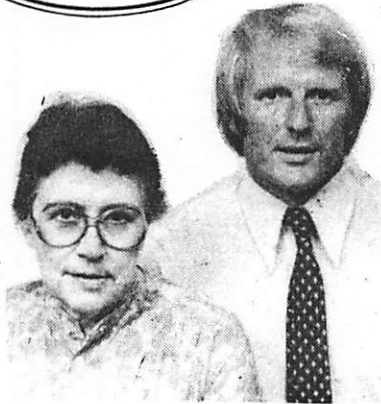


# Sentencing Slaves

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## South Carolina's Story The making of a state



A horse with a lifeless body tied to its back wandered up to a York District farmhouse in early March 1846. The body on the horse was that of Stephen Pettus, the plantation owner. Four of his slaves were soon apprehended and charged with the crime.

Such murders were unusual but not remarkable. The sequence of events that followed the murder is more interesting and helps to instruct us about the times.

Records are incomplete and we can only surmise some of the events that followed the discovery of Pettus' body. There was a trial within the month. William J. Clawson, an inlaw, neighbor, and lawyer, became both the defense lawyer for the accused slaves and the administrator of Stephen Pettus' estate.

W.I. Clawson, William Clawson's relative, was commissioner of equity of York District. He presided over the trial, but the case was not heard in regular court because slave codes required that slaves be tried in "slave courts." The slaves had admitted guilt from the beginning.

Clawson sentenced the slaves to be sold to "parts West" and to never return to South Carolina. Thomas N. Pettus, a cousin of Stephen Pettus, was selected to escort the slaves and sell them. His eligibility was based on the fact that he had occasionally served as a sheriff's deputy and had been to Alabama "three or four times."

Thomas Pettus was deputized by the sheriff to carry out the court's assignment. Having been involved in the building of "carryalls," the Southern frontier's version of the Plains covered wagon, he decided to take along a half dozen to sell to Alabamians planning to move even farther West.

The wagons would carry a large number of Seth Thomas clocks on consignment from the firm of McElwee and Sutton of Yorkville. Pettus would get a commission on the clocks he sold. Before he left, he also advertised that he would deliver letters and papers for hire as far as Chambers City, Ala.

The slaves were sold for \$2,800 and the money was turned over to the estate of the murdered man.

Were there alternatives available for the Clawsons, Pettuses, and other lawyers and slaveholders when faced with slave-committed murders? In their eyes, to execute the slave and thereby lose the financial benefit to the estate seemed unreasonable. In some Southern states the law provided that the state reimburse the slaveholder the full market value if the slave were found guilty of murder, but not in South Carolina.

South Carolina had no state penitentiary building before the Civil War. To imprison would be to place in the county jail, which was large enough to accommodate only a few prisoners. County jails were designed for short-term incarcerations, not for a lifetime.

There is no way to tell what motivated the slaves to commit the murder. Slave courts were not required to set down the testimony, and they only required the agreement of a magistrate and three citizens. The law did not require an attorney for the slave's defense, either. Clawson charged the estate \$50 for defending the slaves.

Apparently Clawson appeared in slave court in order to ensure that the estate would maintain financial control of the slaves. Selling the murderers to "parts West" took care of his clients' best interest.

In 1846 the West was Alabama, Mississippi, and Louisiana. Texas had not yet been won. Demand for slaves to work the virgin cotton fields was high. The price Pettus got was the average price for a field hand in Alabama that year.

Probably, "Sol and three others" wore ankle chains and walked the distance to Alabama. That would fit the descriptions of the time. Certain towns, such as Chambers City, Ala., were known to have "depots," or "pens," which were constructed much like cattle stalls but tighter in order to prevent escapes. There the slaves were held until the scheduled auctions.

Pettus probably received cash for the four slaves. When he returned, he charged Stephen Pettus' estate \$36 for "trip expenses."