regularly assessed, exactly as white persons are…it follows necessarily…that their own poor are entitled to relief.” Still, they emphasized that elderly blacks were especially deserving; “it is the mandate of law…as well as the dictate of sheer

293 Ibid., 266.
294 Kennedy, Braided Relations, Entwined Lives, 206.
296 Report of the Free Colored Poor of the City of Charleston, 9.
justice and humanity, that the aged and infirm free colored poor...are fit and rightful objects of public relief.”

Notably, however, the Charleston Orphan House, founded in 1790 as the nation’s first orphanage, maintained a strict policy against admitting black children. It guaranteed only “the white poor,” notes historian John Murray, “that their children would be cared for should the family disperse due to death, disability, or abandonment.”

Overseers across the upper South, in contrast, seem to have admitted blacks on a regular basis – though never to the extent that they admitted whites. The proportion of blacks to whites in the New Castle county, Delaware poorhouse in 1824, for example, was 33 to 120. An 1829 Virginia law directed the overseers of the poor of the state’s counties to organize their reports by specifying “the number of poor whites maintained at the public charge” as well as “the number of free blacks maintained at the public charge.”

The Virginia Overseers of the Poor reports reveal that white paupers were supported at a far higher rate than black paupers in each county in Virginia from 1800 to 1830. Gloucester County supported an average of fifty-six paupers a year, between 1800 and 1814, none of whom were black. Hanover County supported an average of fifty-nine paupers a year in the same time period, supporting free blacks at a rate of “not quite an average of 2 per annum.” The construction of poorhouses did not seem to significantly affect this racial difference. Amherst County, for example, supported twenty-one paupers a year before it built its poorhouse; only an average of one of those paupers each year was black. After the

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297 Ibid., 10.
299 Niles’ Weekly Register, June 26, 1824.
300 “An Act concerning the overseers of the poor,” Chapter 388, Section 2, February 20, 1829, Supplement to the Revised Code of the Laws of Virginia, 496.
301 Heath, “A Report, or Abstract Statement of the Various Returns, Made to the Auditor of Public Accounts, By the Clerks, or Agents of the Overseers of the Poor,” 464, 469, 472.
county built its poorhouse, it supported an average of sixteen paupers a year, still supporting only
one free black at a time.\textsuperscript{302} By mid-century, lawmakers in Richmond were asked to consider
separating “the sexes and colors, as well as the degraded vicious from the orderly poor” in the
poorhouses.\textsuperscript{303}

Thomas Griffith, writing in 1819 of the Baltimore Almshouse from 1768 until that year,
described the two wings of that building, one being occupied by men and the other by women.
“The basement [was] appropriated for people of color, and the sexes divided as above.”\textsuperscript{304} As
Seth Rockman has found, “African Americans appeared in the almshouse at the same rate as they
resided in the city itself, comprising 20 to 25 percent of both populations.”\textsuperscript{305} Delaware, as
reported in the 1820s, required its board of trustees to keep track of the number of paupers
boarded in each county, “giving the names, ages, sex, colour, diseased or inabilities with the time
of the admission of each.”\textsuperscript{306} Registers of the inmates of the Kent County Almshouse in
Delaware are revealing on this front. The 1815 records list 95 white inmates and 26 black
inmates. Notably, there was a much greater age range among the white paupers than among the
blacks – with the black paupers, overall, being markedly older. Out of the 26 black inmates, 15
were at least fifty years old and, out of that 15, 10 were seventy or older. By contrast, out of the
95 white paupers, only about 14 were older than fifty, the vast majority being in their forties.\textsuperscript{307}

\textsuperscript{302} Ibid., 464.
\textsuperscript{303} “Local Matters: City Poor-House,” \textit{The Daily Dispatch}, August 29, 1859.
\textsuperscript{304} The editors here note that the original account was unsigned but that “there is no doubt…that the
\textsuperscript{305} Seth Rockman, \textit{Scraping By: Wage Labor, Slavery, and Survival in Early Baltimore} (Baltimore: Johns
\textsuperscript{306} Yates, "Report of the Secretary of State in 1824, 1100.
\textsuperscript{307} \textit{Kent County Pauper Books, A Register of the Infirm and Poor Inmates of the County Almshouse.}
\textit{Deaths and Births Are Also Included}, Delaware Public Archives.
In 1826, 92 white paupers were listed and 41 “negroes + mulattoes” were recorded – again, the overall age of the blacks being higher than that of the whites.

Over time, even in the Upper South, poorhouses became more exclusively white. By 1850, Maryland poorhouses contained 829 whites and only 152 blacks and 7 “mulatto” inmates. Virginia poorhouses contained 1,353 whites, and only 123 blacks and 63 of mixed raced. Missouri contained 275 whites, and only 14 blacks and 1 of mixed race. And North Carolina contained 797 whites and only 29 blacks and 47 mixed.\(^\text{308}\) By 1852, the overseers indicated not only the race and age of the inmates but also their gender. All whites still outnumbered all blacks, but white women outnumbered white men, and black women outnumbered black men.\(^\text{309}\) The higher proportion of female relief-recipients is a pattern that seems to have been fairly steady over time. The Charleston poorhouse, in the 1780s and 1790s, for example, housed almost twice as many women as men.\(^\text{310}\) Women, the very young, and the old were the most common poorhouse inmates as well as the most common recipients of out-relief. Typical was the breakdown of the inmates in Fauquier County, Virginia in 1816: there were eight children and twenty-one adults; out of the adults, nearly sixty-two percent were women and a third of the adults were at least seventy years old.\(^\text{311}\) Whites, everywhere, received more aid than blacks.

\(^\text{309}\) *Kent County Pauper Books*. Poverty afflicted both men and women, though women seem to have consistently been greater recipients of care. Gary "has noted that “throughout the eighteenth century, poverty was particularly a feminine phenomenon” due to the economic difficulties that widowed or abandoned women faced. See Gary B. Nash, "Poverty and Politics in Early America," in *Down and Out in Early America*, ed. Billy G. Smith (University Park: Pennsylvania State University Press, 2004), 5.
That these institutions housed whites at a higher rate than blacks does not indicate that more whites eagerly sought admittance. On the contrary, for whites and blacks, poorhouses remained a last resort – a measure taken by only the truly desperate, accounting, in part, for the high proportion of elderly and sick inmates. Various reasons could account for such resistance among the pauper population to institutional forms of relief. For example, some may have simply wanted to avoid the forced labor that could come with admittance. Overseers could often use their discretion to demand labor from the poorhouse inmates they deemed to be “of sufficient ability, to work and labour.”

But reports from visitors to the poorhouses across the South suggest that the conditions of the institutions played a major role in the poor’s resistance. Despite legal mandate to maintain, for example, as an early Maryland law demanded, “sufficient beds, bedding, working tools, kitchen utensils, cows, horses, and other necessaries,” poorhouses often fell far short of that standard. The Daily Dispatch, published in Richmond, Virginia, alerted its readers to the deplorable conditions of the city’s poorhouse. The house was “dirty and filthy to the last degree.” There were no towels or sheets. Everything was in need of repair. And the sleeping conditions were “too dirty for a respectable dog-kennel.” Social reformer Dorothea Dix toured poorhouses across North Carolina in the 1840s and recorded a spectrum of conditions, though the adequate institutions generally remained exceptions. The poorhouse in Concord was “very deficient,” in Orange, “neither clean nor comfortably furnished,” in Germanton “extremely

313 “An Act for the relief of the poor of Kent county,” Chapter XI., Section VIII November 1787, ibid., 34-5.
comfortless.” Few, like the institution near Statesville, were apparently “a model of neatness, comfort, and good order.” Indeed, even a poorhouse official noted that “the poor are scantily and insufficiently maintained.”

IX. The Decline of the Poorhouse

Perhaps, in part, the conditions reflected the fact that the southern commitment to institutional relief was far from absolute. Eventually general assemblies started to pass laws authorizing various counties to sell their poorhouses. North Carolina, for example, passed such a law in 1855, allowing the wardens of the poor of Pasquotank and Yancey counties to “sell and dispose of the land…on which the poor houses in said county (counties) are situate.”

While lawmakers experimented with these different official forms of oversight and relief, their presumption was nevertheless that families would provide the core of such care. When David Martin died in Virginia in 1835, he left a life estate in his land and slaves to his wife, Lucy. Almost a decade later, their three daughters bought that life estate and, “in counterpart…assumed [their mother’s] support and maintenance for the rest of her life.” Public measures were not meant to be a first resort; on the contrary, they were meant to be a last resort – a safety measure to help those whose families, for whatever reasons, could not shoulder the burden. Sometimes, lawmakers even legally required members to care for each other.

315 Dix, *Memorial Soliciting a State Hospital*, 13-17, 20.
316 Heath, "A Report, or Abstract Statement of the Various Returns, Made to the Auditor of Public Accounts, By the Clerks, or Agents of the Overseers of the Poor," 469.
318 "Race, Slavery, and Free Blacks, Series II: Petitions to Southern County Courts, Part C: Virginia (1775-1867) and Kentucky (1790-1864)," PAR Number 21684518., Slavery and the Law, Proquest History Vault.
Importantly, such intergenerational care did not only flow from parents to children, but from children to parents and grandparents. “In case any person shall be so poor as to become chargeable to the parish,” directed a South Carolina law as early as 1712, “which person hath a father, or a grandfather, or mother, or grandmother, or child, or grandchild, that they or any of them are of sufficient ability to relieve such poor persons” the vestry could thereby order one, some or even all of those family members to pay a specific sum of money to that poor person, “as they shall think fitting.”

As Dirk Hartog has noted, such laws were extremely difficult to enforce. However, that does not mean that many, if not most, family members did not help support their needy relatives. Indeed, even when paupers did receive public assistance, they may also have received additional help from their family. As a matter of law, however, the statutes requiring familial care were enforced far less frequently than the laws regulating assistance from the overseers of the poor. This may have been not only because of the mobility of early Americans but also because the expense of care of elders was often untenable for their adult children, who were often struggling already to support children of their own. The “laboring classes” noted Niles’ *Weekly Register* in 1821, would “support their own aged and feeble relatives” if only they could.

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Some such laws nevertheless extended into the antebellum period. In Delaware, each county had a poorhouse, but, as stated in the Yates Report of 1824, “relations, if able, are bound to support one another.” Indeed, as explained by the Delaware Secretary of State, just as the laws required parents and grandparents to maintain their children and grandchildren, so too did the law require children and grandchildren to “maintain their fathers and mothers, grand fathers and grand mothers, not having any estate, and not being able to work.” Upon refusal, they would be fined forty shillings a month, until compliance. Similarly, an 1807 Mississippi law directed that “the father and grand-father, the mother and grand-mother, and the descendants of any poor, old, blind, lame, and impotent person…being of sufficient ability, shall at their own charge, relieve and maintain every such poor person, as the justices shall direct” in the various counties. Upon refusal, such family members would be fined eight dollars a month until they complied.323 In South Carolina, as reported in the 1820s, “fathers and children” were to “support one another.”324 And in Alabama, “the descendants of any poor, old, blind, lame and impotent person” were to maintain their pauper relations, when directed to do so by the county courts.325

The web of intergenerational liability, when enforced, seems to have been limited to direct descendants; extended kin were excluded. When the commissioners of the poor in South Carolina sued Jacob Gansett “to recover a sum…for the maintenance of the father and mother of

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324 Yates, "Report of the Secretary of State in 1824, 1109.
325 Report from His Majesty’s Commissioners for Inquiring into the Administration and Practical Operation of the Poor Laws, Appendix F, 114.
his wife, who were paupers,” the Court held that Gansett was “not liable for the parents of his wife.”

 Sometimes statutory law wasn’t even necessary to require familial modes of relief. North Carolina never passed a law requiring any family members to care for their pauper relations. Nevertheless, the overseers of the poor in Lincoln County refused to provide additional support to Jacob Gouman in 1826 because they believed that his children could adequately support him.

Familial care statutes – while not heavily enforced – nonetheless point to an important fact about lawmakers’ understanding of poor relief; care was meant to be a familial enterprise. Officials did not want paupers wandering the streets, and they expected families to provide the relief to prevent that from happening. In many cases, certainly, paupers did move-in with their families – regardless of whether such care was legally enforceable; love, affection, and genuine concern surely played a role, if not the central role, in binding needy family members to their more able relations.

Out-relief, then, was often understood to be a supplement, rather than a substitute, for help. “We have at considerable expense, more than we are able to bear, been keeping old Grandmother Bowers for the last nine months,” explained a Maryland resident, asking for help. In 1840 the Warden’s Court paid James Prevett four dollars “for keeping his mother.”

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326 Commissioners of the Poor v. Jacob Gansett, et ux., 2 Bail. 320 (1831).
328 Petition of James Edwards, April 19, 1848, Carroll County Levy Court, Pension Papers, 1837-51, as quoted in Max L. Grivno, “‘There Slavery Cannot Dwell’: Agriculture and Labor in Northern Maryland, 1790-1860,” PhD diss., University of Maryland, College Park, 2007, 301.
The overseers of the poor of Cabell County, Virginia in 1821 gave John Brown twenty-five dollars “to support his mother.” Such familial care could also be provided via private contract or simple charity.

Private citizens from the early colonial era onward did indeed make specific bequests in their wills, providing relief not just to family members but also to the local poor. Such bequests could be in the form of money, goods, or even portions of estates. In November 1697, Jonathan Amory of South Carolina left £15 for the poor of Charleston, and his widow left £10 when she died two years later. John Bennet, of North Carolina, in 1710 indicated in his will that he desired some of his land to be left to the use of poor “old men and women who have been honest.” John Paine, in 1767, left thirteen pounds to the “church wardens of every County…to be by them distributed among the poor inhabitants.”

So too did local charitable organizations emerge. Though far less widespread in the south than in the north, benevolent societies nevertheless contributed to the relief of the poor. Such societies could be entirely private, or private and public – that is, organizations that received public funds. The Chamberlain of Richmond recalled that in the early 1820s, “a few ladies…aided by the city funds, established a house of industry.” It was meant to provide relief to poor women, but shut down after a couple of years when, apparently, its organizers found it

331 Bellows, Benevolence among Slaveholders, 3.
332 Brenda Thompson Schoolfield, " 'For the Better Relief of the Poor of This Parish': Public Poor Relief in Eighteenth Century Charles Town, South Carolina," PhD diss., University of South Carolina, 2006, 69.
335 Ibid., 276.
“impossible to carry it on and attend to their own families.” White and black pauper women in Charleston turned to the Ladies Benevolent Society (LBS) after its founding in 1813. The society assisted about three hundred women a year, spending more than $2,000. The LBS recorded in its meeting minutes in June 1825, for example, that it would continue to support “old Mrs. Cowie,” a white woman whom they deemed a “pitiable object.” So too did they recommend continued support for a few “colored pensioners” who, they reported, had “grown old upon [their] hands.” They noted specifically that their support of the black women was important because those women could not be admitted into the poorhouse.

The editor of the *Morning Chronicle and Baltimore Advertiser* made clear the need for a newly formed benevolent society in the city when his paper exclaimed, in 1820, “we would deem the question almost superfluous, why a Society for the Prevention of Pauperism has been established in this city.”

In addition to formal benevolent organizations, there was, of course, the practice of private, informal charity. The *Raleigh Register* praised “the genuine benevolence” of two North Carolina planters who routinely gave their neighbors corn during a drought in 1826. The extent of such private donations is a matter of speculation but we might imagine it taking various forms: the offering of a warm bed to an acquaintance in a small town, the giving of money to a stranger in a big city, the sharing of a meal between two paupers themselves. Benjamin Christian

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340 *The Raleigh Register*, October 20, 1826.
in 1743 Maryland, for example, explained that he “must inevitably have perished” from his outrelief provisions without the additional “help of some of [his] well disposed neighbours [sic].”

Though charity was most certainly a contributing factor to the relief of the poor, the legal requirements of care formed the bedrock of their support. Most striking about the laws to regulate the movement and support of paupers is just how much they sounded like the slave manumission laws that required the posting of security or even the banishment of former slaves as a condition of freedom. Both poor laws and manumission statutes, with their mix of residency requirements and banishment laws, were chiefly concerned with protecting the public from those who were “likely to be chargeable.” To be “chargeable” became a central keyword, then, not only in the development of poor relief but also in the legal history of slaveholding. The next two chapters deconstruct this keyword – and the other laws and customs it generated – by examining in greater depth the history of care and abandonment provoked by the problem of aging under bondage.

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341 Prince George’s Court Records, as quoted in Calo, “From Poor Relief to the Poorhouse,” 404.
CHAPTER 3:
Rethinking the Meaning of Local Caretaking, Part I: To Gain a Settlement

I. Introduction

“It would seem a little extraordinary,” conceded Justice Smith Thompson for the Supreme Court in 1834, “to contend that the owner of property is not at liberty to renounce his right to it.” However, continued Thompson, the property rights of the slaveholder had to be balanced with the policy concerns of the public, justifying legislative intervention in the circumstances under which manumission could take place. This was “especially, so as to provide against the public’s becoming chargeable for the maintenance of slaves so manumitted.” As a general pattern across the South, the master’s right to legally discard his slave property through manumission “shrank as slavery expanded” – particularly after Nat Turner’s Rebellion and the growing perception of slave insurrections. This was true for both the Upper and Lower South, though the Lower South eventually enacted much harsher and extensive prohibitions.

Slaveholders operating under increasing restrictions nevertheless found ways to legally manumit their slave property – largely by submitting petitions to their state legislature or county court. Each case of manumission raised the same critical questions: would that freed slave be allowed to remain in the state, thereby gaining a settlement, and, if so, was that freed slave likely to become chargeable, and thus entitled to relief, if needed? The questions of manumission and residence, in other words, were fundamentally entwined with the problem of the poor; freed slaves were potential paupers. And the problem of the poor was fundamentally entwined with the

issue of settlement. “A legal Settlement is, where a person has been actualy [sic] resident in any parish, one whole year,” declared a Justice of the Peace manual as early as 1736. Potential paupers, once they fulfilled the residency requirements for settlement, were entitled to relief.

Settlement in fact became a key component of what it meant to become free. This was especially true in the antebellum south, where banishment laws and state-entry prohibitions could keep the status of free blacks in a unique state of flux. Keywords like citizen, inhabitant, and resident were employed by lawmakers interchangeably – though they always referred to an individual with a settlement. “No person shall be accounted an inhabitant, so as to have gained a legal settlement in any parish,” directed a North Carolina statute in 1777, “until such person shall have been actually resident in such county one whole year.” The opposite of an “inhabitant” or “resident” was a “stranger” or “transient.” Slaves were, in all effect, transients by definition; they were movable property, carrying with them always the potential to be sold and transferred across county or state lines. “Slaves belonged to their masters as property, and masters belonged to towns as legally settled inhabitants.”

Poor relief was directly linked to settlement, and settlement was directly linked to residence – and to the tax-paying obligations that came with such residence. As David Adie, Commissioner of Social Welfare for New York explained in his compilation of settlement laws in the United States, settlement laws regulated not only the “financial responsibility of political units” for the support of poor and dependent persons, but also “the removal of such persons to

344 Webb, The Office and Authority of a Justice of Peace, 250.
346 Margot Minardi, Making Slavery History: Abolitionism and the Politics of Memory in Massachusetts (Oxford: Oxford University Press, 2010), 60.
the state or locality in which they ‘belong.’ Married women complicated these linkages but only slightly so; under coverture, they absorbed the settlement of their husbands, just as their husbands absorbed the tax-paying obligations of their families. The point, though, is that the primary marker of belonging in the British colonies and the pre-Fourteenth Amendment United States was not citizenship, but rather settlement.

Settlement in a county came with rights and obligations that were locally created and locally enforced—rights and obligations that valued personal circumstance under what Laura Edwards has characterized as a “radically decentralized system.” However, those local laws were deeply embedded in a larger matrix of negotiation and exchange among officials on the county, city, and even state level. Establishment of residency, compensation for care performed, relocation of paupers—all required the cooperation of officials across county or even state lines. Local efforts, in other words, required non-local cooperation. “If the Trustees of the poor…sustain any costs in the support or for the relief of a poor person having a settlement in another county,” directed a Delaware statute in 1829, “they shall have the right to demand and receive compensation from the Trustees of the poor of such other county.” As Jessica Lowe has argued, “local law had its own elites.” Such elites yielded vast discretionary power over

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348 The Delaware section of the Yates Report, for example, declared that “every married woman during marriage, follows her husband’s settlement.” See Yates, "Report of the Secretary of State in 1824, 1097.
the care distributed to dependents. Contrary to Laura Edwards’ portrait of a wholly local legal economy in the south, lawmakers and bureaucrats – preoccupied with the rising tide of pauperism – were dependent on the negotiation and cooperation of non-local officials.

II. Manumission and Caretaking Laws

Initially, in most - though not all – colonies, the property rights of the master in regards to manumission were largely unrestricted. For more than a hundred years after the settlement of Maryland, for example, slaveholders faced only limited regulation in their freeing of their slaves.\footnote{Jeffrey R. Brackett, \textit{The Negro in Maryland: A Study of the Institution of Slavery} (Baltimore: Johns Hopkins University, 1889), 148.} Similarly, throughout the colonial and early revolutionary eras, slaveholders in South Carolina could easily manumit their slaves. But as slaves began to live longer and immigration increased and the pauper population multiplied, the threat that manumission would intensify the reach of poverty became a more immediate concern. In 1782, more than sixty residents of Accomack County, Virginia, for example, relayed to the state legislature that they were “much alarmed” at the applications to manumit all the slaves in the county; their alarm was specifically due to the likelihood of slaves “being indiscriminately set at Liberty without proper funds…many [of whom] would likely become chargeable and increase the demand on the people who are already highly taxed.”\footnote{“Race, Slavery, and Free Blacks, Series I: Petitions to Southern Legislatures, 1777-1867,” PAR Number 11678202.} The issue of manumission was, for citizens and lawmakers alike, fundamentally intertwined with the issue of responsibility for care – that is to say, at its base, the issue of taxation.
In 1752 the Maryland Assembly passed “An Act to prevent disabled and superannuated slaves being set free,” the title itself an indication of the problem that stemmed from unregulated emancipation. “Whereas sundry persons of this Province have set disabled and superannuated slaves free, who have either perished through want, or otherwise become a burden to others,” proclaimed the preamble, it would no longer be legal for slaveholders to manumit any slave incapable of earning his own subsistence. Rather, every slaveholder would have to “support and maintain” their slaves, for the course of their lives, so that “they may not become a Burthen to others, or Perish through want.” Such laws sprang up all over the South, especially over the course of the nineteenth century. North Carolina in 1798 passed an act to “compel owners of infirm slaves to support them.” Georgia in 1815 passed an act to “compel owners of old and infirm slaves to maintain them.” The Act required courts to make “inquiries” upon receiving any information about any slave being in “a suffering situation from the neglect of the owner.” Alabama in 1852 reiterated that the master must not only provide his slaves with adequate provisions but must also “provide for his necessary wants in old age.”

In the same vein, in 1800, South Carolina lawmakers passed sweeping restrictions, requiring not only judicial approval, but also a certificate from five freeholders – in addition to the slaveholder himself – verifying that the slave in question would be able to earn a living. The law, then, directly implicated community members in preventing their neighbors from throwing

354 “An Act to prevent disabled and superannuated slaves being set free; or the manumission of slaves by any last will or testament,” Chapter I, Preamble and Section II, 1752, Thomas Bacon, ed., Laws of Maryland At Large (Annapolis: Jonas Green, 1765), 179.
356 “An Act to compel Owners of old or infirm Slaves to maintain them,” December 12, 1815, Oliver H. Prince, comp., A Digest of the Laws of the State of Georgia (Athens, 1837), 791.
potential paupers on the public relief system. That slaveholders were freeing old and sick slaves in large numbers was made explicit in the preamble to this law. “Whereas it has happened that many slaves of bad character or indigent or infirm have been set free,” declared the lawmakers, the new restrictions were necessary.\footnote{358}{Henry, “The Police Control of the Slave in South Carolina 168; J.S.G. Richardson, ed., Reports of Cases in Equity, Argued and Determined in the Court of Appeals of South Carolina (Charleston: McCarter &), 1856, 100-1.} Over the next two decades, however, residents of South Carolina continued to free their unwanted slaves and so lawmakers passed a new law, requiring direct legislative approval. Not a single slave was freed during the first year of this new system and, over time, as Lacy Ford has noted, “only those requests that provided for the freed slave’s certain and immediate removal from the state” were approved.\footnote{359}{Friedman, A History of American Law, 159; Lacy K. Ford, Deliver Us From Evil: The Slavery Question in the Old South (Oxford: Oxford University Press, 2009), 196.}

The General Assembly “imposes certain conditions upon the owner who emancipates” noted the Supreme Court of Virginia in 1800, “or else the helpless and aged will be thrown as a burthen upon the public.”\footnote{360}{Pleasants v. Pleasants, 6 Va. 319 (1800).} Virginia was somewhat of an outlier among the colonies in how early it regulated the master’s right to free his slaves. Lawmakers there rendered manumission a legislative prerogative in 1691, noting specifically the “great inconveniences” that already had arisen from the manumission of slaves “being grown old bringing a charge upon the country.”\footnote{361}{“An Act for Suppressing Outlying Slaves,” XVI, April 1691, William Waller Hening, ed., The Statutes at Large, Being a Collection of All the Laws of Virginia from the First Session of the Legislature in the Year 1619, vol. III. (Philadelphia: Thomas Desilver, 1823), 88.}

Over time, there was a general move across the South toward legislative approval of all manumissions.\footnote{362}{Andrew Fede, Roadblocks to Freedom: Slavery and Manumission in the United States South (New Orleans: Quid Pro Books, 2011).} As early as the 1830s, a majority of the Southern states restricted manumission
to circumstances where a judge or legislator granted approval. In the 1840s and 1850s, most (though not all) southern states passed blanket bans on manumissions, underscoring the permanence of the slave status. By this point, however, lawmakers were probably more concerned with a growing free black population and the possibility of a slave revolt.

The private acts of emancipation that sprang up in the Revolutionary era in the Upper South often took the form of delayed contract agreements, stipulating that a slave would eventually be freed. Like contractual manumission, and delayed legislative emancipation for children, in the North, such contracts created temporary, or “term” slaves. As in the north, delayed manumission in the Upper South could entail the freeing of a slave after a certain number of years of service, or after a particular event, like the death of a master. Thousands of slaves were so manumitted. By 1830, four-fifths of the black population in Baltimore were free. So common were these delayed manumission agreements that Delaware legislators codified the process in 1810, and declared specifically that any such slave would “until the term for which he or she shall be held to service, be deemed and taken to be a slave” and only declared legally free and “entitled to…the immunities and privileges which a free negro or free mulatto may or can enjoy” after the term of service, as stipulated in the contract.

By the late eighteenth century, state legislatures began to target the problem of old age explicitly, passing prohibitions against manumitting slaves over a certain age, usually around 45

364 Ford, Deliver Us From Evil, 31.
Maryland enacted its first manumission law in 1752 – requiring that manumitted slaves be not only physically and mentally capable of labor, but, regardless, not over fifty years old. Almost fifty years later, lawmakers allowed its residents to manumit their slaves through their wills, but only if those slaves were under the age of forty-five, and “able to work and gain a sufficient maintenance and livelihood.” Manumission-by-will was far from certain for many slaves, as family members challenged emancipatory bequests and asserted their rights in court as heirs. “I well know the great difficulty that had attended the carrying out of all such wills trammeled by law suits,” explained the brother of a testator in a letter discussing such manumissions. Nevertheless, slaveholders frequently waited until after their death to grant their slaves freedom. Virginia, in 1782, permitted slaveholders to free adult slaves under the age of forty-five. Delaware passed a similar act within five years.

Alternatively, state laws – like those of Mississippi and Alabama – required slaveholders to post indemnifying bonds, effectively insuring against the possibility that a freed slave would become a public charge. North Carolina lawmakers in 1801 required any resident to post a bond of one hundred pounds for each slave he freed. By 1830, lawmakers raised that sum to five

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368 Brackett, *The Negro in Maryland*, 149.
hundred dollars for manumitted slaves over the age of fifty. Reflecting the greater obstacle to
manumission in the deep South, Louisiana passed a law that same year requiring a bond of one
thousand dollars for any manumitted slave. Kentucky lawmakers empowered the courts to
demand security for “the maintenance of any slave or slaves that may be aged or infirm either of
body or mind.” As Benjamin Klebaner has noted, “a slave could be manumitted in eleven
states (at one time or another) provided the master posted security that the slave would not
become a public charge.”

However, age restrictions and bond requirements were not always followed – or
enforced. For example, by the 1790s, North Carolina slaveholders were prohibited from freeing
their slaves, except for “meritorious services” which were to be determined and approved by a
county court. Nevertheless, slaves were freed in numbers large enough to catch the attention of
lawmakers. Indeed, legislators complained about the fact that slaveholders ignored the laws
against manumission. Slaves were not to be otherwise manumitted, but, the legislature

373 “An act to regulate the emancipation of slaves in this State,” Chapter IX. § IV, Acts Passed by the
General Assembly of the State of North Carolina, at the Session of 1830-31 (Raleigh: Lawrence &
Lemay, 1831), 13.
374 “An Act to prevent free persons of color from entering this state and for other purposes,” Ch. 12,
Section X, March 16, 1830, Henry A. Bullard and Thomas Curry, comps., A New Digest of the Statute
Laws of the State of Louisiana from the Change of Government to the Year 1841, vol. I. (New Orleans: E.
Johns &., 1842), 430.
375 “An Act to reduce into one, the several Acts respecting Slaves, Free Negroes, Mulattoes and Indians,”
Chapter LXIII, Section 27, February 8, 1798, William Littell, Esq., ed., The Statute Law of Kentucky, with
Notes, Praelections [sic] and Observations on the Public Acts, vol. II. (Frankfort: Johnston and Pleasants,
1810),119-120.
377 Berlin, Slaves without Masters, 29.
proclaimed in 1788, “divers persons from religious motives, in violation of the said law, continue
to liberate their slaves, who are now going at large to the terror of the people of this State.”\textsuperscript{378}

Similarly, Delaware legislators bemoaned the fact, in 1819, that “many masters and
mistresses have attempted to manumit negro and mulatto slaves, without giving the security
required by law.” These extra-legal manumissions were apparently “so numerous, and have been
of such long continuance” that the legislature bent to the interests of slaveholders, and passed a
new law declaring that all such slaves who have been freed without security, are, in fact, now
legally free.\textsuperscript{379}

Delaware lawmakers that same year, however, made sure to protect the community from
what could be an influx of potential paupers from these manumissions. Even though freed slaves
could remain in the state and thus gain a settlement via residence, most of them would
nevertheless be ineligible for poor relief. That burden would remain with the former master, so
that even though the master-slave relationship was severed, the responsibility for care remained.
Lawmakers directed that the master of any manumitted slave older than thirty-five would be held
liable for the support of that former slave, should he or she be unable to support him- or herself.

“It is highly unjust that slaves who are unhealthy or decrepit, or incapable of getting their
livelihood, should become burdensome to the county,” directed the lawmakers, “under the
pretense of setting them free.”\textsuperscript{380} That same year, the lawmakers also directed that the owner of

\textsuperscript{379} “An Act to provide for the indemnity of the counties of this State, against the maintenance of slaves discharged by their masters and mistresses without giving the security required by law,” Chapter CCXXIV, Preamble and Section 1, February 5, 1819, \textit{Laws of the State of Delaware, Passed At a Session of the General Assembly, 1813-1819}, vol. V. (Dover: Augustus M. Schee, 1819), 399-400.
\textsuperscript{380} “An Act to provide for the indemnity of the counties of this State, against the maintenance of slaves discharged by their masters and mistresses without giving the security required by law,” Chapter
any freed slave under the age of thirty-five, who was capable of maintaining him or herself at the
time of manumission, would not be held liable for that former slave’s maintenance and that such
former slave, “in case of necessity, be supported by the county, in like manner as other free
negroes or free mulattoes are maintained and supported, who are poor and incapable of getting
their livelihood.”

Even when slaves were manumitted, it still was not always clear who was responsible for
that former slave’s maintenance – if maintenance was indeed required. Louisiana lawmakers in
1807 directed that “every act of emancipation…shall include with it the tacit but formal
obligation…to nourish and maintain” the manumitted slave, when that slave “be in want, owing
to sickness, old age, insanity, or any other proved infirmity.” And if a former master refused to
provide such maintenance, which lawmakers called an “obligatory duty of humanity,” then “it
shall be the duty of any judge…to condemn said [owner] to pay every month to the emancipated
slave or slaves, by him or her thus abandoned, such sum as said judge…determine sufficient” for
the slave’s maintenance.” Remarkably, lawmakers used the language of abandonment even
when referring to legally manumitted slaves, suggesting that obligations of care might extend
beyond the stricture of manumission. The public obligation of the slaveholder, that is, could be
legally severed from the private relationship of the slaveholder over his slave.

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381 “An Act to provide for the indemnity of the counties of this State, against the maintenance of slaves
discharged by their masters and mistresses without giving the security required by law,” Chapter
CCXXIV, Section 2, February 5, 1819, ibid. 400.
382 “An Act to regulate the conditions and forms of the Emancipation of Slaves,” Section 5, March 9,
383 The obligation of the master to provide for his former slave was determined on a state-by-state basis –
in both the north and the south. In the north, for example, Connecticut masters who manumitted their
slaves had no further obligations to support them. In New Jersey, however, slaveholders did have to
What was very clear – at least legally – was that slaveholders were obligated to maintain their slaves, providing them with sufficient food, clothing, and shelter – much as overseers of the poor were to provide free paupers with such necessaries. And these relationships were not just parallel but triangular; masters had duties to the overseers of the poor, owing them compensation, for example, for provisions they denied to their former slaves. Overseers of the poor had rights against slaveholders, demanding that slaveholders fulfill their obligations to the community by caring for their former slaves. Caretaking laws were not solely predicated on humanitarian concern. Rather, lawmakers were in part, if not primarily, driven by economic motives to protect the community. Neglected slaves might become dependent on public resources, draining the already over-stretched fund for the relief of free paupers.

The complexities of care and the obligations that persons legally owed to one another took on different form and meaning within the matrix of servitude. Indentured servants initially posed such challenges, and remained the focus of lawmakers’ attention, inducing Virginia lawmakers to demand that, in case “any servant shall be sick or lame, and so become useless or chargeable, his or her master or owner shall maintain such servant until his or her whole time of service shall be expired.” Moreover, the lawmakers directed that if any master freed his servant before his time was expired, “under pretence [sic] of freedom,” that the master would still be held liable for that servant’s maintenance. Georgia lawmakers in 1796 warned masters that if


any servant were to become “of little or no use,” the master was still obligated to “maintain him or her during the whole time he or she were obliged to serve.” Moreover, if any master effectively abandoned an unproductive servant, letting him or her go, “under any pretense of freedom,” he would be held liable to the county for the maintenance of such servant if that servant became “chargeable to the county.” So to did Tennessee prevent masters of servants who were “unable to perform their daily labor” from cutting short their duration of servitude, when the servant “may perish or become a charge to the county.”

Lawmakers, to varying degrees, outlined the care that slaves were owed by their masters. North Carolina lawmakers in 1753 mandated that slaves be “sufficiently clothed” and provided with a food allowance of at least one quart of corn each day. By 1798, lawmakers there specified that old slaves were entitled to such provisions. “The owner of every slave who shall be rendered incapable of service from advancement in years or other disability, shall provide and furnish such slave with the usual allowance of food, raiment, and lodging.” In cases where slaveholders failed to provide their old slaves with such necessaries, the wardens of the poor were directed to step in, to provide those provisions for the slaves and to recover the cost from the owner. Louisiana lawmakers in 1806 specified that “slaves disabled through old age,

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385 “An Act for the government of servants, not slaves, imported or migrating into this State,” February 6, 1796, Sec. IV., Prince, comp., A Digest of the Laws of the State of Georgia, 758.
389 Slaveholders were given ten days upon notice of their neglect by the wardens of the poor. Upon not providing necessaries within that ten-day period, the wardens were to provide the care, and charge the slaveholder for the cost. C. 13., LXXIX. § 1., 1798, ibid., 176-7.
sickness, or any other cause…shall be fed and maintained by their owners.”\textsuperscript{390} South Carolina lawmakers in 1740 required slaveholders to provide their slaves with “sufficient clothing, covering and food,” or face a fine.\textsuperscript{391}

Many laws went beyond the dictates of general support for slaves to specify requirements to care for \textit{old} slaves. “The faithful services of slaves should not be forgotten after they are grown old or incapable of labour,” declared lawmakers in Maryland in 1790. Owners who failed to provide their aged slaves with sufficient food, clothing, and shelter would be fined thirty pounds.\textsuperscript{392}

“If sick and disabled, or old, the act of 1806 [in Louisiana] provides that they shall be maintained by their owners.”\textsuperscript{393} “When old age overtakes him, and his limbs require rest and his hands can work no longer,” boasted John M’Kinney at the 1834 Tennessee Convention for amending the state constitution, “in his master’s house the law has provided him with a home and secured him a maintenance.”\textsuperscript{394} “Owners of slaves are compelled to furnish every slave, who has become superannuated and unable to work, with the usual allowance of clothing, food and lodging,” explained the Supreme Court of North Carolina.\textsuperscript{395} The court later warned that a slaveholder who failed to provide adequate care for his slaves would be charged for that care by

\textsuperscript{390} “An Act prescribing the rules and conduct to be observed with respect to Negroes and other Slaves of this Territory,” Section 4, June 7, 1806, Lislet, Esq., ed., \textit{A General Digest of the Acts of the Legislature of Louisiana}, 101.
\textsuperscript{391} John Belton O’Neall, ed., \textit{The Negro Law of South Carolina} (Columbia: John G. Bowman, 1848), 20.
\textsuperscript{395} Hugh Kirkpatrick v. Samuel W. Rogers & Al., 6 Ired. Eq. 130 (1849).
the county. “The owners of old and disabled slaves shall provide for and maintain them,” explained the court in 1846. “And if the owner will not, the wardens of the poor of the County are required to maintain them and charge the price to the owner.”

Lawmakers, in other words, officially treated neglected slaves like endangered paupers without a settlement. Just as a county was to care for unsettled paupers in need of immediate care, and then recoup the costs from that pauper’s place of legal settlement, so too was a county to care for neglected slaves, and then recoup the cost from that slave’s master. Public officials were also at times legally bound to intervene when an insolvent resident died, leaving old slaves behind. A Maryland act in 1824 noted that “old or infirm negro slaves belonging to deceased persons estates” who were insolvent “are frequently subjected to great suffering and want.” As such, the General Assembly required the levy courts to makes provisions for the “support and maintenance” of “all old and infirm negro slaves belonging to insolvent estates.”

While all southern states passed laws requiring slaveholders to care for their old slaves, some states also passed laws that seemed to assume slaves would share – if not fully take on – this responsibility. Section 8 of the Louisiana Code of 1806, for example, held that “if, at a public sale of slaves, there happen to be some who be disabled through old age or otherwise, and who have children, such slaves shall not be sold but with such of his or her children whom he or she may think proper to go with.” A striking qualification of the master’s right to depart with his property solely according to the market’s dictates (if that old slave could, in fact, be marketable), the law lends remarkable insight into the potential problems lawmakers imagined.

396 Wardens of Hyde v. Jordan Silverthorn, Ex’r. & c., 6 Ired. 356 (1846).
397 “An Act to provide for old and infirm Negro Slaves belonging to deceased persons estates,” 1824, Ch. 100, Dorsey, ed., The General Public Statutory Law and Public Local Law of the State of Maryland.
might trouble the owners of the aged. Despite the legal requirements that masters care for their slaves, might lawmakers still have worried that owners wouldn’t do so, and that younger slaves were necessary corollaries to older slaves, for care-taking purposes?

Even more striking is that the law didn’t dictate simply that younger slaves be coupled with older slaves for purposes of sale, but rather that old slaves should not be departed from their own children. Thus the law seems to have presumed a kind of familial care of the aged, despite their status as property and in spite of legal requirements that otherwise held slave-owners accountable for their support. In fact, the spirit of the Louisiana code was not so different from the legislative familial care that was demanded of some poor whites. The Louisiana code, then, reveals the tension brought about by human property in the context of old age and the necessity of care. Free persons might have been expected to depend on younger relatives for support; slaves, in contrast, were by formal law accorded the right to support from their owners, and yet the very legislation that codified that right also gave credence to the familial form of maintenance – a trope, in essence, of the free.

III. Settlement

The concern over chargeable persons was a national preoccupation. So too was the consensus over the particular burdens of the elderly. New Jersey lawmakers, in 1720, instructed justices of the peace to search arriving vessels not only for “lunatic” or “vagrant” passengers but also for “old persons.”399 What Northern lawmakers referred to as “warning out” took different shape in the South. In the North, newcomers or anyone else without a legal settlement could be

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formally asked to leave the county. This was an official way of a community making known that it would not support a poor “stranger.” Whether or not the “warned out” stranger actually left, the warning itself absolved the town from responsibility for that potential pauper’s future support. Southern statutes never used the phrase “warning out;” the statutes did not convey that specific power to overseers of the poor or to any other local officials. Southern officials did have the power to remove potential paupers from the community to their place of legal settlement. “In case any person shall remove from one parish to another, that it is feared may be chargeable” declared a South Carolina law, for example, “any justice of the peace of that county, may be warrant remove and convey him to the parish where he was last legally settled.” But the formal issuing of a ‘warning’ – essentially a public declaration of refusal for future relief – was a northern phenomenon. The historical record in the south is nearly silent on the powers of “warning out” but we might imagine that lawmakers felt that such provisions were unnecessary due to the southern phenomenon of both banishment and prohibitory-entry statutes.

Despite the statutory prohibitions against manumitting old slaves, slaveholders nevertheless petitioned their state legislature or county courts for exemptions. Such petitions occurred throughout the antebellum period, though mostly in the 1840s and 1850s, after banishment laws became common throughout the south. The Virginia legislature was so flooded with such petitions that in 1837 it passed a law referring all such cases to the courts.

401 Report from His Majesty’s Commissioners for Inquiring into the Administration and Practical Operation of the Poor Laws, Appendix F, 120.
Sometimes pure economic self-interest drove these petitions, or at least factored into them. But so to did humanitarian motives appear and even trump economic calculations. Often, twenty, thirty or even fifty residents of a county would join together, asking the court or state legislature (depending on the laws of that state) to free an old slave whom them deemed praiseworthy – that is, a slave who was “faithful,” “obedient,” and “honest.”

Historian Emily West has argued that “all residency requests…were constructed around discourses of free blacks’ respectability and economic value.” The blacks that slaveholders spoke out for, West maintains, “had significant economic worth, with the majority being skilled or semiskilled workers.” Slaveholders across the south, however, submitted residency petitions for elderly slaves – those who had little or no economic value. These petitions did emphasize the respectability of such slaves, using keywords like “faithful,” “obedient,” and “meritorious.” And they did emphasize that the freed slave would not be a charge on the county. But, for the most part, they admitted to the slave’s lack of economic worth but assured the protection of the community by discussing a caretaking method to prevent public chargeability.

The descriptive language regarding age in these petitions across the south was interchangeable; such petitions asked to free “an old & Very harmless woman;” “a certain very aged negro woman;” a slave who was “getting advanced in years.” Petitioners explicitly sought to highlight the fact that old, manumitted slaves would not become paupers. In so doing, they used the same language that overseers of the poor used when distributing poor relief: the language of “chargeability.” They emphasized that their former slaves would not become

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404 “Race, Slavery, and Free Blacks, Series I: Petitions to Southern Legislatures, 1777-1867,” PAR Numbers: 11082304; 11082305; 11283606.
“chargeable” – that old slaves under the slaveholder’s control would not become old paupers dependent on the community. Peter Berry of South Carolina asked the legislature in 1805 to free his slave, Sally, “advanced in years, but well able to provide for her subsistence.” Berry noted specifically that he would be “bound for the said Slave not being chargeable on the Parish, as a Pauper or Beggar” if she were indeed to be freed.405 Nineteen residents of Wilkinson County, Mississippi asked the state legislature in 1860 to allow Titus Hill, an old slave to remain in the state, noting that he had acquired four to five thousand dollars worth of property.406

Slaveholders’ language in their petitions gives us clues as to how they imagined the care of manumitted old slaves would occur. Some slaveholders did assure officials that their slaves could either earn a living, or would receive financial support from the slaveholder, upon manumission. But other slaveholders hinted at their expectation that a manumitted slave’s family – free or slave – would do the real work of caretaking. A Tennessee executor noted in his request to allow an old, manumitted slave to remain in the state that the old man “has a Large Family.” 407 A manumitted Virginian slave would be left in the care of “his family and friends.” 408

Slaves themselves who petitioned for freedom were quite aware of the age restrictions – and its purpose. They assured the legislature or court of their ability to maintain themselves in asking for exemptions to the rule. Anna, a slave in Maryland, applied for freedom in 1817. She was supposed to have been freed by her deceased master’s will, but was denied a deed of

405 “Race, Slavery, and Free Blacks, Series I: Petitions to Southern Legislatues, 1777-1867,” PAR Number 11380505.
406 “Race, Slavery, and Free Blacks, Series I: Petitions to Southern Legislatues, 1777-1867,” PAR Number 11086004.
407 “Race, Slavery, and Free Blacks, Series I: Petitions to Southern Legislatues, 1777-1867,” PAR Number 11485101.
408 “Race, Slavery, and Free Blacks, Series I: Petitions to Southern Legislatues, 1777-1867,” PAR Number 11681128.
manumission because she was over the age of forty-five. In her petition to the local court, Anna explained that the law was meant “to prevent persons held in slavery from being turned loose upon the community when they became superannuated” but that the law should not prevent her own freedom because she possessed “property more than sufficient for her maintenance,” – property that she had inherited from her former master.409

Many of these types of petitions emerged in the late antebellum period, when the threat of a large free black population able to revolt likely outweighed the potential of a freed slave to become chargeable. In other words, though chargeability remained a concern – and security or banishment were often legally required with manumission – the fact that a slave was, as one petition put it, “far advanced in life” could, as mid-century approached, actually increase that slave’s chance for manumission; an old slave was not a violent threat.410

Lawmakers were keenly aware of the potential public burden posed by acts of manumission – and the particular burden posed by the manumission of old slaves. As a result, they inserted banishment clauses into manumissions laws – in effect, resolving the problem of pauperism-by-manumission by relocating it elsewhere.411 The legislature of Virginia instituted a colony-wide banishment provision into its very first manumission statute, declaring that “no negro or mulatto be…set free by any person or persons whatsoever, unless such person or persons…pay for the transportation of such negro or negroes out of the country within six

409 “Race, Slavery, and Free Blacks, Series II: Petitions to Southern County Courts, Part B: Maryland (1775-1866), Delaware (1779-1857), District of Columbia (1803-1865),” PAR Number 20981701.
410 “Race, Slavery, and Free Blacks, Series I: Petitions to Southern Legislatures, 1777-1867,” PAR Number 11285606.
months.”412 Notably, the legislature put the financial burden of banishment on the former slaveholder rather than the former slave, likely a disincentive to manumission altogether. In 1806 Virginia lawmakers declared that any slave so manumitted could remain in the state for one year from the date of their freedom.413 But if they didn’t leave by that twelve-month mark, they could be seized and sold by the overseers of the poor.414 The banishment provision in effect prevented freed slaves from gaining a settlement in any county in Virginia. And it also gave overseers of the poor – the regulators of poverty – the power to re-enslave freed blacks. Together, the provisions formed a double protection against manumitted blacks becoming chargeable to their county of residence. Some lawmakers, however, acknowledged and accepted that the county might become responsible for old, manumitted blacks. Arkansas officials banished all free blacks after 1860, but noted that “aged and infirm negroes” might be “incapable of leaving the State” or of being sold. In such cases, they explained, “aged and infirm negroes and mulattoes, shall be placed in the poorhouse of the county, and in every respect treated as paupers.”415

John Ferguson, the sergeant of Richmond, sought reimbursement for the expense of keeping Nancy Parham, a free black woman, in jail in 1849. She had been arrested for residing in Richmond without permission from the city. The Court ordered Ferguson to hire Nancy out for up to two years, in order to recover the expenses. However, Ferguson, explained, no one would

hire her and he was forced to ask the Overseers of the Poor to allow Nancy “to be received into the poorhouse.”

Every overseer of the poor, under that Virginia Act, was to take an official oath, promising to “faithfully enforce the laws to prevent the importation of slaves.” Virginia lawmakers in 1806 not only required manumitted slaves to leave the state, but prohibited the importation of slaves into the state. “If any slave or slaves shall hereafter be brought into this commonwealth, and…kept therein one whole year…the owner shall forfeit all right to such slave…which right shall absolutely vest in the overseers of the poor.” Throughout the early republican and antebellum eras, lawmakers across the south imposed various restrictions on the interstate slave trade; these restrictions, certainly, were intended to protect white residents rather than slaves, and they revealed some of the concerns that troubled officials. The states of the lower south, for example, feared becoming overloaded with slaves from the upper south.

Lawmakers must have realized the hesitancy of overseers of the poor to enforce banishment laws, as they gradually opened up channels for manumitted slaves to legally remain within the state. By 1816, Virginia lawmakers allowed slaves who had been freed for acts of “extraordinary merit” to apply to local courts for permission to legally remain in the state.

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416 “Race, Slavery, and Free Blacks, Series I: Petitions to Southern Legislatures, 1777-1867,” PAR Number 11684902.
418 “An Act to amend the several laws concerning slaves,” The Statutes at Large of Virginia, From October Session 1792, to December Session 1806 (Richmond: Samuel Shepherd, 1836), 251.
Twenty years later, manumitted slaves could remain in the state as long as they were deemed persons of “good character, sober, peaceable, orderly, and industrious.”  

Such laws were not entirely unenforced. Virginia lawmakers in 1834, for example, ordered Titus Brown, a former slave “whose hair was white with age” to leave the Commonwealth. But for the most part, as John Russell found in his 1913 dissertation on free blacks in Virginia, “the prescribed penalty – sale into slavery – was so much at variance with sentiment that grand juries usually refused to indict, or attorneys refused to prosecute, violators of the law.” Indeed, lawmakers and social commentators often noted, by the 1840s, the extent to which such laws were ignored. A Virginia judge in the 1840s explained that the laws that required manumitted slaves to leave the state were “nearly dead letters upon our statute book.” Other than brief instances – often provoked by reaction to abolitionists, he explained, he had “until lately, scarcely known an instance in which they have been enforced.” John Carey, in his 1845 observation of slavery in Maryland, declared that even “with all the restrictions which legislation has imposed upon manumissions, the still go on. It may be taken for certain that they will go on; that nothing can stop them.” In 1854, Richmond’s The Daily Dispatch reported that “there are now in this city several aged and infirm negroes” who were unable to support themselves. Since they had “not been sent out of the Commonwealth, as the law directs,” the overseers of the poor would have to step in, and provide for their maintenance.

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421 Ibid., 298.
423 Ibid., 174.
424 Henry Howe, Historical Collections of Virginia (Charleston: Babcock & Co., 1845), 157.
425 John L. Carey, Slavery in Maryland, Briefly Considered (Baltimore: John Murphy, 1845), 32.
426 “Infirm Negroes,” The Daily Dispatch, Richmond, April 12, 1854.
Jackson noted in his 1930 study of manumission in Virginia, even those former slaves who were legally granted residency rights “lived under constant suspicion.”

As Lawrence Friedman has noted, “it was fortunate that exile laws were not strictly enforced. Free blacks had nowhere to go.” Indeed, over the course of the antebellum era, southern lawmakers not only passed banishment laws, requiring freed blacks to leave the state; they also passed limiting or even prohibiting the entry of free blacks into states. In the early republic, Georgia required free blacks to provide proof of their industry within six months; North Carolina required free blacks to post a bond of two hundred pounds when they entered the state. As a result of “the great and rapid increase of free negroes and mulattoes” in the state of South Carolina by 1820, lawmakers there not only reduced manumissions to special acts of the legislature but also barred “any free negro or mulatto” from entering the state. And immediately after the Denmark Vesey plot two years later, lawmakers passed Seamen’s Acts that required any free black on any vessel that came into Charleston to immediately be sent to jail; if the master of the ship did not pay for that free black’s boarding in the jail, that imprisoned ‘free’ person might be sold into slavery to retroactively cover that cost. Almost as soon as Virginia codified the expulsion of freed slaves in 1806, Maryland citizens complained to their state legislature that, as a result of Virginia’s law, “many of her beggarly blacks have been vomited

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429 “An Act to restrain the emancipation of Slaves, and to prevent free persons of colour from entering into this State, and for other purposes,” December 1820, Acts and Resolutions of the General Assembly of the State of South Carolina, Passed in December, 1820 (Columbia: D. Faust, 1821), 22.
upon us.” Within a year, lawmakers in Maryland, Delaware, and Kentucky and South Carolina passed laws prohibiting free blacks from entering and settling in their states.\textsuperscript{432} Slave status, with limited exception, negated the possibility of legal settlement. Only in select northern states, like New Jersey, could a slave achieve a settlement, and even then, only could a settlement be granted if the slave’s master was deemed insolvent.\textsuperscript{433} The pressing question, then, became whether a manumitted slave could gain a legal settlement. In the North, the answer was fairly straightforward; as confirmed in the Massachusetts case \textit{Winchendon v. Hatfield}, a former slave acquired a “derivative settlement” from his master. The judge in the case analogized such acquisition to the settlement of other legal dependents, like wives and minors.\textsuperscript{434} In the south, however, banishment laws made settlement far more complex and precarious. Did a manumitted slave in the south achieve a derivate settlement if the law prohibited his residence in the state? And if not, what about those manumitted slaves who achieved residency exemptions allowing them to remain in the state despite prohibitory statute?

State prohibitions on such entry were fraught with political implications. The admission of Missouri into the Union, for example, sparked objections of being “repugnant to the constitution of the United States” because its constitution prohibited free blacks from settling in the state.”\textsuperscript{435} For those former slaves who were in fact forced to leave the state, or for free blacks whose status was questionable, the intersection of banishment laws and pauper residency statutes

\textsuperscript{432} Ford, \textit{Deliver Us From Evil}, 65; Berlin, \textit{Slaves without Masters}, 92.
\textsuperscript{433} \textit{Report from His Majesty’s Commissioners for Inquiring into the Administration and Practical Operation of the Poor Laws}, Appendix F, 677.
\textsuperscript{434} \textit{Winchendon v. Hatfield}, 4 Mass. 128 (1808).
\textsuperscript{435} “Speech of Mr. Smith of S. Carolina, (in the Senate of the U. States) on the Admission of Missouri into the Union,” \textit{St. Louis Enquirer}, February 3, 1821, p. 2.
rendered their situation especially complex. As explored, poor laws usually mandated a
residency requirement of about nine months to a year before a pauper became eligible for relief.

The regulation of paupers applied not just to those who were chargeable but also to those
who might become chargeable. Chargeability, in other words, was not just a present category but
also a future concern; potential poverty, for settlement purposes, was essentially the same as
actual poverty. Delaware lawmakers, for example, required only two trustees of the poor, or one
trustee and one justice of the peace, to determine than an individual without a settlement was
“likely to become a charge” to order the removal of that individual – and that individual’s entire
family – out of the county.436

The concern over the potential chargeability of newcomers increased over the course of
the nineteenth century, as travel became easier and more efficient. What historians have
characterized as “the transportation revolution” not only helped bring paupers across state lines
but also carried foreign paupers into American cities.437 Lawmakers responded in turn, targeting
the captains of ship vessels as potential carriers of chargeable persons. “If any person
commanding a ship, vessel or boat,” declared an Alabama statute, “shall…bring to the shores
thereof any lunatic, maimed, aged, infirm person or vagrant, who may be adjudged likely to
become chargeable,” any justice could force the captain the provide the county with “sufficient
security” to protect the residents.438

436 “An Act to Consolidate and Amend the Laws for the Relief of the Poor,” Section 12, February 12,
1829, Laws of the State of Delaware, Arranged and Published Under the Authority of the General
Assembly (Wilmington: R. Porter and Son, 1829), 440.
437 See for example, Daniel Walker Howe, What Hath God Wrought: The Transformation of America,
438 Report from His Majesty’s Commissioners for Inquiring into the Administration and Practical
Operation of the Poor Laws, Appendix F, 114.
The boundaries of settlement were particularly fraught in the colonial and early antebellum eras, where mobility was for many a fact of life. Overseers of the poor in Alabama were directed to “prevent the poor from strolling from one district to another” and were authorized to seek out warrants from justices of the peace to remove from the county any person “likely to become chargeable.”

While status categories like ‘pauper’, ‘indentured servant’, and ‘slave’ could be murky, legal standards like ‘settlement’ could help draw boundaries and make those categories more clear. Slaves, by definition, could not have a settlement; they were animate pieces of property – members, if that, of only their master’s estate. Indentured servants, however, operated under an explicitly temporary status, and thus the law recognized their eventual settlement in the county in which they labored. This special legal category, which we might term ‘future settlement,’ was applied to paupers and indentured servants across the South – but never to slaves. Indeed, the delay for such settlement among indentured servants was not long at all. By the early nineteenth century, Delaware lawmakers declared that “every indentured servant legally imported from Europe, shall obtain a settlement in the hundred in which he shall serve with his master the space of sixty days.” In Maryland, indentured servants gained a settlement after a year of service.

Though manumission laws were often coupled with banishment laws, residents of various counties – and former slaves themselves – nonetheless petitioned their state legislatures to allow freed slaves to remain in the state, to be, in essence, allowed to gain a settlement via residence. Though far less commonly noted by historians than petitions for freedom, these petitions, which

439 Ibid., 114.
441 Ibid., 1101.
we might term ‘petitions for residence,’ emerged often, across both the upper and lower south. Indeed, such petitions sprung up almost as soon as banishment laws went into effect – and they continued to reach legislatures throughout the antebellum era.

The desire for settlement among freed slaves was, among other things, fundamentally bound to their familial attachments, whether slave or free. In 1859 more than eighty residents of Jasper and Clarke counties in Mississippi, for example, asked the legislature to allow Dick Dale, a sick freedman in his early sixties, to remain in the state.\(^{442}\) The petitioners noted specifically that all of Dick’s family members were slaves in that state. A few years earlier, in Tennessee, twenty petitioners asked the legislature to allow Archibald, a slave “pretty far advanced in life” to be freed and to be allowed to remain in the state, given that he had a “large family” there.\(^{443}\) Petitions to allow freed slaves to remain in the state were more common in the later antebellum era, as banishment laws became more widespread. But such petitions emerged as soon as banishment laws took effect, springing up in the early nineteenth century as well.

Joe Booth, freed by the will of his deceased owner, petitioned the Virginia legislature in 1811 to remain in the state. Booth, an “old man,” explained that “the privilege of freedom will be of no enjoyment” to him if he could not remain with his wife and children – both slaves – in the state.\(^{444}\) Similarly, Jacob, an old slave in Virginia, struck a deal to purchase himself and remain with his wife and children, slaves in a different county in Virginia, rather than move with his master to Tennessee. Before he received his deed of manumission, however, the Virginia state

\(^{442}\) “Race, Slavery, and Free Blacks, Series I: Petitions to Southern Legislatures, 1777-1867,” PAR Number: 11085927.

\(^{443}\) “Race, Slavery, and Free Blacks, Series I: Petitions to Southern Legislatures, 1777-1867,” PAR Number 11485101.

\(^{444}\) “Race, Slavery, and Free Blacks, Series I: Petitions to Southern Legislatures, 1777-1867,” PAR Number 11681128.
legislature banned manumitted slaves from remaining in the state. “Far advanced in life,” Jacob petitioned the state legislature to let him “spend his few remaining days within the Commonwealth.” Jacob asked the lawmakers to have “compassion for his age,” and exclaimed that he would choose death over being separated from his wife and children “whom he tenderly loves.” Such sentiments echoed throughout almost all petitions to achieve exemptions from banishment laws. An old slave, Ben, also freed in Virginia, relayed to the legislature that leaving his slave wife and slave children would be “worse than Slavery.” Indeed, another old freedman noted that his slave wife was old as well, and asked that if he couldn’t remain with her in Virginia for the remainder of his life, if he could at least have “4 or 5 years when in all probability his aged wife may sink into the grave.” Women as well as men submitted such petitions. Rebecca, a freed black woman in Tennessee, petitioned the state legislature for permission to remain in the state after her manumission. She was “far advanced in life,” she noted in her petition, and she wished to “pass the remnant of her days” with her remaining child and her “aged husband.”

Some slaves stressed not just their general familial attachments, but also their specific role as caretaker as a justification for remaining in the state. Jane Dougherty, freed by her owner in Tennessee in the late 1840s, petitioned the local court for permission to remain in the state specifically to care for her old mother, a slave. Her mother, she explained, was “very old” and

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445 “Race, Slavery, and Free Blacks, Series I: Petitions to Southern Legislatures, 1777-1867,” PAR Number 11681306.
446 “Race, Slavery, and Free Blacks, Series I: Petitions to Southern Legislatures, 1777-1867,” PAR Number 11681511.
447 “Race, Slavery, and Free Blacks, Series I: Petitions to Southern Legislatures, 1777-1867,” PAR Number 11683004.
448 “Race, Slavery, and Free Blacks, Series I: Petitions to Southern Legislatures, 1777-1867,” PAR Number 11483703.
“utterly helpless.” Dougherty explained that she was her mother’s “principle stay & protector” and that if she were forced to leave the state, her mother “would not receive that attention which her utter helplessness requires.” Philip Gallego, a freed slave in Virginia in 1814, asked the state legislature for permission to stay in the state specifically to provide the “care and attention…and the comfort and affection” to his parents, who were “now growing old.”

Old slaves who petitioned for freedom and residence emphasized not only their ability to maintain themselves but also their inability to add to the free black population. Mary Cox of Chesterfield, Virginia, who described herself as “advanced in age, and daily growing old,” made sure to note in her request to remain in the state that she was past childbearing age and thus could not increase the free black population. In the same vein, twenty-nine residents of Smith County, Tennessee stressed in their petition on behalf of an old emancipated couple that they should be allowed to remain in the state that they “are now old and will never have any more children.”

The onslaught of residency petitions was in large part a reaction to the danger of re-enslavement, a danger that manumitted slaves across the south confronted upon receiving their freedom. This was a particular kind of danger; it was not about being kidnapped and illegally sold by slave traders, for example. Rather, it was the fully legal danger of being seized by the

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449 “Race, Slavery, and Free Blacks, Series II: Petitions to Southern County Courts, Part E: Arkansas (1824-1867), Missouri (1806-1860), Tennessee (1791-1867), and Texas (1832-1867),” PAR Number 21484843, Slavery and the Law, Proquest History Vault.
450 “Race, Slavery, and Free Blacks, Series I: Petitions to Southern Legislatures, 1777-1867,” PAR Number 11681408.
452 “Race, Slavery, and Free Blacks, Series I: Petitions to Southern Legislatures, 1777-1867,” PAR Number 11483210.
overseers of the poor and sold back into slavery as a consequence of violating a banishment provision. Former slave Catherine Carlyle of Jefferson County wished to remain in Virginia with her husband, but feared that if she remained, she would be “taken up & sold as a slave by the overseers of the poor.” Littleton Henderson noted a few years later that “the overseers of the poor” of Accomack County Virginia “proceeded to sell at public auction many of the free negroes residing in the said county.”

**IV. Taxation**

Taxation, like the distribution of poor relief, was directly tied to local settlement. Thus the problem of the strolling poor was not just a matter of determining whether individuals were entitled to relief; it was also a matter of determining whether individuals were taxable, and thus responsible for contributing to the support of their community’s poor. “Paupers ought not to be assessed for the support of government,” declared the Constitution of Maryland in 1776. Taxation, settlement, and the fear of potentially chargeable persons were fundamentally intertwined. Overseers relied on local tax-payers to fund all of the relief requests, so they were vigilant about making sure that residents would pay their taxes. Virginia, Kentucky, and North Carolina all early passed laws prohibiting any newcomer from getting a job in a county until that person first produced a certificate from the sheriff of his previous county, affirming that he had indeed paid his taxes. So too did such laws show the necessary cooperation among counties,

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453 “Race, Slavery, and Free Blacks, Series I: Petitions to Southern Legislatures, 1777-1867,” PAR Number 11681124.
454 “Race, Slavery, and Free Blacks, Series I: Petitions to Southern Legislatures, 1777-1867,” PAR Number 11682708.
456 Quigley, "The Quicksands of the Poor Law 5."
and even across states. Tax paying, like poor relief, was local; but the local operation required non-local cooperation. “Whereas divers idle and disorderly persons…frequently stroll from one County to another” proclaimed a North Carolina statute in 1755, “failing altogether to list themselves as Taxables or…render themselves incapable of paying their levies,” no person would be employed in another parish unless that person first obtained a certificate affirming that he had paid taxes in the parish in which he previously resided.\footnote{“An Act for the Restraint of Vagrants, and for making provision for the Poor and other Purposes,” Chapter VI. Sections I and II, 1755, Clark, ed., \textit{The State Records of North Carolina, Laws 1777-1788}, vol. XXIV, 435.} The mobility of persons, in other words, was problematic not only because the responsibility of their specific support (when needed) would need to be determined, but also because their own responsibility to contribute to the support of others would need to be fulfilled.

In other words, lawmakers worried that residents would move among counties without paying their taxes. Florida lawmakers in 1828 feared precisely this, and passed a law directing that when any person “liable to pay taxes shall…remove from the county…not having paid his, her, or their taxes,” the collector of the county where the taxes were due should contact the collector of the person’s new county, to collect and “immediately transmit” the due taxes from that individual.\footnote{“An Act to raise a Revenue for the Territory of Florida,” Section 21, November 22, 1828, John P. Duval, Esq., \textit{Compilation of the Public Acts of the Legislative Council of the Territory of Florida, Passed Prior to 1840} (Tallahassee: Samuel S. Simlet, 1839), 316.}

So too could the movability of slave property complicate the responsibility of slaveholders for paying taxes on that slave. Who was to pay when a slave was hired out, across county lines, for example? North Carolina legislated specifically on this issue, clarifying that the owner rather than the temporary hirer of a slave was to pay taxes on that slave – “unless when
the owner may be a non-resident…then the hirer shall list the slave and pay the tax.”459 The owner of a slave, then, was not responsible for paying the tax on that slave if that slave was temporarily working (and living) in another county.

In addition to manumission laws, tax laws regarding slaves also helped constitute numerical definitions of old age. As Samantha Williams has noted, “poor relief was paid to the aged only when their chronological and functional attributes coincided,” – when they had become too weak or sick to work rather than when they had reached a numerical benchmark.460 Historians of old age have argued that in the colonial and antebellum eras, there was no pensionable age – that is, there was no specific age at which a pauper became eligible for relief.461 Rather, people stopped working based on what they could do, and how they felt doing it.462 Manumission laws and tax laws, however, often relied upon specific age cutoffs in an effort to prevent freed slaves from becoming public charges. The defining of old age as a particular number or range of numbers, then, emerged not among white Americans but rather in reference to blacks. Indeed, slave-insurance policies bolstered such definitions. delineating the slaves they would insure, however, and old slaves rarely qualified. The Franklin Slaughter of Fredericksburg Company would not insure slaves older than sixty-two, and the North Carolina Mutual Life Insurance Company would not insure slaves older than sixty.463 Moreover, insurance companies

460 Williams, Poverty, Gender and Life-cycle under the English Poor Law, 14-15.
461 Susannah R. Ottaway, The Decline of Life: Old Age in Eighteenth-century England (Cambridge: Cambridge University Press, 2004), Ch. 1; Pat Thane, A History of Old Age (Oxford: Oxford University Press, 2005), Ch. 1
increased rates to cover slaves as they got older, up to the maximum age insured. And the rate per year for older slaves increased exponentially. For example, the North Carolina Mutual Life Insurance Company’s insurance rates for slaves in 1849 started at $1.60 for ten year olds. Rates increased every year, but still only came to $2.82 by the time slaves were 45 years old. However, rates for slaves 46 – 60 increased from $3.02 to $6.94 per year.\textsuperscript{464}

Taxation infiltrated not just the jurisdiction of the county but also the jurisdiction of the household – as heads of household were responsible for covering their taxable property. And just as poor residents of a county could be relieved of their tax obligations, so too could heads of household be relieved of their tax obligations for old slaves. For example, the court records of Stafford County, Virginia reveal many such exemptions. “Ordered that William Burton be exempt from payment of tax and levy for his Negro man Joe, he being aged and infirm” read an entry from 1833.\textsuperscript{465} “Nancy Threlkeld is exempt from taxes and levies on her Negro woman Sarah, due to age and infirmity” read another entry, from 1855.\textsuperscript{466}

For tax-paying purposes, lawmakers often first grouped slaves together by age ranges, or provided different rules or exemptions for slaves they deemed old. Maryland lawmakers, as early as 1715, declared that even though all male slaves, and female slaves older than sixteen, were to be “deemed taxable,” any old slave, “adjudged by the county court to be past labour” was

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\item \textsuperscript{465} Joan W. Peters, comp., Stafford County Minute Book, 1830-1835, Stafford County Virginia Court Records (2002), 295.
\item \textsuperscript{466} Joan W. Peters, Stafford County Minute Book, 1852-1867, Stafford County Virginia Court Records. (2002), 68.
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exempted. In 1803, the state lawmakers became more specific in their valuations; they assessed all slaves (male and female) between the ages of eight and fourteen at 15 pounds. Male slaves aged fourteen to forty-five were valued at 45 pounds and female slaves aged fourteen to thirty-six were valued at 30 pounds. The younger children, and the older slaves – that is, all the males older than 45 and females older than 36, were not to be valued at a pre-determined rate. Rather, they were to be taxed “to a true proportioned value to male and female slaves above or under those ages.” The slaveholder was to turn in to the tax assessors a list of all the slaves above (or below) those ages, “with their valuation.”

Moreover, the Maryland law directed that if any slave be disabled or “from the want of health, or any visible infirmity” be unable to “perform his usual and proper labour,” there should be a “reasonable abatement” in the tax on that slave. Such language practically invited negotiation between slaveholder and tax collector. That same year, Virginia lawmakers passed a similar law. Though they taxed all slaves above the age of twelve, they instituted an exemption “by reason of age or infirmity” – to be determined by the county courts. North Carolina allowed its county courts to exempt “disabled and insane slaves” from being rated as taxables.

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469 “An Act for the valuation of real and personal property within this state,” Chapter LXII, Section XVII., November 1803, ibid., 115-16.
South Carolina lawmakers, in 1720, provided heads of household with a similar form of tax relief for their aged property – but instead of making the standard of relief performance-based, they made it specifically age-based; all slaves from the age of ten to sixty were to be taxed. North Carolina taxed slaves between the ages of twelve and fifty. Mississippi lawmakers in 1844, affirmed a tax on “each and every slave under sixty.” Still, that number could reach into the fifties, forties or, for women, even the late thirties. Taxation exemptions for slaves, then, could be based on performance or age – both of which were entwined, and both of which could be negotiated categories.

The southern economy, explains Walter Johnson, “was constructed upon the idea that the bodies of enslaved people had a measurable monetary value, whether they were ever actually sold or not.” Slaves, as collateral, underwrote the entire economy and became, as Steven Deyle has shown, “the most valuable form of investment in the South.” Thus the aging process forced masters to carefully calculate and ponder the deteriorating worth of their human chattel. Slave-owners constantly calculated and recorded the market value of their human commodities, and in so doing, showed just how far some slaves fell from the market’s reach.

Slaveholders often kept detailed records of their slave property, noting not only the

472 An Act for supporting and paying off the arrears now due to the several garrisons, scout-boats, look-outs, Johnson’s Fort, Charlestown Watch, For making good the deficiency of the last year’s tax and for discharging all the public orders, accounts, and other debts now due… No. 424, Section I, 1720, Cooper, ed., The Statutes At Large of South Carolina, 112.
473 An act concerning revenue,” Chapter 37, Section 4, Public Laws of the State of North Carolina, 72.
474 “An act to Amend and Reduce into one the several Acts in relation to the Revenue of this State, and for other purposes,” Ch. 8, Article 16, Section 1, February 4, 1844, A. Hutchinson, ed., Code of Mississippi, 182.
475 Johnson, Soul By Soul, 25.
names and ages of their slaves, but the likely monetary value of those slaves during each particular year. Age – more than gender, more than special skills, more than overall physical ability – was the first and primary category of monetary worth. As an estate administrator in Alabama noted, there was a “great inequality in the ages of the Slaves, which of course makes them unequal in value.”

One Virginia slaveholder, for example, divided his twenty-seven slaves into three categories: those under 12 years old; those between 12 and 50 years old; those older than 50 years old. The children averaged a value of $150 dollars, whereas the adult slaves ranged from $250 up to $400. The price of the four slaves older than 50 dropped dramatically. Ned, fifty-one years old, was valued at $50 dollars; Robin and Frank, both fifty-five, were valued at $30 and Jamey, at seventy years old, was given a valuation of zero.

One Maryland estate administrator noted how quickly age could depreciate the value of a slave. “An old negro man” belonging to the estate had been appraised, two years earlier, at $350. The slave was now “upwards of 60 years old” and suffered from rheumatism. The only offer for the slave was for $150. If he didn’t sell him, the administrator noted, the slave would “in all probability in twelve months from this be totally unfit for sale or hire and therefore must be a dead expense for the remainder of his life.”

Notably, slaveholders did not just use the language of “old” or “aged” or “superannuated” when describing their elderly slaves. They specifically used the language of “chargeability” – the same language that lawmakers and overseers of the poor used when describing paupers.

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478 MS, Pollard Family Papers, Virginia Historical Society, Richmond, Virginia.
479 "Race, Slavery, and Free Blacks, Series II: Petitions to Southern County Courts, Part B: Maryland (1775-1866), Delaware (1779-1857), District of Columbia (1803-1865)," PAR Number 20985835.
Guardian Edward Acree of Virginia worried in 1843 that the three slaves some minors inherited would in a few years become “chargeable.”

In fact, it wasn’t just individual traders or masters who seemed to appraise old slaves in this way; courts did so as well. An Alabama court, assessing the property left behind after a slaveholder’s death, declared an “old slave Ned” to be “utterly valueless.” The Court of Appeals of Equity of South Carolina noted that a slave was “an old negro and of little value.”

The slaves of wealthy planter Charles Carroll, of Chesapeake Bay, were appraised after his death in 1832. Out of Carroll’s 215 slaves, nineteen were in their seventies or eighties, or otherwise disabled in some way. All nineteen were valued at only one penny each.

Slaves who, in their prime, would be sold for a high price found themselves, in their old age, liable to be sold to anyone who might offer to take care of them for a small sum – just as paupers might be sold to the lowest bidder. Robert Fogel and Stanley Engerman have shown that male slaves reached their highest market price in their early twenties and that, after slaves rounded their mid-thirties, their price dropped steeply from then on, with each new year. An old slave, Jim, about sixty-three years old, noted an administrator in Mississippi, was “likely to become a burden, rather than an advantage.” A Virginia slaveholder worried that his old slave...

480 “Race, Slavery, and Free Blacks, Series II: Petitions to Southern County Courts, Part B: Maryland (1775-1866), Delaware (1779-1857), District of Columbia (1803-1865),” PAR Number 11684301.
481 Longmire v. Goode, 38 Ala. 577 (1863).
482 Mrs. Elizabeth Chaplin v. Charles Givens, Trustee, et al., Rice Eq. 132 (1839).
would “very shortly become a serious and burdensome charge” to him.\textsuperscript{486} A Mississippi administrator sought permission to sell “two very old negroes” who “may if not soon disposed of become an actual charge on said estate.”\textsuperscript{487} Another administrator sought to sell the estate’s slaves because they were “old & shortly will be an expense to the child to whom they are given.”\textsuperscript{488}

In both the Border States and the Deep South, slaveholders throughout the antebellum era were required to deliver to tax assessors a list of their slave property, including the names and ages of their slaves. These private records actually served very public purposes – namely, indicating whether a slave would or would not qualify as a taxable piece of property, and thus whether a master would or would not have to pay taxes on that slave. Slaveholders not only tried to make their older slaves eligible for numerical tax exemptions, but also hoped that their slaves who were old – but not quite old enough – might nevertheless qualify for an exemption, due to that slave’s condition, and thus lack of value. In other words, just as old age was being numerically established and codified, so too did it remain a negotiated category.

Lawmakers immediately considered the possibility that self-interested slaveholders might be tempted to alter the ages of their slaves, marking them as old or past labor as a means of avoiding taxation. If any slaveholder shall “willfully lessen or increase” the age of any of his slaves, held a Maryland statute in 1803, “such owner…shall pay double the tax on the real value

\textsuperscript{486} “Race, Slavery, and Free Blacks, Series II: Petitions to Southern County Courts, Part C: Virginia (1775-1867) and Kentucky (1790-1864),” PAR Number 21683702.

\textsuperscript{487} “Race, Slavery, and Free Blacks, Series II: Petitions to Southern County Courts, Part A: Georgia (1796-1867), Florida (1821-1867), Alabama (1821-1867), Mississippi (1822-1867),” PAR Number 21085348.

\textsuperscript{488} “Race, Slavery, and Free Blacks, Series II: Petitions to Southern County Courts, Part D: North Carolina (1775-1867) and South Carolina (1784-1867),” PAR Number 21384220., Slavery and the Law, Proquest History Vault.
of such slave." Tax rates were not the only reason that slaveholders might try to alter the ages of their slaves. Private sales and inheritances also encouraged calculating slaveholders to manipulate their slaves’ ages. Sally Taylor and her husband, for example, sued her father’s widow in Kentucky in 1813 for representing some of the slaves of the estate she had partially inherited to be “older and more infirm than they really were,” rendering their value to be less than what it really was.

Seventy-eight year old Joseph Rogers of Chowan County, North Carolina asked the state legislature in 1800 to “exempt him from the Payment of Public Taxes during the remainder of his life.” Not only was he old and disabled himself, Rogers explained in his petition, but his “taxable property” included “one old negro man and one old negro woman,” both of whom were a “Burthen and incumbrance [sic]” to him. Rogers invoked the category of age doubly, then, to justify to the court his worthiness for a tax exemption: his own old age and disability, as well as the old age of the slaves he was supporting. Tax exemptions for old slaves were granted steadily over time. An examination of the Order Book for Prince William County, Virginia, for example, reveals exemptions for old slaves, using practically the exact same language over nearly sixty years of records:

December 4, 1804: “Hezekiah Dunnington is excused from paying taxes, levies and poor rates in future for Negro Tom, it appearing to the court that he is aged and infirm”

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490 “Race, Slavery, and Free Blacks, Series II: Petitions to Southern County Courts, Part C: Virginia (1775-1867) and Kentucky (1790-1864),” PAR Number 20781303.
491 “Race, Slavery, and Free Blacks, Series I: Petitions to Southern Legislatures, 1777-1867,” PAR Number 11280007.
February 7, 1814: “On the motion of John Kincheloe. It is ordered that Negroes Nan & Sarah be exempted from taxes & levies in future, it appearing to the Court that they are aged and infirm”

June 3, 1839: “Joe Davis is exempt from the payment of taxes, levies &c. for Negro Woman Harriet in future, it appearing to the Court that the Negro is aged and infirm”

March 3, 1845: “Edmund Newman is exempt in future from the payment of Taxes & levies on Negro women Betty & Judy, it appearing to the satisfaction of the Court, that the slaves are aged & infirm”

November 5, 1860: “On motion of Martin Davis, he is exempt from the payment of County & Parish levies on slave Charles because of his age and infirmities and the Sheriff is ordered to refund to Davis the County and Parish levies on the slave for the present year.”

Slaveholders requesting exemptions argued that old and unproductive slaves were “a tax on plantations resources.” But such tax exemptions were not always welcome news among non-slaveholders, and particularly in light of the taxation of the poor. Thirty-four citizens of Bradley County, Tennessee in 1849 complained to the state legislature about the law that exempted slaves younger than twelve and older than fifty from taxation. “The Poorman has but little to protect but he under the present Law has to pay taxes for every Acre of Land he owns…while the Rich Slaveholders is Raising young Negros and Speculating on his old ones free of taxation.” They proposed instead that all slaves be taxed for the duration of their lives, “according to their value.” Numerical tax cutoffs, then, were a primary objection for these citizens.

494 “Race, Slavery, and Free Blacks, Series I: Petitions to Southern Legislatures, 1777-1867,” PAR Number 11484901.
V. Conclusion

The private obligations of caretaking for slaves were very much regulated by the public protections against chargeable persons; lawmakers passed hundreds of statutes aimed at preventing the cost of supporting old slaves (or old freed-persons) from falling on local communities. Former masters, even after disavowing any future right to a slave’s labor, might still be held responsible for a former slave’s support. When a freed slave became a wandering pauper, for example, overseers of the poor had recourse not only in the responsibility of support owed by the overseers in that freed slave’s place of legal settlement, but also in the former master, who could be held liable to reimburse those overseers.\textsuperscript{495} Manumission might enable a former slave to receive a settlement, in other words, but even that settlement might not mean that the community at large was responsible for support if that former slave became a pauper. The former status of \textit{slave} could overpower the new status of \textit{resident} when the protection of the community at large was in question.

Lawmakers further required slaveholders to post bonds upon manumitting their slaves, a direct effort to prevent even the possibility that slaves might become needy paupers. Slaveholders who did not post bonds in a timely manner were liable to the community for higher costs. North Carolina lawmakers, for example, required slaveholders to post a bond of one hundred pounds upon manumitting a slave; upon failing to post such bond within six months, that slaveholder would have to post three times as much, made payable “to the wardens of the

\textsuperscript{495} Such obligations held firm not only in the South but in the North as well. See, for example, \textit{Warren v. Brooks}, 7 \textit{Cow.} 218 (1827).
poor of the county, for the benefit of the poor of the county in which such slave or slaves shall be so liberated.\footnote{\textit{An Act to Compel Persons who are Permitted to Have their Slaves Liberated, to Give Bond and Security for Keeping Such Slaves from Becoming a Public or County Charge, and Other Purposes}, Ch. 548, Section 2, 1801, Henry Potter, J.L. Taylor, and Bart Yancey, eds., \textit{Laws of the State of North Carolina}, vol. II. (Raleigh: J. Gales, 1821), 948.}

Nevertheless, slaveholders continued to petition for deeds of manumission for their old slaves. So too did they continue to request tax exemptions, despite their neighbors’ objections. Not all motives, surely, could be reduced to tax avoidance. For some slaveholders, at some points, moral convictions or community standards or any other reason could lessen or overtake pure economic calculation. But tax avoidance was likely always somewhere on the slaveholder’s mind, contributing, in however large or small a way, to that master’s actions. Indeed, desire to avoid paying for the costs of old slaves could lead to wide conflicts among slaveholders themselves. On the flip side, moral concerns could also lead to genuine instances of caretaking.
CHAPTER 4:
Rethinking the Meaning of Local Caretaking, Part II: The Boundaries of the Household

I. Introduction

Even as slaveholders assessed their old slaves as valueless and requested exemptions from taxation, they still put their old slaves to work. The primary form of labor for those slaves was caregiving; as guardians of young children, as nurses to the sick, as attendants to their elderly masters, aging slaves took on the role of the caretaker just as they entered into that phase of life that would necessitate their own care. Old slaves, in other words, were simultaneously active caregivers and needy dependents.

In both the north and the south, the operating premise of poor relief was that there were families to take care of dependents and, only when those families were unable or unwilling to provide such care, the state (or, specifically, the county) would step in. Officials did not want paupers wandering aimlessly and begging in the streets. “Every overseer shall exert himself to prevent any person from going about begging or staying in any street,” declared a Virginia law in 1832. Ideally, caretaking was supposed to be a private enterprise. It was the scope of poverty, augmented by immigration and urbanization, which made that ideal impossible for countless paupers and necessitated public regulation.

A commitment to institutionalization in the North diminished the power of the household over time as the primary source of poor relief whereas in the South, despite institutional experimentation, the household remained a central, if not the central, organizing force in

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caretaking. In a sermon delivered at Charleston’s Second Presbyterian Church in 1847, Francis E. Elmore declared to his white members that “the poor of this city are easily distinguishable. They are a class separated from ourselves by their color...placed under our care, and made members of our households.” For Elmore, the poor were slaves, and the slaves were to be cared for, at home, by their masters.

Although pauperism in the south certainly flourished outside the bounds of slavery, the circumstances of bondage raise fascinating questions about the nature of care. How did white southerners imagine the care of old slaves? On the one hand, they turned to slaveholders. This was the obvious answer, the proper answer, the legal answer. But so too was there an alternative response, and it was a much more problematic one: such care would be provided by slaves themselves.

II. Slaves, the Reorganization of Labor, and the Care of Whites

Slaveholders and public officials alike routinely classified “old,” “aged,” and “superannuated” slaves as valueless or even burdensome. Those assessments, however, reflected the market potential rather than the physical capacity of those slaves. Even those slaves who were listed as “past labor” and who were said to be worth nothing as capital assets might be put to work in a variety of less labor-intensive tasks. Former slave Lewis Clarke explained that slaveholders “contrive all ways to keep [old slaves] at work till the last hour of life. Make them shell corn and pack tobacco. They hunt and drive them as long as there is any life in them.”

499 Lewis Clarke, Narrative of the Sufferings of Lewis Clarke, During a Captivity of More than Twenty-Five Years, Among the Algerians of Kentucky, One of the so Called Christian States of North America.
An article published in *Southern Magazine* in 1875 described life as it had been on a South Carolina rice plantation. There was an “old gray-headed butler ‘Daddy Peter’ [who] held sway over three or four half-grown lads.”

Other old slaves looked after the master’s fowl-house, as they were “too old for any more active service than this, or basket-making.” One old slave woman, “who was not capable of doing much work in the field,” recalled former slave Charles Ball, was tasked with baking bread for the other slaves. On one large plantation, recalled a former slave, “the meals were well cooked, and at seasonable hours, by an old and experienced slave.”

James Hammond relegated his old slaves to the “sucklers’ gang,” a slower-moving group which included women nursing their children and women at least five months pregnant. On Georgia’s rice coast, some planters put their old slaves to work catching rats. Urban masters sent their slaves out to beg. On other plantations, old slaves were put to work with children in the trash gang.

Not all old slaves were assigned to tasks, however. And not all those who were agreed to perform them. There were, on some plantations, “many aged negroes who spent their last days

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500 E.E.H., “A Rice Plantation as It Used To Be,” *Southern Magazine* 16 (1875), 239.  
501 Ibid., 243.  
One former slave remembered “old Ned, who was past work, and who never did anything but eat, sleep, and talk.” Indeed, this old slave “seldom went beyond the confines of his own cabin.” Edmund Jenings in 1756 affirmed that his elderly slaves were entitled to “Relaxation from Labor.” Nevertheless, slave-owners often adjusted or changed the work regimen of their aging property, trying to squeeze out of them any possible form of productivity. Old women were primarily assigned domestic tasks, including cooking, cleaning and caring for young children. Old men might be put in charge of livestock, assigned to a vegetable garden, kept at a skilled trade or even given domestic work. So was recorded in the inventory of a southern plantation: “AGGA, wife to Scipio, old and useless; to be employed in any way to be kept from idleness; supposed age 68.” “The old and infirm,” remembered southerner Eliza Ripley, “had light tasks. Men pottered around the woodpile…and the women sewed a little and quarreled, as idly disposed old folks will.” There was one “hideous old cripple, blind of one eye, whose sole employment was weaving the broom-straw baskets used in carrying rice in the barnyard.” Such reorganization of slave labor, certainly, developed in

509 Edmund Jenings to Mr. Bruce, March 29, 1756, MS, Jenings Family Papers, Virginia Historical Society, Richmond, Virginia.
513 E.E.H., “A Rice Plantation as It Used To Be,” 245.
parallel relation to the reorganization of free labor; farm owners shifted the more labor-intensive work to their children or hired laborers or servants; factory managers found ways to still use the decreased productivity of their aging workers.

Many old slave women were given work as caretakers. Lewis Clarke recalled a master who “set some old worn-out slave women to make broth and feed” the slave children. On another plantation, “a woman who was too old to do much of anything,” explained former slave Louis Hughes, “was assigned to the charge of these babies.” This wasn’t easy work. “It was rare, continued Hughes, “that she had any one to help her.” Infants, noted a doctor, were left in the care of “an elderly nurse.” One former slave remembered “a deaf woman, [who was] too much superannuated to be fit for anything but a nurse.” The “negroes are old,” remarked an Alabama slaveholder, “& only serviceable as nurses.” Again, we should note that, in a world without retirement, such tasks were rational reassignments and, at times, perhaps even humane solutions. Catherine Beecher, in her 1873 advice manual *Housekeeper and Healthkeeper*, cautioned her readers in a chapter on the “care of the aged” that “nothing hastens decay so fast as to remove the stimulus of useful activity.”

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518 Race, Slavery, and Free Blacks, Series II: Petitions to Southern County Courts, Part A: Georgia (1796-1867), Florida (1821-1867), Alabama (1821-1867), Mississippi (1822-1867),* PAR Number PAR Number 20185821.
519 Catharine Beecher, *Miss Beecher’s Housekeeper and Healthkeeper: Containing Five Hundred Recipes for Economical and Healthful Cooking; Also, Many Directions for Securing Health and Happiness* (New York: Harper & Brothers, 1873), 303.
The old slave – and particularly the old slave woman – as caretaker of not just the slave children but also the white children of the plantation is a familiar trope among historians. Much less known in the history of slaves-as-caretakers, however, is that slaves were also hired by institutions, like the poorhouse, to care for white and free black inmates. Indeed, overseers of the poor specifically sought out slaves to work in the poorhouse, presumably as cleaners and caretakers. Such institutional hiring of slaves was not without precedent; the Charleston Orphan House, for example, hired at least 108 slaves as workers between the 1790s and 1850s.\textsuperscript{520}

While larger, municipal institutions employed masters, matrons and other assistants, smaller poorhouses might only be monitored by a committee of overseers or by a superintendent. Although a white matron would generally oversee the cleaning and caretaking in a large urban poorhouse, hired slaves and paupers in many of the smaller, rural poorhouses might be left with less oversight and even more responsibility. Overseers, as white men, usually of some prominence, would be in charge of the poor – but they likely were not doing the actual, daily work of caretaking. Rather, hired slaves and able-bodied inmates performed the daily work of care.

Slave men and women, under the direction of the overseers of the poor, would thus be brought in to care for the sick and old poor, and to assist them with their daily work and maintenance.\textsuperscript{521} The vestry books of parishes and, later, the minute books of overseers of the poor, contain numerous references to the purchase and employment of slaves in southern poorhouses. The vestry book of the parish of Nansemond County, Virginia contains an entry in

\textsuperscript{520} Felice F. Knight, "Slavery and the Charleston Orphan House, 1790-1860," PhD diss., The Ohio State University, 2013, 58.

1758 for the payment of £4.10 “to John Streeter for the hire of his Negrow woman at the poors house.”\textsuperscript{522} An entry on September 22, 1774 in the Vestry Book of St. Paul’s Parish, Virginia noted 40 pounds of tobacco “To John Gosling as Overseer of poor House for his Wages Mistr/ses & hire of Slaves.”\textsuperscript{523} Four years earlier, three of the overseers of the poor in that county applied to the vestry for “their concurrence to sell the Negro Fellow, named Phill at the Poor House, and to buy another in his stead.”\textsuperscript{524} The overseers gave no reason for their dissatisfaction with Phill, but perhaps it had something to do with his caring or cleaning performance. In 1856, Alabama officials actually passed a law authorizing funds for, in part, the purchase of slaves to work at the poorhouse. Mobile overseers were allowed “to purchase such furniture, farming implements, stock… together with not more than five negroes of such value and of such ages and sexes, as to them may seem best for the use of said Asylum for the poor.” Moreover, the Act continued, “the purchase of real estate or negroes…may be purchased in the name of the ‘Asylum for the poor of Mobile county.’”\textsuperscript{525}

The rules of poorhouses can help us imagine the specific tasks an employed slave might have performed – especially in relation to those inmates too old or infirm to be of use. She would likely need to sweep the rooms and make the beds and open the windows; she would need to wash and iron the linens and clothes and perhaps help some residents get dressed. She would

\textsuperscript{523} C. G. Chamberlayne, ed., \textit{The Vestry Book of St. Paul’s Parish, Hanover County, Virginia, 1706-1786} (Richmond: Clearfield, 1940), 410.
\textsuperscript{524} Ibid., 380.
probably need to assist in the work of making and mending the clothes. She might have to act as a nurse to the sick and also tend to the young children. She would need to cook and make sure that the food was fairly distributed, and then clear the table and wash the dishes and utensils. She would, for the most elderly and infirm inmates, need to help them wash and use the bathroom – to take charge, essentially, of the minutia of their daily life. Poor whites, in other words, who did not have the wealth to own human chattel, let alone to take care of themselves, might still depend on the caretaking work of slaves.

III. Slaveholders and Caretaking

Even as aging slaves were reassigned to less labor-intensive tasks and were especially put to work as caretakers, they needed, as they became superannuated, caretakers themselves. Indeed, a letter from Marta Dabney to Frances Hughes in King and Queen County Virginia reveals how murky the line could be between caring for an old slave and requiring that old slave to care for his or her master. Apparently, Dabney’s husband was thinking about selling off his estate, to free himself from debt. Hughes, who approved of this action, explained “I have a particular wish that he should let me have Levenia, she was a favorite servant of my beloved Brother and Sister – and he told me she was of little use being old and feeble.” Here Dabney blurred the line of who exactly would be doing the caretaking. “I want her to stay in my chamber and wait on me, she shall be well taken care of as long as she lives.” Dabney made sure to

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526 Rules for the Government of the Poor House, and of the Poor in the City of Charleston, 4, 6-10.
emphasize Levenia’s lack of monetary worth. “I don’t suppose she would sell for anything,” mused Dabney, but “she should never suffer for any comfort.”\textsuperscript{527}

Lawmakers and proslavery ideologues explicitly placed this responsibility on slaveholders, and slaveholders – along with their executors – subsequently exercised vast degrees of care. It might be easy for historians to dismiss such care as non-existent or ineffectual. Walter Johnson, for example, argues that slavery was total, penetrating violence.\textsuperscript{528} While such violence always underwrote the relationships between slaveholders and slaves, the matrix of slavery did not preclude sparks of genuine affection and care – even if mostly or only from the perspective of the slaveholder to his human property. A northern traveler recounted his experience of meeting a slaveholder, seemingly heartbroken over the death of his old and most faithful slave. “It was not the haughty planter, the lordly tyrant, talking of his dead slave as of his dead horse,” explained this traveler, “but the kind-hearted gentleman, lamenting the loss and eulogizing the virtues of his good old friend.”\textsuperscript{529} Barnett Beasley in 1807 purchased two old slaves from a distant family member. In so doing, he related to the North Carolina state legislature, he acted “more from motives of humanity than by any consideration of emolument.”\textsuperscript{530} Moreover, even when slaveholders did not particularly like their old slaves, their legal responsibility and community reputation were not easily dismissed. As such, many slaveholders not only cared for their old slaves, but also made sure that their old slaves would be cared for after the slaveholder’s death.

\textsuperscript{527} Letter to Frances Thruston Hughes from Marta P. Dabney, MS, Montague Family Papers, Virginia Historical Society, Richmond, Virginia.

\textsuperscript{528} Johnson, \textit{Soul By Soul}.


\textsuperscript{530} North "Race, Slavery, and Free Blacks, Series I: Petitions to Southern Legislatures, 1777-1867," PAR Number 11280808.
Slaveholders and executors left clues in their letters and legislative petitions about how they imagined such care might occur. “Please let me know the condition of the old negroes at Cherry Grove,” wrote a traveling Virginian slaveholder to a relative in 1860. “They must be very helpless; and will soon, if not now, require the personal attention of a young negro.” The use of one of his younger slaves as a caretaker was, for this slaveholder and many others, the manner in which the daily work of maintenance would occur. Just as the overseers of the poor or the superintendent of the poorhouse would be in charge of caretaking, the actual work of caretaking was to be done by others. “She was an old negress, who had lost her mind,” recalled a southerner of another slave, and, fearing she might stray away and get lost, your father had placed her daughter-in-law, a bright young negress, in the house with her, to care for her.”

Again, caretaking was to happen under the general authority of the slaveholder but was to be performed by the slaveholder’s younger and more able slaves. “From what source do they suppose that the master would be able to preserve the feeble and superannuated from starvation,” asked an article in *Niles’ Weekly Register* in 1842, “if the young and active were liberated?”

The ability to make use of elderly slaves, and thus of the potential problems caused by aging, was tied to the size and populace of a particular plantation. The cost of caring for an elderly slave could burden a small farmer far more than it might affect a large slaveholder. Some slaveholders left behind estates with slaves, but with few or even no actual workers. Robert Blakeley of South Carolina left behind twelve slaves at his death, “two of whom were very aged,

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532 *Niles’ Weekly Register*, May 14, 1842.
and all the rest called boys and girls." In such cases, the burden for providing care and for making up for a lack in labor was far more heavily felt by the slaveholder. This was particularly true if an old slave became ill. One elderly slave on the small plantation of Martha Southward in Richmond came down with smallpox in the 1840s. Mrs. Southward sent her slave to the city hospital for treatment, after which she petitioned the city council to exempt her from the hospital bill. She could not afford to pay the bill, she explained, and her slave was too old to be productive. The Council released her from any financial obligation to the city.

An old slave was much less problematic for a wealthy master with a large lot – and a large workforce. The wealthy estate of Valcour Aime in Louisiana in 1850 spanned 15,000 acres and contained 231 slaves. Of those slaves, fifty-eight of them were below the age of fifteen and nine of them were older than sixty-five. In such situations, the labor dent left by old slaves was far less pronounced, not only because there were more hands to complete the necessary workings of the plantation, but because there were more slaves to serve as caretakers for the elderly. So too did the caretaking relationship work in the reverse order: on larger plantations, there were more elderly slaves to serve as caretakers of the young children. Large plantation owners could be just as materialist-oriented, however. The Cherry Grove slaveholder who professed his deep concern for his old slaves was still concerned with the economic consequences of the care to be


On this point as it applied to the colonial Chesapeake, see Debra Meyers & Melanie Perreault, Colonial Chesapeake: New Perspectives (Lanham: Lexington Books, 2006), 62-63.
provided. “Suggest some mode of making them comfortable the balance of their lives,” he continued in his letter, “and at the present or a less expense.”

Small slaveholders especially might “hire out” their old slaves to anyone willing to provide those slaves with basic provisions. They might even pay someone to lodge the slave. The poor relief methods of overseers of the poor, in other words, were utilized by slaveholders. Though the cost of care would in such cases still remain with the owner, the crucial benefit was that the owner would not need to assign another slave to do the daily work of caretaking or watching over the aged slaves.

Slaveholders did at times pay for expensive medical treatments for their elderly slaves; records indicate such slaves undergoing surgery for cataracts, for example, at the expense of their owners. An article published in *Debow’s Review* by a South Carolina slaveholder in the late 1850s made the case for the apparently extreme care old slaves received. “I have often received a large fee for a surgical operation on a superannuated or useless negro,” explained the slaveholder, “when humanity dictated it to relieve suffering, or for the removal of cataract to allow old age the precious privilege of a restoration to sight.”

Old and infirm slaves might also be sent to private slave hospitals, which were established to “nurse slaves who could not be cared for on the plantations or in the households of their masters.” The first private slave hospital was established in Charleston in the late 1740s, with hospitals later established in New Orleans,

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537 Manuscripts in private possession, as quoted in Phillips, *Life and Labor in the Old South*, 175.
Savannah, Montgomery and Natchez. Such hospital care did not come without cost. Both the Homeopathic Infirmary for slaves in Natchez and the Touro Infirmary in New Orleans charged slaveholders one dollar per day for their slaves.\(^{541}\) Such fees covered “medicines, food, and lodging for the slaves,” – the full work, essentially, of caretaking.\(^{542}\)

Alternatively, old infirm slaves, especially on large plantations, might end up spending their remaining days in the “sick house,” or plantation hospital. On small plantations the hospital was generally a small cabin, but on large plantations it could be the size of a public institution.\(^{543}\) Robert Fogel and Stanley Engerman found a hospital on a plantation with 168 slaves that was a “two-story brick building which had eight large rooms” and separate accommodations for men and women.\(^{544}\) The description sounds remarkably similar to that of the poorhouses, except that this was a private dwelling and it housed only slaves. Frances Anne Kemble, on her visit to the Sea Islands of Georgia in the late 1830s, toured just such a large plantation infirmary; “I find any number of all but superannuated men and women here,” she noted, “crippled with age and disease.”\(^{545}\) One “decrepit old negress” was determined to be near death; Another old negro”

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\(^{543}\) Rice and Jones, *Public Policy and the Black Hospital* 3.


was found lying on a pile of straw, exhausted “from age and feebleness” and “at the point of expiring.”

Relegating old slaves to the sick house mirrored the poorhouse strategy of congregating the needy together under one roof. Even some masters who did not have large sick houses adopted the strategy of keeping the old together – certainly an effort, at least in part, to conserve resources in providing for their care and an indication that they likely expected slaves to help look after each other. In an article for *De Bow’s Review*, northern traveler Solon Robinson recalled the situation of Joseph Dunbar, a wealthy Mississippi slaveholder, who kept all of his old slaves and children on a separate plantation, where he could “look every day to their wants, and provide with his own hands for their comfort.” One slave woman in 1830s Virginia remarked that she lived on the “retired hill.” Joseph Dunbar’s Mississippi plantation housed a large number of old slaves, as he kept “nearly all the aged and children that would naturally belong to another plantation” in one centralized spot.

Congregating old (and very young) slaves together was certainly a way to conserve resources. But neither the humanitarian language that slaveholders used nor the financial support that they provided can simply be dismissed as insincere or purely calculating; surely, the costs of unproductive chattel were always in the slaveholder’s mind and surely the law and violence of slavery remained constant. But the evidence of some real concern cannot be ignored. Alexander Telfair, in his *Rules and directions for my Thorn Island Plantation*, demanded the same food

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548 Barber, ”Old Age and the Life Course of Slaves.”
549 Robinson, “Negro Slavery at the South, 381.
rations “for every grown Negro however old and good for nothing.” J. W. Fowler directed the overseers on his Mississippi plantation to “be kind and attentive to [the slaves] in sickness and old age.” One southerner recalled that there were “three very old negroes” on the plantation where he grew up, and that they were “taken care of without any remuneration.”

Maintenance of the elderly often became the legal responsibility of a slaveholder’s executors and heirs, as testators, with varying degrees of specificity, provided for the maintenance of their old slaves in their wills. Through their wills, testators carefully delineated the support and provisions to which their slaves should be entitled. Elizabeth Locke of North Carolina bequeathed two hundred acres of land to a family member, with the caveat that he was to “take care of [her] two old negroes, Ben and Rachel.” Andrew Hunter, a South Carolina slaveholder, expressly protected his old slaves in his will. “It is my wish,” he wrote, “that Silla and all the rest of the family, with old Jack, old Phebe, and old Flora, remain on the place where my family shall live; and that the said old negroes be treated humanely by my executors during their lives, but more particularly in old age.”

John Bourne left specific instructions in his will for some land and personal property to be used for “the support of his old negro woman Letty

553 Den on Demise of James Meredith v. Timothy Anders, 9 Ired. 329 (1849).
554 Ervin Brunson & Wife v. James King, Administrator, and others, Heirs of Andrew Hunter, 2 Hill Eq. 483 (1836).
during her life.”

“Whereas, my servant woman Mariah…is becoming old, and is liable to severe spells of sickness, and will shortly become superannuated, I give and bequeath, in trust, to William Satterwhite, the income of my Twenty Shares in the Georgia Rail Road and Banking Company, for the use, maintenance, and support of my said servant woman Mariah,” wrote a Georgia slaveholder in his will. W. W. McMorris similarly dictated in his will that two thousand dollars be “set aside, the interest on which was to go to the maintenance of certain old negroes.”

Many slaveholders went so far as to name their slaves as beneficiaries in their wills, turning feelings of affection and concern into material bequests. Alfred Jones used his will to make “provision for the support of some of his aged slaves, then unable to labor.” Josias Stansbury, a Baltimore slaveholder, directed through his will that his slave, “old negro Rachel” should “have a home and be provided for in necessary support and maintenance on the farm” by whichever of his heirs kept the estate. His will went so far as to note that his heirs could be charged for Rachel’s upkeep, if need be. Stansbury’s widow, who lived on the farm as a tenant and paid rent, was assigned the responsibility for caring for Rachel, who, due to her age, was apparently “utterly incapable of administering in any manner toward her own support.” Notably, Stansbury’s widow petitioned the local court to be compensated for the support she provided by a reduction in the farm rent.

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555 Bourne’s ex’or v. Mecham, adm’t., 1 Gratt 292 (1844).
557 “Race, Slavery, and Free Blacks, Series II: Petitions to Southern County Courts, Part D: North Carolina (1775-1867) and South Carolina (1784-1867),” PAR Number 21386601.
559 “Race, Slavery, and Free Blacks, Series II: Petitions to Southern County Courts, Part B: Maryland (1775-1866), Delaware (1779-1857), District of Columbia (1803-1865),” PAR Number 20982707.
Slaveholders who provided for the care of old slaves in their wills often specifically named their children, that is, those who inherited those slaves, as the obligated caretakers. But for slaveholders who did not have children, a willed request for care could be more problematic. Elinor Prior of Tennessee, for example, died in 1851 without children. As such, the administrator of her estate requested that Dolly, a slave who was “upwards of sixty” be “put up and sold to the person who will agree and obligate himself to support and take care of her [for] the least sum of money.” The language of the request is striking – as it is precisely the language that overseers of the poor used when boarding out or auctioning off paupers.560

Sometimes, the willed request of a slaveholder to care for his old slaves could be stunted by a lack of means. John Williams, the executor of another Baltimore estate, asked the county court to give him direction in how to proceed with providing for the support of an old slave. The will he was to carry out bequeathed fifty dollars a year “for the support of a negro slave,” named Jane. However, the deceased slaveholder did not specifically note how to fund the request, or allocate any property for that purpose. Moreover, the payment of estate debts had “exhausted” the funds, leaving the executor unsure of how to proceed with his caretaking request.561

Moreover, a slaveholder might not even make such a request for the responsibility of caretaking to become a question. William Snow, another estate executor, asked the court to determine what amount of the estate should be “set apart and retained for the purpose of the support and maintenance” of Sarah, a slave who was about seventy years old and “infirm and unable to earn

560 “Race, Slavery, and Free Blacks, Series II: Petitions to Southern County Courts, Part E: Arkansas (1824-1867), Missouri (1806-1860), Tennessee (1791-1867), and Texas (1832-1867),” PAR Number 21485121.
561 “Race, Slavery, and Free Blacks, Series II: Petitions to Southern County Courts, Part B: Maryland (1775-1866), Delaware (1779-1857), District of Columbia (1803-1865),” PAR Number 20986126.
her own support.” Some slaveholders – unwilling to abandon their elderly slaves but mindful of the burden such slaves might pose to their heirs – found ways to shift the cost of such care to younger slaves. David Shriver of Frederick County, Maryland did precisely this in his will in 1826; noting that some of his slaves were “too old or helpless,” he requested that some of his younger slaves be “bound out” and that their wages be specifically “applied toward the comfort and support” of the elderly slaves.

The confusion over providing for an elderly slave could be reproduced after that slave was granted freedom. As discussed in the previous chapter, slaveholders might manumit their slaves, and freed slaves might then apply for residence (if residence was illegal). Some states required slaveholders to post bonds and others employed post hoc remedies, requiring masters to care for their manumitted slaves if those slaves became paupers. The notes by the General Assembly of Mississippi on “Persons Emancipated” in the early nineteenth century are revealing. William Barland was authorized to free multiple slaves in 1814, provided that he post a bond in the amount of ten thousand dollars so that “the said persons so manumitted and set free, shall not become chargeable to the public.” Such directives worked in tandem with banishment provisions. Because banishment provisions required manumitted slaves to leave only after a period of time – usually six months or a year – officials wanted slaveholders to support manumitted slaves who, within that period of legal residence, became paupers. In other words, even when states passed banishment laws, they still usually required manumitting slaveholders to

562 “Race, Slavery, and Free Blacks, Series II: Petitions to Southern County Courts, Part B: Maryland (1775-1866), Delaware (1779-1857), District of Columbia (1803-1865),” PAR Number 20986212.
563 Grivno, “There Slavery Cannot Dwell,” 159.
564 Will of David Shriver, 21 February 1826, Frederick County Register of Wills, ibid., 159.
post some form of security. An Alabama estate administrator, upon freeing three slaves, was required to enter into a bond of two thousand dollars to prevent those slaves from becoming “chargeable to the public,” even though those same slaves would be required to “leave the state within six months…[and] never to return.”

Notably, some slaveholders actually left provisions in their wills, designating specific means of support for their manumitted slaves; these provisions remained constant over time. Such acts of freedom, in other words, were not just an abdication of responsibility for care or an indication of neglect. Frances Edelin of Maryland left behind a will that not only freed “two old negro women,” but included specific instructions to her nephew to provide those women with 10 dollars a year for the remainder of their lives. A Louisiana slaveholder who died in 1824 directed, through his last will and testament, that all of his 140 slaves be freed after twenty-five years. He further directed that, once freed, any of those former slaves who would be older than sixty should be given a “permanent abode” on the plantation; they were to be additionally provided with a yearly stipend without the requirement of any labor.

Even when masters had the best of intentions to care for their former slaves, banishment laws might stand in the way. One Maryland slaveholder freed his slaves by will, leaving them a small house and two acres of land on his property. The court, however, negated that portion of

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the will, holding that such bequest came “in conflict with the policy of the legislature, which forbids persons in their situation from remaining in the state.”

IV. Slaves and Caretaking

Slaveholders largely imagined that the work of caring for old slaves would be carried out by younger slaves. Both times when “Old Rachel” became sick in 1854 and 1856, her master had one of the younger slaves move in with her for several weeks. The administrator of a Kentucky estate made his expectation of caretaking among slaves explicit in a petition to the county court in 1856; in settling the estate, he noted that some of the slaves were “aged and infirm” and that, as a result, all of the slaves should be “sold together…so as to secure the proper care of the old and infirm slaves.” Younger slaves – some quite eagerly – did perform the bulk of such work. “Slaves who lost spouses or were disabled by age or disease often got by on the strength of hale, younger arms,” Dylan Penningroth has noted. Such help might be from blood relatives or extended kin. Indeed, even when slaveholders ignored and neglected their old slaves, younger slaves stepped in to care for them.

Historians have argued that naming practices, rooted in African traditions, helped constitute extended kin among those who weren’t blood relatives. So too have historians

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570 White Hill Plantation Books, 12 December 1854, 28 January – 11 February 1856, UNC.
571 “Race, Slavery, and Free Blacks, Series II: Petitions to Southern County Courts, Part C: Virginia (1775-1867) and Kentucky (1790-1864),” PAR Number 20785609.
573 As Herbert Gutman has argued in his examination of slave-naming practices, “kin terms of address taught young slaves to respect older ones, kin and non-kin alike, a respect essential to the socialization
argued that kin networks were created through material exchange or occupational inheritance. The historical record also suggests that caretaking itself helped create, solidify, and make known familial ties. The process of aging contributed to the very constitution of the networks so central to the cultural life of slaves. Solomon Northup recalled his – and his fellow cabin-mates’- experience with an elderly slave, Abram, who “regarded us with a kind of parental feeling, always counseling us with remarkable gravity and deliberation.” A slave grew up, got ‘married,’ had children, grew older, became an aunt or an uncle, and a grandparent through either blood or fictive ties; age, in other words, was a fundamental element of the kinship roles that one inherited or took on.

These quasi-kin relationships that developed among slaves and across generations created, as Herbert Gutman has argued, “networks of mutual obligation.” Care, in other words, worked in both directions; just as younger slaves would try to care for their elderly, so too, as has been mentioned, did old slaves look after the young. Georgia Baker, a slave from Georgia, recalled that she was under the care of her grandfather. “All he done was to set by the fire all day with a switch in his hand and tend the chillun whilst their mammies was at work.” The elderly


Northup, *Twelve Years a Slave*, 365.


slaves who were “past labor,” explained a former slave, were to “mind the children and to keep them out of the fire, and to get their food.”

Slave autobiographies are punctuated with remarks of affection and care for old slaves. “I have three children,” remarked another slave, “that are a great comfort to me in my old age.” “My fellow servants do all in their power to please me,” wrote a slave who was nearly ninety years old, “& even the little children in the yard are glad to lead me about & wait on me.” Out of about one hundred slaves on this South Carolina rice plantation, “there were generally about four or six old or infirm ones, either lame or epileptic, who did little but take care of each other.” Sarah Grimke recalled an old, abandoned slave who “was living with some free blacks who had taken her in out of compassion.” In South Carolina, Zacharia Nance asked the state legislature to allow a “superannuated negro woman,” freed by Nance’s recently deceased father in Virginia, to enter South Carolina to be close to her children, whom the petitioner owned; he reiterated in his petition that he was seeking permission so that she could be “near her relatives,” presumably, in part, for care-taking purposes.

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581 Galt Family Papers, October 8, 1858, as quoted in Savitt, Medicine and Slavery, 207.

582 “A Rice-Plantation as it Used to be,” The Southern Magazine, Vol. XVI (Baltimore: Turnbull Brothers, 1875), 245.

583 Testimony of Sarah Grimke in Spooner, Unconstitutionality of Slavery, 44.

584 “Race, Slavery, and Free Blacks, Series I: Petitions to Southern Legislatures, 1777-1867,” PAR Number 11380207.
Not only did slaveholders expect slaves to care for their own elderly, but so too did slaves themselves expect to receive care from their younger kin. Sometimes, they specifically sought out such care, even when provisions from their master might be offered. Assuring her masters, Mr. and Mrs. St. George Tucker, that she knew from her “heart” that they would “never See [her] Suffer,” an old Virginia slave, Phillis, nevertheless requested permission to move to be with her children, so as to be taken care of in her old age. “But I am going down very fast to my grave,” she wrote to them, “and if you please By your Premitions Boath you and Mistres I would go and Live those other few dais with master Beverly and my Children.”

“The slaves themselves did everything possible to allow their old people to end their lives with dignity.” Not all slaves were so fortunate, however. Former slave Harriet Jacobs recalled an old slave woman crying and bemoaning the sale of her children “It seems as if I shouldn’t have any of my children or grandchildren left to hand me a drink when I’m dying, and lay my old body in the ground.”

When old slaves were abandoned – as discussed in the next chapter – they might form pro forma slave communities on the fringes of a plantation, in the woods, or even in cities. These congregations underscore the ways that slaves were attached to each other, and formed attachments to each other. Whichever kin lived nearby, explained former slave Moses Grandy, would take turns during the night to provide the abandoned slaves with food from their

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585 Phillis to [Mr. and Mrs. St. George Tucker], (1824?) in John Blassingame, ed., Slave Testimony: Two Centuries of Letters, Speeches, Interviews, and Autobiographies (Baton Rouge: Louisiana State University Press, 1977), 10; Boster, African American Slavery and Disability, 63.
586 Genovese, Roll, Jordan, Roll, 522.
allowance; “this done entirely through the good feelings of the slaves, and not through the masters’ taking care that it is done.” Sometime younger slaves sought out the responsibility of caring for their old kind even when such care might be offered from a master. “My mother was old and broken down with hard labor,” noted former slave Thomas Jones. “I called on Mr. Hawes and asked him if he would let me have my mother and take care of her…he concluded to let me have her.”

Some former slaves were able to purchase their parents and care for them that way. Thomas Jones did precisely this, buying his old mother and father from their respective owners, so that he could take care of them in their old age. “I had the privilege of buying my father’s time from the task-master after he became old and decrepit,” Jones explained. Not only did Jones protect his old father against overwork in his old age, he moved him into his own home, so that he could watch over him. Proximity, of course, always made care more possible. “While he was twenty miles from me I could not take care of him when he was sick,” Jones explained. But “after he was removed to my house I could attend to his wants.” So too did Jones seek out his mother, who “was old and broken down with hard labor.” Unlike the case of his father, Jones did not have to pay for his mother – though he did apparently have to persuade her owner to give her up. “I call on Mr. Hawes and asked him if he would let me have my mother and take care of her. After much persuasion he concluded to let me have her. His wife was bitterly opposed to it, but

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590 Ibid., 76.
Mr. Hawes overruled her.\textsuperscript{591} Former slave Susanna Moodie explained that her aunt, a slave, had been left money by a freedman and, after securing her own freedom, “bought her old parents.”\textsuperscript{592} Another slave remembered that her father, who was given his freedom, eventually “bought my grandmother, who was too old to set free, that she might be exempted from hard servitude in her old age.”\textsuperscript{593}

So too might former slaves purchase their children so that they could have guaranteed caregivers in their old age. One old freed black woman from Louisiana, who had purchased her own children, petitioned the county court for permission to keep her children in the state if she freed them. She noted that she was “very old,” and that while she wanted to manumit her children, she also wanted to keep them around – not only out of affection but specifically so that they could “support and maintain” her in her old age.\textsuperscript{594} At times, slaveholders entered into contractual agreements with the free relatives of their old slaves specifically for caretaking purposes. Nathaniel Summers of Washington County, Maryland, for example, contracted with David Gray, a free “colored man” who agreed to “support and maintain his blind and aged mother, Martha Barns, a slave” in return for a “valuable consideration.”\textsuperscript{595}

\textsuperscript{591} Ibid., 76.
\textsuperscript{594} “Race, Slavery, and Free Blacks, Series II: Petitions to Southern County Courts, Part F: Louisiana (1795-1863),” PAR Number 20883801.
\textsuperscript{595} “Race, Slavery, and Free Blacks, Series II: Petitions to Southern County Courts, Part B: Maryland (1775-1866), Delaware (1779-1857), District of Columbia (1803-1865),” PAR Number: 20985418.
Abandoned or manumitted slaves without nearby kin – slave or free – were left with no master or family member to take care of them. The only caretaker left, then, was the overseer of the poor. Samuel Hall recalled that, though he and his siblings were slaves, his mother was granted her freedom and remained in North Carolina to be near her children. When Hall’s master died, however, and the master’s widow decided to sell all the slaves, Hall “helped to lift his old, insane mother into the wagon that carried her to the poor house.” Though not frequent, such fate was also not rare. As will be explored in chapter five, abandoned slaves across the south might spend their last years in their local poorhouse.

V. Slaveholders and the Avoidance of Caretaking

Slaveholders, of course, aged right along with their living property and, in some cases simply became too old to provide adequate care. Thomas Berrien, the trustee of a mid-size Georgia plantation, noted that he was “of an advanced age and is too old and feeble to bestow proper care and attention upon the management of the foregoing property,” which included twenty-three slaves. Not every instance of neglect, in other words, was simply the product of maliciousness or cold, economic calculations. Nevertheless, though some slaveholders genuinely cared about the comfort of their slaves in old age, many others were unconcerned. While all slaveholders likely searched for ways to reduce the cost of care, some employed strategies of neglect and abuse. Withholding food from old slaves appears to be the most common pattern among southern slaveholders, whether that deprivation occurred by abandoning old slaves

597 Race, Slavery, and Free Blacks, Series II: Petitions to Southern County Courts, Part A: Georgia (1796-1867), Florida (1821-1867), Alabama (1821-1867), Mississippi (1822-1867),” PAR Number 20685708.
altogether or by simply denying them food while on the master’s estate. For example, Harriet Jacobs recalled that on the plantation on which she lived, slaves would wait in line to receive their weekly allowance from the overseer; when the mistress once came out to supervise the distribution, she pointed to a “very old slave” and instructed the overseer that the slave was simply “too old to have any allowance.” When slaves grew “too old to work,” the mistress explained, “they ought to be fed on grass.”598 Lewis Clarke recalled the sale of an old slave for one dollar. “The old slave was turned out to do the best he could; he fought with age and starvation a while, but was soon found, one morning, starved to death, out of doors, and half eaten up by animals.”599 As Clarke further explained, “I have known several cases where slaves were left to starve to death in old age.”600 Such recollections, we might acknowledge, read like genre fictions – like anecdotal imaginings. But this does not mean that such instances of starvation did not occur. Even if each remembered example did not happen, or did not happen exactly as remembered, what is perhaps most important is that such instances clearly played a role in both the black and white imagination of what it meant to be an old slave.

An article on the management of a rice plantation published the author’s schedule of food allowance for his many slaves. Notably, the schedule specified, throughout its regular schedule on a weekly or biweekly basis, that in addition to children, food was to be given “to each person doing any work.” We can assume that some elderly slaves here were doing “work” – less labor intensive tasks around the plantation, to be sure. But the “superannuated slaves” – those truly unable to labor, were denied most provisions. Only on the first of the month, and on Christmas,

598 Jacobs, Incidents in the Life of a Slave Girl, 104.
599 Clarke, Narrative of the Sufferings of Lewis Clarke, 112.
600 Ibid., 112.
was the addition of “each superannuated person” included with those who worked. And while the Christmas allowance included meat, salt, molasses, and rice, and monthly allowance in which the superannuated were included only was for salt and tobacco.

In extreme cases, the assault against elderly slaves could escalate beyond physical abuse or starvation. An escaped slave recalled that multiple times “she has seen the overseer give to slaves who were too old to work and required attendance a dose of black juice which sent them to sleep, and that forever.” James Bruce advised a relative, fellow planter Charles, on how to better ration the food on his plantation in 1863. “Put your wife and children on the smallest amount of food, kill dogs, and old negroes if necessary,” advised Bruce, with haunting nonchalance. Kill the old slaves.

Such blatant violence was extreme but it nonetheless reveals how deep the materialist sentiment could run among slaveholders. Indeed, while most slaveholders were unwilling to simply kill their old slaves, many were eager to sell them or even give them away, so as to avoid the cost of their care. Slaveholders, as well as professional dealers, would sometimes turn to the market in a bid to free themselves of their old property. As Harriet Jacobs noted, “slaveholders have a method, peculiar to their institution, of getting rid of old slaves, whose lives have been worn out in their service.” That method was to try to sell them for an incredibly low rate. “I knew an old woman,” explained Jacobs, who “had become almost helpless,” and when her

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603 Letter from James Bruce to Charles Bruce, April 13th, 1863, The Bruce Family Papers, Section 8, Folder 2, MS, Bruce Family Papers, Virginia Historical Society, Richmond, Virginia.
owners decided to move, they were willing to sell her “to any body who would give twenty
dollars for her.” Lewis Clarke recounted the story of an old slave named Paris, between fifty
to sixty years old, whose master was eager to sell him; when a slave trader came along looking to
purchase slaves to bring to the Deep South, the master ordered a coachman to “take Paris into the
back room, pluck out all his gray hairs, rub his face with a greasy towel, and then had him
brought forward and sold for a young man.”

When disputes over the soundness of purchased slaves arose, Courts were quick to
cautions that soundness had to be understood not as static, but in the context of age. “When one
buys an old negro,” explained the Supreme Court of North Carolina in 1852, “and takes a
warranty of soundness, if the eyes of the negro have not been injured by disease or accident, and
are only impaired by the ‘wear and tear’ of age, the purchaser has no right to complain, for the
slave is sound, in the ordinary acceptation of the word used in reference to one of that age.”

Sometimes heirs of an estate exchanged money among themselves to compensate the
inheritor who took an aged slave. Indeed, old slaves became bargaining chips among
slaveholders, often bringing about the sale of a prime slave with the condition that an older slave
be tacked onto the exchange. John Jones, a Maryland slaveholder, “refused to sell [William
Stone] the two young negroes, unless he would take, with them, the two old negroes, George and
Polly, their father and mother.” Stone “considered them of no value, but an incumbrance upon

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605 Clarke, *Narrative of the Sufferings of Lewis Clarke*, 105-6.
607 McCune, Respondent v. McCune, Appellant, 29 Mo. 117 (1859).
his bargain.”  

Elizabeth Harris agreed to purchase “two old negroes” for two hundred dollars as part of a contract for her grandchildren to purchase land.

When old slaves could not be sold or traded or even given away, some slaveholders – refusing to provide care – simply abandoned them. Such instances of abandonment, as explored in the next chapter, could take many forms – from complete neglect to kicking a slave off the property to actually moving the slave to a nearby city and leaving him, as a pauper, to fend for himself.

VI. Conclusion

Slaves aged in a wide spectrum of circumstances; some found themselves the product of warm, genuine care while others faced complete abandonment. Most slaves likely occupied a middle position, receiving just enough provisions to subsist. Even those slaves who were minimally provided for likely experienced different degrees of care. Moreover, what was sufficient in the eyes of one master could be very different from what was appropriate in the eyes of another. Such was the nature of caretaking, as it applied to paupers as well. Indeed, as one North Carolina resident explained in a letter to the Tarboro Press in 1851, caring for the poor was “analogous to providing for slaves.” Just as some overseers might ask for private donations to increase the comfort of paupers above what they were legally entitled to, some masters might “require more clothing for their negroes than others, thinking that more is necessary for their comfort.”

Legal statutes required that masters provide their slaves with sufficient necessities –

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609 Harris’ Ex’rs v. Barnett & als., 3 Gratt 339 (1846).
610 Tarboro Press, January 18, 1851, p. 2.
food, clothing, shelter. But the question of what was sufficient left room for quite a bit of flexibility and interpretation. Ultimately, the care of aged slaves, like the treatment of all slaves generally, was determined predominantly by the proclivities of each particular slaveholder.

For lawmakers, public officials, and slaveholders, the care of aged slaves – however lackluster in reality – was critically important to their self-identity and to their ideological defense of the institution. “I could name a thousand instances that every day occur on the plantations of the South, of the kindness exercised towards aged slaves, and the happiness in which they live,” pronounced Senator Solomon Downs of Louisiana in 1850. The apparent serene retirement of old slaves, continued the senator, was not an exception to the rule but was rather “illustrative of the ordinary mode in which they are treated.” Caretaking, in other words, was the core of the proslavery defense and the centerpiece of the paternalistic ideology that allowed slaveholders to think of themselves as kind masters, as honorable southerners. That emphasis on caretaking was directly tied to the idea of poverty or, more specifically, to its absence. For the proslavery ideologue, the care provided for the aged slave negated the possibility of the impoverished slave. “One may travel through the northern States and see thousands of the poor and destitute” concluded Senator Downs, “but, sir, I defy any man to travel through the broad area of the fifteen southern States and find a single poor slave. There never was one, and there never will be one.” As the next chapter will show, however, the pauper-slave was very much a reality, and a problem not only for slaveholder but for lawmakers and overseers of the poor as well.

611 Solomon Downs, Speech of Mr. Downs, of Louisiana, on the Compromise Resolutions of Mr. Clay: In Senate, February 18 and 19, 1850, 31st Cong., 1st sess., Rept., 175.
612 Ibid., 175.
613 Ibid., 175.
CHAPTER 5:
Nominal Slaves and Phantom Paupers

I. Introduction

Charlotte Brooks wandered along the road, pleading for relief from those souls she encountered across the humid Louisiana countryside. Too unsteady to bear the weight of the blankets she had shouldered for the past few days, she dropped them by the curb and pressed on – faint, hungry, in need. For thousands of paupers in nineteenth-century America, such experience would have been commonplace.\textsuperscript{614} Beggars poured into cities and drifted across country roads, dotting the entire American landscape. But Charlotte wasn’t an ordinary beggar. She wasn’t just a beggar. She was a slave. “Old and feeble,” or, as slaveholders would have said, “past labor,” Charlotte was turned out by her master to fend for herself. “We poor old colored people were turned off the plantations without any thing in this world to go on – turned out like sheep in the woods.”\textsuperscript{615} In practice, Charlotte joined the ranks of the wandering poor. By law, however, she remained chattel property.

Despite the legal mandate to care for old slaves, masters nevertheless found ways to rid themselves of their unproductive workers. Old (or sick or disabled) slaves, like free widows and children, might be abandoned and discarded. But unlike widows or children, abandoned slaves were subject to a host of new vulnerabilities, and posed new problems for the state. Indeed, their very status was unclear. Were abandoned slaves still slaves? Should they be treated like free


paupers? Was there a difference in the status of slaves who were discarded in nearby cities versus those who were simply ignored on their home plantations? What exactly did abandonment even mean?

The dependency relationships deemed true and proper in the colonial era carried over into the new republic and created analogous problems for communities, lawmakers and overseers of the poor. Just as women were supposed to be dependent on their husbands, so too were slaves supposed to be dependent on their masters. The nature of that dependency was different, of course. But marriage was, in part, meant to protect the public from the responsibility of supporting women just as slavery was, in part, meant to protect the public from the responsibility of supporting slaves. Despite all the differences between slavery and marriage, they were analogous in this respect: private contracts shifted the responsibility for potentially chargeable persons from the public to the private head-of-household. Similar problems emerged, then, when both the marriage contract and the slavery provisions were ignored. Ariela Dubler, in her examination of marriage and the household, has noted that married women might simply be abandoned, raising questions about their settlement status and thus about who might be responsible for their support.\(^6\) This question, already more complicated for abandoned slaves because of their uncertain status, was even further complicated by southern banishment provisions. Unlike northern paupers, slaves could not be deemed strangers and “warned out” of their community. Unlike southern paupers, slaves could not be simply removed to their place of last legal settlement. They did not have a settlement; they had masters. But if they were

abandoned and treated like free paupers, did they fall under the banishment provisions requiring them to leave the state? Such were the questions that lawmakers and overseers of the poor struggled to answer.

Livestock law provided no precedent for how to deal with abandoned slaves; indeed, laws demanding the care of old slaves predated laws demanding the care of animals, which in turn predated laws against the abuse of wives. Dirk Hartog has shown that informal separation was a common feature of the early republic; there was a gray area between marriage and legal divorce. The legal contract of marriage was supposed to make abandonment impossible; it was meant, in part, to protect the wife from desertion by throwing upon the husband financial obligations. So too was there a gray area between slavery and manumission. The laws of slavery were supposed to make abandonment impossible; the slave status was a permanent status, severed only by manumission laws that were tightly regulated by age-related support statutes. The so-called private dependencies of both marriage and slavery were dependent on public regulations – and when those dependencies were disrupted, public officials had to step in to deal with the consequent burdens.

Lawmakers and officials across the south were terrified that slaveholders would simply dump their old slaves on the county. Although they passed laws mandating that masters provide for their slaves, they also pushed slaves and abandoned, quasi-slaves, into traditional categories of poor relief. Poor relief was, by design, meant to be exclusionary. Certain groups of people were purposefully categorized as ineligible for publicly-funded care. Settlement, the cornerstone

of poor relief, eliminated non-residents from care. And slavery, by giving the master full
dominion over the slave, eliminated slaves from such care.\textsuperscript{619} Or at least it was supposed to.

II. Abandoned Slaves

“Most of the white people don’t want me – they say I am too old.”\textsuperscript{620} So remarked
Charlotte, succinctly framing the problem that eventually spurred the production of vast
legislation aimed at protecting the community at large from bearing the burden of these old,
unwanted persons. Despite such laws, slaveholders found ways to rid themselves of their
unproductive property – starving them, abandoning them in the woods, or dropping them off in
urban centers. These old, discarded slaves – though legally still human chattel – took on the form
of the wandering poor, drifting along the countryside or throughout cities, begging for relief, but
vulnerable to abuse, recapture, and sale. Thus while the ethic of accumulation pervaded the
southern mentality, the survival of slaves into old age inverted the logic of acquisition, leading
slaveholders abandon their old slaves even as they pointed to their care of the elderly as a
defining feature of their benevolence.

From the very beginning, lawmakers likely worried that masters might neglect or
abandon their old slaves. Lawmakers started formalizing their worries around the mid-to-late
eighteenth century. Maryland lawmakers in 1790, for example, feared that masters might force
“any such [old] slave or slaves to depart from their respective habitation or quarter, and wander
or remain at large, begging or becoming burthensome to the respective neighborhoods, or to

\textsuperscript{619} Green, \textit{This Business of Relief}, 18.
\textsuperscript{620} Albert, \textit{The House of Bondage}, 46.
other persons.” Such concern, and legal regulation thereof, remained consistent up until the Civil War. Slaveholders “are not permitted to cast [their slaves] off in their old age when no longer able to work,” noted the Supreme Court of North Carolina in 1849. Charlotte may have been an extreme example, but the abandonment of slaves – even if only in the form of neglect, was common enough to warrant prolonged attention; although it is not possible to account for the number of old slaves who were actually abandoned, it happened often enough to become a trope in antislavery narratives and to propel lawmakers to legislate against it. Anti-slavery narratives not only shed light on the lived experiences of slavery but also functioned as a direct response to proslavery literature. And just as the caretaking of old slaves played a central role in that literature, so too did the neglect and abandonment of old slaves become a central trope in those narratives. It was no accident when Jonathan Walker, in his *A Picture of Slavery, for Youth* in the 1840s included from Frederick Douglass’s autobiography his account of his grandmother being abandoned in the woods and left to fend for herself in her old age.

The abandonment of slaves – on or near the master’s property – in fact, emerges as one of the most common patterns in slave narratives. Former slave Moses Grandy, of North Carolina, recounted in his narrative the treatment of his old mother by their master. “She was blind and very old, and was living in a little hut, in the woods, after the usual manner of old, worn-out slaves.” Grandy further explained of old slaves that “no care is taken of them, except, perhaps,

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622 Hugh Kirkpatrick v. Samuel W. Rogers & Al., 6 Ired. Eq. 130 (1849).
that a little ground is cleared around the hut, on which the old slave, if able, may raise a little corn. As far as the owner is concerned, they live or die as it happens; it is just the same thing as turning out an old horse.”625 As may be the case with commonalities across these narratives, not every incident of recorded abandonment may have occurred. But these anecdotes – even when they function as genre – reveal important truths about northern audiences, about black calculations, and about the realm of possibility, if not probability, for old slaves. Indeed, former slaves who described such scenes of abandonment without actually having witnessed them may have been specifically arguing against the descriptions of comfort and sentiment applauded by Southerners in proslavery polemics and plantation novels.626

The freeing of old slaves was largely illegal, though some slaveholders managed to secure special legislative manumissions and others managed to release their slaves before specific prohibitions went into effect. On one Georgia plantation, the guardians of the estate divided the thirty-three slaves among the inheritors. But “to one old man, Uncle Pompey,” [they] granted his liberty.” Pompey, about eighty years old, was married to a slave woman, and, according to a slave, was kept away from the plantation to which she belonged. “The poor old man was not wanted there, and for some time he wandered to and fro, a prey to the cruelty of patrols and other ruffians.”627 “My grandfather, in consideration of his old age and the time being past for useful labor,” explained former slave Isaac Mason, “was handsomely rewarded with his

625 Grandy, Narrative of the Life of Moses Grandy, 51.
626 Alan J. Rice and Martin Crawford, eds., Liberating Sojourn: Frederick Douglass & Transatlantic Reform (Athens: University of Georgia Press, 1999), 81-82.
freedom, an old horse called the ‘old bay horse’ – which was also past the stage of usefulness – and an old cart; but alas! No home to live in or a place to shelter his head from the storm.”

As slaveholders began to calculate the deteriorating worth of their aging slaves, they searched for ways to rid themselves of their unproductive property. Despite proslavery proclamations that “slavery…knows no pauperism,” old slaves were sometimes simply dropped off in cities, like Charleston or Baltimore. As one former slave described of his own situation, “I had been brought, by age and sufferings, to such a state as to be totally incapable of working. I had very little strength, and was nearly blind. I was put up for sale…but no person would bid anything for me: in fact, I could not stand. I was, therefore, completely discarded, and told that I must provide for myself.” Theodore Weld recalled that an “aged slave…was allowed to get a scanty and precarious subsistence, by begging in the streets of Charleston – he was too old to work…and he was turned out to make his living by begging.” Niles’ Weekly Register reported in 1822 that in Baltimore, “many that are slaves go pretty much at large.” This was particularly true of the elderly. “We annually bury from 50 to 100 poor, old and decrepit negroes, liberated in different parts of the state, being past labor, and sent to this city to live by pilfering or begging.” Hezekiah Niles pointed out in 1830 “the unpleasant and oppressive fact – that aged

632 Niles’ Weekly Register, January 21, 1826, p. 325.
and infirmed and worn-out slaves from all parts of the state, are turned to Baltimore, to live if they can, or die if they must.”

Most often, old slaves were discarded closer to home – abandoned in the nearby woods, or ignored or abused on the plantations for which they had long worked. A Northern traveler to Richmond, VA recalled just such an encounter with an old slave-pauper. While talking to a “free mulatto,” an old man came up to them, looking to buy some bread. “That old man…being nearly 80 and unable to do much, they have turned him out to knock about for himself,” the free man explained. The Northerner asked what exactly he meant, by ‘knocking about,’ and his friend explained that the old man, like many others who have been turned out, searches for small jobs and sometimes gets “a few cents to buy bread.” Clearly knowledgeable about this particular old slave, he further explained that “a man who lives near his owner takes pity on the poor old man and lets him sleep on his hay-loft.” Clearly grasping the problems posed by old, discarded slaves, the Northern man inquired about laws that required slaveholders to tend to their aging property. The free man, in his response, summed up perfectly the problems surrounding such laws: “I know not…whether there are such laws or not, but if there were they would not enforce themselves.” Slaveholders, he concluded, “turn [old slaves] out all over…to die like old horses when they can work them no longer.”

Abolitionist Philo Tower described meeting a slave who “could not have been less than ninety years of age,” effectively abandoned in a cabin on her master’s plantation. She was given

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corn to eat, but only had a worn-out dress, which made her “suffer a good deal from cold in the
winter.” All of her children had been sold away. “I have no one to fetch me water…” she
explained, “I am nearly worn out, and can’t live long.”635 Joseph Smith of Frederick County,
Maryland was reported to have “turned loose” an elderly slave who was “unable to labor.”636
One Louisiana planter recorded in his diary in 1842 that “Uncle Bat. Told my boy to turn old
Demps loose & let him go.”637 Emily Burke, a New England school teacher who lived in
Savannah in the 1840s and published an account of her time there, recalled that she had known
“poor old men almost bent to the ground by hard labor…travel from one plantation to another,
begging a potato from one slave and a morsel of hominy from another, sleeping at night in some
corner of an old out-house or in the woods.”638 One former slave recalled “the cabin of the old
folks, now quite alone in their old age.”639 At times, abandoned slaves congregated together in
the woods, forming a sort of community of discarded persons. In 1853 Swedish writer Fredrika
Bremer published her impressions of America from her recent trip, and in her book recalled
witnessing the treatment of old slaves.640 Bremer recounted a group of abandoned slaves living

635 Philo Tower, *Slavery Unmasked: Being a Truthful Narrative of a Three Years’ Residence and
Journeying in Eleven Southern States* (Rochester: Darrow & Brother, 1856), 170-1.
636 *Maryland Herald and Hagerstown Weekly Advertiser*, February 23, 1814.
637 E.A. Davis, ed., *Plantation Life in the Florida Parishes of Louisiana as Reflected in the Diary of
638 Emily Burke, *Pleasure and Pain: Reminiscences of Georgia in the 1840s* (Savannah: Beehive Press,
1991), 24-5.
639 Sarah H. Bradford, *Harriet The Moses of Her People* (New York: Geo R. Lockwood & Son, 1886),
68, Documenting the American South. University Library, The University of North Carolina at Chapel
640 Fredrika Bremer, *Homes of the New World: Impressions of America* (New York: Harper & Brothers,
1853), 293.
in the “most decayed and deplorable condition, and in one house old and sickly negroes” all living together.\textsuperscript{641}

Smaller slaveholders, as James Oakes has shown, were often highly mobile slaveholders.\textsuperscript{642} Traveling south or west would have been particularly hard on old bodies, causing some slaveholders to simply leave their slaves behind. In 1836 the justices of the Harrison County court in Kentucky explained to the circuit court that they were in charge of supervising the poor and were “bound by law to provide for the support and maintainance [sic] of the same.” They reported that a slaveholder of the county, Jonathan Neal, recently moved to Missouri, leaving behind his slave, James, “who is about 70 years of age and who is entirely cripple & cannot walk.” The justices believed that another resident, William Anderson, owed Neal $400 and they asked the court to prevent Anderson from paying Neal until Neal provides the county with the “support and maintenance of said negro”.\textsuperscript{643} John Hood of Lancaster County, South Carolina reported to the state legislature that a prior resident of the county, Marcus Tuttle, had abandoned his blind, seventy-year-old slave, Burrell, in 1858. Tuttle apparently “ran off from this State, and on his way, set down said Slave on the public Road, in the Neighborhood he had left, and abandoned him to his fate.” Hood explained that the slave “wandered about in the Neighbourhood” and that Hood, “from feelings of humanity, rather than said Slave should starve, took charge of him” and provided him with food and clothing. He requested that the legislature

\textsuperscript{641} Ibid., 294.
\textsuperscript{642} Oakes further notes that “less than two and a half percent [of slaveholders] ever owned fifty slaves or more.” See Oak Oakes, \textit{The Ruling Race}, 57, 65.
\textsuperscript{643} "Race, Slavery, and Free Blacks, Series II: Petitions to Southern County Courts, Part C: Virginia (1775-1867) and Kentucky (1790-1864)," PAR Number 20783623.
“grant him such compensation” as it “may think just and proper.” The request was referred to the claims committee.

In 1810, slaveholder Richard Randolph left Virginia for Rhode Island, apparently abandoning an “old and helpless” slave named Betty. Thompson Craghead, another Virginia resident, claimed that he took Betty in to his household, and that he “has gone on to cloth and support, lodge and nurse said helpless & infirm old & decreped [sic] negro woman.” According to Craghead, his care was not just a humanitarian act. Rather, he explained that Randolph’s agent, another resident named William Berkeley, “promised [Craghead] that he should be paid a sum of money for & in consideration” of his care. He brought suit against both Randolph and Berkeley for compensation for such care. Richard Randolph, however, responded that he was in no way responsible for Betty, claiming that when he moved to Rhode Island, he sold “a large family of negroes,” including Betty’s “children and grandchildren” to William Cabel, who was “willing to take” Betty, with the slaves he had bought, “without any compensation for her.”

Slaveholders didn’t just skirt manumission laws by abandoning slaves in the nearby woods or in southern cities; some actually carried their unwanted slaves across the Mason-Dixon line, depositing them in jurisdictions where they would be granted de facto freedom. “It was the custom of the Washington County [Maryland] people who wanted to get rid of their negroes,” recalled John McClintock Jr., “to bring them across the line…and set them free.” The age limits inscribed in manumission laws might simply be ignored by slaveholders or estate

644 “Race, Slavery, and Free Blacks, Series I: Petitions to Southern Legislatures, 1777-1867,” PAR Number 11385903.
645 Virgi "Race, Slavery, and Free Blacks, Series II: Petitions to Southern County Courts, Part C: Virginia (1775-1867) and Kentucky (1790-1864)," PAR Number 21683103.
administrators, who ‘freed’ slaves who, technically, were not allowed to be freed. Circumventing the law in this way might take the form of claiming a slave’s age was lower than it really was. But it might be blatant as well. Even though Virginian slaves could only be freed if they were younger than forty-five, Franky Brown, about sixty years old, was manumitted in August County; Bob Lawrence was freed when he was nearly sixty-eight.647

The line between abandonment and neglect could be blurry; for large slaveholders, especially, old slaves might simply be forgotten about, or ‘allowed’ to wander off without causing much alarm. “As to the Old woman,” wrote a Baltimore planter to a friend, “I assure you I did not mean to impose upon your goodness in taking care of her – I really had lost sight of her.”648 One slaveholder built a small cabin on his land on the Mississippi and left there “an old negro man and woman” to look after it. He unsuccessfully sued a planter to recover this land (upon which the planter had apparently infringed) while the planter argued that the slaveholder had given up possession, as no white person had lived there for many years.649 This slaveholder effectively abandoned these slaves as he “kept two negroes there, without a free manager.”650

III. Abandoned Slaves and their Uncertain Status

Alexander Duckworth, a North Carolinian slaveholder, found himself indicted for effectively abandoning his old slave, Peggy – violating state law by allowing her “to keep house to herself as a free person.” Duckworth had acquired Peggy and her old husband as part of a deal

649 McDonough v. Childress et al., 15 La. 556 (1840).
650 Ibid.
to purchase a piece of property from their former master; as part of the agreement to buy the property, Duckworth had agreed to support the two old slaves for the rest of their lives. Apparently, Duckworth had provided Peggy and her husband with provisions for “a year or two.” But for the past few years, after the old male slave died, Duckworth stopped caring for Peggy completely, and, according to the court Peggy “has had to support herself as she could, by begging and what little work she could do.” The real issue for the Court, however, was not the suffering Peggy may have experienced as a result of her abandonment but rather the implications of her abandonment for her status as a slave. “No slave,” the law declared, “shall go at large as a freeman, exercising his own discretion in the employment of his time.” That was what so bothered the Court in this instance; freedom from direct supervision meant freedom to choose how to spend one’s time. “The defendant has not of late exercised any control or supervision over her, but has permitted her to act entirely as a free woman.”

651 To act as a free woman. Was Peggy a pauper? Or was she a slave?

In those states without blanket prohibitions, courts often had to get involved when the permanence of a slave’s status came under dispute. The Kentucky Court of Appeals grappled with the potential public burden posed by two old slaves after the death of their master, Sarah Goodwin, in 1849. Goodwin had noted in her will that she wished her slaves, once they reached the age of thirty, to become free if they so chose. At her death, however, she left behind two slaves, “Bristoe and his wife Joice,” who, according to the Court, were “old…and very infirm.”

652 The plaintiffs, identifying themselves as Justices of the Peace, argued that the two old slaves

651 State v. Duckworth, 1 Win. 243 (1864).
“seem to be unable to labor” and that, if the devisees of the will left the county, these two old slaves would become a public charge. They requested that the Court order some of the money given to the devisees to be set aside to maintain the old slaves. The Court, in its holding against the plaintiffs, noted that the “defendants do not admit that the old negroes are now paupers, or that they are now or will ever become a charge on the county.” Notably, the Court used the word *pauper* – highlighting the murky boundary that could separate the poor and enslaved, or semi-enslaved, or questionably-enslaved. And slave-status was indeed in question here; the defendants challenged whether or not the slaves were free, noting that they were much older than thirty. The Court agreed. “It is very questionable whether old Bristoe and wife are free.” In any case, the Court reasoned that the plaintiffs did not present enough evidence that the devisees were about to leave the county. Moreover, the Court noted that the old slaves had not yet become a public burden and noted, quite sanguinely, that “it is to be hoped, that the humanity of those for whose benefit they have toiled in their days of vigor and strength, will not cast them, in decrepitude and old age, a useless burthen on the community.”

These circumstances of abandonment raise fascinating questions about the standing of those persons dropped off in cities or sent out to the woods: was a slave who was no longer forced to work and who was sent beyond the sphere of the master’s oversight still a slave? Or did abandonment relay a kind of freedom, however dark it was? We might characterize these abandoned slaves the way the Court of Appeals of South Carolina characterized “an old negro” – who was “in the condition of a slave emancipated contrary to law – that is, one that the owner

653 Ibid.
has relinquished all right of dominion over." Indeed, sometimes officials did not even know how to refer to such recipients – actually using terms like ‘slave’ and ‘free’ interchangeably. The *Report of the Free Colored Poor of the City of Charleston* in 1842 noted an instance in which “a crippled slave, left to provide for himself…was cared for and supported in poverty, at the public charge …it is [the case] of a poor, aged and infirm free negro.”

If the abandoned slave was in a sense, free, then freedom is complicated in that one could be legally chattel but released both from being an object of control and care. If we think of freedom as requiring not only the absence of oversight or control from a master but also the ability to make claims on the state, then perhaps these persons – discarded but legally bound – constituted an entirely new category: the ‘disavowed’ – stuck in a kind of perpetual limbo.

Indeed, unlike other groups who fell along the nineteenth-century spectrum of unfreedom – like children, wives, and servants, abandoned slaves were left without direct representatives to the state.

South Carolina’s manumission act of 1800 helps us imagine how lawmakers might have thought about the status of old slaves. Any slave who was set free in a way that did not comply with the act – (that such former slaves would need to be able to support themselves, for example) – was to be treated as any other kind of abandoned property. That is, it was “lawful for any person whatsoever, to seize [sic] and convert to his or her own use, and to keep as his or her property, the said slave so illegally emancipated or set free.”

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657 Ibid.
658 “An Act respecting Slaves, Free Negroes, Mulattoes and Mustizoes, for enforcing the more punctual
Appeals of Law and Equity upheld and clarified the law in the 1831 case *Thomas Linam v. Samuel O. Johnson*, noting that if a slaveholder, “without a formal act of emancipation, permit his slave to go at large…the slave becomes liable to seizure as a derelict.”

*Niles’ Weekly Register* took note of these abandoned quasi-slaves, reporting in 1826 that a significant number of Baltimore’s black population “are slaves [who] go pretty much at large, and are regarded as free.”

As a result of such abandonment, the private charitable organizations that emerged in southern cities sometimes discovered that their black applicants for relief were actually slaves. Sarah Grimke recalled that when she was a visiting commissioner for the Ladies’ Benevolent Society in Charleston, S.C., “we were applied to for the relief of several sick and aged colored persons…on inquiry, we found that nearly all the colored persons who had solicited aid, were slaves, who being no longer able to work for their ‘owners’ were thus inhumanely cast out in their sickness and old age, and must have perished, but for the kindness of their friends.”

### IV. Abandoned Slaves and Overseers of the Poor

Some abandoned slaves wandered through cities or drifted among counties, coming into contact with local authorities and facing arrest as runaway slaves. Florida’s 1834 statute awarded patrollers five dollars per captured slave; Louisiana’s Act of 1848 gave patrollers three dollars for slaves found on roads or other plantations and six dollars for slaves found in the woods.

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660 Testimony of Sarah Grimke in Spooner, *Unconstitutionality of Slavery*, 44.
Abandoned slaves who were arrested as runaways sometimes simply “languished in jail.”\(^662\) In 1823, for example, Milly was arrested as a runaway slave in Louisa County, Virginia. The jailer attempted to contact her owner while, as the months passed, Milly remained in jail. “I frequently applied to the County Court of Louisa for redress and relief,” the jailer wrote, “stating that such was the infirmity of the slave Milly besides that for her advanced age that no owner would ever apply for her.” Further attempts to reach Milly’s owner were unsuccessful and, eventually, she simply “strayed off.”\(^663\) Other abandoned slaves who wound up in jails might, after failed attempts to identify the owner, be sold by the overseers of the poor to recoup the county for the cost of imprisonment. The overseers of Henry County, Virginia, for example, in 1790 “ordered that the jailer hire a Negro man slave now in jail to the highest bidder to defray the expences [sic] in keeping him in jail 2 months.”\(^664\)

As a formal matter, slaves were not supposed to be provided with poor relief at the public expense, as they were, by law, the private responsibility of their masters. “Slaves are not objects of our bounty,” explained the Chamberlain of Richmond in 1824, “as their owners are bound to see to their support.”\(^665\) But what happened when masters tried to discard their unwanted slaves in public institutions? What happened when overseers of the poor provided slaves with provisions, or when officials could not determine whether an individual was a slave or not? Lawmakers, city officials and citizens across the South grappled with precisely such questions. Historian Elizabeth Wisner has argued that “it can be assumed that the slaves, who became one-

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\(^{662}\) Franklin and Schweininger, *Runaway Slaves*, 257.

\(^{663}\) Legislative Petitions, Petition of John M. Price to the Virginia General Assembly, 11 December 1824, Louisa County, VSA; Franklin and Schweininger, *Runaway Slaves*, 256.

\(^{664}\) Beverly Merritt, ed., *Court Order Book 5, November 29, 1790 in Overseers of the Poor, Henry County, Virginia, Also Bastardy Bonds & Indentures 1778-1902* (Ferrum, 2006), 3.

third or more of the population [in the south], were in fact excluded from aid under the poor laws.”

William Quigley has argued even more strongly that “slaves were excluded from the scope of the poor laws altogether.” However, the historical record indicates that slaves wound up in the poorhouse or, more broadly, under the care of the overseers of the poor, in a variety of ways.

Part of the confusion over who was responsible for caretaking stemmed from the fact that none of the hundreds of statutes governing poor relief explicitly excluded slaves from such care. The law, in other words, said positively that the master was to care for his slave, but never said that the overseers of the poor were not to do so. Indeed, sometimes the formal law specifically directed the overseers of the poor to care for slaves. Some laws treated abandoned slaves precisely like needy paupers without a settlement; the overseers of the poor were to provide care, and then to be retroactively compensated – in this case, though, by the master rather than the county of legal residence. According to the law, the Supreme Court of North Carolina explained in 1846, “owners of old and disabled slaves shall provide for and maintain them. And if the owner will not, the wardens of the poor of the County are required to maintain them and charge the price to the owner.”

Virginia officials in 1824 first passed a law instituting a fine against slaveholders who abandoned their aged slaves. Every slaveholder of a slave who was “of unsound mind, or aged and infirm, who shall permit such slave to go at large, without adequate provision for his or her

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666 Wisner, Social Welfare in the South, 23.
667 William Quigley, “Work or Starve: Regulation of the Poor in Colonial America,” University of San Francisco Law Review 31 (Fall 1996), 78.
668 Wisner, Social Welfare in the South, 23.
669 Wardens of Hyde v. Jordan Silverthorn, Ex’r. & c., 6 Ired. 356 (1846).
support, so that such slave must be dependent on charity” would be fined up to fifty dollars. Recognizing, perhaps, that such a fine might not prove to be enough of a disincentive, the lawmakers also made it “the duty of the overseers of the poor…where such slave shall be found, to provide for the maintenance of every such slave” and to “charge the master or owner” with a sufficient sum for that support, “quarterly or annually.” The language here is striking in its familiarity but totally odd in that the statute is about slaves rather than free paupers. These abandoned slaves, then, were to be legally cared for by the overseers of the poor – just like paupers. But they were, indirectly, to still be financially provided for by their masters – just like slaves. And these connections were not just parallel but triangular. Slaveholders legally had an obligation to the county, or specifically, to the overseers, to at least financially provide for the public maintenance of their private property. Overseers had a duty to the community at large to demand that slaveholders fulfill those financial obligations. Sometimes, the overseers of the poor, before providing care to an abandoned slave, might identify and warn the master to fulfill his legal duty to do so. The overseers of Orange County, North Carolina, worried in 1838 that a slave, Caesar, had been let loose and was “liable to become chargeable” to the county. They identified Caesar’s owner and requested that he provide for the “comfort and support” of his slave.

670 “An Act to amend an act, entitled ‘an act to reduce into one act, the several acts concerning slaves, free negroes and mulattoes,’ and for other purposes,” Ch. 178, Sec. 3, March 5, 1824, Supplement to the Revised Code of the Laws of Virginia: Being a Collection of All the Acts of the General Assembly of a Public and Permanent Nature Passed Since the Year 1819 (Richmond: Samuel Shepherd, 1833), 236. 671 Orange Wardens, May 29, 1838, MS, Dept. of Archives and History, Raleigh, N.C., as cited in Klebaner, “American Manumission Laws,” 452.
The Stafford County, Virginia court minutes note indictments against both Thomas Peyton and George Groty in 1860, each for “permitting his slave to go at large.”672 “Any person permitting an insane, aged, or infirm slave to go at large without adequate provision for his support shall be fined,” noted an article in DeBow’s Review in 1857, “and the overseers of the poor shall provide for such slave, and charge the owner for the amount thereof.” In the same spirit, continued the article, if any person “attempt to avoid this legal duty of support” by manumitting such slave, “the same remedy is provided.”673 In 1826, the overseers of the poor in Lancaster County, Virginia warned that they planned to sue Elizabeth and Sarah Lattimer for twenty dollars, “that being the amount we have levied for the maintenance of Shadrack, a negro man belonging to you.” While it’s unknown as to whether the sisters did indeed pay the overseers, their slave continued to receive support from the county until 1842.674

The wardens of the poor in Hyde County, North Carolina, brought suit in 1846 to recover money; “the wardens had maintained an aged slave, named Susan,” belonging to the estate of a deceased slaveholder, Robert Silverthorn. “If any owner shall be dead, the executor or administrator shall provide for such old and disabled slaves,” explained the Court, “and upon failure to do so, the wardens shall provide for such slaves, and proceed against such executors.” In this case, however, the court concluded that the wardens had no right to recover expenses because the defendant, as an executor de son tort, had “wrongfully intermeddled” with the estate. In other words, because the defendant actually “had no right” to own the old slave in question,

672 Joan W. Peters, Stafford County Minute Book, 1852-1867, Stafford County Virginia Court Records. (2002), 328.
“the laws throws no obligation on him to maintain her.”675 The county, then, was stuck with the cost.

Some slaveholders, distraught at the sight of old, abandoned slaves in their community, actually requested the intervention of the overseers of the poor. Such cases again raised the question of whether abandoned slaves were really slaves, and whether or not the overseers of the poor were responsible for their care. A. Foster, of Spartanburg, South Carolina, petitioned the county court in 1847 to care for a long-abandoned female slave, “upwards of ninety years of age.” “There is a negro woman wandering around in this neighborhood in a very distressing condition,” noted Foster. She has had no owner in the state for nearly fifteen years, since her master, being insolvent, fled the state and left her behind. Her owner, noted Benjamin Wofford, in an affidavit to the court, confirmed that her owner, “finding she was of no value, left the State & left the Negro upon the public Charaty [sic].” Foster explained that his father found the old slave “in the road…in a helpless state” and took her in and cared for her, until his death. A relative of Foster confirmed in another affidavit to the court that the slave “was taken in and supported by the family since that time much as Charity.”

Notably, this witness spoke of the slave as still being a slave, that is, as still being owned – by someone. He “does not know who is her rightful owner but he had been informed that she belongs to Richard Stack who left the State many years ago.” That home is now unoccupied and the slave “has no further protection there.” As such, Foster had applied to the Commissioners of the Poor to care for her, but the “Commission has rejected her case and turned her off – to perish unless some friendly hand will care for her.” Foster argued that “the Court of the Poor ought to

675 Wardens of Hyde v. Jordan Silverthorn, Ex’r. & c., 6 Ired. 356 (1846).
take charge of her” and asked that “Commissioners may be required to take charge of her as a pauper.” The judge issued only a two-sentence decision, in which he explained that “upon reading the Petition & affidavits…and it having been satisfactorily shown to the Court that the Negro woman Tenor is helpless and has no owner in the County responsible for her support, & therefore the case made shows prima facie that she is a pauper and the Commission has failed.” He then ordered that “the Commission of the Poor take charge of the said Negro woman as a pauper & provide for her.”

In this situation, then, an abandoned slave who had been taken-in and cared for by a free family was deemed a pauper, and was to be treated as such.

The care from overseers of the poor of abandoned slaves, in other words, occurred even before the construction of poorhouses. Nottoway County overseers reported that before the erection of a poorhouse, the county supported “an average of 3 slaves and free blacks per year,” and that, after the construction of the poorhouse, the county supported “2 slaves and 2 free blacks” per year. There is no indication of how exactly such care occurred, but we might imagine that these slaves were either given basic provisions in the form of out-relief, or were even boarded with resident families. Indeed, abandoned slaves might actually be ‘boarded,’ with the boarder being paid by the overseers of the poor – precisely like free paupers.

The overseers of the poor of Cabell County, Virginia allocated twenty-five dollars in 1841 for the support of a slave, Nancy. Two years later, Nancy appears in the records again: “$17.50 allowed for support of Nancy, a Negro lately belonging to Jas. Cox decd., order to John Samuels.” The Records of Madison County, Alabama note an order to the treasurer to pay

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676 “Race, Slavery, and Free Blacks, Series II: Petitions to Southern County Courts, Part D: North Carolina (1775-1867) and South Carolina (1784-1867),” PAR Number 21384706.
677 Heath, “A Report, or Abstract Statement of the Various Returns, Made to the Auditor of Public Accounts, By the Clerks, or Agents of the Overseers of the Poor,” 459, 471, 476.
William B. Green thirty-five dollars for supporting a slave, and an eventual order that the slave be sent to the poorhouse.\textsuperscript{678} Boarding or even hiring out old pauper-slaves was not always easy, however, Guardian Selina Herbert complained to the Virginia legislature that “a seventy-year-old slave named Martin” was a drain on the estate of her wards, that the estate was unable to provide for his maintenance, and that he was “of such tender years that the overseers of the poor cannot prevail upon a proper person” to hire him as an apprentice.”\textsuperscript{679}

While some slaves came under the purview of the overseers of the poor through the simple fact of their abandonment, other slaves were actually dropped off at poorhouses, or institutions that functioned like poorhouses. Old slaves might also be abandoned in the lunatic wards of poorhouses, for example, or – where they existed – in separate asylums for the insane. Indeed, the earliest legal provisions for the insane in Charleston were specifically directed toward slaves.\textsuperscript{680} Lawmakers in 1751 enacted a law to provide for “the subsistence of slaves that may become lunatic, belonging to poor persons who may be unable to provide for [their] maintenance.” Charleston did not yet have a poorhouse, but under the act, any justice of the peace or overseer of the poor could “cause such lunatic to be secured in some convenient place in the parish.” Notably, “the charge and expense of keeping and maintaining such lunatic” was to be “borne and defrayed by the inhabitants of the parish” and such “expense shall be

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\item \textsuperscript{678} “Minutes of Commissioners, 1849-1854,” Madison County Records, April 16, 1855; James Benson Sellers, \textit{Slavery in Alabama} (Tuscaloosa: The University of Alabama Press, 1950), 130.
\item \textsuperscript{679} “Race, Slavery, and Free Blacks, Series I: Petitions to Southern Legislatures, 1777-1867,” PAR Number 21684709.
\item \textsuperscript{680} J. W. Babcock, "Public Charity in South Carolina," in \textit{Handbook of South Carolina: Resources, Institutions and Industries of the State} (Columbia: State Company, 1907), 43.
\end{itemize}
assessed…and collected in the same way and manner…as the poor tax.” Lunatic slaves, here, were to be treated like paupers; the cost of care was to be provided by the county.

Some masters who considered their decrepit slaves “uncontrollable” dropped them off at the Charleston poorhouse, where those slaves spent the reminder of their lives in the basement cell for the insane. The Eastern Lunatic Asylum in Williamsburg, Virginia accepted free blacks from its inception. Although it didn’t officially admit slaves until 1846, we might speculate that it unofficially accepted slaves abandoned there by slaveholders. Indeed, the institution’s formal acceptance of slaves was, as Adam Reed has shown, in large part “a response to pressure from slaveholders.”

Travel narratives and southern diaries are punctuated with references to “lunatic” slaves – and particularly old, lunatic slaves – being cared for by public institutions. But the cost of that care was not always thrust upon the public. Historian Gerda Lerner has recounted such experience of the famous Grimke sisters. Stephen, a house servant belonging to the mother of Sarah and Angelina Grimke (who had, by arrangement, been living with his wife on a nearby plantation), began having “fits” and “was sent to the poorhouse, since there was no hospital for sick slaves. When Sarah and Angelina heard this story, they begged their mother to take charge of Stephen…Mrs. Grimke arranged with his wife’s owner to take him back and hired him out to a Dr. Frost…a few months, for Stephen became violent again and was returned to the poorhouse.

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682 Bellows, Benevolence among Slaveholders, 87.
Mrs. Grimke was obliged to pay his keep out of the wages he had earned.⁶⁸⁴ Lunatic slaves, here, were to be treated like both paupers and slaves; the actual care was to be provided by the county but the cost was to be provided by the owner. We might imagine why; if the poorhouse “is opened up for the reception of Lunatick Slaves free of charge,” remarked a Charleston Commissioner of the Poor in 1823, “our Cells will be filled to overflowing.”⁶⁸⁵

Significantly, slaves did not have to be classified as “lunatics” to wind up in the poorhouse; perhaps just as often, they were simply treated like paupers. The 1790 Census records for Dorchester County, Maryland, for example, list two slaves as residents of the poorhouse.⁶⁸⁶ An entry for February 5, 1838 in the Minute Book of Prince William County, Virginia reads:

“Ordered that the Overseers of the Poor of this County receive slave Dick (the property of Delia Smith) in the poor house.”⁶⁸⁷ Another entry reads: “$25 allowed for support of Phil, a slave belonging to James Kinsolving, and that John Samuels, clerk, do give notice to said Kinsolving that a motion will be made in the county court for a judgment against him for the $25 levied to support his Negro slave Phil, and costs.”⁶⁸⁸ A report submitted from the Overseers of the Poor to the Auditor of Public Accounts in Virginia admitted to the presence of slaves in multiple county poorhouses. Overseers from Charlotte noted that “besides the free colored, more than an average of two slaves annually are embraced in the list of paupers.” Rockbridge County overseers noted

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that “some of the black paupers were slaves whose masters removed from the State, and left them chargeable to the county.” These abandoned slaves, then, were directly cared for by the overseers of the poor and housed right along with free paupers.

Furthermore, the non-lunatic slaves who wound up in poorhouses were not all abandoned by masters in the woods or in cities; some were actually brought to the poorhouse to be, essentially, cared for as paupers. The adult children of Joseph Hite, an old slaveholder in Kentucky who was sick and in need of care, took over his estate and apparently placed “Dick, an elderly slave…in the city Alms House” – where he died. In some of these situations, slaveholders or estate administrators would indeed be charged for the care of their slaves. In effect, slaveholders were contracting with overseers of the poor to “do” the work of caretaking that they did not want to do themselves – (or that they did not want to assign any of their younger slaves to do). The overseers of the poor in Pasquotank County, North Carolina notified the administrators of John Mansaid’s estate that the overseers would charge them $6.25 a month for keeping in the poorhouse a slave belonging to the estate. Overseers in Orange County notified the heirs of Benjamin Rhodes that they would have to compensate the overseers for the support of Betty Mentus, their slave, who was at the poorhouse.

The historical evidence reveals with striking frankness the extent to which overseers of the poor were not just allowed, but expected, to intervene if a master neglected his slave – that is, if a slave might effectively become a pauper. “If the master shall refuse or neglect, for ten days,

689 “Race, Slavery, and Free Blacks, Series I: Petitions to Southern Legislatures, 1777-1867,” PAR Number 20783707.
691 Orange Wardens, May 29, 1838, MS., Dept. of Archives and History, Raleigh, N.C., Ibid., 452, FN 15.
to take care of the slave,” explained the manual, “the Wardens [of the poor] shall make necessary provisions, and charge the master therewith.” Moreover, the manual made specific note of cases not just of neglect, but also of potential abandonment. If any Warden was to learn about a master who was planning to move and leave behind an unproductive slave, the Warden was to “issue his warrant to compel the master to give bond and security to indemnify the county.”

The following forms, printed in a North Carolina Justice of the Peace Manual from 1846, shed light on the duties that slaveholders and overseers of the poor owed to each other.

Form 1

NOTICE TO THE MASTER OF A SLAVE LIKELY TO BECOME CHARGEABLE
State of North Carolina, --- County
To any lawful Officer:
You are hereby commanded to notify and require --- to provide for his aged (or infirm) slave ---, as other slaves in the neighborhood are provided for: otherwise, the Wardens of the Poor will provide for said slave, and charge him, as master, according to law. ---, Warden.

Form 2

WARRANT AGAINST THE MASTER FOR SUPPORT OF SLAVE
State of North Carolina, --- County
To any lawful Officer:
You are hereby commanded to take the body of ---, and him have before some Justice of said county, to answer --- and --- and --- and --- and --- and --- and --- and ---, Wardens of the Poor of said county, for the non-payment of the sum of ---, due by assumpsit, for money had and received for the maintenance of ---, a slave, according to an Act of Assembly entitled ‘An Act providing for the support of the poor.’ Herein fail not.

Form 3

WARRANT AGAINST THE MASTER, ABOUT TO REMOVE AND LEAVE A SLAVE CHARGEABLE TO THE COUNTY
State of North Carolina, --- County

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693 Ibid., 366.
694 Ibid., 367.
695 Ibid., 368.
696 Ibid., 368.
To any lawful Officer, to execute and return forthwith:
On complaint of ---, made to me, ---, one of the Wardens of the Poor of said county, it appears that --- is about to remove, leaving ---, an aged (or infirm) slave, likely to become chargeable to the county: You are therefore commanded to cause --- to appear before two of the Wardens of said county, to answer the premises, and indemnify the county in their behalf. Herein fail not.

Slaveholders did not actually have to do the work of caretaking – or even oversee the work of caretaking – on their own plantations. What mattered was that they protected the community at large from bearing the burden of the cost of that care. And just as overseers of the poor might pay for the funeral expenses of paupers, so too might they pay for the burial of abandoned slaves. The Order Book of the overseers of the poor of Cabell County, Virginia, for example, includes multiple provisions for the burials of old slaves. “$7.50 allowed Andrew & Smoot Johnson for making coffin & burying Old Phil,” noted an 1852 entry, earlier identifying “Old Phil” as “a slave belonging to James Kinsolving.”697 “John Hibbons $5 for making 2 coffins for Mrs. Elkins and Old Negro Nancy,” noted an entry for 1846.698 Old, abandoned slaves were – at their deaths – officially listed right alongside free paupers by the overseers of the poor.

V. Conclusion

Many slaveholders maintained that their aged slaves lived their remaining days in peaceful retirement – a privilege, they noted, that free workers in the north did not receive. For some slaves, this was perhaps true. But for many others, the deprivations of slavery only grew more intense and worrisome as they grew older. “An old slave was often turned loose to fend for

697 Eldridge, ed., Miscellaneous Cabell County Virginia Records, 26, 39.
698 Ibid., 26, 28.
himself,” notes David Hackett Fischer in his history of aging, “without food, without clothing, without shelter.”

The status of an abandoned slave was murky not only to lawmakers and public officials, but, at times, to slaveholders as well. Slaveholders who purchased slaves who were actually older or sicker than they had been led to believe might “abandon” those slaves after filing suit against the seller and being awarded damages by a jury. In such cases, the question of legal ownership, and thus legal liability, arose. Could a master abandon a slave, in other words, whose sale had breached the warranty of soundness? This was precisely the question posed to the South Carolina Court of Appeals in 1844. The City Council of Charleston brought an action to recover nearly four hundred dollars from Solomon Cohen, “for the meat, board, lodging, necessaries, care and attendance” provided by the commissioners of the poor-house for Cohen’s slave, Bella, from May 31, 1839 though June 30, 1841. Cohen, however, maintained that he was not responsible for the slave, Bella. He had been awarded damages from a jury after successfully suing Bella’s former owner for selling him Bella, who unbeknownst to Cohen, was of an unsound mind at the time of sale. After being awarded such damages, Cohen wrote a letter to the commissioners of the poorhouse, disclaiming any future liability for Bella. “In relation to the woman Bella, now in your institution,” wrote Cohen, “I do not any longer feel under any obligation from the laws of humanity or otherwise, to be charged with her care.” Bella would either have to remain at the poorhouse at the expense of the commissioners, maintained Cohen, “or be disposed of as the master [of the poorhouse] and commissioners may think proper.”

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699 Fischer, *Growing Old in America*, 64.
Court, however, found that despite recovering damages for purchasing an unsound slave, Cohen was still the owner of that unsound slave, and was thus still liable to the county for her support; he could not simply disavow his ownership.

Statutory law prohibiting the abandonment of slaves did, at times, use the actual term “abandonment” but, more often, used the phrase “to go at large.” Indeed, it wasn’t Cohen who dropped his slave Bella off at the poorhouse; rather, “public authorities” brought her to the poorhouse after she had been abandoned and found to be of an unsound mind; she was, it was thought by the commissioners of the poor, seized for the “public benefit” because “it was supposed to be dangerous to the public to permit her to go at large.” An 1823 Virginia statute, for example, prohibited a slaveholder from permitting “an aged or infirm slave owned by him or under his control, to go at large without adequate provision for his support.” That phrase – “to go at large” – was employed by lawmakers not only in reference to old slaves but, more generally, in reference to any slave being granted the liberties of freed persons. “It shall not be lawful for any slave to go at large as a freeman, exercising his or her own discretion in the employment of his or her time,” noted a North Carolina law in 1831. “To go at large,” in other words, became a key phrase in the laws and public discourse delineating the line between freedom and slavery.

Indeed, in stark contrast to the image of the wandering pauper, the slave was meant to be contained. The slave had a de facto residence on his master’s estate. And as both person and

701 Ibid.
702 See, for example, The Code of Virginia, Including Legislation to the Year 1860, Second ed. (Richmond: Ritchie, Dunnivant &., 1860), 510.
property, the slave didn’t just belong, he belonged. “The law makes it the duty of the owner to exercise over his slave a super-intending control,” noted the Court of Appeals of Kentucky in 1847, “and not permit him to go at large.” The strict regulation of time was a key component in the workings of slavery; a slave’s time was not his own. But aged slaves – whether discarded or simply ignored on their home plantations – were often eventually left to their own devices, diluting one of the critical distinctions between slavery and freedom.

CHAPTER 6:
Conclusion: The Evolution of Caretaking

I. The Entwinement of Slavery and Poor Relief

Spicer Lane’s slave wouldn’t die. Perhaps he hadn’t worked her hard enough. Or maybe he had allowed her too much food. Whatever the cause, old Rhoda was over one hundred years old, and every day she stayed alive was costing Lane money. So when a neighbor rode up to Lane’s North Carolina farm in December of 1832, and offered to “take” and “support old Rhoda for life” if Lane would sell him one of his prime male slaves, Lane readily agreed to the deal. Only four weeks after the neighbor left Lane’s farm with Rhoda and a strong male laborer in his possession, however, he too had become exasperated with caring for the old slave, and dropped her back off at Lane’s home. Lane took his neighbor to court for breach of contract and prevailed in what amounted to less than a page of reasoning from the judge.705

What was an easy decision for the court in this instance, however, was a universal problem among slaveholders in the antebellum South: what to do with slaves when they became a source of burden rather than profit. Slavery was a labor system at its core but, as an examination of the aging process reveals, not all bodies were laboring bodies, and not all laboring bodies could fetch a price. Manumission restrictions and banishment laws were meant to prevent the mass dumping of aged paupers onto local counties and, in some respects, they did so. But slaveholders found ways to get around the laws or to simply ignore them. The line between pauper-slaves and free paupers could be blurry. The caretaking obligations of

705 Chief Justice Thomas Ruffin reasoned that Lane had “owned a superannuated slave, whom he was bound in morals and in law to maintain,” but that once he had contracted with his neighbor so that his neighbor, Wingate, would “take” the slave, Wingate assumed the burden of care. Spicer Lane v. Isaac Wingate, 3 Ired. 326, 25 N.C. 326 (1843).
slaveholders and overseers of the poor could be unclear. Notably, just as proslavery ideologues argued that slaves knew no poverty, some antislavery advocates argued the same of free blacks. “I do not know that I ever saw a black pauper,” proclaimed Frederick Douglass in a speech at London Tavern in 1847. “The free Negroes…” Douglass asserted, “support their own poor.”

Familial support surely kept some blacks and whites alike out of the grasps of poverty, but for thousands of others – and particularly for the aged – poverty was a daily reality.

This dissertation has shifted attention to the laws and layers of discourse surrounding those slaves scorned by traders, avoided by buyers, abused and abandoned by owners – to those weakened, debilitated, aged – to those marked not by the promise of their ability or marketability but rather by their incapacity and lack of pecuniary worth. Every calculation – for care, for exile – took place within the matrix of relationships that sustained not only slavery, but also poor relief. To be chargeable became a central keyword not only in the development of poor relief but also in the legal history of slaveholding, and contrary to the arguments of both nineteenth-century southern ideologues and contemporary historians, the caretaking mechanisms of slavery were not distinct but rather parallel and interconnected with the support of free paupers.

The historical record makes it difficult to assess how many slaves were abandoned as paupers in their old age. But such accounts of abandonment became the heart of the slave narrative genre, indicating that even when not every such instance occurred, the trend was common enough to occupy the public imagination. Frederick Douglass famously pointed to the abandonment of his grandmother as the incident – more than any other – to deepen his hatred of

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slavery. Determining that his grandmother “was of but little value, her frame already racked with
the pains of old age,” her owners built her a hut in the woods and left her there to support herself,
“thus virtually turning her out to die!”\textsuperscript{707}

Slave narratives were indeed the most potent indication of the pauperization of old slaves. The slave narrative as a genre exploded in popularity as early as the 1830s. Northern
abolitionists, in conjunction with freed or escaped slaves, published hundreds of books
chronicling the horrors of slavery in the hopes of swelling popular sentiment against the
institution. As historians have pointed out, such narratives were likely a combination of precise
accounts and abolitionist promotion. It is worth noting, however, that many such accounts also
served another purpose: they were a means of raising money for the elderly author, or for that
author’s elderly relatives. Indeed, it was not unusual for the author of a slave narrative to state
specifically in his or her introduction that the money raised from the book was to be used for
exactly that purpose. “In compliance with a wish expressed by the poor negro on his death-bed,”
wrote the editor of one such narrative, “it is now proposed to appropriate the proceeds to the
benefit of his aged mother.”\textsuperscript{708} The abandonment of aged slaves was a centerpiece of anti-slavery
literature just as the support of aged slaves was a centerpiece of proslavery ideology. Caretaking
– in all its forms – was understood by all to be indicative of a kind of moral superiority.

As for whether the abandonment of old slaves makes us reconsider the trend of thinking
about slavery in capitalistic terms – or whether it reinforces that trend: it is not an either/or
situation. On the one hand, old slaves could not be readily convertible into cash, they couldn’t be

\textsuperscript{707} Frederick Douglass, \textit{Narrative of the Life of Frederick Douglass, an American Slave}, ed. Houston A.
\textsuperscript{708} Ashton Warner, \textit{Negro Slavery Described by a Negro}, Introduction.
easily mortgaged or bartered or sold; they couldn’t underwrite the economy in the way younger slaves could. That perspective forces us to reconsider the slavery-as-market paradigm. At the same time, the discarding of old slaves when they became no longer economically valuable seems precisely capitalistic; these were cold, hard calculations.

Those calculations sometimes led slaveholders to reassign their aging slaves to less labor-intensive tasks, much as factory managers might do of their aging workers, or overseers of the poor might do of old poorhouse inmates. Other slaveholders, short of discarding their old slaves in nearby cities or towns but eager to get rid of them, might drop their slaves off at the local poorhouse or workhouse, choosing to risk financial liability for these pauper-slaves who newly became the problem of the overseers of the poor. Overseers of the poor, in turn, depended on slaveholders to provide for their elderly slaves, to prevent them, in effect, from becoming paupers. And so too did overseers depend on officials from other jurisdictions, to prevent paupers from wandering and becoming charges to counties to which they did not belong. Some slaveholders, undoubtedly, did not provide for their slaves. And some paupers, of course, wandered across county and state lines. The obligations of caretaking – including not just the providing of financial or material provisions but the daily work of assistance – were thus messy and interdependent, across the worlds of slavery and freedom.

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II. Postscript: The Transition to Federal Care-Taking

The problem of dependency in the context of old age was reconstituted under the circumstances of the Civil War and emancipation. The war bred poverty on a massive scale and overwhelmed what was an already taxed system of local poor relief. The federal blockade during
the war crippled the southern economy, dependent as it was upon northern and European manufacturers. Moreover, the disruption of an already deficient transportation system ensured that many perishable rations in the Confederacy either rotted or never reached their destinations.\footnote{Paul D. Escott, "‘The Cry of the Sufferers’: The Problem of Welfare in the Confederacy," \textit{Civil War History} 23, no. 3 (September 1977), 229.} One Freedmen’s commissioner reported in 1863 that the freedmen streaming into New Orleans were “in a wretched and destitute condition, mostly unfit for labor or self support.”\footnote{W. H. Emory, January 27, 1863 as quoted in John W. Blassingame, \textit{Black New Orleans, 1860-1880} (Chicago: University of Chicago Press, 1973), 50.}

Refugee slaves, abandoned wives, former masters – no one escaped the reach of poverty brought about by war. “Relief, not political principles,” historian Paul Escott has noted, “was paramount in the minds of many suffering southerners.”\footnote{Escott, "The Cry of the Sufferers,” 231.} Just as Freedmen’s Bureau officials took over the care for refugee slaves, new local officials emerged to assist overseers of the poor in caring for the quickly expanding population of non-slave paupers. County courts, for example, appointed purchasing agents to find and distribute food supplies.\footnote{Paul D. Escott, "Poverty and Governmental Aid for the Poor in Confederate North Carolina," \textit{The North Carolina Historical Review} 61, no. 4 (October 1984), 468.} The South Carolina General Assembly, as early as December 1861, established Soldiers’ Boards of Relief in each tax district; each Board was composed of five to ten residents and had the power to impose local taxes to raise money for the families of soldiers.\footnote{William Frank Zornow, "State Aid for Indigent Families of South Carolina Soldiers 1861-1865," \textit{The South Carolina Historical Magazine} 57, no. 2 (April 1956), 83.} Though the new personnel were meant to assist rather than replace local overseers of the poor, the circumstances of war could cause problems. The overseers in Botetourt County, Virginia, for example, had to petition the governor for an
exemption for the superintendent of the poorhouse from military conscription. So too did new forms of relief emerge, due to the circumstances of war. Soup houses, for example, were set up by some assistant commissioners to provide relief to starving freedmen on a meal-by-meal basis. Local officials in several Virginian counties paid the rents of impoverished residents. Union officials seized abandoned buildings and plantations to house fugitives. They were also authorized to distribute rations to needy freedmen, loyal refugees, and persons laboring for the freedmen. In 1865 the Freedmen’s Bureau provided rations to more than ten thousand former slaves in Virginia alone. But great limitations were taken in the distribution of that aid. Just as Overseers of the Poor might put relief applicants through a variety of examinations before distributing aid or admitting them to the poorhouse, so too did Freedmen’s Commissioners interrogate those who asked for relief. Often, multiple government employees had to sign off on the distribution of rations, a commissioned officer, a commanding officer and even an assistant commissioner.

Freedmen’s Hospitals buttressed the overrun poorhouses, functioning much like federal versions of those institutions. Between 1866 and 1870, the Medical Division of the Bureau constructed more than fifty asylums for destitute freed-people. Only the “aged, infirm, and

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714 Overseers of the Poor to Governor Smith, February 27, 1864, as quoted in Green, This Business of Relief, 70.
715 Peirce, The Freedmen’s Bureau, 95.
716 Green, This Business of Relief, 70.
717 Ibid., 51.
720 Downs, Sick from Freedom, 121, 137.
sick,” however, were supposed to be assisted. Post-war labor contracts, noted O. O. Howard, the leader of the Freedmen’s Bureau, would provide employment (however coercive) to “able-bodied refugees and freedmen.”⁷²¹ Indeed, even where new institutions weren’t built, the old and infirm might be gathered together – in contraband camps during the War and on farms thereafter – and cared for in a communal way. All but about 300 of the 1800 freedmen on Craney Island had been “taken away and put upon farms” to labor, noted a northern teacher upon her visit to the south. The “ablebodied men” were sent away to work while the old, young, and disabled remained on the island, which functioned as “a kind of Government poor house.”⁷²² In North Carolina, noted the Reports of Generals Steedman and Fullerton on the Freedmen’s Bureau, there was, for example, a settlement of freedmen where “the decrepid and helpless among them are supported by the Government of the United States.”⁷²³ The Bureau noted in an 1871 report that the “majority of the patients now in hospital are so helpless from infirmity or extreme old age that they will require to be supported the remainder of their lives.”⁷²⁴

Former slave Harriet Jacobs sought aid in England in 1868 to build a home for both the orphaned and elderly freedmen and women in Savannah, Georgia. Many of them are worn out with field-labour,” noted Jacobs of the elderly. “Infirm, penniless, homeless, they wander about

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⁷²³ *The Freedmen’s Bureau: Reports of Generals Steedman and Fullerton on the Condition of the Freedmen’s Bureau in the Southern States*, 5.
dependent on charity for bread and shelter. Many of them suffer and die from want.”

As under slavery, the old, in freedom, found themselves particularly vulnerable. “The number of destitute aged freed-people is increasing,” noted a Freedmen’s Bureau agent from New Orleans in 1867. “They have no homes and will charge [sic] upon the Bureau.” The New York Times reported in 1865 that commissioners who had been dispatched to several counties in Virginia noted that “the people complain that there remain no able-bodied negroes – only the old and weak, whom they are unable to support.” The government, the Times continued, found itself “the almoner of charity to a large number of destitute refugees and freedmen.”

As able-bodied freedmen enlisted in the army or went to work as military laborers, the aged were left behind in contraband camps or on the plantations from which they were too old to flee. As Salmon P. Chase noted in his diary after a visit to Freedmen’s Village in 1864, the nearly two-thousand residents were “mostly old and infirm or women and children.” Some Bureau agents searched for extended kin or even neighboring slaves to help care for elderly freedmen during the War; federal aid was meant to be temporary, after all, and, as one agent pointed out, there needed to be “some system by which the old could be cared for” – a more permanent solution.

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726 E. H. Harris to Captain Sterling, May 4, 1867, as quoted in Downs, Sick From Freedom, 124.
728 Ibid.
730 Ward to Hogan, July 11, 1866, Plymouth, N.C. as quoted in Downs, Sick from Freedom, 124-6.
“Likely” – a central keyword in the history of slavery, denoting ability and marketability (and of course, relative youth) – was replaced in the public discourse by “able bodied” during the Civil War and the decades thereafter. “The demand for able-bodied negroes as laborers in the military service has greatly exceeded the supply,” noted Edwin Stanton in his Report of the Secretary of War in 1863. The circumstances of war shifted public focus from the ability of black bodies to labor to the ability of black bodies to fight; military service became the channel through which many former slaves earned their freedom. It was only by “proving their manhood as soldiers,” asserted Stanton, that former slaves could earn “respect and decent treatment in their social relations with whites.” Indeed, as both Amy Dru Stanley and Stephanie McCurry have suggested, the Civil War itself confirmed and even solidified the connections among military service, manhood and citizenship – making it that much more difficult for women to gain formal political rights. “Do you think that, as preparation for the life of a citizen, the organization of negroes into military bodies is important?” asked an agent of the Freedmen’s Inquiry Commission to a colonel in 1864. “I should say, of unspeakable value.” Indeed, “it is the best school in the world,” claimed another. “It makes men of them at once.” As able-bodied former slaves fought in the Union Army, women, children, and the elderly remained behind. The

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731 Senate, Report of the Secretary of War, Communicating, In Compliance with a Resolution of the Senate of the 26th of May, a Copy of the Preliminary Report, and Also of the Final Report of the American Freedmen’s Inquiry Commission, by Edwin M. Stanton, 35th Cong., 1st sess., S. Rept. 53.
732 Ibid., 12.
734 Preliminary Report Touching the Condition and Management of Emancipated Refugees, Made to the Secretary of War by the American Freedmen’s Inquiry Commission, 38th Cong., 1st sess., 53 (June 30, 1863), 7.
problem of the aged was coupled with the Thirteenth Amendment, which essentially released into the populace millions of paupers. “We were turned out like a bunch of cattle without anything to eat or wear,” remembered a former slave.\(^7\)

As those soldiers who fought in the war aged over the next several decades, they received special care from the government in the form of benefits from their military service. The Civil War pension system, instituted in the 1860s, developed over time into a system of general disability coverage and, eventually, into a system of \textit{de facto} old age relief. Between 1866 and the beginning of the federal program of Social Security, the United States government spent more than $5 billion dollars in pensions.\(^7\) At the peak of the Civil War pension program in 1893, notes economist Sven Wilson, “41% of all federal budget expenditures were being paid out to military veterans.”\(^7\)

Congress created a pension program for the Union army in 1862, providing relief for soldiers who suffered permanent injury or disability as a result of their service. Pension dollars were tied directly to the degree of disability, and disability was understood to indicate the degree to which the performance of manual labor was affected.\(^7\) The determining factor, in other words, was the extent to which a former soldier was no longer ‘able-bodied.’ The loss of a foot would indicate one rate; the loss of a toe, another.

\(^7\) Herbert C. Covey and Dwight Eisnach, eds., \textit{How the Slaves Saw the Civil War: Recollections of the War through the WPA Slave Narratives} (Santa Barbara: Praeger, 2014), 217.
The eligibility requirements, as a matter of law, were equal for black and white veterans; the statutes and regulations did not discriminate. However, the requirements of the laws and the ways in which the laws were applied assured that whites would receive benefits far more frequently and easily than blacks. Until 1890, pension regulations required that disability be directly war-related. This meant that applicants for relief had to provide the Pension Bureau not only with proof of their identity and military service, but also with evidence of a wartime injury, like hospitalization records.739 This requirement disadvantaged black veterans in two ways; first, during the War, sick or injured black soldiers were less likely than sick or injured white soldiers to be sent to a hospital (by a white officer). Second, special investigators employed by the Bureau investigated the claims of blacks nearly twice as often as those of whites.740 And that higher rate of investigation, coupled with the inability of some blacks to provide birth dates, bred “suspicion on the part of pension bureaucrats.”741

Not until 1890, when lawmakers dropped the pension requirement that disability be the product of military service, did the number of black recipients increase markedly.742 As the racial gap declined over the next fourteen years, the pension system came to function, in effect, as a kind of old age pension. Executive Order 78, issued under President Roosevelt in 1904, directly and explicitly tied age to disability; the order declared than any veteran aged sixty-two was at least somewhat disabled in his ability to labor, and thus entitled to a pension; moreover, the

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741 D. R. Shaffer, After the Glory: The Struggles of Black Civil War Veterans (Lawrence: University of Kansas Press, 2004), 129; Wilson, “Prejudice & Policy,” S60.
742 Wilson, “Prejudice & Policy,” S62.
The dollar amount of that pension increased with age: six dollars per month at sixty-two, for example, and twelve dollars per month by the time a veteran was seventy. Three years later, Congress for the first time tied age to disability, passing the Service and Age Pension, which also provided incremental benefits to those veterans aged sixty-two and older.  

The 1904 and 1907 orders expanded the base of eligible pensioners, providing relief to all veterans aged sixty-two and older, regardless of their injuries or lack thereof. But so too did the new age qualifications pose problems – for black veterans in particular – who might not know, or might not be able to persuasively document – their age. Former slave Arthur Smith, for example, relied upon the memory of a conversation he had heard between his master and another slaveholder, to whom Smith was hired out; Smith recalled, in his pension affidavit, that “My Master Told the man i was Born in 1835 Feby 16, i have No Record other Than This.” Former slave Solomon Lambert relied on the information that his Captain and his former master supplied; “When I enlisted my Capt informed me that I was 18 years of age…and my former Master told me I was that age and that seems to be the proff [sic] I coul [sic] Furnish the Pension office.” For some former slaves, such information was completely unknown. “I don’t know how old I was when I enlisted,” explained Henry Haddox, to a special examiner from the Pension Bureau. “I don’t know whether I was 18 years or 25 years or 40 years.”

The second decade of the twentieth century saw the emergence of commissions focused wholly on the problem of aging in the United States – on the need for a more permanent and

744 Affidavit of Arthur Smith, Feb. 3, 1908, Civil War Pension File, 137th USCI, RG 15 as published in Regosin and Shaffer, eds., Voices of Emancipation, 35.
745 Affidavit of Solomon Lambert, Oct. 4, 1908, Civil War Pension File, 2nd USCLA, RG 15, ibid., 36.
widespread mechanism of caretaking. “The United States is the only one of the leading nations that has not adopted some retirement system for its employees” lamented the authors of the Report on the Commission on Old Age Pensions.\textsuperscript{747} The Civil War pensions – however far their reach – were directly linked to services performed for the United States government. They were a product, notes political scientist Steven Livingston, of a different sensibility, “one still anchored in the principle that a government pension was a privilege to be earned, not a right to be had.”\textsuperscript{748} By 1910, the overwhelming majority of poorhouse residents were sixty-five or older.\textsuperscript{749} Indeed, the Census Bureau a few years earlier reported that “only 21.4 per cent of the almshouse population is under 35, while the corresponding per cent for the general population is 70.1.” Pauperism, the Bureau’s report concluded, [was] generally a misfortune of old age.\textsuperscript{750} Still, it was only with an increasing emphasis on industrial productivity over the next few decades that old age care became a mainstream priority of the federal government, finally codified in the Social Security Act, seventy years after the end of the Civil War and more than two hundred years after the country’s first poorhouses had been constructed.

\textsuperscript{748} Livingston, \textit{U.S. Social Security}, 4.
\textsuperscript{749} Fischer, \textit{Growing Old in America}, 162.
APPENDIX

Demography of Slavery and Old Age, Compiled from the U.S. Federal Census – Slave Schedules (1850)

Virginia

<table>
<thead>
<tr>
<th>Birth Dates</th>
<th>Ages</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1780-1800</td>
<td>50-70</td>
<td>21,017</td>
<td>19,292</td>
<td>40,268</td>
</tr>
<tr>
<td>1759-1779</td>
<td>71-91</td>
<td>2,355</td>
<td>2,714</td>
<td>5,064</td>
</tr>
<tr>
<td>1738-1758</td>
<td>92+</td>
<td>146</td>
<td>277</td>
<td>423</td>
</tr>
</tbody>
</table>

Total # of Slaves Aged 50 and Over 45,755
Total # of Slaves in the State: 473,199
Percent of Slaves Aged 50 and Over 9.67%

South Carolina

<table>
<thead>
<tr>
<th>Birth Dates</th>
<th>Ages</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1780-1800</td>
<td>50-70</td>
<td>15,466</td>
<td>15,655</td>
<td>31,094</td>
</tr>
<tr>
<td>1759-1779</td>
<td>71-91</td>
<td>1,503</td>
<td>1,542</td>
<td>3,044</td>
</tr>
<tr>
<td>1738-1758</td>
<td>92+</td>
<td>131</td>
<td>148</td>
<td>279</td>
</tr>
</tbody>
</table>

Total # of Slaves Aged 50 and Over 34,417
Total # of Slaves in the State: 382,507
Percent of Slaves Aged 50 and Over 8.99%

Georgia

<table>
<thead>
<tr>
<th>Birth Dates</th>
<th>Ages</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1780-1800</td>
<td>50-70</td>
<td>12,161</td>
<td>12,164</td>
<td>24,157</td>
</tr>
<tr>
<td>1759-1779</td>
<td>71-91</td>
<td>1,152</td>
<td>1,155</td>
<td>2,296</td>
</tr>
<tr>
<td>1738-1758</td>
<td>92+</td>
<td>124</td>
<td>129</td>
<td>252</td>
</tr>
</tbody>
</table>

Total # of Slaves Aged 50 and Over 26,705
Total # of Slaves in the State: 383,972
Percent of Slaves Aged 50 and Over 6.95%
### North Carolina

<table>
<thead>
<tr>
<th>Birth Dates</th>
<th>Ages</th>
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<tbody>
<tr>
<td>1780-1800</td>
<td>50-70</td>
<td>11,211</td>
<td>10,846</td>
<td>22,010</td>
</tr>
<tr>
<td>1759-1779</td>
<td>71-91</td>
<td>1,338</td>
<td>1,501</td>
<td>2,832</td>
</tr>
<tr>
<td>1738-1758</td>
<td>92+</td>
<td>98</td>
<td>143</td>
<td>241</td>
</tr>
</tbody>
</table>

**Total # of Slaves Aged 50 and Over** 25,083  
**Total # of Slaves in the State:** 289,002  
**Percent of Slaves Aged 50 and Over** 8.68%

### Alabama

<table>
<thead>
<tr>
<th>Birth Dates</th>
<th>Ages</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1780-1800</td>
<td>50-70</td>
<td>10,735</td>
<td>9,903</td>
<td>20,576</td>
</tr>
<tr>
<td>1759-1779</td>
<td>71-91</td>
<td>791</td>
<td>694</td>
<td>1,483</td>
</tr>
<tr>
<td>1738-1758</td>
<td>92+</td>
<td>81</td>
<td>89</td>
<td>170</td>
</tr>
</tbody>
</table>

**Total # of Slaves Aged 50 and Over** 22,229  
**Total # of Slaves in the State:** 337,762  
**Percent of Slaves Aged 50 and Over** 6.58%

### Louisiana

<table>
<thead>
<tr>
<th>Birth Dates</th>
<th>Ages</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1780-1800</td>
<td>50-70</td>
<td>9,363</td>
<td>7,580</td>
<td>16,940</td>
</tr>
<tr>
<td>1759-1779</td>
<td>71-91</td>
<td>725</td>
<td>525</td>
<td>1,250</td>
</tr>
<tr>
<td>1738-1758</td>
<td>92+</td>
<td>74</td>
<td>78</td>
<td>152</td>
</tr>
</tbody>
</table>

**Total # of Slaves Aged 50 and Over** 18,342  
**Total # of Slaves in the State:** 236,508  
**Percent of Slaves Aged 50 and Over** 7.76%
Mississippi

<table>
<thead>
<tr>
<th>Birth Dates</th>
<th>Ages</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1780-1800</td>
<td>50-70</td>
<td>8,491</td>
<td>7,830</td>
<td>16,304</td>
</tr>
<tr>
<td>1759-1779</td>
<td>71-91</td>
<td>653</td>
<td>565</td>
<td>1,217</td>
</tr>
<tr>
<td>1738-1758</td>
<td>92+</td>
<td>84</td>
<td>94</td>
<td>177</td>
</tr>
</tbody>
</table>

Total # of Slaves Aged 50 and Over | 17,698
Total # of Slaves in the State: | 316,164
Percent of Slaves Aged 50 and Over | 5.59%

Tennessee

<table>
<thead>
<tr>
<th>Birth Dates</th>
<th>Ages</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1780-1800</td>
<td>50-70</td>
<td>6,727</td>
<td>6,848</td>
<td>13,543</td>
</tr>
<tr>
<td>1759-1779</td>
<td>71-91</td>
<td>581</td>
<td>661</td>
<td>1,240</td>
</tr>
<tr>
<td>1738-1758</td>
<td>92+</td>
<td>48</td>
<td>73</td>
<td>121</td>
</tr>
</tbody>
</table>

Total # of Slaves Aged 50 and Over | 14,904
Total # of Slaves in the State: | 237,787
Percent of Slaves Aged 50 and Over | 6.27%

Kentucky

<table>
<thead>
<tr>
<th>Birth Dates</th>
<th>Ages</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1780-1800</td>
<td>50-70</td>
<td>5,882</td>
<td>6,700</td>
<td>12,578</td>
</tr>
<tr>
<td>1759-1779</td>
<td>71-91</td>
<td>478</td>
<td>685</td>
<td>1,162</td>
</tr>
<tr>
<td>1738-1758</td>
<td>92+</td>
<td>36</td>
<td>69</td>
<td>105</td>
</tr>
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</table>

Total # of Slaves Aged 50 and Over | 13,845
Total # of Slaves in the State: | 211,649
Percent of Slaves Aged 50 and Over | 6.54%
Maryland

<table>
<thead>
<tr>
<th>Birth Dates</th>
<th>Ages</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1780-1800</td>
<td>50-70</td>
<td>3,403</td>
<td>3,295</td>
<td>6,698</td>
</tr>
<tr>
<td>1759-1779</td>
<td>71-91</td>
<td>462</td>
<td>449</td>
<td>911</td>
</tr>
<tr>
<td>1738-1758</td>
<td>92+</td>
<td>29</td>
<td>51</td>
<td>80</td>
</tr>
</tbody>
</table>

Total # of Slaves Aged 50 and Over: 7,689
Total # of Slaves in the State: 90,341
Percent of Slaves Aged 50 and Over: 8.51%

Missouri

<table>
<thead>
<tr>
<th>Birth Dates</th>
<th>Ages</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
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<tbody>
<tr>
<td>1780-1800</td>
<td>50-70</td>
<td>1,737</td>
<td>2,060</td>
<td>3,797</td>
</tr>
<tr>
<td>1759-1779</td>
<td>71-91</td>
<td>151</td>
<td>180</td>
<td>331</td>
</tr>
<tr>
<td>1738-1758</td>
<td>92+</td>
<td>9</td>
<td>15</td>
<td>24</td>
</tr>
</tbody>
</table>

Total # of Slaves Aged 50 and Over: 4,152
Total # of Slaves in the State: 87,117
Percent of Slaves Aged 50 and Over: 4.77%

Florida

<table>
<thead>
<tr>
<th>Birth Dates</th>
<th>Ages</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1780-1800</td>
<td>50-70</td>
<td>1,449</td>
<td>1,290</td>
<td>2,739</td>
</tr>
<tr>
<td>1759-1779</td>
<td>71-91</td>
<td>114</td>
<td>95</td>
<td>209</td>
</tr>
<tr>
<td>1738-1758</td>
<td>92+</td>
<td>16</td>
<td>16</td>
<td>32</td>
</tr>
</tbody>
</table>

Total # of Slaves Aged 50 and Over: 2,980
Total # of Slaves in the State: 39,280
Percent of Slaves Aged 50 and Over: 7.59%
## Texas

<table>
<thead>
<tr>
<th>Birth Dates</th>
<th>Ages</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1780-1800</td>
<td>50-70</td>
<td>1,221</td>
<td>1,137</td>
<td>2,344</td>
</tr>
<tr>
<td>1759-1779</td>
<td>71-91</td>
<td>84</td>
<td>82</td>
<td>166</td>
</tr>
<tr>
<td>1738-1758</td>
<td>92+</td>
<td>9</td>
<td>14</td>
<td>23</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Total # of Slaves Aged 50 and Over</th>
<th>2,533</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total # of Slaves in the State:</td>
<td>54,634</td>
</tr>
<tr>
<td>Percent of Slaves Aged 50 and Over</td>
<td>4.64%</td>
</tr>
</tbody>
</table>

## Arkansas

<table>
<thead>
<tr>
<th>Birth Dates</th>
<th>Ages</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1780-1800</td>
<td>50-70</td>
<td>1,080</td>
<td>976</td>
<td>2,056</td>
</tr>
<tr>
<td>1759-1779</td>
<td>71-91</td>
<td>66</td>
<td>60</td>
<td>126</td>
</tr>
<tr>
<td>1738-1758</td>
<td>92+</td>
<td>10</td>
<td>7</td>
<td>17</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Total # of Slaves Aged 50 and Over</th>
<th>2,199</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total # of Slaves in the State:</td>
<td>47,043</td>
</tr>
<tr>
<td>Percent of Slaves Aged 50 and Over</td>
<td>4.67%</td>
</tr>
</tbody>
</table>

## Delaware

<table>
<thead>
<tr>
<th>Birth Dates</th>
<th>Ages</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1780-1800</td>
<td>50-70</td>
<td>30</td>
<td>39</td>
<td>69</td>
</tr>
<tr>
<td>1759-1779</td>
<td>71-91</td>
<td>3</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>1738-1758</td>
<td>92+</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Total # of Slaves Aged 50 and Over</th>
<th>77</th>
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</thead>
<tbody>
<tr>
<td>Total # of Slaves in the State:</td>
<td>2,295</td>
</tr>
<tr>
<td>Percent of Slaves Aged 50 and Over</td>
<td>3.36%</td>
</tr>
</tbody>
</table>
Totals: All Southern States

<table>
<thead>
<tr>
<th>Birth Dates</th>
<th>Ages</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1780-1800</td>
<td>50-70</td>
<td>110,128</td>
<td>105,918</td>
<td>215,631</td>
</tr>
<tr>
<td>1759-1779</td>
<td>71-91</td>
<td>10,483</td>
<td>10,960</td>
<td>21,413</td>
</tr>
<tr>
<td>1738-1758</td>
<td>92+</td>
<td>897</td>
<td>1,208</td>
<td>2,103</td>
</tr>
</tbody>
</table>

<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total # of Slaves Aged 50 and Over</td>
<td>239,147</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total # of Slaves in all States:</td>
<td>3,428,642</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Percent of Slaves Aged 50 and Over</td>
<td>6.97%</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


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