

ABSTRACT

Title of Thesis: "Occupation: Land Owner": African American Female
Property Ownership in Clarendon County, South Carolina,
1870-1910

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This paper examines African American women landowners in Clarendon County, South Carolina to understand women's economic agency, self-sufficiency, and independence. Ownership of property, especially land, has been the goal of Americans since the before the founding of the United States. The story of black landownership in the South as currently told, however, largely excludes rural female landowners, particularly those who were not free prior to emancipation, or who were married and purchased land singularly. Using rural African American women in Clarendon County, as examples, this paper will look at the reasons for African American women's longing for land ownership, the impact of property laws on women, the means through which they obtained the land, and the ways in which they retained and protected the land for their descendants.

“Occupation: Land Owner”: African American Female Property Ownership in Clarendon
County, South Carolina, 1870–1910

by

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A Thesis Submitted in Partial Fulfillment
of the Requirements for the Degree
Master of Arts

MORGAN STATE UNIVERSITY

December 2019

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May 2019

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Dedication

To these women who allowed me to tell their story.
May your strength be forever remembered.

Acknowledgements

I would like to express my deepest gratitude to my thesis committee chair, Dr. Debra Newman Ham. Your sound guidance, unwavering belief in this work, and encouragement to see it through seemed boundless. I greatly appreciate the critical eye, invaluable feedback, and support of thesis committee members Dr. Brett Berliner and Dr. Lawrence Peskin. I profusely thank my graduate advisor Dr. Jeremiah Dibua, and the professors and staff at Morgan State University, particularly in the History Department and School of Graduate Studies who have had a hand in my academic development, directly or indirectly. The encouragement and support you have demonstrated is unparalleled in my academic experience. As a recipient of the Alberta Green Scholarship, I am deeply grateful for the confidence and the financial assistance bestowed.

Special appreciation is expressed for the reference and resource assistance provided by the staff at the South Carolina State Archives, the offices of the Clarendon County Archives, Registrar of Deeds, and Judge Probate, and the Sumter County Genealogical Society. Your support made long distance access to local records easy. I especially appreciate the conversations, resources, and assistance provided by Dr. Barbara Williams Jenkins and Ms. Louise McFadden. Your interest in this project and willingness to help a stranger was inspiring.

Lastly, I thank my mother, husband, brother, special friend Char McCargo Bah, and colleagues Ruthie Robinson, Philip Nix, and Blanche Faulkner for their endless encouragement and holistic support as I traveled on this journey. The best is yet to come.

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Chapter 1: Introduction

Clarendon County, South Carolina was created in 1868. Located in the South Carolina midlands, its county seat, Manning, lies roughly ninety miles north and slightly west of Charleston. Surrounded by Florence, Sumter, and Williamsburg counties, the majority of Clarendon County's land was carved from the southern portion of Sumter County in 1855 when its predecessor, Clarendon District, was formed. In the antebellum and postbellum eras, the county's agricultural industry was well supported by the thousands of slaves and their descendants who grew and maintained the cotton and corn crops that were its major products through the 1900s. In this regard, not much has changed in recent times. It is still an agricultural community, tempered with vibrant fishing and recreational industries.¹ The service and manual labor components of the economy common to both eras, eerily remain.

Just as South Carolina stood firm on its support of slavery and succession from the United States on December 20, 1860, Clarendon County marched in lockstep behind its military and state representatives. Three companies were funded by and for men from Clarendon District who fought in support of the Confederate cause. The pride that swelled in their Rebel hearts was crushed when the Union soldiers marched through the county seat of Manning. Led by General Edward E. Potter, the U.S. Colored Troops and white infantrymen, more than 2500 strong, destroyed everything in their path. That local formerly enslaved persons joined this Northern aggression in the destruction was like pouring salt in area residents' open wounds. When the dust settled, the town of Manning,

¹ Lauren Decker, "Clarendon County," in *The South Carolina Encyclopedia*, ed. Walter Edgar (Columbia: University of South Carolina Press, 2006), 185–6.

the county seat, was left smoldering. The month of April 1865 was forever etched into the collective memories of county residents.²

The newly freed persons and now slaveless farmers, along with their beloved southern region of the country, found themselves mostly destitute in the aftermath of the Civil War. The workforce that tended the fields, washed the clothes, cleaned the homes, and tended to the needs and desires of their enslavers was no longer as readily available. At the word of freedom, many of the formerly enslaved population moved as far as away as they could, often for no reason other than they could. Some wandered the countryside in search of long lost family members while others remained where they were. A common need would bring the two opposing groups back together — the freedmen needed to sustain themselves, and the farmers had property that needed regular and skilled attention.

The conditions in which these two groups would now coincide would be much different. Left with barren burnt fields and often little to sustain themselves, the landed white population wanted to ensure conditions as close to slavery as possible, and entertained contracts for labor, sharecropping, and tenant farming in the post-Civil War

² Walter Edgar, *South Carolina: A History* (Columbia: University of South Carolina Press, 1998), 748; Virginia Kirkland Galluchat Orvin, *History of Clarendon County, 1700 to 1961* (Manning, SC: Unknown, 1961), 19–20; Leonne M. Hudson, “The Role of the 54th Massachusetts Regiment on Potter's Raid,” *Historical Journal of Massachusetts* 29, no. 2 (2002): 181, accessed on March 7, 2018, <https://search-proquest-com.proxy-ms.researchport.umd.edu/docview/233367262?accountid=12557>. Galluchat gives 15,000 as the number of troops in Potter's Raid, Edgar uses 2500, and Hudson uses 2700. The author conservatively uses the lower number.

South.³ Similar in nature, the difference between sharecropping and tenant farming was subtle. Tenants paid rent on a land to a property owner in exchange for the use of the property to farm. Land was often rented on an annual basis and paid in cash. With sharecropping, wages were received from the property owner usually after the sharecropper turned in the crops. In both cases, the accounts were settled based upon any advances given to the tenant renter or sharecropper, often with little or no funds remaining for distribution.⁴

The freed men and women desired to establish their independence and the opportunity to choose how they exerted their influence on their own lives fully. While they realized those with land and opportunities for work were in economic control, the freed men and women made it clear that they would work under their own rules. Two ideas stood out – the freedmen were capable of supervising themselves and wanted no part of white supervision. They also realized that having land of their own was the best opportunity for economic independence, something that neither sharecropping nor tenant farming offered. They could grow what they needed to sustain themselves, and sell the oversupply for much needed funds, which could be used to purchase items needed that they could not grow or make themselves. The desire to own land was paramount. The farmers recognized this as well. As one planter said, “They will almost starve and go

³ Joseph D. Reid, Jr., “Sharecropping as an Understandable Market Response: The Post-Bellum South,” *The Journal of Economic History* 33, no. 1 (1973): 107–110, accessed July 10, 2015, <http://www.jstor.org/stable/2117145>.

⁴ Deirdre Bloome and Christopher Muller, “Tenancy and African American Marriage in the Postbellum South,” *Demography* 52, (2015): 1411, accessed March 13, 2018, <https://doi.org/10.1007/s13524-015-0414-1>; Gilbert C. Fite, *Cotton Fields No More: Southern Agriculture, 1865–1980* (Lexington: The University of Kentucky Press, 1984), 4–5.

naked before they will work for a white man . . . if they can get a patch of ground to live on, and get from under his control.”⁵

In either case, negotiation was key and the power was in the hands of the white landowners. More specifically, the power and the voice were with men. Women, regardless of race, had little, if any, authority or power to state their claims or desires and be heard. Men were considered the head of household and as such bargained or negotiated. Racism and sexism dictated that discussions and contracts were held between white men and black men as representatives for their respective families. It is therefore of little wonder that many of the extant early records reflect a small percentage of white female voices and an even smaller percentage of black women.

Does this mean that freed women did not have the same desires and drive for independence and self-sufficiency as freed men? Were they content to be silent partners or followers in the direction that the men led them and their families? If not, what did they do about it? What options did they have, legal or otherwise?

Between the late 1830s and early 1870s, almost every state legislature passed married women’s property laws. These laws helped to deconstruct the principle of coverture. Coverture was the legal vehicle that deprived married women of many basic rights of American citizenship to include the right to own property independently. Although the language varied from state to state, these new laws generally restored

⁵ Eric Foner, *Reconstruction: America’s Unfinished Revolution: 1863–1877* (New York: HarperCollins Publishers, Inc., 2005), 104.

married women with the same control over wages, land, and personal property that they had if they were single.⁶

Because these reforms focused on expanding the right of married women to own property, they did not address the pressing needs of wives who worked. Propertied women acquired the opportunity to achieve a greater degree of economic independence from their husbands, although common law rules were still in effect unless a wife took specific steps to designate her property as her own. Excluded in the early acts was the right to claim earnings from labor as separate property. Rules governing the transfer of property by marriage were modified, but the rules governing the wife's labor, inside and outside of the home, remained intact. This meant that up until the end of the late eighteenth century, the wife remained her husband's servant in the household. The law maintained her dependence upon him and demanded that she be subordinate to him.⁷

Before the state laws regarding married women's property rights were changed, common law rules transferred control of a woman's property to her husband at marriage. He gained absolute title to all the personal property that the wife owned at the time of marriage. A wife owned her personal property only if she acquired it while living apart from her husband, under the terms of a marriage settlement or under one of the property statutes. Wives were prohibited by law from selling this property or using it as collateral

⁶ Stacy Braukman and Michael Ross, "Married Women's Property and Male Coercion: United States Court and the Privy Examination, 1864–1887," *Journal of Women's History* 12, no. 2 (Summer 2000): 59–60, accessed May 7, 2013, <http://search.ebscohost.com/login.aspx?direct=true&db=ahl&AN=3533346&site=ehost-live>.

⁷ Sara L. Zeigler, Uniformity and Conformity: Regionalism And The Adjudication of The Married Women's Property Acts, *Polity* 28, no. 4 (1996): 477–8, accessed August 30, 2013, <http://www.jstor.org/stable/3235342>.

for a loan, as courts in Maine and South Carolina pointed out in cases that required interpreting their state's property statute. The wife's personal property did not revert to her on her husband's death – title was transferred to the husband and he could do with it as he pleased. The husband could, of course, give the property to his wife or will it to her. But unless he did so, the woman's prior ownership of the property was irrelevant.

According to Zeigler, the property acts fell into three categories:

1. Those that exempted the wife's property from liability for the husband's debts. Wives still had no right to control, manage, or alienate her property.
2. Those that extended greater protection to wives who had been deserted or whose husbands were cruel, insolvent, or intemperate. These laws were designed to allow married women to use her property to support herself as opposed to relying on public charity.
3. Lastly, those that protected a married woman's property from seizure by her husband's creditors, and permitted her to manage, will, and dispose of her property. However, courts held that such protection did not extend to a married woman's earnings from labor. South Carolina fell in this last category.⁸

If married women were allowed to purchase land apart from their husbands but yet not keep their earnings as their own property, how did women get the money to pay for the land? If African American women, due to the legacy of slavery, gender, and racial

⁸ Zeigler, 474–479.

discrimination, faced even more challenges in getting money and paid fair wages, how were they able to rise above the challenges and work, earn, and save enough money?

In *Black Property Owners in the South*, Schweninger posits that as the plantation slavery tradition of allowing African Americans to plant their own gardens spread, slaves began to use this land to plant and cultivate a few acres of cash crops. At the end of the season, they sold their harvest to either the master, a nearby merchant, or other persons willing to buy it. According to former slave Octavia George “We were never given any money...but were able to get a little money this way: our Master would let us have two or three acres of land each year to plant for ourselves, and we could have what we raised on it.”⁹ Perhaps it was leveraging this tradition of tending to land and selling crops for personal savings/gain used during enslavement that the women used to save money for their purchases. Who were the women who boldly stepped forward, out of desire or necessity, to take their future in their own hands and, like the men, make a way out of no way?

Thomasina Wells was one such woman. Born around 1879, Thomasina grew up in the vicinity of Stateburg, South Carolina. By 1880, her parents, Thomas and Willoughby Wells, owned over 130 acres of land valued at more than \$700.¹⁰ Often it is

⁹ Loren Schweninger, *Black Property Owners in the South, 1790–1915* (Urbana: University of Illinois Press, 1990), 86–87. Loren Schweninger, "Property Owning Free African-American Women in the South, 1800–1870," *Journal of Women's History* 1, no. 3 (1990): 30–31, accessed January 12, 2017, https://muse-jhu-edu.proxy-ms.researchport.umd.edu/journals/journal_of_womens_history/v001/1.3.schweninger.pdf

¹⁰ *1880 United States Federal Census, South Carolina, Sumter County*, Ancestry.com. Population Schedules (South Carolina) 1900. Selected U. S. Federal Census Population Schedules, 1880, Provo, UT: Ancestry.com Operations, Inc., 2010: accessed November 12, 2015, <http://www.ancestry.com>; *1880 United States Federal Agriculture Census, South Carolina, Sumter County*, Ancestry.com. Population

assumed that blacks who owned land shortly after emancipation were previously free persons of color. Checks of pre-emancipation era census records did not yield a black family fitting the profile of Thomas and Willoughby Wells. The Wells family may have been enslaved. Growing up in a home where her parents were property owners must have made a large impression upon Thomasina. At the young age of twenty-two, when the enumerator for the 1900 federal census asked what Thomasina's occupation was, she proudly proclaimed "land owner."¹¹

Schedules (South Carolina) 1900. *Selected U. S. Federal Census Non- Population Schedules, 1880*, Provo, UT: Ancestry.com Operations, Inc., 2010: accessed November 12, 2015, <http://www.ancestry.com>

¹¹ 1900 United States Federal Census, South Carolina, Sumter County; Ancestry.com. Population Schedules (South Carolina) 1900. *Selected U. S. Federal Census Population Schedules, 1900*, Provo, UT: Ancestry.com Operations, Inc., 2010: accessed November 12, 2015, <http://www.ancestry.com>.

NAME of each person whose place of abode on June 1, 1900, was in this family. Enter surname first, then the given name and middle initial, if any. Exclude every person living on June 1, 1900, but children born since June 1, 1900.	RELATION. Relationship of each person to the head of the family.	PERSONAL DESCRIPTION.						OCCUPATION, TRADE, OR PROFESSION of each person TEN YEARS of age and over.	EDUCATION.				PROPERTY OF REAL.			
		DATE OF BIRTH.		Age at last birthday.	Whether single, married, widowed, or divorced.	Number of persons married.	Mother of how many children.		Number of those children living.	Can read.	Can write.	Can speak English.	Owned free or mortgaged.	Rented or leased.	Farm or house.	Number of farms or houses.
		Month.	Year.													
Hayden Davis	Head	Male	7	44	Married	1	1	1	10							
Sallie Davis	Wife	Female	18	42	Married	4	4	4								
Robert Davis	Son	Male	18	13	Single	1	1	1								
Lewis Davis	Son	Male	18	12	Single	1	1	1								
Jennie Davis	Daughter	Female	18	13	Single	1	1	1								
Liza Davis	Daughter	Female	18	11	Single	1	1	1								
Annie Davis	Daughter	Female	18	9	Single	1	1	1								
Hindie Davis	Son	Male	18	6	Single	1	1	1								
William Davis	Son	Male	18	3	Single	1	1	1								
Wells Thomasina Davis	Singl	Female	18	22	Single	1	1	1								

Figure 1. 1900 Census Household Entry of Hayden and Sallie Davis with Thomasina Wells (image).¹²

¹² Hayden Davis Household, Excerpt of 1900 Federal Census, South Carolina, Sumter County, Statesburg Township, Supervisors District 2, Enumeration District 128, Dwelling 154, Family 144, Sheet 2A-B, Ancestry.com. Population Schedules (South

Table 1. 1900 Census Entry of Thomasina Wells (typed).¹³

NAME of each person whose place of abode on June 1, 1900 was in this family. Enter surname first, then the given name and middle initial, if any. Include every person living on June 1, 1900, their children born since June 1, 1900.	RELATION. Relationship of this person to the head of the family.	PERSONAL DESCRIPTION.										OCCUPATION, TRADE, OR PROFESSION of each person TEN YEARS of age and over.		EDUCATION.				OWNERSHIP OF HOME.			
		Color or Race.	Sex.	DATE OF BIRTH.		Age at last birthday.	Whether single, married, widowed, or divorced.	Number of years married.	Mother of how many children.	Number of those children living.	Occupation	Months not employed.	Attended school (in months).	Can read.	Can write.	Can speak English.	Owned or rented.	Owned free or mortgaged/ Farm or house.	Number of farm schedule.		
				Month.	Year.																
3	4	5	6	7	8	9	9	10	11	12	19	20	21	22	23	24	25	26	27	28	
Wells Thomasena	S in law	B	F	Sep	1877	22	S				Land Owner			yes	yes	yes	O	F	H		

Imagine what that must feel in a world where a black woman's voice is silenced behind a social hierarchy of white men, white women, and black men. How proud this single, twenty-two year old mulatto woman, a mere thirty-five years from the end of slavery must have been to proclaim that she owned a home, free of a mortgage (Figure 1). Interestingly Thomasina is living with her older sister, Sallie Davis, along with Sallie's husband Hayden and their seven children between the ages of three and thirteen. Yet there is no indication that the Davis family owned property at that time. In fact, Hayden Davis, Thomasina's brother-in-law, is listed as the head of household and as renting the family's farm and assumed residence. This raised a number of questions. How did Thomasina, a young, single, black female, acquire property? Was it an inheritance? Was the Davis-Wells family living in a home and on land that Thomasina Wells owned? If an

Carolina) 1900. Selected U. S. Federal Census Population Schedules, 1900, Provo, UT: Ancestry.com Operations, Inc., 2010: accessed November 12, 2015, <http://www.ancestry.com>

¹³ Thomasena Wells Census Entry, Excerpt of Hayden Davis Household, 1900 *Federal Census, South Carolina, Sumter County*, Statesburg Township, Supervisors District 2, Enumeration District 128, Dwelling 154, Family 144, Sheet 2B.

inheritance possibly from her parents, why does it appear that Thomasina's sister, Sallie Davis, and family are propertyless? If the Davis-Wells family was living in a home owned by Thomasina Wells, why was not Thomasina listed as the head of household? What source(s) of income does Thomasina have to maintain the property? What role do other family members, either living in the household or elsewhere, play in assisting her to maintain the property? As the only apparent property owner in the household, how does that affect the family power dynamics? These are the types of questions the researcher posed in the examination of records and that this thesis strives to answer.

Whether the Davis family was renting their residence from Thomasina or if the stated occupation was but an aspiration is not known. Certainly the occupation listed by the enumerator speaks volumes on a page where the other African American property owners were all male.¹⁴

Since colonial times in the U.S., a woman's marital status played a significant role in her ability to attain property and thereby have an opportunity to achieve economic independence. Until the late 1850s, married women could not, in most cases, own property. Some state laws made exceptions, such as if her husband granted permission for business purposes or if her husband left or refused to take care of his family. These laws applied to both white and free black women. Enslaved women, by virtue of their legal status, could not own property. Between the 1850s through 1920, states began to enact

¹⁴ *1900 United States Federal Census, South Carolina, Sumter County*; Ancestry.com. Population Schedules (South Carolina) 1900. Selected U. S. Federal Census Population Schedules, 1900, Provo, UT: Ancestry.com Operations, Inc., 2010: accessed November 12, 2015, <http://www.ancestry.com>.

Married Womens Property Acts (MWPA) and Earning Acts (EA) giving married women rights to not only own property, but to also retain and control any monies earned.¹⁵

Evidence of married women's interest in exercising their new rights can be found in the legal documents found in many courthouses deed books, wills, and probate packages throughout the U.S. Women were able to purchase property in the West during the westward expansion and opening of lands thanks to special laws, such as the Homestead Acts of 1862.¹⁶ Northern state records reflect women owning their homes and to a lesser extent, land, assumedly due to the larger urban population centers and lesser dependency upon a local agricultural economy. In the South, land and the crops grown was the economic basis and married women wanted their share in the economy, too. White and free black women were able to take advantage of these new laws as early as they were enacted. Enslaved women (and enslaved men) did not have this opportunity until their status changed to free with the passage of the Thirteenth Amendment to the U.S. Constitution. In conjunction with the passage of the Fourteenth Amendment, the

¹⁵ R. Richard Geddes and Sharon Tennyson, "Passage of the Married Women's Property Acts and Earnings Acts in the United States: 1850 to 1920," *Research in Economic History* 29, (2013): 145–7, accessed November 23, 2016, [http://dx.doi.org/10.1108/S0363-3268\(2013\)0000029007](http://dx.doi.org/10.1108/S0363-3268(2013)0000029007); earlier enactment period of the late 1830s is listed in Sara Nell Chatfield, "Multiple Orders in Multiple Venues: The Reform of Married Women's Property Rights, 1839–1920," PhD diss., (University of California – Berkeley, 2014): 40, accessed November 11, 2017, <http://search.proquest.com.proxy-ms.researchport.umd.edu/docview/1666860467?accountid=12557>.

¹⁶ African American women, even if free, were excluded from purchasing land due to their race. Tonia M. Compton, "*Proper Women/Propertied Women: Federal Land Laws and Gender Order(s) in the Nineteenth-Century Imperial American West*," PhD diss., (The Graduate College at the University of Nebraska, 2009): 1–3, accessed September 24, 2012, <http://search.ebscohost.com/login.aspx?direct=true&db=sih&AN=32154150&site=ehost-live>.

formerly enslaved persons were granted citizenship, which included the right to own property. Married women were still prohibited from purchasing property until the states enacted the Married Women Property Act (MWPA).

Regardless of their legal status, enslaved persons did consider themselves as property owners even if the legal community and white society did not. In fact, the Southern Claims Commission (SCC) records contain testimonies of enslaved persons who told stories of the property they owned that was so recognized within the enslaved community as well as by persons in their local white community, to sometimes include their enslaver. SCC Special Agent Virgil Hillyer, acknowledging the disbelief his readers may have, attested that though it may seem difficult to imagine, there were Savannah area slaves who were quite able to purchase livestock and had been doing so for quite some time.¹⁷

Free women of color were known to own real estate and have other property holdings as early as the 1800s, and evidence can be seen in the 1850 and 1860 Federal Census in states such as Louisiana, Maryland, South Carolina, and Virginia. Most of the women were noted to have acquired property as widows or from landed suitors. It is estimated that 20 percent of the real estate owned in the South by Negroes was female owned. Urban centers typically afforded women the opportunity to establish profitable business that was frequented by blacks and whites. Schweninger notes the irony in that

¹⁷ Dylan Penningroth. *The Claims of Kinsfolk, African American Property and Community in the Nineteenth-Century South* (Chapel Hill: University of North Carolina Press, 2003), 80; though not examples of land ownership, see Linda Jones' claim in Joseph James testimony, Southern Claims Commission, Liberty County, GA and other recognized examples of slave property ownership referenced in Penningroth, 139, and Loren Schweninger, *Black Property Owners in the South, 1790–1915* (Urbana: University of Illinois Press, 1990), 57–58.

while white women were frowned upon for owning businesses, there was nothing forbidding black women from doing the same.¹⁸

Much like the listed occupation census entry for Thomasina Wells, women's voices are often silent and overlooked in history. Often absent in the property discussion is the expressed desire of the formerly enslaved women to achieve economic independence and own property. Deep and careful research and analysis is necessary to raise these not so silent voices to a roar. Many questions remain about the Wells family as it appears that Thomasina Wells disappeared from records.

The search for Thomasina Wells within the surrounding counties would prove Clarendon County to be a good place to study African American female land ownership in the post Civil War and Reconstruction eras. Not only was Clarendon County derived from Sumter County a few years before the start of the Civil War, but its county boundaries were relatively unchanged compared to Sumter's boundaries in the examination period. Other counties surrounding Sumter were newly formed or had boundary changes during the period under review.

Clarendon County was less populous than its neighbors during the study timeframe and therefore manageable for searches and statistical compilation. Other studies used in this thesis for comparison focused on geographical locations that offered differentiating factors. Craddock focused on Richmond, VA, an urban southern city with a large population of free persons of color. Schweninger focused on the larger Southern

¹⁸ Loren Schweninger, *Black Property Owners in the South, 1790–1915* (Urbana: University of Illinois Press, 1990), 86–87; Loren Schweninger, "Property Owning Free African-American Women in the South, 1800–1870," *Journal of Women's History* 1, no. 3 (1990): 13, 15–17, accessed January 12, 2017, https://muse-jhu-edu.proxy-ms.researchport.umd.edu/journals/journal_of_womens_history/v001/1.3.schweninger.pdf

region in *Black Property Owners in the South, 1790–1915*, and free black women in "Property Owning Free African-American Women in the South, 1800–1870". Hannah Catherine Compton's study centered around the western United States where Homestead Acts were used as the impetus to settlement and land acquisition.¹⁹ None focused on African American female land ownership in a southern county. By sampling a set of African American women land owners within Clarendon County, it was determined that sufficient resources were available to frame a study.

This paper brings to the forefront those African American women who owned property in Clarendon County, South Carolina. This paper argues that by leveraging the resources and strength of the family relationship, these women, typically small holders, were able to navigate the economic, social, legal, and racial roadblocks of the era to obtain and maintain a plot of land or other property to call their own. That they were able to do so warrants closer examination by an extension of the methodologies used in this thesis.

¹⁹ Hannah Catherine Craddock, "Black Female Landowners in Richmond, Virginia, 1850-1977," Master's Thesis, (The College of William and Mary, 2012), 1–2, accessed October 25, 2016, https://digitalarchive.wm.edu/bitstream/handle/10288/17340/Craddock_Thesis.pdf?sequence=1; Loren Schweninger, *Black Property Owners in the South, 1790–1915* (Urbana: University of Illinois Press, 1990), 86–87; Loren Schweninger, "Property Owning Free African-American Women in the South, 1800–1870," *Journal of Women's History* 1, no. 3 (1990): 13, 15–17, accessed January 12, 2017, https://muse-jhu-edu.proxy-ms.researchport.umd.edu/journals/journal_of_womens_history/v001/1.3.schweninger.pdf; Tonia M. Compton, "*Proper Women/Propertied Women: Federal Land Laws and Gender Order(s) in the Nineteenth-Century Imperial American West*," PhD diss., (The Graduate College at the University of Nebraska, 2009): 1–3, accessed September 24, 2012, <http://search.ebscohost.com/login.aspx?direct=true&db=sih&AN=32154150&site=ehost-live>.

Land ownership for African Americans in the South was more than a goal. It was a necessity. Because of the latent effects of slavery and racial discrimination and economic status, African Americans had a harder time and could be at dire straits quicker than white Americans if they did not have access to land in which to build or rent a home and a plot to grow food sufficient in yield to provide for the familial needs and sell to others to supply an income to meet other needs.

According to historian Loren Schweninger, African American passion for land was natural. In many cases, they had worked the soil, planting, cultivating, harvesting, tending gardens, and raising livestock for many generations, and therefore often felt a certain ‘proprietorship’ over it. In their newly found freedom, they saw land possession as an opportunity and springboard to a new beginning, one that started with independence.²⁰

In the historiography of African American property ownership, African American women are too often lightly addressed or not addressed at all. Loren Schweninger was one of the first to focus on African American land owners, both during the antebellum and postbellum periods. Two of Schweninger’s studies were examined in the creation of this work.

Using statistical analysis of census and local data, his work, *Black Property Owners in the South, 1790–1915*, argues that Blacks fully understood that property ownership could help them to achieve their goal of personal and economic independence, and in spite of the challenges faced, determinedly sought it prior to and after the Civil

²⁰ Loren Schweninger, *Black Property Owners in the South, 1790–1915* (Urbana: University of Illinois Press, 1990), 145.

War. Black property ownership in the South was influenced by several factors.

Schweninger found that the legislative, social, and economic factors and challenges posed, differed by southern region, holdings before and after the Civil War, and residence in an urban or rural setting. He compared and contrasted these factors, highlighting the impact on both those who had obtained some measure of wealth and those who had not, and in some cases, the extent to which these propertied persons became an integral part of society.²¹

It was the women of the Lower South, surprisingly, who were able to amass large holdings of land, and in some cases, slaves. After the Civil War, it was the formerly enslaved persons who amassed the largest gains as a group, going from nothing to owning acres of land and establishing businesses as entrepreneurs, often surpassing the levels of those who had property and businesses during the antebellum period. Schweninger's study shows that this wealth was not necessarily maintained, and more often than not, was lost due to the effects of the Civil War. Yet formerly enslaved persons were surprisingly tenacious and successful in their quest to obtain and maintain property.²²

Though the Fourteenth Amendment gave African Americans full citizenship, the manner in which those rights were applied and to whom those rights were afforded varied greatly across the country. In *Unequal Freedom: How Race and Gender Shaped American Citizenship and Labor* Helen Nakano Glenn argues that full citizenship and

²¹ Loren Schweninger, *Black Property Owners in the South, 1790–1915* (Urbana: University of Illinois Press, 1990), 5, 25–27.

²² Loren Schweninger, *Black Property Owners in the South, 1790–1915* (Urbana: University of Illinois Press, 1990), 86, 104, 184.

better labor opportunities were afforded to white males. Conversely, those same rights were suppressed and through control of the labor supply, demand, and distribution socioeconomic opportunities were limited for non-whites, both males and females.²³

Schweninger's work on female property owners, *Property Owning Free African-American Women in The South, 1800–1870*, focuses mostly on the antebellum period and women who were free persons of color, with mention of post-bellum ownership that quite often extended from property owned prior to the Civil War and real estate in large southern cities. He argues that by studying the free black women who owned property one can also learn about the society in which they lived. These free women of color in the Lower South, more often than not mulatto, benefitted from the assistance of white men. Schweninger contrasts this to the women in the Upper South, where 53 percent or more of the African American female property owners were noted as being black rather than mulatto. As defined by the 1870 U. S. Federal Census enumerator instructions, the racial category “mulatto” was very subjective and “includes quadroons, octoroons, and all persons having any perceptible trace of African blood.”²⁴ The decision of what racial category was assigned to an individual was up to the eyes and prejudices of the beholder. Yet race and gender made an indelible difference in these women's lives.

Schweninger further notes that enslaved black women had a slave-based economy that may have been more extensive than that of enslaved men, and that network may have

²³ Evelyn Nakano Glenn, *Unequal Freedom: How Race and Gender Shaped American Citizenship and Labor* (Cambridge: Harvard University Press, 2002), 1–2.

²⁴ U. S. Department of Commerce. 1870 Census Instructions to Enumerators. As excerpted from *Measuring America: The Decennial Censuses From 1790 to 2000*. U.S. Census Bureau, accessed April 5, 2019, <https://www.census.gov/programs-surveys/decennial-census/technical-documentation/questionnaires/1870/1870-instructions.html>.

extended to both domestic and market women. One remarkable trait that Schweninger noted was that the black women of this era controlled more of the African American-owned property proportionately than their white female counterparts owned of total white owned property. Schweninger's works were, in large part, an impetus for this paper.²⁵

A similar study of black female landowners was conducted by Hannah Catherine Craddock and is presented in her 2012 thesis "Black Landowners in Richmond, Virginia, 1850–1877." Craddock uses the example of four women to support her argument that African American women used resources and skills that enabled them to navigate the multitude of challenges faced, often with varying results. While Craddock's study focuses on an urban area and starts on an earlier period ending with Reconstruction, this study focuses on a broader study of post-bellum black women property owners in a rural county for an extended period through the turn of the century.²⁶

African American ideas of owning property, whether enslaved or free, did not solely come about upon their arrival in and exposure to America. In *The Claims of Kinfolk: African American Property and Community in the Nineteenth-Century South*, Dylan Penningroth argues that Africans brought their ways of obtaining and handling property ownership with them from their cultural experiences in Africa, where social ties

²⁵ Loren Schweninger, "Property Owning Free African-American Women in the South, 1800–1870," *Journal of Women's History* 1, no.3 (1990): 2, 3, 9, 11, accessed February 3, 2012, https://muse-jhu-edu.proxy-ms.researchport.umd.edu/journals/journal_of_womens_history/v001/1.3.schweninger.pdf.

²⁶ Hannah Catherine Craddock, "Black Female Landowners in Richmond, Virginia, 1850–1977," (Master's Thesis, (The College of William and Mary, 2012), 1–2, accessed October 25, 2016, https://digitalarchive.wm.edu/bitstream/handle/10288/17340/Craddock_Thesis.pdf?sequence=1.

and property ownership were intricately connected. The peculiar institution of slavery did not break these cultural customs and the Africans continued to use them in the U.S.

These African ways, such as looking at property as community owned and the importance of that ownership being recognized in the community amongst their peers, along with the lived experiences of American ownership and wealth generation, helped shape African American views of and desire to own property.²⁷

Because of the impact that the Civil War and the end of slavery had on the United States and in particular the South, the rebuilding or reconstruction of the country was of paramount importance and extremely painful to all involved. The nation sought to rebuild itself into a new entity that would allow it to capitalize and expand in the international market. White men and white women desperately fought to either maintain their privileges they formerly had or to regain economic, social, and political powers they had lost. Eric Foner, in *Reconstruction, America's Unfinished Revolution: 1863–1877*, argues that blacks were the principle active element during this time. Their relentless fight for equality and independence, and their desire to control their family structure despite the oppression of race and class discrimination, was central to how the country restructured itself.²⁸

In *A Hard Fight for We: Women's Transition from Slavery to Freedom in South Carolina*, Leslie Schwalm takes Foner's argument a step farther and focuses on the impact that Black women had on Reconstruction, and how their freedom and

²⁷ Dylan Penningroth, *The Claims of Kinsfolk, African American Property and Community in the Nineteenth-Century South* (Chapel Hill: University of North Carolina Press: 2003), 9–11.

²⁸ Eric Foner, *Reconstruction: American's Unfinished Revolution: 1863–1877* (New York: History Book Club, 2005), xxiv–xxvi.

independence, was laid out. Schwalm argues that, apart from Black men, formerly enslaved women lent their voices and actions to the fight for freedom, equality, and independence, not just for African Americans as a whole, but for themselves, too. Their impacts started long before the end of the Civil War and continued to influence social and economic fronts and, to some degree, the way in which power was distributed.²⁹

Jacqueline Jones further recognizes the differences in the way black men and black women experienced the trials and tribulations of the transition to freedom. In *Labor of Love, Labor of Sorrow: Black Women, Work, and the Family from Slavery to the Present* Jones focuses her study on formerly enslaved working-class black women in the South. She successfully argues that even within the white working class of southern men and women, black women's experiences were significantly different at home and on the job. This work also provides an understanding of how and why formerly enslaved southern women fought for certain rights and how those actions and struggles continued to impact the outcome of race, gender and labor relations decades into the future.³⁰

Tera W. Hunter's *To 'Joy My Freedom: Southern Black Women's Lives and Labors After the Civil War*, also looks at newly freed black women's labor experience in Atlanta. Hunter posits that women's ideas on how to enjoy their freedom meant something very different for themselves than what others (black or white men and white women) had in mind. Using the example of the strike held by Atlanta's washerwomen in 1881, Hunter shows how Black southern women used various tactics, both public and

²⁹ Leslie A. Schwalm, *A Hard Fight For We: Women's Transition from Slavery to Freedom in South Carolina* (Urbana: University of Illinois Press), 1997, 1–3.

³⁰ Jacqueline Jones, *Labor of Love, Labor of Sorrow: Black Women, Work, and the Family from Slavery to the Present* (New York: Basic Books, Inc.), 1985, 9.

private, and made effective use of their resources to directly influence and shape their freedom.³¹

The famed Port Royal Experiment was not the only attempt by a government agency to aid freedmen in purchasing land in South Carolina. Carol K. Rothrock Bleser's book, *The Promised Land: The History of the South Carolina Land Commission, 1869–1890*, details the founding, organizational structure, and impact of the South Carolina Land Commission. Bleser's focus is on the lands that were purchased by African Americans as well as whites through the commission program and remained in families as of her book's publish date in 1969. The Commission purchased 615 acres in Clarendon County. Bleser details the roles that the various political parties and organizational heads played in the Commission's destruction, proving that few if any persons, black or white, were on the side of the intended recipients. Not surprisingly, Bleser finds that corrupt politicians, administration and the mismanagement of this unsuccessful program led to its demise after the Reconstruction era.³²

An understanding of the role economics plays was necessary to complete this study. Roger L. Ransom and Richard Sutch's work *The Economic Consequences of Emancipation* examines the economic history of the United States from the Civil War and World War I. They compare the economies of the North and South and argue that the southerners suffered greatly because the economic institutions put in place were insufficient to sustain progress. Like Foner, Ransom and Sutch see Blacks as central to

³¹ Tera W. Hunter, *To 'Joy My Freedom: Southern Black Women's Lives and Labors After the Civil War* (Cambridge: Harvard University Press, 1997), vii–viii.

³² Carol K. Rothrock Bleser, *The Promised Land, The History of the South Carolina Land Commission, 1869–1890* (Columbia, SC: University of South Carolina Press, 1969), xiv–xv, 167.

this era, as they focus their study on determining the impact that emancipation had on the U.S. economy. Blacks' progress was effectively curtailed and as a result as a group they suffered the greatest impact.³³

A recent study of black farmers and landowners can be found in *Beyond Forty Acres and a Mule: African American Landowning Families since Reconstruction*. In this collection of works edited by Debra A. Reid and Evan P. Bennett, contributors assert that while both blacks and whites were stifled by the impact of agricultural (crop) liens and the lack of crop diversity, blacks fought every step of the way to maintain their rights to be property owners and full active participants in all aspects of society—social, economic, and political. The crop lien laws permitted landlords to use future crops as collateral for loans taken out by those who did not have the financial resources to purchase items outright. If the borrower was unable to pay the loan off as agreed, the lienholder could legally take the crops grown towards loan payment. Too often, the farmers did not produce enough crops to satisfy the loan, creating a vicious cycle of debt.³⁴

The question always arises as to how the freed men and women paid for the property acquired in spite of the challenges faced and obstacles placed in their way. In *Making Freedom Pay: North Carolina Freedpeople Working for Themselves, 1865–1900*, Sharon Ann Holt argues that the freedpeople worked hard to produce items with the resources they had to build savings. They sold produce grown on their home farms or made items for sale or trade. Anything available after family consumption could

³³ Roger L. Ransom and Richard Sutch, *One Kind of Freedom, The Economic Consequences of Emancipation*, (Cambridge: Cambridge University Press, 1977), 1–2.

³⁴ Debra A. Reid and Evan P. Bennett, ed., *Beyond Forty Acres and a Mule: African American Landowning Families Since Reconstruction* (Gainesville: University of Florida Press, 2012), 3–4.

potentially be made available for market. When money or crops was scarce, freedpeople often negotiated a payment with other goods or services. Bartering, the exchange of goods or services for needed items, was another option often used.³⁵

The Thirteenth Amendment to the United States Constitution abolished slavery, and the Fourteenth Amendment granted persons born in the U.S. full citizenship. This, along with the passing of the Civil Rights Act of 1866, further clarified that African Americans could buy property and enjoy all the rights and benefits citizenry offered to whites. Women, black or white, however, had further hurdles to pass. From colonial times until the passage of the Married Womens Property Acts and Earnings Acts, single women had the right to purchase property. In *Radical Reconstruction and the Property Rights of Southern Women*, Suzanne D. Lebsock exams the timing and impact of how and why married women were given the right to purchase land in the South. She argues that women's Reconstruction era property rights were not granted as sole intent to right a wrong, but as a result of some other benefit to men, the family, or society as a whole. This benefit manifested itself in the law allowing married women to purchase and protect their property, and sell it, should they see a need. This would allow a married woman some measure of protection from debt their husband encumbered.³⁶ Carole Shammas agrees. In *Re-assessing the Married Women's Property Acts*, Shammas sees similarities in the enactment of laws that initially freed slaves and those that granted property rights

³⁵ Sharon Ann Holt, *Making Freedom Pay: North Carolina Freedpeople Working for Themselves, 1865–1900* (Athens: The University of Georgia Press, 2000), xv–xvii, 29–33.

³⁶ Suzanne D. Lebsock, “Radical Reconstruction and the Property Rights of Southern Women,” *The Journal of Southern History* 43. No. 2 (1977): 198, accessed May 5, 2013, <http://www.jstor.org/stable/2207345>.

to married women in that neither provided immediate relief. She argues that these laws restructured the patriarchal structure both in the home and in the economic framework. Further, her study of women's post-law enactment probate records proved that women's increased participation in the probate process was an effective measure of the impact the laws had on women's ability to redistribute their wealth.³⁷

R. Richard Geddes and Sharon Tennyson document the state enactment years for MWPAs and EAs in *Passage of the Married Women's Property Acts and Earnings Acts in the United States: 1850 to 1920*. Geddes and Tennyson take issue with some dates that prior historians attributed to these important state level acts that they argue were imperative to extending economic freedom to women who happened to be married, yet had less rights than those who were not. In South Carolina, Geddes and Tennyson attribute the enactment years 1868 and 1877 to the Marriage Women's Property Act and to the Earnings Act respectively.³⁸

Methodology

Several primary sources were used to identify county property owners and to create biographical and economic sketches. These sources include Clarendon County, South Carolina deeds, treasurer's tax reports, probate files, and newspaper articles. Unfortunately, the county deed indices and other documents for this period often did not

³⁷ Carole Shammas, "Re-assessing the Married Women's Property Acts," *The Journal of Women's History* 6, no. 1 (1994): 9, 20–21, 25, accessed August 30, 2013, <http://search.ebscohost.com/login.aspx?direct=true&db=a9h&AN=7373137&site=ehost-live>.

³⁸ R. Richard Geddes and Sharon Tennyson, "Passage of the Married Women's Property Acts and Earnings Acts in the United States: 1850 to 1920," *Research in Economic History* 29, (2013): 145–7, 153, accessed November 23, 2016, [http://dx.doi.org/10.1108/S0363-3268\(2013\)0000029007](http://dx.doi.org/10.1108/S0363-3268(2013)0000029007).

indicate race or gender. Names were, therefore, cross referenced with the population census schedules to get an indication of race. The race indicator is subjected to the enumerator's perception, as the race of an individual can vary between census years, and occasionally within the same census year if a person is doubly enumerated.

The 1880 United States Federal Agricultural Census schedule indicates whether the individual listed was a land owner. Names, gender and race of persons identified as owners of farms or homes were extracted from the 1900 and 1910 United States Federal Population Censuses. Gender was also obtained from the census records and, though admittedly subjective, determined by the name of the given individuals if no other indicators were available.

Agriculture Schedules from the U.S. Federal Census Non-Population Schedules, 1870–1880 record statistics on farms, plantations, and market gardens, listing the names of owners, agents, and managers were examined as well. The type of statistics recorded included the total acreage of land, the value of the farm, machinery and livestock, amount of staples (wool, cotton, grain, etc.) produced, and the value of animals slaughtered, etc. In 1880 farm operators were classified as owner, tenant, or sharecropper.

Local period newspapers documented the local attitudes toward land ownership and the economic conditions that had a bearing on purchasing, maintaining ownership, and selling (e.g. private sale or sheriff's sale) land. References to editorials that encourage African American land purchases as well as those that indicate attitude towards African American women land ownership provide comparison to those referencing white women property owners to gauge any difference in opinions and outlook. Lastly, articles from

law journal chronicle applicable the laws that impacted race and gender on land ownership over time.

Chapters Overview

This chapter of serves as an introduction to the topic of property ownership and claims amongst the newly freed persons. Readers are introduced to Clarendon County South Carolina with a brief discussion of its history and inhabitants. The period following the Civil War was transformative for both the formerly enslaved and the former enslavers. This chapter redefines economic conditions, social strata, roles, and relationships amongst the inhabitants and between family members. Pointedly, newly freed women began to redefine their roles and assert their position into this newly evolving world. The chapter discusses methodology used to identify these women. It also provides background information and the historiography on property law and other changes during this period set the stage and place women in the forefront of this study.

Chapter two examines the county formation, the white landholding families, and their influences, property distribution and valuation with regard to race and gender. It examines the factors that worked in favor of or against black women as property owners as the once enslaved community transitioned to a free one. It considers the factors that explain the increase in black women property owners. These factors and their impact on black women are compared to those of white women and black men to show how race and gender mattered greatly.

Chapter three examines the legal changes that were occurring during the years 1866–1910 that had a direct impact on women property owners. These changes were foreshadowed and were a direct a result of the changes in American industry and

economics. The increased need for farm laborers, the abundance of land for sale, and the continued quest for African American independence and self-sufficiency, a perfect storm of sorts, proved beneficial to African American women who were in a position to seize the opportunities these forces presented. Several examples are provided of black women who, against the odds, sought to own property and how they fared.

Chapter four looks at the legal changes that occurred between 1895–1910 and discusses their longer term impact. The effects of immigration on land ownership and labor is examined as well as society’s view of female property owners.

Chapter five summarizes the main points from each chapter and concludes with suggestions for further research.

Chapter 2: The Impact and Importance of Freedom

Clarendon District was reformed in 1855 by legislature from the southern portion of neighboring Sumter County, South Carolina and became a county in 1868. It was named after the Edward Hyde, Earl of Clarendon, one of the British Lords Proprietors who was responsible for overseeing British Colonies territories. The Earl of Clarendon was one of eight Lords Proprietors that was assigned to the territory that would become North and South Carolina. The county seat, Manning, was named after Governor John Laurence Manning. In addition to serving as governor from 1852–1854, he also served as a member of the State General Assembly.³⁹

As with much of the pre-Civil War south Clarendon County's main source of economic wealth lay in its agriculture products, most prominently cotton and the enslaved persons who provided the labor to grow and sustain the products and byproducts produced by the land. The richest families, therefore, were those who owned the most land and whose land most successfully produced the largest amount and best quality of cotton. Arguably two of the wealthiest families in the South, the Mannings and Richardsons, laid deep roots over several generations in Clarendon County and its predecessor, Sumter County.⁴⁰ From as early as precolonial times, these two families, which later intermarry and become one, have been involved in politics at all levels. General Richard Richardson, who fought in the American Revolutionary War, was a member of the Commons House of Assembly. His backcountry travels and political astuteness in representing backcountry causes won him great favor amongst those

³⁹ Decker, 185, 588; Edgar, *South Carolina: A History*, 1; Clark, 15, 38.

⁴⁰ Decker, 185.

constituents and was instrumental in negotiating a ceasefire in the Regulator movement. The Regulators were men located typically in the northwest portion of the state, who wanted basic legal and judicial processes and education facilities in their locale, and were willing to go to war to get it. In absence of any judicial system or legal enforcement, they formed their own group of patrollers, who “regulated” order. It was from the Richardson progenitor that six governors descended.⁴¹

In addition to governorships, descendants also held a variety of federal, state and county level positions and were astute, successful planters and businessmen. For example, John Peter Richardson II served in both the South Carolina House of Representatives and Senate before being elected to the U.S. House of Representatives. An ardent secessionist, John Peter II represented Clarendon County as a delegate at the 1860 Secession Convention and was among the unanimous votes in support of the Ordinance of Succession.⁴² His son, John Peter Richardson III served two terms in the state House of Representatives, a brief period in the state Senate, and three terms as the state treasurer.⁴³

As was the custom of those times, the Richardsons and Mannings often intermarried with their cousins and other relatives, essentially becoming one family. Consanguinity made it easier to retain possession of massive land holdings, assets, and

⁴¹ Kendra Debany, “Richard Richardson,” in *The South Carolina Encyclopedia*, ed. Walter Edgar (Columbia: University of South Carolina Press, 2006), 799; Matthew A. Byron, “John Peter Richardson,” in *The South Carolina Encyclopedia*, ed. Walter Edgar (Columbia: University of South Carolina Press, 2006), 798–799; Paul R. Begley, “John Peter Richardson, III,” in *The South Carolina Encyclopedia*, ed. Walter Edgar (Columbia: University of South Carolina Press, 2006), 799; Edgar, *South Carolina: A History*, 213.

⁴² Byron, 798.

⁴³ Begley, 799.

other resources within the family.⁴⁴ Because of their family positions over generations, the family held unparalleled economic and political influence over the county and, indeed, the state for generations and like no other. So it is no surprise that this family was instrumental in the decision to split off the southern portion of Sumter County to form a separate county in 1855.

A series of misfortunes brought ruin to the Jephtha & Martha Manning Dyson branch of the Manning family. The first was a major loss of Jephtha's cotton factory in 1848 due to fire. Jephtha was unable to satisfy the mortgage and as a result forty enslaved persons and his 800 acre plantation were sold by the lienholder, the Bank of the State of South Carolina. Though Dyson attempted to rebuild the factory, their son Richard Manning was indicted for murder and a large trial ensued. Richard Dyson was found guilty. Soon after his father placed the incomplete factory up for sale. According to historian Anne King Gregorie, the Dysons' influential family members immediately began actions to carve out a separate judicial district from Sumter County. This new jurisdiction, Clarendon District, reformed in 1855, became Clarendon County in 1868.⁴⁵ The new county maintained the same boundaries as the earlier Clarendon District, where the Richardsons and Mannings had plantations over the generations.

Though very wealthy by any imaginable standards, the Mannings and Richardsons families (or descendants of Gen. Richard Richardson) were not necessarily individually the largest property owners as individuals. John Laurence Manning, who served as a state senator during the Civil War, was also signer of the Ordinance of

⁴⁴ Byron, 798.

⁴⁵ Anne King Gregorie, *History of Sumter County*, (Sumter, SC: Library Board of Sumter County, 1954), 117–8.

Secession. In 1860 he held over \$2,000,000 in assets which included 648 enslaved persons and lands. As we will see later, only a portion of this was in South Carolina, with the remainder in Louisiana. This paper will focus on family holdings in South Carolina.⁴⁶

Asset valuations were included in some years of the U.S. Federal Census. Each line entry in the 1860 Federal Census has a column to record an enumerated person's real estate value and another column to record the value of their personal estate. Real estate values were of land and buildings owned in the county as stated by the enumerated individual. Liens and mortgages were not to be considered. Personal estate was defined as the value of personal property or the estate. To provide a clearer picture of what would be considered in this category valuation, the enumerator directions as provided by the census bureau follow:

include the value of all property, possessions, or wealth of each individual which is not embraced in the column previous, consist of what it may; the value of bonds, mortgages, notes, slaves, livestock, plate, jewels, or furniture; in fine, the value of whatever constitutes the personal wealth of the individuals.⁴⁷

The personal estate category, by definition then, could include anything of value other than real estate. It could include much more than the assigned valuation of enslaved individuals, though that certainly was the largest valuation group for wealthy southerners. As a family, the Manning and Richardson holdings were substantial.

Total valuations for Clarendon County real estate in 1860 amounted to \$4,152,412. Personal property for the county residents totaled \$8,575,890. While it would be difficult to tally all holdings for the Richardson-Manning family descendants who

⁴⁶ Anderson, 588.

⁴⁷ Eighth Census, U.S. Instructions, *Value of Personal Estate*; accessed January 16, 2016, <https://www.census.gov/history/pdf/1860instructions.pdf>, 17.

were residents and property owners without a full genealogical study and name comparison, it is possible to list the holdings of those who carry the Richardson or Manning surname and are known descendants of this family.

Table 2. Richardson-Manning Family Property Owners, 1860.⁴⁸

Last Name	First Name	Age	Sex	Race	Occupation	Real Estate Valuation	Personal Estate Valuation
Manning	Jno L.	44	M	W	Farmer	\$1,256,000	\$890,000
Richardson	R. C.	44	M	W	Farmer	70,000	400,000
Manning	Brown	35	M	W	Farmer	10,000	63,000
Richardson	Jno P.	59	M	W	Farmer	200,000	225,000
Richardson	Jas B.	53	M	W	Farmer	75,000	114,000
Richardson	William H. B.	56	M	W	Farmer	150,000	217,400
Richardson	Thos C	50	M	W	Farmer	5,000	30,000
Richardson	Edward	41	M	W	Postmaster	480	1,800
Richardson	C. M.	35	M	W	Farmer	3,000	27,000
Totals Manning-Richardson Surnamed Residents						\$1,769,480	\$1,968,200
Percentage of County Total						43%	23%

Over 40 percent of the real estate valued and almost one quarter of the personal property in the county was in the holdings of the nine men listed above. Comparatively, the remainder of the 1860 county personal property and real estate federal census valuation was divided among the white and black population, some of which will also include descendants of this Manning-Richardson family who were not as easily discernible. The family holdings were therefore considerably larger than the numbers listed in the chart above.

⁴⁸ 1860 *Federal Census, South Carolina, Clarendon County*, 1860 United States Federal Census [database on-line]. Provo, UT, USA: Ancestry.com Operations, Inc., 2009, accessed November 28, 2017, <http://ancestry.com>.

In 1860, there were free persons of color who owned property in Clarendon County, namely:

Table 3. Persons of Color Property Owners, 1860.⁴⁹

Last Name	First Name	Age	Sex	Race	Occupation	Real Estate Valuation	Personal Estate Valuation
Johnson	J. J.	35	M	B	Mechanic		\$100
Gaymon	Dawson	35	M	B	Farmer	\$216	300
Gaymon	Geo. W.	40	M	M	Blacksmith		800
Cantey	Betsie	59	F	B	Farmer	250	300
Montgomery	Jas.	29	M	B	Farmer		40
House	Warren	45	M	B	Farmer	735	400
Bosier	Tom	76	M	B	Farmer	1,000	1,000
Montgomery	Mary	50	F	B	Farmer	300	275
Pearson	Sarah	54	F	B	Farmer	500	300
Durand	Peter	27	M	B	Farmer	400	
Carter	James	73	M	B	Farmer	680	185
Carter	Harriett	30	F	B	Farm Laborer		70
Witherspoon	J. J.	54	M	B	Miller		40
Pearson	Rich'd	80	M	B	Farmer	750	100
Pearson	Nancy	40	F	B	Farm Laborer		30
Pearson	Albert	55	M	B	Farm Laborer		175
Pearson	George	35	M	B	Farm Laborer		200
Pearson	Allen	30	M	B	Farm Laborer		40
Vaugh	Burrell	48	M	B	Mechanic	100	100
Hopkins	Amos	60	M	M	Farm Laborer		60
Totals County Holdings for Persons of Color						\$4,931	\$3,700
Percentage of County Total						.01%	.004%

⁴⁹ 1860 Federal Census, South Carolina, Clarendon County, 1860 United States Federal Census [database on-line]. Provo, UT, USA: Ancestry.com Operations, Inc., 2009, accessed November 28, 2017, <http://ancestry.com>.

Blacks owned less than 1/100th of a percent of the total real estate valuation and an even more miniscule 4/1000th of a percent of personal estate valuations in Clarendon County. Of those holdings and at 27%, females of color owned less than 1/3 of the real property that black males owned. In comparisons, white females owned more than twice as much real estates as black males and more than four times as much as black women.

J. Johnson, Dawson Gaymon, and George Washington Gaymon were found in post-Civil War census records with some measure of property.⁵⁰ One of the above listed black male landowners was a documented enslaved person who was later freed. Richard “Dick Pearson” was enslaved by a colored man named James Pearson, also known as Black Jemmy. According to Richard’s 1813 manumission papers, James was also his father.

I James Pearson otherwise called Free Jemmy, of Clarendon County, in the District and State aforesaid, for and in consideration of the sum of one dollar to me in hand paid at and before the sealing and delivery of these presents, and for divers other good causes and considerations me thereunto moving, have emancipated, manumitted, and set free, a certain negro man slave (being my son) named Dick about twenty eight years of age and from all manner of bondage and slavery, whatsoever.⁵¹

Richard was born about 1785 presumably as an enslaved person and freed twenty-eight years later by his father. Richard’s life continued to improve through the years. By 1850, Richard considered himself a planter and was living amongst other free blacks and whites in Clarendon County. He reported real estate valued at \$150. By 1860, 80 year old Richard was living alone and in a community of free blacks, including the Dingle, Carter,

⁵⁰ 1870 Households of Daymond (sic) Gaymon, Washington Gaymon, Elizabeth Cantey, and June Johnson noted with property in *1870 Federal Census, South Carolina, Clarendon County*, SC, 1870 United States Federal Census [database on-line]. Provo, UT, USA: Ancestry.com Operations, Inc., 2009, accessed November 28, 2017, <http://ancestry.com>.

⁵¹ Sumter District (SC) Deed Book D, 160.

Hodge families, and whites. He now had \$750 worth of real estate and personal property valued at \$100. His immediate neighbor, Nancy Pearson and several household members who may be her siblings or children, are listed as “Farmers” as well, but with no real property noted. Nancy appears to be the same Nancy Pearson who was living in Richard’s household in 1850. As will be shown later, Richard’s holdings will make a big impact on his descendants’ lives.⁵² In the meanwhile, the Civil War ensued and ravaged the South, ending slavery.

Near the end of the Civil War, Union Army General William T. Sherman invaded parts of South Carolina in his “March to the Sea.” This march destroyed the capital city of Columbia, leaving the majority of it burned to the ground. A failed attempt to raid and destroy the railroad to Darlington, South Carolina was quite displeasing to Sherman. Bent on retaliation, he sent a larger body of soldiers on a mission to complete the unsuccessful attempt. Led by General Edward E. Potter, the 2500 men tapped for this mission of destruction included members of the 32nd and 102nd U.S. Colored Troops. On April 5, 1865, General Potter and his contingent started on the coast in Georgetown moving inland towards Darlington, with instructions to destroy the train engines and cars and “make all display possible.” They completed their mission 16 days later, well after

⁵² *1850 Federal Census, Sumter District, SC*, 1850 United States Federal Census [database on-line]. Provo, UT, USA: Ancestry.com Operations, Inc., 2009, accessed November 28, 2017, <http://ancestry.com>, 26; *1860 Federal Census, Clarendon County, SC*, 1860 United States Federal Census [database on-line]. Provo, UT, USA: Ancestry.com Operations, Inc., 2009, accessed November 28, 2017, <http://ancestry.com>, 44.

the Confederate surrender at Appomattox, VA on April 9, 1865.⁵³ Potter returned to Georgetown with his surviving men including roughly 5,000 black South Carolinians who followed him on what they probably thought of as the pathway to freedom.⁵⁴

On April 8, 1865 Manning and the surrounding areas were destroyed. Hearing of the devastation left in wake of General Potter's troops, the men of Clarendon County tried their best to protect their beloved homes, fields, and stores. Their desperate efforts were insufficient to stop the rampant destruction. Termed "Potter's Raid", the men of the Union Army left the town of and areas surrounding Manning smoldering, shelves emptied, and little to no provisions remaining, just as General Sherman directed. Bridges and roads were demolished, homes burned, fields emptied, stores pilfered, animals and crops confiscated for the good of the U.S. Government.⁵⁵

The effect of living through an ambush during this time was devastating. Many of the white women and children were alone, as the area had largely been depleted of white men who were off fighting elsewhere for the Confederacy or had died. The sight of black men in uniform camping alongside resident homes, freeing the enslaved, and encouraging them to join their march of presumed destruction, was unnerving to the local whites. Rev. William W. Mood, in his series of articles on his recollections of his Potter's Raid experiences as a local stated "No one can form the slightest idea of the terror and alarm that the sight of these black troops inspired. It was particularly so ... two

⁵³ Paul Christopher Anderson in "Potter's Raid" in *The South Carolina Encyclopedia*, ed. Walter Edgar (Columbia: University of South Carolina Press, 2006), 748; Edgar, *South Carolina: A History*, 374.

⁵⁴ Edgar, *South Carolina: A History*, 374.

⁵⁵ Sylvia H. Clark, PhD, *Shadows of the Past: An Illustrated History of Clarendon County, SC*. (Virginia Beach: The Donning Company Publishers, 2005), 51, 55.

white sisters alone, and with the positive assurances from [the] white soldiers, that the town was to be given up to utter destruction.”⁵⁶

Additionally, the Union soldiers took over the local newspaper *The Clarendon Banner*. Renaming it the *Clarendon Banner---of Freedom* for the initial edition, they announced their winning of the war, stating that the local residents should

...calmly consider the necessities of their present condition....You have suffered and endured enough, of heroism and fortitude to command the respect of the world. But...you have been overpowered by numbers, and are a conquered people today....Manifestly then, you must change your attitude toward the national authority.⁵⁷

⁵⁶ Allan D. Thigpen, ed., *Recollections of Potter's Raid* by Rev. William W. Mood in *The Illustrated Recollections of Potter's Raid: April 5–21, 1865*, p. 102. Contains the Civil War “Recollections of Potter's Raid” by Rev. William Moody reprinted in its entirety; also multiple installments of *Recollections of Potter's Raid* in the Watchman and Southron, Sumter, SC, July–August 1886.

⁵⁷ As quoted in Clark, *Shadows of the Past*, 53. Dr. Clark did not provide a date for this reference.



Figure 2. The Clarendon Banner---of Freedom. April 9, 1865 issue.⁵⁸

⁵⁸ *Clarendon Banner---of Freedom*. 1865. April 9. Manning, SC. Duke University Libraries, Digital Repository (Durham, NC), <https://idn.duke.edu/ark:/87924/r42f7n123>; accessed March 12, 2019.

Once he gained command over Manning and its newspaper, General Potter ran ads seeking black men to join the U.S. Army, presumably as part of the U.S. Colored Troops. The ad touted a desire for 800 volunteers and promised a healthy \$300 bounty along with pay equal to their fellow white soldiers, food and clothing. Needless to say, hundreds of freedmen *and women* from the local area, excited not only about the end of the Civil War and their freedom, joined Potter's Army as it continued its raid and path of destruction through Clarendon County and eventually back to Georgetown.⁵⁹

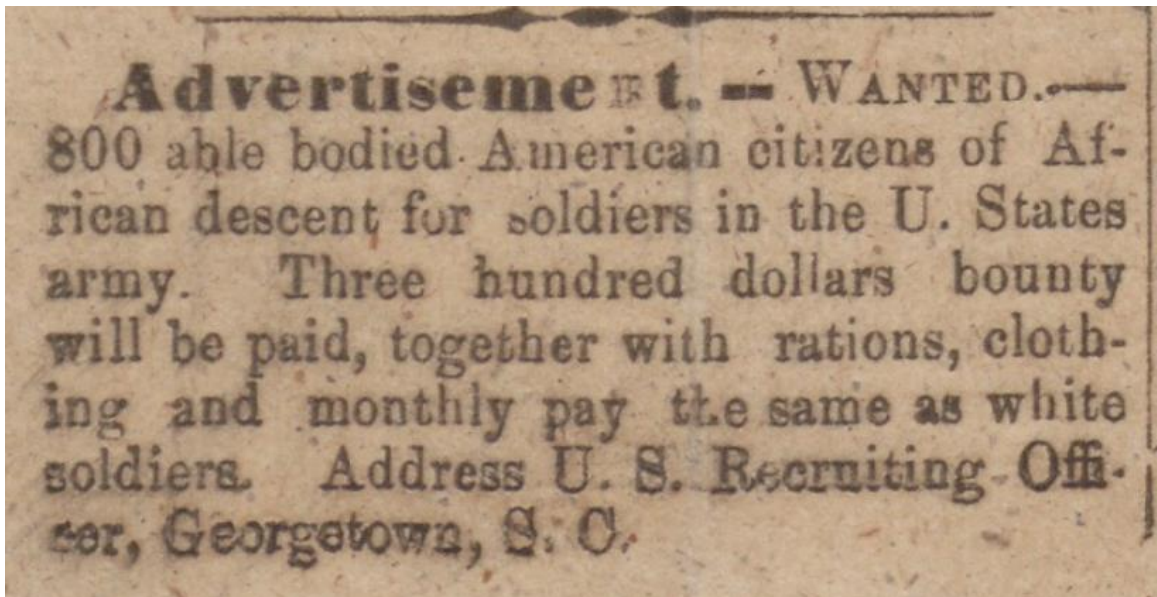


Figure 3. Advertisement for 800 African American Soldiers in the U.S. Army (Clarendon Banner of Freedom, April 9, 1865).⁶⁰

⁵⁹ Clark, *Shadows of the Past*, 53; Allan D. Thigpen, *The Illustrated Recollections of Potter's Raid* (Sumter, SC: Allan D. Thigpen, 1998), 161; *Clarendon Banner---of Freedom*. 1865. Advertisement. April 9. Manning, SC. Duke University Libraries, Digital Repository (Durham, NC), <https://idn.duke.edu/ark:/87924/r42f7n123>; accessed March 12, 2019.

⁶⁰ *Clarendon Banner---of Freedom*. 1865. Advertisement. April 9. Manning, SC. Duke University Libraries, Digital Repository (Durham, NC), <https://idn.duke.edu/ark:/87924/r42f7n123>; accessed March 12, 2019.

Bill Warwick detailed his travel to Manning six months later and found much of the area remained in ruins. Bridges were out or in various stages of repair. The downtown area had lost many of its homes. The school, jail, and courthouse were all significantly damaged, if not lost. Business and personal losses were told of buildings, and cotton bales, all totaled for the village amounted to \$103,000.⁶¹ Extensive damage was seen in the countryside as well. Mills, gin houses, and fields were set fire. Animals and livestock were set loose or killed for food. Barns and other storage areas were set fire or otherwise depleted. White and colored alike suffered from the damages inflicted.⁶² All would have to rebuild their lives from the indelible marks left by slavery and the ashes and rubble of the South's crushing defeat in the Civil War. So it was in the world that the newly emancipated men, women, and their families encountered in Clarendon County, South Carolina.

The newly emancipated men and women now had to determine how they were going to survive. As a group, their great desire was to own piece of land. An elderly man expressed African American sentiment best when he told journalist Whitelaw Reid "What's the use of being free" . . . "if you don't own land enough to be buried in? Might just as well stay [a] slave all yo' days."⁶³ While accumulating personal property was a way of obtaining wealth, it was land that meant more to African Americans and was the

⁶¹ Thigpen, Will Warwick in *The Illustrated Recollections of Potter's Raid*, 170–2.

⁶² Thigpen, Rev. William W. Mood in *The Illustrated Recollections of Potter's Raid*, 175–7.

⁶³ Loren Schweninger, "A Vanishing Breed: Black Farm Owners in the South, 1651–1982," *Agricultural History* 63, no. 3 (1989): 47, accessed September 23, 2013, <http://www.jstor.org/stable/3743733>. The elderly black man said this to a journalist in 1865.

most important of material things. This was because land ownership was viewed by the newly freed men and women as a solution to many problems caused by slavery. Land ownership, judging by the accumulation and wealth rankings of the very people who had formerly owned slaves, seemed to promise financial and economic independence.

However, the newly freed people had few financial resources. The legacy of bondage, the failure of government agencies to assist blacks, the lack of available funds, and the difficulties of simply maintaining one's family kept the vast majority of blacks landless. Surely, the people of Clarendon County, black and white, had heard of the most infamous method of land distribution to the freed men and women was conducted under Freedmen Bureau Commissioner Otis O. Howard's Circular 13 and gotten excited. Circular 13 reserved forty-acre tracts of land for the freed men and women from the confiscated islands lands along the coast. Shortly thereafter Howard was forced to issue Circular 15 which returned the confiscated lands to the pardoned landowners, thereby rescinding any tracts that may have been issued to the freed men and women.⁶⁴ Closer to home, they probably also heard of the 1869 establishment of the South Carolina Land Commission and its promise to purchase land and resell it to freedmen and women at nominal cost with a set time table and 6 percent interest rate. On November 22, 1870, state Land Commissioner Charles P. Leslie, purchased a single 600 acre tract of Clarendon County for \$1375 for this specific purpose.⁶⁵ Almost ten years later, as part of

⁶⁴ Foner, *Reconstruction*, 159–160.

⁶⁵ South Carolina General Assembly, *Report of the Land Commissioner to the General Assembly, Regular Session, 1871–75, Exhibit A Deeds* contained in Reports and Resolutions of the General Assembly of the State of South Carolina at the Regular Session, 1871–72 (Republican Printing Company, Columbia, SC, 1872), 343.

an overall effort to dispose of large plots as quickly as possible, the 600 acres plus fifteen additional acres were all sold to county resident Peter Dukes, an aged black farmer.⁶⁶

In some counties, the land program was considered a success. However promising the legislature and dedicated their efforts may have been, early mismanagement, the program's decline in popularity and a decline in economic conditions contributed to the Commission's termination in 1890.⁶⁷

Southern whites were concerned that land ownership or rental would give the freed men and women a level of economic independence. Southern whites feared the freed men and women would be less willing to work for whites and more difficult to control. Northerners were not thrilled with the idea of African American land ownership and independence either. "The desire for autonomy in family and community relations, reinforced by land ownership, did not mesh with white northern and white southern plans for freed African-Americans. Northerners wanted African-Americans to become wage earners, not land owners."⁶⁸ The signs were ominous and all sending the same message - what people of color felt they had claim to, were owed, or desired was of no concern. They could count on no one but themselves. The path to farm ownership would be a long and difficult one.

Free people believed that working in families rather than in slave-like gangs or teams led to less white supervision. This, in theory, would enable the freed men and

⁶⁶ Bleser, *The Promised Land*, 142.

⁶⁷ Bleser, *The Promised Land*, xv, 28–9, 139, 167 ; Joel Williamson, *After Slavery: The Negro in South Carolina During Reconstruction, 1861–1877* (Durham: The University of North Carolina Press, 1965), 144.

⁶⁸ Schweninger (1989), 47; Noralee Frankel, *Freedom's Women: Black Women and Families in Civil War Era Mississippi* (Bloomington: Indiana University Press, 1999), 54.

women to determine their own work priorities which gave them more control over their time, labor, and presumably meager resources. Husbands tried to protect the domestic time of their female relatives from white demands, and felt they would have more control if the wife was able to work at home domestically rather than for a white family away from home. Sharecropping, though less desirable than landownership, meant that families could decide how to allocate their time between field labor and domestic family, which would probably appeal to women with families of small children, as well as provide them with more protection (by virtue of the distance from white bosses who wanted to take physical or emotional advantage of domestic workers in their homes).⁶⁹

At home, women had more control over their own lives and their families. As a result, the freedmen and women began to dictate when and where the women would work and for *whom*, to the extent their economic status and family composition would allow. Rather than work in the fields from “sunup to sundown,” freedmen and women began to fight for a set number of hours. Perhaps mimicking the patriarchal ways of white families, black men began to refuse employer demands that the contracted or other labor arrangements being undertaken include all family members. Men would stand proud and firm that their wives and daughters not work at all outside the home to limit their work external to the home.⁷⁰ Some domestic work could be done outside employer homes. For example, women preferred to take care of their own families and homes. Freedwomen who worked in the fields may have refused to do those extra tasks that were outside of field work but under enslavement, were considered typical female tasks, such as sewing

⁶⁹ Frankel, 75.

⁷⁰ Jones, *Labor of Love*, 45, 59–60.

and the handling and preserving of food items.⁷¹ Seamstresses and laundresses starting performing these tasks in the comfort and safety of their home, rather than under the control and often perilous conditions in the home of an employer.⁷² These assertive actions for autonomy and independence in their quest to establish new boundaries was instead taken by many whites as proof that the freed men and women worked less, and were lazy and insolent.⁷³

During slavery, not all labor or work tasks assigned were based upon gender. For example, in those regions where cotton was grown and cultivated, such as Clarendon and Sumter County tasks were hard and labor intensive—ditch digging, hoeing, chopping, ploughing, and picking.⁷⁴ These tasks were assigned to men and women. The size and strength of the individual was the discriminating factor—sometimes. The incentive was for the labor to maximize profit, so gender was not a concern in the equation. So long as one could perform to the maximum of their ability at all times and without fail, the overseer and ultimately his boss, the owner, were good.

In such times, women and men were often assigned the same tasks, with little to no variation in production expectation with regard to gender. To not perform was a whipping, lashing, or other form of punishment waiting to happen. These tasks were carried out day in and day out, from sun up to sundown, except for the limited time off on Sundays. But even after the Blacks completed their work for their enslaver, they then had work of their own to do for themselves once they returned to their cabins in their "free

⁷¹ Schwalm, *A Hard Fight for We*, 177.

⁷² Jones, *Labor of Love*, 58.

⁷³ Williamson, *After Slavery*, 44–46.

⁷⁴ Schwalm, 22–23.

time.” They often had small gardens to attend to, perhaps repairs to their home (which was not owned by them, but assigned to them by someone in power over them).

After working all day washing the clothes of their enslavers perhaps, women had to come to their homes and wash the clothes of theirs and their families, possibly cook, and tend to their children, sew or patch clothes, and clean their homes. There was often little time or energy left for these personal and necessary tasks. Often these enslaved persons worked late into the night or early morning after working all day. And regardless of whether they were able to achieve sufficient rest or not, they had to return to their chores and tasks the very next day. Exhausted, overworked, run down, sick, it did not matter.

There were a few areas where gender did appear to play a role in what type of job an enslaved person had. As Jacqueline Jones explained, men often were the ones who were trained in the artisan skills - blacksmiths, woodworking, stable hand, driver. Rarely were women trained in these skills. Women were chosen to do work such as watch other children (nurses) - black or white, as well as tend to cows and gardens.⁷⁵ They were also the ones who chosen to prepare and cook food, clean the homes, sew, wash, and iron clothes.

White women however, were not encouraged to do much of this if they or their families were of a high enough socio-economic status to allow them to hire these tasks out to others, or if they owned enslaved persons. Though many an enslaved woman may have wanted the luxury to choose how to use their time to take care of their own homes and families themselves, that was not what those in power had the least concern for.

⁷⁵ Jones, 30.

Those in power commanded day and night over those enslaved, and saw to it that the enslaved people's time were used for the maximization of profit, and maximization of meeting the powerful ones' every need. Yeoman class white men and women were also ones who learned to farm, wash, build, and maintain their own homes and families. This was often out of necessity due to their lack of resources to own a sufficient amount of land or have enslaved persons to meet their needs and provide an excess of capital to expend on luxuries.

At the end of the Civil War, the formerly enslaved black men and women already had the technical skills to cultivate and grown crops, maintain a household, raise children, etc. In some cases, a few men also had the artisan skills that could allow them to earn income from a trade. Particularly, women had the full experience of doing what men had done and were therefore quite able to perform the tasks of maintaining a farm. They had both domestic and farm/land cultivation skills. What both enslaved men and women wanted was the same freedom and autonomy that whites had to allow them to do so on their own time and at their own choosing.

As Leslie Schwalm states "safety and survival, no less than freedom as they envisioned it, depended on their ability to secure autonomous control over the land as subsistence farmers."⁷⁶ Schwalm was stating this in reference to the low country coastal enslaved persons, but it well pertains to enslaved persons, especially women.

Free persons during slavery, were the only persons who could legally own property. There were also laws restricting women from owning property in certain marital statuses. This will be discussed in a later section. Enslaved persons had worked

⁷⁶ Schwalm, 154–5.

and toiled the soil for over 150 years with no return for the fruits of their or their ancestors' labor. On a daily basis they saw the benefits and profits go to the land owning enslavers, while living in squalid conditions in the dark shadows of their prosperity. The enslaved fully understood that there was money to be made from the land, and they knew how to work the land. Their blood sweat and tears was in that land. They felt the only chance they had was to own enough land to build a home and sustain a farm with sufficient livestock to sustain their family and provide enough overflow to sell goods (for example, food and crops) to make a profit to purchase those things they could not grow or make themselves.

The problem was that this would require those in power to give up some of their land for the Blacks to rent, lease, or purchase. Those in power had just lost the largest portion of their financial portfolio due to the end of slavery. The value of the enslaved persons held was often greater than the value of the land held to some powerful ones. And the land they now held, was deflated in value, burned, and or were otherwise unkept. Lastly, the controlled labor pool was gone. Those in power had no desire to work. Nor did they know how so they were not emotionally able to attempt to do so. They nor their families. Those in power were not going to give up with little they had so that the formerly enslaved could live comfortably. They desperately sought another way to control black people and get them back into their fields.

The year 1866 is the first postbellum tax list found for Clarendon County. Of the sixty-three sheets found in the county tax list, only five entries were marked with the typical PC designation for “person of color.” Peter Durant and James Carter each were represented by their estates, indicating that they were deceased by the tax date. The

Durant estate had 100 acres valued at \$200, while the Carter estate's value was placed at \$270 for 135 acres. Jim Montgomery had the largest holding of the listed free persons of color at 200 acres. Philip Sprott paid \$.45 tax on \$150 for 150 acres. His land and that of Jim Montgomery were valued at less than the \$2 per acres the other properties were valued at. The lone female person of color was Betsy Canty with 50 acres worth \$100. She and Jim were billed for their tax perhaps twice in one year as a portion of both their entries were found crossed out, with the words "double taxed" written nearby. The 1866 county total of 433,892 recorded and taxed acres with a valuation of \$727,433 amounted to \$2,132.29 in taxes. The estates owned by African Americans Durant and Carter, along with the Canty, Carter, Sprott, and Montgomery properties combined amounted to 635 acres valued at \$920, generating \$2.76 in taxes paid.⁷⁷

Table 4. Free Persons of Color in 1866 Clarendon County (SC) Tax List.⁷⁸

Last Name	First Name	Gender	Acres	Value	Tax (\$.30/\$1)	Comment
Durant	Est. Peter	Male	100	\$200	\$0.60	
Canty	Betsy	Female	50	\$100	\$0.30	double taxed
Carter	Est. James	Male	135	\$270	\$0.81	
Sprott	Philip	Male	150	\$150	\$0.45	
Montgomery	Jim	Male	200	\$200	\$0.60	double taxed
Totals			635	\$920	\$2.76	

⁷⁷ 1866 Clarendon County (SC) Tax List. The itemized names are filed under the column heading "Persons, &c, in Whose Name Returns Are Made." This is generally accepted as an indication of the property owner who is being taxed, though not always. In this paper, the author presumes the name listed is the property owner.

⁷⁸ 1866 Clarendon County (SC) Tax List. "Double taxed" implies taxes were already paid. Though crossed out and marked "double taxed" on original, figures for Canty and Montgomery are included to reflect a total acreage, valuation, and tax of the free persons of color.

This group of freed persons is remarkable. With the exception of James “Jim” Montgomery, none were found to be listed among the free persons of color residing in the county prior to the Civil War. It is remarkable that these freed persons were able to attain property owner status within a year of the end of the Civil War, especially with conditions as they were in Clarendon County. There is a huge emotional and economic difference between working and living on land belonging to someone else and having your own property. That a black woman was amongst this group of taxed landowners who quite conceivably were enslaved in the previous year is astounding.⁷⁹

A study of the county records did not reveal much is about Betsy Canty. Clarendon County, like many other southern jurisdictions, lost many of its early records to Civil War destruction, subsequent fires or poor record keeping and record storage. It may be that she purchased her land, inherited it from a family member or benevolent friend. It is more than likely that Betsy purchased the land and mortgaged it at the same time. The fact that records are not extant to tell her story is not unusual. In addition to the post-war turmoil and reasons mentioned above, often people of that era did not conduct their business in a court house or use legal documents at the time of the transaction. It could also have been that as a newly freed person, she may not have known or had the extra resources to have a title and deed drawn up, then travel and have the documents recorded at the court house, all which would cost money. These reasons do not lessen her status as a taxpayer in 1866. In 1866, Betsy paid 30 cents tax on what amounts to .01 percent of the taxed land in the county. As hard as it may have been to save 30 cents, and

⁷⁹ 1866 Clarendon County (SC) Tax List.

she perhaps paid it twice due to being erroneously double-taxed, she probably could not have been prouder.⁸⁰

In 1866, no married woman could legally purchase land. South Carolina followed the laws of coverture, whereby a married woman could not contract, purchase, or own property. Any money she made of her own labor belonged to her husband as well. Only single or widowed women were able to buy property and retain any monies made. Under coverture, single women forfeited all of their property to their husbands upon marriage. Because she is enumerated on the tax list with a property valuation in acreage, it is assumed that Betsy was either a single or widowed woman. The laws had not yet changed to allow married women to purchase land. But changes were on the horizon.

⁸⁰ 1866 Clarendon County (SC) Tax Lists.

Chapter 3: African American Women and Property

In the 1868 South Carolina Constitution, South Carolina passed their version of The Married Women's Property Act. Section 8 of Article XIV granted women the right to purchase and own real or personal property separate and apart from their husband.⁸¹ It read:

The real and personal property of a woman, held at the time of her marriage, or that which she may thereafter acquire either by gift, grant, inheritance, devise, or otherwise, shall not be subject to levy and sale for her husband's debts, but shall be held as her separate property and may be bequeathed, devised, or alienated by her the same as if she were unmarried; *Provided* That no gift or grant from the husband to the wife shall be detrimental to the just claims of his creditors.⁸²

Prior to this act, married women's property acquired through any of the methods mentioned would belong to her husband. After the Civil War, many people were without means and the availability of men with land was minimal. Women means who may have had a number of choices before the war no longer had as many options. The wealth was no longer available and therefore was not of much concern when considering marriage options. The post war devastation left nearly everyone in the south poor or a few steps from it. If a woman did marry a man with land, unless she had a marriage settlement that retained value, dower rights was all she had available. With dower rights, she would have no rights over how land was managed or what would become of it. Dower rights gave a wife a one third interest in her husband's land for the entirety of her life. The dower rights ended when she died, or agreed to her husband's disposal of it. Dower rights

⁸¹ Geddes and Tennyson, 146, 153.

⁸² *The Constitution of the State of South Carolina, 1868*, (Charleston, SCL Denny & Perry, Book and Job Printers), accessed January 31, 2017, 30–31, www.carolana.com/SC/Documents/South_Carolina_Constitution_1868.pdf; Chatfield, 51. Also reference Appendix I in this thesis.

provided a life estate interest, and therefore did not allow a wife to claim any title or rights to own, sell or barter it. Once the wife died, the land would be retained by the husband's direct descendants, typically as dictated in the husband's will.⁸³

The 1868, the South Carolina statesmen modified the constitution giving married women the right to acquire land. They could not be forced to sell her land to pay for their husband's debts. The 1870 MWPA gave women the right to pass their property to others upon their death just as men could. The Act also gave married women the right to purchase any type of property, no longer limiting her to the purchase of land. Lastly the 1870 Act released men from their wives debt they may have brought to the marriage.⁸⁴ It will be interesting to see how much of a difference this law made for black women in Clarendon County over the next several decades.

An examination of the property owners in 1870 conducted using the 1870 U.S. Federal Census for Clarendon County showed residents in 458 dwellings and indicated if they were property owners, real estate owners, or both. Of this number, 399 were male (86.9 percent) and fifty-nine were females (14.8 percent). Given the recent passing of the MWPA in South Carolina a mere two years prior, it makes sense that women property owners (real estate or otherwise) would be significantly smaller in number.⁸⁵

The majority of the men were persons of color (55.8 percent)—black, mulatto, or Indian – as determined by the census taker. Their property totals amounted to \$21,484

⁸³ Lawrence M. Friedman, *A History of American Law, Third Edition*, (New York: Simon and Shuster), 322.

⁸⁴ Chatfield, 51. Also see Appendix I later in this thesis.

⁸⁵ *1870 Federal Census*, Clarendon County, SC.

(real) and \$41,065 (personal). As expected, real property totals for white males was the higher amount at \$234,767, and personal property totaled \$69,095 as a group.⁸⁶

Conversely, the fifteen women of color were in the minority at 25.4 percent, owning real estate totaling \$1,550, and personal property valued at \$1685. Black women's economic wealth in 1870 was predominately vested in personal property, whereas white women's economic wealth was heavily invested in real property, valued at \$62,722 as a group. Personal property amounted to \$16,220.⁸⁷

These statistics show the economic power structure in real dollars. It should not be surprising to see black women on the bottom of the economic ladder, followed by black men. White men took the top spot, followed by white women. White purchasing power had the benefit of generations of opportunity and experience. Blacks had neither, but were certainly watching, learning, and waiting to seize their chances at economic opportunity as evidenced by the fifteen women and 223 men who had some measure of property five years after emancipation.⁸⁸

To notice any difference in property ownership by African American women in the county, we should first determine at what point after the Civil War, did women appear in the records as landowners.

⁸⁶ *1870 Federal Census*, Clarendon County, SC, *1870 United States Federal Census* [database on-line]. Provo, UT, USA: Ancestry.com Operations, Inc., 2009, accessed November 28, 2017, <http://ancestry.com>.

⁸⁷ *1870 Federal Census*, Clarendon County, SC. *1870 United States Federal Census* [database on-line]. Provo, UT, USA: Ancestry.com Operations, Inc., 2009, accessed November 28, 2017, <http://ancestry.com>.

⁸⁸ *1870 Federal Census*, Clarendon County, SC. *1870 United States Federal Census* [database on-line]. Provo, UT, USA: Ancestry.com Operations, Inc., 2009, accessed November 28, 2017, <http://ancestry.com>.

As noted before, there were four women of color who owned land in the years immediately following the end of slavery. Included in the list of four women of color who owned real estate is Elizabeth Cantey. Elizabeth is probably the Betsy Canty found on the 1866 tax list. If so, her property value had either increased to \$200 or she obtained more land by 1870. At age seventy, Elizabeth considered herself a farmer, which is listed as her occupation. A farmer differs from a farm laborer, in that a farm laborer works for someone else and farmer works for him or herself. That would be very hard work for a woman of that age alone. Elizabeth had six other persons living with her – two adults, two teenagers, and two children under seven. Though the relationships are not stated, it would be customary for the able bodied household members to assist Elizabeth with the labor needed to maintain her real and personal property. Elizabeth received some form of education as she and everyone in her household can read and write, except the twenty year old male. These skills undoubtedly served her well in conducting her affairs outside of her home. It is interesting to note that Elizabeth did not conform to patriarchal rules and list the twenty year old male in the head of household or first enumeration position. This indicates her status of head of household. Presumably, she represented herself and her own interests with persons outside of her home. If this is the same Betsy identified in the 1866 county tax list, she has beat the odds and persevered in the four years since, assumedly with help of her house mates, who probably were family members.⁸⁹

As previously mentioned, not all transactions were documented and recorded, and those that were may have been lost over time for various reasons. Often it therefore may

⁸⁹ *1870 Federal Census*, Clarendon County, SC. Ancestry.com Operations, Inc., 2009, Provo, UT, USA; accessed November 11, 2011, <http://www.ancestry.com>.

not be possible to find documents solely by looking for the women's names. Clarendon County deeds indicate several black women who were property owners.⁹⁰ How did these women obtain land? It is often necessary to follow the men's trail to find the women's story.

Robert Hercules Boyd, a mulatto, was born around 1834 in South Carolina. He was the Superintendent of the county poor house and one of the founding trustees of the African Methodist Episcopal (AME) Church in Manning, now Trinity African Methodist Episcopal Church. With these two positions of responsibility, Robert was considered a leader in the community. He appears to have had two wives and a large family of children. Two of those children were his daughters Leah Boyd Wragg Delaine and Lenora Boyd Nelson.⁹¹

Documents show that R. H. Boyd deeded land to Leah Wragg and John P. Wragg in 1872.⁹² Born in Charleston, South Carolina, John Wragg was Leah Boyd's first husband.⁹³ Leah and John parted ways, each later marrying other persons. Leah retained the land given to her by her father. Leah is later found living with her father listed as a

⁹⁰ *1870 Federal Census*, Clarendon County, SC. 1870 Federal Census, Clarendon County, SC. Ancestry.com Operations, Inc., 2009, Provo, UT, USA; accessed November 11, 2011, <http://www.ancestry.com>.

⁹¹ *1870 Federal Census, Manning, Clarendon, South Carolina*; Roll: M593_1491; Page: 460A; Family History Library Film: 552990; 1870 Federal Census, Clarendon County, SC. Ancestry.com Operations, Inc., 2009, Provo, UT, USA; accessed November 11, 2011, <http://www.ancestry.com>.

⁹² Clarendon County (SC) Deed Book T, R. H. Boyd to Leah Wragg, dated May 4, 1876, 472.

⁹³ John Wragg, Record No. 6004, Charleston, SC. *U.S., Freedman's Bank Records, 1865–1871* [database on-line]. Provo, UT, USA: Ancestry.com Operations Inc, 2005, accessed April 14, 2011, <http://www.ancestry.com>.

widow.⁹⁴ Her widow status by choice, is known as a “grass widow,” one who is separated from her husband but chooses the status of widow. This is opposed to a “sod widow,” one whose husband is deceased and buried under sod. Leah, a “grass widow,” was a laundress, who took in clothes to support herself, providing a regular income. Leah owned her unmortgaged home, and later had her employed nephews living with her. One nephew was a teacher and the other was a telegraph messenger. Each nephew received incomes that could share in contributing to household expenditures.⁹⁵

⁹⁴ 1880 *Federal Census, Manning, Clarendon, South Carolina*; Roll: 1225; Page: 87B; Enumeration District: 017, Ancestry.com Operations, Inc., 2009, Provo, UT, USA; accessed November 11, 2011, <http://www.ancestry.com>.

⁹⁵ 1900 *Federal Census, Manning, Clarendon, South Carolina*; Page: 3; Enumeration District: 0008; FHL microfilm: 1241524, Ancestry.com Operations, Inc., 2009, Provo, UT, USA; accessed November 11, 2011, <http://www.ancestry.com>.

Robert H. Boyd, who was also referred to as Hercules, also provided land to his daughter Lenora Nelson and her husband Boyce Nelson. The plat shows that this two and one half acre plot was a portion of his existing land and in between his property and his other daughter Leah. Though not listed on the plat, Boyce Nelson is named as a party on the associated deed.⁹⁶

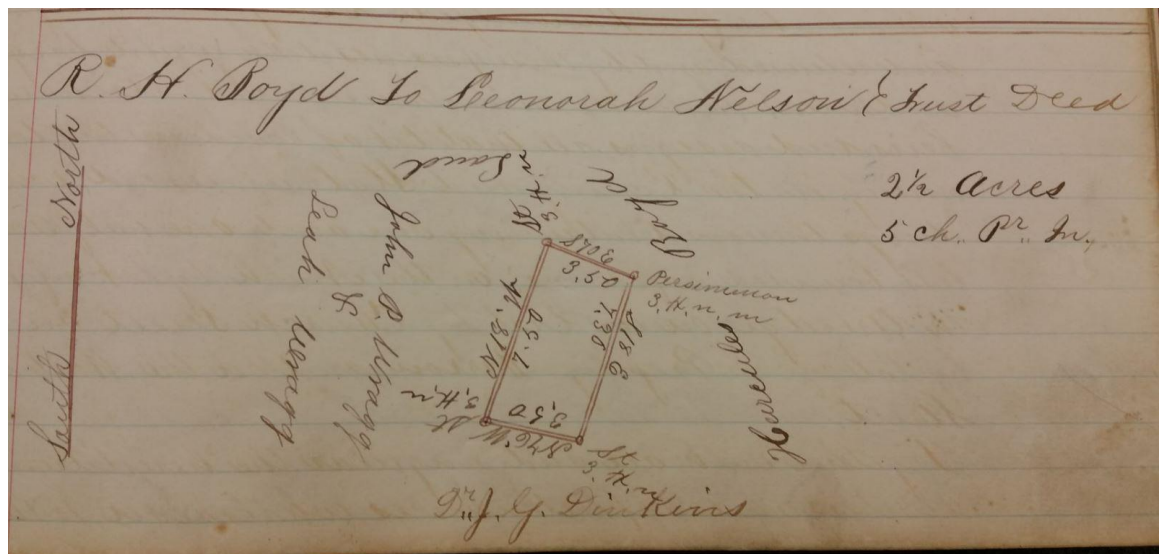


Figure 4. 1876 Plat of Lenorah Boyd Nelson.⁹⁷

Though Robert had several sons, no reference was found showing that he passed any land to his male children. Nor did he pass land to all of his daughters. For whatever reason, Robert had an attachment to Leah and Lenora, such that he only deeded them land, even though these daughters had husbands. Robert was forward thinking in passing land to his married daughters while he was still alive. He either trusted their husbands or

⁹⁶ Clarendon County (SC) Deed Book T, R. Hercules Boyd to Lenorah Nelson, dated June 12, 1876, 136–7.

⁹⁷ Clarendon County (SC) Deed Book T, surveyed May 3, 1876, 135.

trusted his daughters more. Robert's trust was well founded in Leah. Her husband may have disappeared, but the land remained with her. Leah remained unattached until a later marriage was announced in 1906.⁹⁸

Leah and Lenora had the support of their father which benefitted them financially and provided a resource upon which they could build. As mentioned previously, Leah and Lenora's father gave them land that was a piece of a larger tract that he owned. Other family members lived around them as well. Leah, though without a husband, was able to lean on the support of her extended family who continued to live nearby. Her nephews lived with her and her extended family surely commiserated with her when her home and that of brother's across the street was broken into. Lucky as Leah was, not everyone was fortunate enough to inherit land. Some African American women purchased it outright.⁹⁹

⁹⁸ Marriage Announcement, Mrs. Leah Wragg, *The Manning Times* (Manning, SC), January 31, 1906, 7, accessed August 13, 2011, <http://www.newspapers.com>.

⁹⁹ Clarendon County (SC) Deed Book T, R. H. Boyd to Leah Wragg, dated May 4, 1876, 472; Clarendon County (SC) Deed Book T, R. Hercules Boyd to Lenorah Nelson, dated June 12, 1876, 136–7; 1900 *Federal Census, Manning, Clarendon, South Carolina*; Page: 3; Enumeration District: 0008; FHL microfilm: 1241524, Ancestry.com Operations, Inc., 2009, Provo, UT, USA; accessed November 11, 2011, <http://www.ancestry.com>; "A Chaingang Break Through Carelessness" *Manning Times* (Manning, SC), May 10, 1899, 3; accessed January 6, 2017, <http://www.newspaper.com>.

Dwell No.	Famil No.	Name	Sex	Race	Occupation	Real Estate	Personal Estate	Birthplace	Father's Name	Mother's Name	Birth Mont	Married Mont	Attended School	Condition	Male Over 21	Denied Voting
203203		Tempy Tindal	60 F	"	Housewife		50	"								
		" Pariah	18 M	"	Farmer			"								
		" John	12 F	"	"			"								
		" Peter	8 M	"	at hand			"								
19497		Platt, Wm H.	62 M	"	"			"						Sound	1	
No. of dwellings, 5 No. of white females, 14 No. of males, foreign born, 0 " " families, 5 " " colored males, 14 " " females, 0 " " white males, 1 " " females, 25 " " blind, 0																

Figure 5. 1870 Household of Tempy Tindal with William H. Platt.¹⁰⁰

¹⁰⁰ Tempy Tindal Household, 1870 Federal Census, Manning, Clarendon, South Carolina; Roll: M593_1491; Page: 464B; Family History Library Film: 552990, accessed November 11, 2015, <http://www.ancestry.com>.

Table 5. 1870 Federal U. S. Census Household of Tempy Tindal.¹⁰¹

Dwell No.	Family No.	Name	Age	Sex	Race	Occupation	Real Estate	Personal Estate	Birthplace	Father	Mother	Birth Month	Married Month	Attended School	Cannot Read	Cannot Write	Condition	Male Over	Denied Voting
203	203	Tindal, Tempy	60	F	"	Farmer		50	"										
		" Parris	18	M	"	Farm Laborer			"										
		" Julia	12	F	"	" "		-	"										
		" Peter	8	M	"	at home			"										
497	497	Platt, Wm H.	62	"	W	" "			"								Insane	1	1

The case of Tempy Tindal, an elderly black widow, is an example of one who owned land in the early 1870s and purchased more. Born around 1810 or 1820, Tempy is listed as having personal property worth \$50, but no real estate in 1870. Living with her are four persons of varying age, with each having no indication of any real estate or personal property. These persons are Parish Tindal, age eighteen; Julia Tindal, age twelve; Peter Tindal, age eight; and William H. Platt, age sixty-two. All are black except William who is listed as white and insane. William's right to vote had been denied or curtailed, presumably due to his mental condition.¹⁰²

We see a woman listed in the first position in the household enumeration, a position that typically indicates the head of the household. What makes this most interesting is that William, a white male, listed in the last position. Unfortunately, the

¹⁰¹ Tempy Tindal Household, *1870 Federal Census, Manning, Clarendon, South Carolina*; Roll: M593_1491; Page: 464B; Family History Library Film: 552990, accessed November 11, 2015, <http://www.ancestry.com>. (retyped).

¹⁰² Tempy Tindal Household, *1870 Federal Census, Manning, Clarendon, South Carolina*; Roll: M593_1491; Page: 464B; Family History Library Film: 552990, accessed November 11, 2015, <http://www.ancestry.com>.

1870 census gives no indication of the relationships between household occupants. After the head of household, persons are typically listed in relationship or age order. William's position of last in the household listing, combined with his noted condition indicates that he is most probably unable to fully care for himself and is quite possibly dependent upon others in the household for care. Since Tempy does not own any real estate, it can also be assumed that she is either a sharecropper or tenant farmer. Who is William and why is he living with and presumably supported by Tempy, a sixty or seventy year old black woman with less than \$50 worth of valuables?

It is quite possible that William does not live with Tempy. Enumerators often obtain information from the occupants of a residence. However, if the occupants were not home or were uncooperative in supplying information, an enumerator would go to a neighbor's home to get the answers he seeks. William could have also been visiting when the enumerator came by or was staying there temporarily. In this case the census record shows that William had been attributed to dwelling number 197, that of Thomas J. M. Davis and his wife Susan. For some unknown reason, a correction was made and William was listed in Tempy's household. This would indicate an intentional act, rather than an error or oversight.

In January 29, 1873, Tempy mortgaged some of her personal property and signed an agriculture lien with a woman named Mrs. T. J. M. Davis. Farmers who did not have funds to pay for farm materials, equipment, or other needed resources often took out an agriculture lien, and promised an interest in future produce or livestock as a collateral or

security. Tempy may have been short of resources or this may be a normal course of action for her. This action by itself does not give an indication of her financial position.¹⁰³

Mrs. T. J. M. Davis is Susan Elvira Platt Davis, wife of Thomas Jefferson M. Davis. Her husband Thomas, was alive in 1873, so it is interesting that Susan provided a lien to Tempy instead of her husband. Neither Susan nor her husband could read or write. Susan, a homemaker, did not, at the time of the 1870 census, have any real or personal property. Her husband was a farmer having over \$4,300 in real estate and \$1,000 in personal property. Perhaps Susan's job, as part of the family business, was to handle the liens and mortgages. Regardless of her holdings or role in the family farm, with the enactment of the 1868 MWPA, Susan was within her legal right to execute a contract (agriculture lien) on her own.¹⁰⁴

Two years after the mortgaging her personal property, Tempy acquired some real estate. She decided to obtain her 50 percent interest in fifty-seven and one half acres owned with Scipio Tindal. On December 15, 1875, Tempy and Scipio executed two deeds, each giving the other party their 50 percent interest and severing joint ownership. The land was purchased by Scipio and Tempy jointly from Susan E. Davis, and abutted the lands of Susan E. Davis, and J. Elbert Davis, probably a relative to Susan and her

¹⁰³ Agriculture Lien and Mortgage of Personal Property, Tempy Tindal to Mrs. T. J. M. Davis, dated January 29, 1873, Clarendon County (SC) Deed Book L, 325.

¹⁰⁴ Household of Thomas J. M. Davis, 1870 Federal *Census*, Manning, Clarendon, South Carolina; Roll: M593_1491; Page: 464A; Family History Library Film: 552990, accessed November 11, 2015, <http://www.ancestry.com>.

husband. William is a brother-in-law to Susan's husband, meaning Williams is most likely Susan's brother. They possibly share David Platt as their father.¹⁰⁵

In 1860, a William Platt lived with David Platt in Clarendon County, South Carolina. William was aged fifty, and David was seventy-seven, old enough to be his father. Susan, who married her husband around 1843, would have left the home by then if this was her family. David Platt had over \$44,000 in personal property. In 1860, that personal property could very well have been slaves.

It is quite possible that Tempy and possibly Scipio, may have been enslaved by David Platt, probable father of William H. Platt and Susan Platt Davis. Tempy may have been David's caretaker during that time. Perhaps when David died, Tempy continued to take care of William and Susan or sold Tempy and Scipio the land as payment for services – a possible bartering arrangement. This does not explain the relationship between Tempy and Scipio, but it may explain how Tempy and Scipio got the land and why Susan Platt Davis executed deed and contracts with them and lastly, why William was in Tempy's 1870 household.

Tempy was able to hold on to some measure of her property until late in life. If the year 1880 was any measure of her farm management capabilities, she had been blessed with sufficient breath for labor to reap the rewards produced by the forty-two hogs, two cows, and the fifteen chickens that laid fifty dozen eggs. It was more than

¹⁰⁵ Tempy Tindal to Scipio Tindal, Land Title, dated December 15, 1875, Clarendon County (SC) Deed Book N, 548–549; Tempy Tindal from Scipio Tindal, Land Title, dated December 15, 1875, Clarendon County (SC) Deed Book N, 549–550; *1880 Federal Census, South Carolina, Clarendon County*.

many male led families, younger and more energetic, with more children in their households, were able to produce.¹⁰⁶

Though she had several children, in her will dated December 15, 1891, Tempy devised all of her real estate to only two of her children, Rosana Johnson and Sampson Tindal. This amounted to fifty-seven acres of land to be shared for a life tenure, which at their deaths would go to their respective children.

Tempy was very much aware of the laws of probate and marital inheritance. She made provisions in her will for the land to remain in her family, going to her direct descendants. Rosana and Sampson's spouses were effectively omitted, should there be no grandchildren through them to inherit her lands. If Rosana died without any children surviving her, then the land would go to Sampson. Should Sampson die without any surviving children, then the inherited land will go to his siblings: William Tindal, Nelson Tindal, and Parris Tindal. Wilson would also get her wagon.

All of her personal property was to be sold to take care of her debts. Tempy directed that she be buried decently, with any thing remaining devised to Parris. This may seem a bit odd, for a mother to omit three of the five children named in her will from any share in her land. Tempy anticipated such thoughts and left words that would speak to her rationale from the grave. Tempy made a point to state in her will

It is meet and proper that in order that I may appear just before the world in the distribution of my property in the manner as herein before made state that the other children whom I am proud to admit, have been obedient and kind, have been

¹⁰⁶ Tempia Tindal (sic), *1880 Federal Census*, Manning, Clarendon, South Carolina; Archive Collection Number: AD270; Roll: 9; Page: 10; Line: 9; Schedule Type: Agriculture, accessed November 11, 2015, <http://www.ancestry.com>.

provided for in the past. Consequently, are not entitled to any share of my estate.¹⁰⁷

It was clear that William, Nelson, and Parris had already reaped the benefits of whatever Tempy had provided for them during her life. She felt that prior provisions made were enough and that her children were not being omitted due to any malice or ill feelings. Their kindness and obedience were enough to make her proud. They had already been given what she felt amounted to their fair share during her lifetime.

Tempy named her son-in-law Louis Johnson and friend A. A. Tindal as her executors. They dutifully executed their roles and applied as executors to her will before Clarendon County Probate Judge Louis Appelt on January 30, 1892. Tempy had signed her will just six weeks prior.¹⁰⁸ If one were to judge Tempy's life on what she accumulated, then Tempy's twenty-seven years of freedom were very fruitful. In that relatively small span of time and at an advanced age for that time frame, Tempy had the tenacity and wherewithal to ensure that she obtained her share of the land she shared with Scipio, amass enough land to support herself, her children, and provide for her descendants after her death. Tempy rebounded from slavery into freedom with a quiet vengeance.

In 1882, another law was passed that would impact how women would conduct business related to property. The Code of Civil Procedure, Section 135 was added to restrict a woman's right to enter a contract to very limited circumstances. Additionally the code confirmed that married women *did not* have the right to keep their own earnings.

¹⁰⁷ Clarendon County Will (SC) Book I, Will of Tempy Tindal, dated December 15, 1891, 212–3.

¹⁰⁸ Clarendon County Will Book I, Will of Tempy Tindal, dated December 15, 1891, 212–3.

Any monies earned would belong to their husband. This certainly must have been of grave concern to women, especially African American women who traditionally sold their wares and services to make extra money. Would this severely limit African American women's efforts?

Not in the case of Caroline Johnson. Sometimes referred to as "Carolina," Caroline was a married black woman who, with her husband Isaac Johnson, acquired a significant amount of land. According to her undated file contained at the Clarendon County, South Carolina Archives, Caroline Johnson was one of the first black business women in county, establishing a mercantile business in addition to being owner of over 350 acres of land. She also established the Johnson Cemetery on part of her property, which is still in use today. Lastly she established a church which remains active. Isaac, described as "a man of means," died near Jordan, South Carolina on December 18, 1894. Caroline, approximately forty-eight years old, was left a propertied widow and mother of two children—Eliza Ann Johnson and William Junius Johnson.¹⁰⁹

When and how did Isaac and Caroline acquire the land prior to his death? Isaac obtained over three hundred acres of land in the early 1870s from different sources. Between March 1873 and January 1891 he acquired 254.5 acres, along with another seventy-five acres at some time prior to his death.¹¹⁰ Some of the land was deeded to -

¹⁰⁹ Clarendon County SC Archives Hanging File, Carolina Johnson, not dated; Manning Times, December 26, 1894, 3; *1880 Federal Census*, Santee, Clarendon, South Carolina; Roll: 1226; Page: 178B; Enumeration District: 025; accessed November 11, 2015, <http://www.ancestry.com>; Moses Levi v. Caroline Johnson, Eliza Johnson and William Johnson, Appointment of Guardian, Court of Common Pleas, Clarendon County (SC) Vol. C, 186-7.

¹¹⁰ Clarendon County (SC) Deed Book B-3, Daniel J. Bradham, Sheriff to Caroline Johnson, dated November 2, 1896, 654–6, and Daniel J. Bradham, Sheriff to

Caroline as a result of the land division belonging to the deceased Dick Pearson. The deed was listed as “Washington Dingle et al to Caroline Johnson”. Dated January 18, 1889, the survey notes on the drawing indicates sixteen acres, but states in the wording that it was a considerably less acreage:

By request I have devided [sic] the real estate of Dick Pearson dec? [sic] and the above represents the portion awarded to Carolina [sic] Johnson, and , contains Six acres and has such shape, marks, and boundings as the above Plat represents. Surveyed January 18th, 1899.¹¹¹

A deed, dated March 18, 1892, shows that Caroline paid \$65 for two parcels of land to thirteen persons, several (if not all) whom are related to Richard “Dick” Pearson who was a Planter and mentioned earlier in this study. According to the 1892 deed, the first parcel contained sixteen acres and “The said tract of land herein conveyed of being the same awarded to Caroline Johnson in the division of the Estate of Dick Pearson known as Free Dick.”¹¹² The second parcel mentioned in this same deed also amounted to sixteen acres:

Also all that piece, parcel or tract of land lying and situate in Clarendon County, in the state aforesaid containing sixteen acres This last named tract of land was purchased by the said Caroline Johnson from the heirs of Dick Pearson, known as “Free Dick” [sic] the consideration being sixty dollars.¹¹³

There is a lot one can learn from the above referenced documents. Caroline’s father is noted as Dick Pearson, who appears to be the same Dick Pearson mentioned in

Caroline Johnson, dated February 1, 1897, 732; Clarendon County (SC) Deed Book H-3, Daniel J. Bradham, Sheriff to Caroline Johnson, dated December 2, 1897, 103–4.

¹¹¹ Clarendon County (SC) Deed Book WW, Plat, Washington Dingle et al to Caroline Johnson, undated 683.

¹¹² Clarendon County (SC) Deed Book WW, Moses Dingle et al to Caroline Johnson, dated March 18, 1892, 673.

¹¹³ Clarendon County (SC) Deed Book WW, Moses Dingle et al to Caroline Johnson, dated March 18, 1892, 674.

the plat description, which was signed by the surveyor P. G. Benbow. Examination of the census records did not reveal another Dick or Richard Pearson in the county who had land and died during this period. A will was not found. However, the thirteen named persons are descendants of Richard “Dick” “Free Dick” Pearson or his neighbors – the Dingles primarily. Several of the females living in Richard Pearson’s 1850 home and that of his assumed daughter Nancy Pearson, married Dingle men. Thus, this land, like that of Tempy Tindal, was passed on to family members after Dick’s death.¹¹⁴

Another reason to believe that this was inherited land received from Dick Pearson’s estate to Caroline, a descendant, is because there was no mention of Caroline’s husband Isaac in either of these two deeds. He had land in his own name as previously mentioned. This is quite unlike the real estate transaction between Robert Hercules Boyd, his daughter Leah Boyd Wragg and her husband John P. Bragg. Robert placed the deed in both of their names. It is not noted what influence Isaac may have had in the matter, but the absence of his name as husband on the deed speaks loudly as a deliberate decision, for reasons of inheritance or otherwise, to have the transaction executed to a married woman solely in her name.

Caroline was not finished when her husband Isaac died in 1894. She had a tough time keeping the land and paying the taxes. But she succeeded, to the extent of purchasing seventy-five acres in late 1896, 189.5 acres a few short months later in 1897,

¹¹⁴ The author conducted a mini-genealogical study of this Pearson and Dingle families. In that study it was found that several of the Pearson females married neighboring Dingle men. Some of these same named women and men or their descendants are listed among the 13 grantors of this deed. This gives more credence to the hypothesis that Dick Pearson (Caroline’s father per her death certificate) and Richard “Free Dick” and “Dick” Pearson of the deeds are one and the same.

and then another seventy acres for \$100.¹¹⁵ Each of these land parcels had been owned by Caroline either singularly or jointly with her children, and had been passed to them by her husband Isaac, but was being auctioned off at the county Sheriff's Sale. At the end of her life almost thirty-seven years after her husband's death, Caroline had an estate in Santee Township valued at \$951 consisting of:

- Personal property of household goods, farm equipment and animals valued at \$195.00
- 2 buildings valued at \$150
- 32 acre tract valued at 60.00; and
- 396 acre tract valued at \$546.00¹¹⁶

It is astounding that Caroline was able to retain the encumbered property left by her husband after his death. Caroline had to maneuver through the legal system of having guardians appointed on her children's behalf regarding their share of their inheritance. That the guardian appointed was not a relative and was white must have been terribly frightening. Certainly the thought that she could lose everything was unnerving. Yet, Caroline had the foresight and presence of mind to make a plan to not only purchase the land back through the sheriff's sale, but to also gain her share of the lands that were to be passed to her through her father's estate, yet were in the hands of others. While Isaac may

¹¹⁵ Clarendon County (SC) Deed Book B-3, Daniel J. Bradham, Sheriff to Caroline Johnson, dated November 2, 1896, 654-6, and Daniel J. Bradham, Sheriff to Caroline Johnson, dated February 1, 1897, 732; Clarendon County (SC) Deed Book H-3, Daniel J. Bradham, Sheriff to Caroline Johnson, dated December 2, 1897, 103-4.

¹¹⁶ Caroline's death certificate was found listed under the name "Caroline Johnston." Many thanks to Emily Vaughn's gracious sharing of this information via her website page on Caroline Johnson, <http://emilyevaughn.com/CarolineJohnson.htm>, accessed 1-13-2017; State of South Carolina Death Certificate, Clarendon County, Caroline Johnston, File No. 14688; Clarendon County (SC) Probate Court, Caroline Johnson Probate Package, Petition for Letters of Administration and Order for Citation to Issue, dated June 13, 1934, Book 1, 144.

have been the face of the family business, it is clear that most of the land that allowed him to be a “man of means” came from connections that Caroline had.

Additionally, Caroline began to increasingly pursue the land her father Richard Pearson left her, even paying for some of it. If Caroline had followed the letter of the 1882 law, perhaps she would not have had money of her own to purchase the land with. She would have had to borrow money from someone, perhaps her husband, even if she was able to produce income on her own. Under the law, it would not have been hers to keep, but would belong to her husband.

The 1882 law confirming that money earned by married women belonged to their husbands implies that there were cases where married women were keeping or at least attempting to keep their earned monies. Luckily, not all women who obtained land were married. Some were divorced, single, no longer observing their vows, or perhaps in a quasi-marriage. Loren Schweninger makes the point that most southern black women obtained land from their white fathers, husbands, benefactors or suitors.¹¹⁷ While that certainly was not the case with any of the women mentioned thus far, there is one such case was found in Clarendon County.

John W. Wells was a white man of means. A bachelor, who was well respected for his farming skill, crop quality, and holdings, he was once called the “prince of farmers” for the Calvary section of the county.¹¹⁸ In 1870, Batchelor Wells lived openly

¹¹⁷ Loren Schweninger. “Property Owning Free African-American Women in the South, 1800–1870” *Journal of Women's History* 1, no. 3 (Winter 1990), 17, accessed January 12, 2017, https://muse-jhu-edu.proxy-ms.researchport.umd.edu/journals/journal_of_womens_history/v001/1.3.schweninger.pdf

¹¹⁸ Panola News. *The Manning Times*, September 25, 1889. (Manning, SC), 2, accessed February 17, 2017, <https://www.newspapers.com>.

with Amelia Gailliard, a black woman and two mulatto boys, aged two and twelve.

Amelia's occupation was listed as "Keeping house" and not "servant". This alludes to her status as the woman of the house and the strong possibility of the two boys being John and Amelia's children.¹¹⁹

If one were to go by public opinion and Wells' 1890 death announcement, one would be confused. It rallies on about his high esteem and "excellent judgement", and also makes clear that he was a bachelor who died without family. Presumably, in its haste to make clear that John did not have a wife and children, the article contradicts itself by stating he died in his *sister's* home.¹²⁰ One can only imagine the puzzlement the readers must have felt on the very same day of publication, an article detailing John W. Wells' 1875 will. John left items to the late Amelia Gailliard, and her sons, who were then publicly listed as Nathan and Edwin Wells. The article also goes on to state that John was the father of the boys and had lived with Amelia for more than 30 years, thus making Nathan and Edwin the sole heirs of 315 acres of land along with any personal property remaining on the land. Apparently John owned more land, which had not been mentioned in the will. The article anticipated a legal fight to ensue. The wait was not long. By November 1890, court was in session to hear the challenges to the last will and testament of John W. Wells.¹²¹

¹¹⁹ 1870 U.S. Federal Census, South Carolina, Clarendon County, Friendship Township, dwelling 23, family 23, 3.

¹²⁰ Death. *The Manning Times*, February 12, 1890. (Manning, SC), 3, accessed February 17, 2017, <https://www.newspapers.com>.

¹²¹ Will of John W. Wells Probated. *The Manning Times*, February 12, 1890. (Manning, SC), 3, accessed February 17, 2017, <https://www.newspapers.com>.

Local newspapers of the times tend to wax and wane with the truth and sensationalism, particularly in contentious and infamous stories. The bottom line, as detailed in a 1934 foreclosure court case involving the descendants of John and Amelia Gailliard Wells states that John's will left 380 acres of land

to Amelia Gailliard and her two children, Nathan Wells and Edwin Wells and to the lawful issue of their bodies * * * [sic] to be kept by Amelia Gaillard and used for the common good of herself, Nathan and Edwin, until the younger child Edwin becomes to the age of twenty-one years. And then and at that time to be equally divided between the three, Amelia, Nathan and Edwin." He further provided, however, that "if either Amelia, Nathan or Edwin should die leaving no lawful issue of their bodies said land to be divided between the surviving two, if either two of these legatees should die leaving no lawful issue of their bodies the whole shall belong to the survivor. And in the event of the death of all three, Amelia, Nathan and Edwin leaving no lawful issue of their bodies, before or after the time for division, I desire and will the whole of the above described estate to John O. Brock and his heirs."¹²²

Whatever the relationship between Amelia Gailliard and John W. Wells, it is clear from his will as stated the South Carolina court case, that John cared for and trusted Amelia enough to leave substantial property to her and their sons, with provisions for different permutations of survivorship right down to their descendants should any or all of the four predecease one another. Posthumously, Amelia and John ensured their mulatto sons were left an inheritance of significant proportion, to include sufficient capital to sustain legal fights from the white Wells family members and others for a long length of time, starting in 1890 and at least once more in 1934.

In 1891, Malsey Wilder, along with her children and grandchildren were the recipients of a home, over 200 acres of land, and an "outfit," which the Oxford Dictionary defines as "A complete set of equipment needed for a particular

¹²² Federal Land Bank of Cola. V. Wells Et Al. .-172 S.C. 1 (S.C. 1934), Supreme Court Of South Carolina, Accessed June 26, 2016, <https://casetext.com/case/federal-land-bank-of-cola-v-wells-et-al>.

purpose.”¹²³ Malsey’s husband, James A. Wilder after approximately seventy years of life, had died. His will divided his entire estate amongst his wife and twelve descendants, eight of which were female.

Malsey, James, and their children were most likely enslaved. At the time of freedom, their children were adults. Within five years, a few had families of their own. The oldest daughter Peggy was living with her husband Matt and had started a family. Daughter Susan had done the same with her husband. Malsey and James’ remained in the home with the other children, eight in total ranging in age from three months to fourteen years old.¹²⁴

By 1871, James started to purchase land. Planter C. R. R. Boyd died, and his children were looking to sell his plantation in Clarendon County. James purchased 200 acres from the Boyd family. It was part of this land that James left to his wife, daughters, and granddaughters, sons and grandsons.

According to James’ will, Malsey’s inheritance amounted to twenty-five acres and the home they shared. It was hers to enjoy for her lifetime, after which time the property would go to their son Alex Wilder. Though this was the practice at the time, it does cause reason to pause and examine.

In 1870, when James and Malsey were five years out of slavery, they did not yet own any property. With 8 children in the household under the age of fifteen, Malsey

¹²³ English Oxford Living Dictionaries, <https://en.oxforddictionaries.com/definition/us/outfit>, accessed April 4, 2019.

¹²⁴ Households of James Wilder, Emanuel and Susan Dyson, and Mat and Peggy Touchberry. *1870 Federal Census, Calvary, Clarendon County*, South Carolina; Roll: M593_1491, 397A, 392B, 386B; Family History Library Film: 552990, Provo, UT, USA: Ancestry.com Operations, Inc., 2009, <http://www.ancestry.com>, accessed November 11, 2015.

undoubtedly had her hands full with taking care of children. Certainly, the older children may have helped, when available. More than likely, those old enough to work were in the fields with James or hired out to work elsewhere. Given the times, Malsey may have worked outside the home as well, bringing the younger children to the fields perhaps, or leaving them at home. It is certain that Malsey was not idle during this period and her efforts contributed to the household.

By 1880, James was farming 137 acres of his own land, and had various farm animals. Six of these acres were dedicated to rice cultivation which was back breaking and extremely labor intensive work. James had sufficient resource to pay \$50 in wages to get others to assist him in working his farm and produced over 900 pounds of rice.¹²⁵ Regardless of whether James had hired help or used free family labor, he could have opted to leave the land and home to his wife Malsey, rather than provide for her use of it as a life estate. Devising the property to Malsey would transfer ownership to her, thereby allowing her to sell or transfer these assets as she saw fit, just as he bequeathed property to his children and grandchildren. But just as James excluded his sons-in-law and daughters-in-law from his bequests, he did the same to his wife, presumably so that they would not be able to take ownership of the property and sell it outside of the Wilder family. That James named and left land to each of his daughters and granddaughters shows that James undoubtedly felt most comfortable transferring ownership to them rather than his wife. His decision to transfer land ownership specifically to his bloodline

¹²⁵ Household of James and Malsey Wilder, *1880 U.S. Agricultural Census, South Carolina, Clarendon County*, Friendship Township, Supervisor's District No. 3, Enumeration District No. 14, 8, Provo, UT, USA: Ancestry.com Operations, Inc., 2009; accessed November 11, 2015, <http://www.ancestry.com>.

is glaring in this comparison. Though women were legally permitted to own land, land was not always transferred to them as the next of kin. Unfortunately Malsey was able to enjoy her loaned property only a few short months for she died shortly after James. After her death, the land went to the eldest son according to James' will.

The gender breakdown of James' devisees and how he allocated the property within his family should be examined. A devisee is someone who is left something in will [*Webster Ninth New Collegiate Dictionary*, s.v. "devisee"]. Only two children and two grandchildren were male. All the others were females. James was methodical in naming each and every devisee, some of whom were married. In not one instance did he mention the spouses. He wanted the land to go to his wife, and his descendants. Even in the case of his deceased daughter Susan, James left land to Susan's children: Monday, Lawrence, Henrietta, and Caroline, but not to their father. The land was to be owned by Susan's children jointly until the youngest attained the age of twenty-one. James did not name Susan's husband in the will to hold the land for the children in the interim. This would allow the granddaughter Henrietta, who was also the eldest, the right to manage and oversee the joint landholdings for five years until her youngest sibling, Caroline, attained the age of twenty-five. Because of the women's property rights act, Caroline could get married and her husband would not have legal standing regarding the inherited property that she and her siblings owned.¹²⁶

James was aware of the laws of dower rights which remained in effect in South Carolina until 1996 when they were struck down by the State Supreme Court. James, like

¹²⁶Estimated ages and years of birth for the James A. Wilder Family is taken from the *1870 US. Federal Census, South Carolina, Clarendon County*, Calvary Township, 12; Will of James A. Wilder, Clarendon County (SC) Will Book I, 1875–1896, 199–201.

many men, did not want the land to be held by anyone outside of his bloodline. Yet he included and bequeathed land to his daughters, who could pass the land on to their husbands or remarry. These are the same concerns that presumably caused James not to leave the property to his wife outright. How ironic that one of his daughter's husbands, Matthew Touchberry, later assumed the bequeathed land in his name and the James' daughter died, leaving Matthew, who was not of James' bloodline, in possession of the land. The right for married women to bequeath the property to others as part of their separate estate was also a part of the 1891 law. Had James' daughter left a will, she could have bequeathed her property to whom she wanted.

Hannah Ambrose knew about the change in the law. Feeling that her time may be short, an aged Hannah penned her last will and testament on June 16, 1902.¹²⁷ She obtained the use the home she shared with her husband, twenty acres of arable land to farm, "plantation implements," crops, as well as dry food for the farm animals, and more in 1894, sometime after the death of her husband, Ambrose. In Ambrose's will, it is evident that he thought his estate would retain ownership after Hannah's death. He directed that after Hannah's death, the home and land revert back to his estate and then be distributed amongst his children to share equally. Hannah had other plans.

If her age on the 1870 census is correct, Hannah was in her eightieth year of life. One can imagine that she summoned her son-in-law Joe Simmon and a neighbor, a young Thomas Felder, and informed them that the time had come to dictate her will. They

¹²⁷ South Carolina. Probate Court (Clarendon County). Clarendon County, South Carolina, Estate Files, ca. 1875–1951. Salt Lake City, Utah: Filmed by the Genealogical Society of Utah, 2001, Estate of Hannah Ambrose, 1902, Package 5, Apartment 35; accessed November 11, 2015, <http://www.ancestry.com>.

probably travelled the seven miles together to the county seat, Manning, to have the will drawn, and obtain the signature of a third person to sign as a witness, A. J. Richbourg. A descendant of a large enslaving family, A. J. Richbourg was a former Confederate soldier, and at one point the county magistrate. Thomas signed as the second witness. Joe's signature was the last.

Hannah died before May 7, 1906, the date her grandson initiated the probate process as her executor. In her will, Hannah left twenty acres and the home, the same willed to her by her husband, along with anything else she owned at the time of her death to her grandson Ambrose Lemon. As one aware of the need for a will and having gone through the probate process as a devisee in her husband's will, Hannah surely knew what was in the will and what her husband's explicit instructions were for the property he left for her use. Ambrose tried to rule from the grave to control whose hands the land fell into after his wife's death. This was a common tactic that men used in an attempt to, through extant dower law, posthumously usurp legal authority over assets left as a life estate to their wives. Defiantly, Hannah made a different choice for *her* property, executed *her* free will and agency, and left the property to her grandson.¹²⁸

Hannah was not the only one who was legally astute and independently minded. Mollie James, born around 1866, came from a family of South Carolina landowners. Her father was one of the few formerly enslaved African American men in Clarendon County who was able to raise enough money to purchase land a mere seven years after the Civil War. Joseph purchased 100 acres in 1872 from the children of Governor James B.

¹²⁸ South Carolina. Probate Court (Clarendon County). Clarendon County, South Carolina, Estate Files, 1875–1951. Estate of Hannah Ambrose, Package 5, Apartment 35, dated May 7, 1906.

Richardson for \$150. Governor Richardson was the son of General Richard Richardson. Joseph Nelson and his wife Susan (Mollie's stepmother) were able to purchase enough acreage for it to be called "Nelsontown" according to memories held by his descendants. It was called such because all of his offspring lived on and around that land for generations.¹²⁹

By 1912, Joseph is deceased as evidenced by court ads referring to land allocations that were part of his estate. Much of this land was passed on to his widow and *their* children (Mollie's stepmother and half-siblings). Mollie and siblings did not receive any, for she and her five other siblings were Joseph's children by another woman, Tena Singleton. After Mollie's stepmother, Susan, died, what land remained was passed on to Susan's children.¹³⁰

Mollie married Washington "Wash" James around 1886. Both Mollie and Wash brought children from prior relationships to their marriage. Wash began to purchase land as early as 1900, when he bought a 40 acre tract from Richard C. Richardson, great-grandson of General Richard Richardson. This tract was a portion of the Mill Grove Plantation. Two years later, Mollie began to purchase land. Her first purchase, amounting to forty acres from her husband Wash James. This deed was in Mollie's name singularly.

¹²⁹ Clarendon County (SC) Deed Book K, Joseph Nelson from William H. B. Richardson et al, dated January 10, 1872, 190-1; Interview with Robee Nelson Logan on May 10, 1992; Interview with Daisy Logan, July 9, 1992.

¹³⁰ State of South Carolina, County of Clarendon. Court of Common Pleas. *The Manning Times*. Various ads of Ida Levi, Plaintiff against Eugenia Williams, Susan Cantey, Rina Green, Israel Nelson, Eugenia Williams, October 9, 1912, 5, accessed November 14, 2016, <http://newspapers.com>.

The deed description of the tract indicates this was the same forty acre Wash had purchased from the Richardson family just two years prior.¹³¹

Why would Mollie feel it necessary to purchase land separate and apart from her husband? Why would it be considered unique for a woman to purchase land in her name at these times, when it was considered normal for a married man to purchase land without his wife's name on the deed? Was this even a big deal? If it was difficult for an African American man to purchase land in these times, how much more difficult would it have been for a woman, if at all?

Any land that the husbands had in their names, with or without their wives names on it, could possibly be inherited by both their children from each respective wife, thereby lessening the inheritance share of each child that the current wife had with their spouses. Even possibly worse, Mollie entered their marriage with a child from a previous relationship as well, James Nelson, making the son, James, therefore a stepson of Mollie's husband, Wash James. James Nelson, the stepson, would have *no* claims on property owned by Wash singularly. Assumedly, rather than take that risk, Mollie purchased her own property to protect James from the hurt and harm she may have felt when her father died and his land was left to Mollie's stepmother and Mollie's half-siblings, thereby leaving Mollie and her siblings by her mother Tena landless.

Mollie's lost her husband in the spring of 1928.¹³² Over the next twenty-five years, Mollie was able to accumulate enough wealth to name fourteen relatives in her will

¹³¹ Clarendon County (SC) Deed Book J-3, R. C. Richardson to Wash James, dated December 29, 1900, 597; Clarendon County (SC) Deed Book K-3, Mollie James from Wash James, dated September 29, 1902, 153.

to leave land or money to. Her generosity extended beyond her children to her granddaughters, son-in-law, and a sibling.¹³³ According to the oral family history, each one of Mollie's descendants, especially the females, was taught to *always* make sure to have something of their own. Along with the earthly items Mollie left her family, a lesson was well learned and passed down within the family.

Winnie Warley had similar concerns about her children from a prior relationship. When Winnie died on February 13, 1908, she was a married woman with at least six children and forty-seven and three-quarters acres of land.¹³⁴ Her husband was Reverend Jared D. Warley, Jr., the son of a local representative who served in the South Carolina State Legislature during the Reconstruction Era.¹³⁵ By 1908, they had been married for five years and had several children together.¹³⁶

Five of Winnie's children were from her first husband. When she signed her will on January 18, 1908, she divided forty acres equally amongst her children from her first husband, yielding eight acres each to Lawrence, Rena, Jubie, Hattie, and Jacob. By doing this, Winnie ensured her children, which were Jared's step children, would receive the

¹³² South Carolina Death Certificate of Wash James, Clarendon County, File # 6198, dated April 15, 1928.

¹³³ Probate File of Mollie James, Clarendon County (SC) Probate Court, dated June 28, 1953.

¹³⁴ South Carolina. Probate Court (Clarendon County). Clarendon County, South Carolina, Estate Files, ca. 1875–1951. Columbia, South Carolina; Estate of Winnie Warley, 1908, Package 2, Apartment 50.

¹³⁵ Woodson, Carter Godwin and Logan, Rayford Whittingham, editors; "Documents: Roll of Members of the Union Republican State Convention, 1874," *The Journal of Negro History* 7 (1922): 316.

¹³⁶ Jared Walley (sic) Household. *1900 Federal Census, South Carolina, Clarendon County, St. Paul Township*, p. 233.

land she wanted them to have. She did not have to rely on Jared's word that he would do the right thing and will them any assets.¹³⁷

The remaining land (seven and three-quarter acres) was bequeathed to the rest of her children, not named, but assumed to be her children with Jared D. Warley, Sr. Her husband was named her executor but was not listed as a devisee. Winnie also stated that she wanted the land to go to her children and their descendants without any hindrances, to be theirs always. Jared would likely apply to be appointed guardian of his minor children's assets. If appointed, he would be in control of the property and would be required to report on his management of their assets annually until the youngest reached the age of twenty-one.¹³⁸ Much like Mollie, Winnie had protected her children.

These are but a few of the black women who succeeded in overcoming obstacles of slavery, racial and gender discrimination both from within the familial structures and external to it, to obtain a patch of Clarendon County land to call their own. Their desires, needs, and abilities were not limited by their race, gender or marital status.

¹³⁷ South Carolina. Probate Court (Clarendon County). *Clarendon County, South Carolina, Estate Files, ca. 1875–1951*. Columbia, South Carolina; Estate of Winnie Warley, 1908, Package 2, Apartment 50.

¹³⁸ South Carolina. Probate Court (Clarendon County). *Clarendon County, South Carolina, Estate Files, ca. 1875–1951*. Columbia, South Carolina; Estate of Winnie Warley, 1908, Package 2, Apartment 50.

Chapter 4: Conclusion

Black female land ownership grew exponentially from the three women listed as owners in Table 4 in 1860 to 64 in 1900.

Table 6. Clarendon County Black Female Land Ownership, 1860–1900.¹³⁹

	1860	1870	1880	1900
Number of Black Female Landowners	3	3	7	64
Percentage Increase from 1860	-	100%	233%	914%

In 1860, the women were free persons of color, leading their household. Enslaved persons, who are not a part of this subject, may have possessed property, but were not enumerated in the federal population census records. While the slave census for that period also does enumerate enslaved persons in the county, it does so without their names or any sense of possible property ownership. The 1870 federal census was the first census in which the formerly enslaved persons were listed by name. However, the enumeration information did not include marital status until 1880. As mentioned previously mentioned, county deed indices, deeds, and land records rarely mentioned a person's race, gender, or marital status. Hence the census records were used to determine the extent of black female land ownership over time.

From 1860 to 1900, census enumerations indicate a 914% increase in land owned by black women. In the earlier post-Civil War years of this period, these women appear to be heads of households. As best can be deduced from the extant records, like white

¹³⁹ Per author tally of female landowners as evidenced in the US Federal Census for Clarendon County, SC, 1860–1900.

women, most black women inherited their lands as a result of the husband's or father's death. They were farmers or farm laborers who benefitted from their loved one's demise. While this is noteworthy, it also indicates that black women did not, as a whole, purchase land of their own accord. Yet, formerly enslaved black men were doing so in the early 1870s, as evidenced by multiple examples found in the county deed books.¹⁴⁰

Schweninger and Craddock both found that most women who purchased land in this era lived in urban areas. They had more lucrative occupations than farmers or laborers, which enabled them to earn wages, which could potentially be used to purchase property. They also found that women who obtained land through other than purchases were given or devised land by their rich, typically white husbands or benefactors. By being free persons, these women were exposed to property ownership at a much earlier period than the Clarendon County formerly enslaved blacks. With the exception of the Amelia Gailliard Wells case whose relationship with the rich, white John Wells enabled their children to inherit his land in case of her death, black women in rural predominately farming community of Clarendon County had limited opportunities for wage earning jobs with no such benefactors. These limited opportunities made it all the more difficult to establish the connections and financial resources to obtain property.¹⁴¹

Compton focused on the female land ownership in the western states. These states granted land ownership under various government sanctioned land grants and acts. While these legalized land purchase arrangements were open to women, black and white, as

¹⁴⁰ Per author tally of female landowners as evidenced in the US Federal Census for Clarendon County, SC, 1860–1900.

¹⁴¹ Craddock discusses one Richmond area family that were “ladies of leisure” and used their earnings to pool and purchase property, 36–8.

well as men, they too were limited to unmarried women and “the right type of woman”.¹⁴² The western states did not pass MWPA rulings until well after much of the eastern and southern U.S. Though black women as land owners were not necessarily thought of when the SC legislature debated and passed the state MWPAs, black women certainly benefitted from it. In fact, the upward trajectory of black women in Clarendon County who purchased land on their own coincided with the trajectory of these Acts in South Carolina. While Compton found land ownership to be a spring board to civil and political activity in the west among women land owners regardless of race, that was not the case in Clarendon County, SC. The author found that the difficulty in finding land ownership records was magnified when attempting to find evidence of black women land owners associated with civil and political activity in Clarendon County.¹⁴³

Why is it difficult to find documentation on women’s roles in land ownership? The reasons that Anne Effland and her colleagues gave fit well here: that lack of distinct functions of farm ownership and farm operator; the tendency to classify land jointly owned by man and a woman as owned by the man; and the tendency for women to have less than full ownership interests in their land. Though state laws were passed that granted married women the right to separate property through the end of the nineteenth century, it was not generally practiced on a large-scale basis until well into the twentieth century.¹⁴⁴

¹⁴² Compton, 26.

¹⁴³ Compton, 176–8.

¹⁴⁴ Anne Effland, et al, “Women As Agricultural Landowners: What Do We Know About Them?” *Agricultural History* 6, no. 2 (1993): 236–238.

In the cases presented here, in the 1890s black women in Clarendon County began to plan for their property disbursement after their deaths. Hannah Ambrose and Mollie Johnson had husbands, but also had children to protect that were not their husbands. Caroline Johnson, a widow with young children and a small empire to manage that was slipping through her fingers. The tenacity she used to hold onto and acquire even more property to build upon serves as a reminder to many of the legacy she left as reportedly Clarendon County's first African American entrepreneur. The fortitude these women must have had to maneuver property separate from that of their husbands' in an age of male dominance in all aspects of life and death is astounding.

Thomasina Wells, the youngest, owned land that supported herself, her sister and brother-in-law, and their children. Her brother-in-law may have rented the home they lived in, but the land it sat upon was owned by Thomasina. Lenorah Nelson, Leah Wragg, and the Wilder daughters all had fathers who had sufficient holdings to give to them. This speaks volumes to the faith and vision these men had for their daughters, even when the laws had little to no faith in a woman's ability to own, manage and sell property wholly, to include owning their hard earned money.

Black female property owners in Clarendon County were prominently featured in the deeds, plats, tax records, wills and probate packages, and used their property acquisition to empower themselves and empower their family in an attempt to pass along wealth to the next generation. These women, many just a few years out of enslavement, may have been poor in monetary items, but were not of poor, limited, or entirely self serving spirit.

Regardless of how they acquired the land, through parental or spousal inheritance, or purchase jointly or singularly, these women landowners' names represented their strong resolve and defiance, in spite of the times and social climate in South Carolina, to acquire, maintain and preserve, and pass on to their descendants the fruits of their labors. In this way, these women's actions, perseverance, and perhaps even love of the land and what it represented to their lives and those of their family members were passed down in tangible and intangible ways. That they were able to maneuver through and make use of laws in adverse environs that were undoubtedly not written with them in mind is mind blowing. Let the record continue to show these African American women were indeed landowners who successfully managed, sustained, and several cases passed on their property.

Extended research can be done on the women who obtained land and were not successful in holding on to it. In the course of this study, the author saw numerous cases that did not fit within this framework. Several cases of African American women attending agricultural fairs, farmers cooperatives, and other similar venues and organizations that welcomed families but only engaged men in discussions. A study of what women absorbed and applied from being in the midst of these engagements warrants further attention and would be of great value to the southern black women's historical narrative.

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Appendix
Key Amendments and Statutes In South Carolina.¹⁴⁵

¹⁴⁵ Sara Nell Chatfield, Table 3: Key Amendments and Statutes in South Carolina in “Multiple Orders in Multiple Venues: The Reform of Married Women’s Property Rights, 1839–1920” (PhD diss, University of California, Berkeley, 2014), 69–71. Used in its entirety.

Title	Date	Text/Importance
Constitution of South Carolina, Article XVI, section 8	1868	<p>“The real and personal property of a woman, held at the time of her marriage, or that which she may thereafter acquire, either by gift, grant, inheritance, devise or otherwise, shall not be subject to levy and sale for her husband’s debts, but shall be held as her separate property, and may be bequeathed, devised or alienated by her the same as if she were unmarried: <i>Provided</i>, That no gift or grant from the husband to the wife shall be detrimental to the just claims of his creditors.”</p>
An Act to Carry into Effect the Provisions of the Constitution in Relation to the Rights of Married Women	1870	<p>“§1. ...the real and personal property of a married woman, whether held by her at the time of her marriage or accrued to her thereafter, either by gift, grant, inheritance, devise, purchase or otherwise, shall not be subject to levy and sale for her husband’s debts, but shall be her separate property. §2. A married woman shall have power to bequeath, devise or convey her separate property as if she were unmarried; and if dying intestate, her property shall descend in the same manner as the law now provides for the descent of the property of husbands, and all deeds, mortgages and legal instruments of whatever kind, shall be executed by her in the same manner, and have the same legal force and effect as if she were unmarried. §3. A married woman shall have the right to purchase any species of property in her own name, and to take proper legal conveyances therefor, and to contract and be contracted with in the same manner as if she were unmarried: <i>Provided</i>, That the husband shall not be liable for the debts of the wife contracted prior to or after their marriage, except for her necessary support.”</p>
Code of Civil Procedure of the State of South Carolina, section 135	1882	<p>“When a married woman is a party, her husband must be joined with her, except that— 1. When the action concerns her separate property, she may sue or be sued alone: <i>Provided</i>, That neither her husband nor his property shall be liable for any recovery against her in any such suit; but judgment may be enforced by execution against her sole and separate estate in the same manner as if she were sole. 2. When the action is between herself and her husband, she may sue or be sued alone...”</p>

<p>An Act to Amend Section 2037 of the Revised Statutes Relating to the Power of Married Women to Make Contracts...</p>	<p>1891</p>	<p>“A married woman shall have the right to purchase any species of property in her own name, and to take proper legal conveyances therefor, and to bind herself by contract, in the same manner and to the same extent as though she were unmarried, which contracts shall be legal and obligatory, and may be enforced at law or in equity by or against such married woman in her own name, apart from her husband: <i>Provided</i>, That nothing herein shall enable such married woman to become an accommodation indorser, guarantor, or surety, nor shall she be liable on any promise to pay the debt or answer for the default or liability of any other person: and <i>provided further</i>, That the husband shall not be liable for the debts of the wife contracts prior to or after their marriage, except for necessary support, and that of their minor children residing with her. §2. That Section one (1) of an Act entitled ‘Act to declare the law regarding the separate estate of married women,’ approved December 24, 1887, be, and the same is hereby, repealed.”</p>
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Revised Statutes of South Carolina	1894	<p>“Sec. 2164. The real and personal property of a married woman, whether held by her at the time of her marriage or accrued to her thereafter, either by gift, grant, inheritance, devise, purchase, or otherwise, shall not be levy or sale for her husband’s debts, but shall be her separate property.</p> <p>Sec. 2165. All the earnings and income of a married woman shall be her own separate estate, and shall be governed by the same provisions of law as apply to her other separate property.</p> <p>Sec. 2166. A married woman shall have the power to bequeath, devise or convey her separate property in the same manner and to the same extent as if she were unmarried...all deeds, mortgages and legal instruments of whatever kind shall be executed by her in the same manner and have the same legal force and effect as if she were unmarried.</p> <p>Sec. 2167. A married woman shall have the right to purchase any species of property in her own name, and to take proper legal conveyances therefor, and to bind herself by contract in the same manner and to the same extent as though she were unmarried, which contract shall be legal and obligatory, and may be enforced at law or in equity by or against such married woman in her own name, apart from her husband:</p> <p><i>Provided</i>, That nothing herein shall enable such married woman to become an accommodating endorser, guarantor or surety, nor shall she be liable on any promise to pay the debt or answer for the default or liability of any other person:</p> <p><i>And provided, further</i>, That the husband shall not be liable for the debts of the wife contracted prior to or after their marriage, except for necessary support, and that of their minor children residing with her.”</p>
Constitution of South Carolina, Article XVII, section 9	1895	<p>“The real and personal property of a woman held at the time of her marriage, or that which she may thereafter acquire, either by gift, grant, inheritance, devise or otherwise, shall be her separate property, and she shall have all the rights incident to the same to which an unmarried woman or a man is entitled. She shall have the power to contract and be contracted with in the same manner as if she were unmarried.”</p>