

CIRCUITS OF CONTAINMENT: IRON COLLARS, INCARCERATION  
AND THE INFRASTRUCTURE OF SLAVERY

A Dissertation

Presented to the Faculty of the Graduate School  
of Cornell University

In Partial Fulfillment of the Requirements for the Degree of  
Doctor of Philosophy

by

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January 2014

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# CIRCUITS OF CONTAINMENT: IRON COLLARS, INCARCERATION AND THE INFRASTRUCTURE OF SLAVERY

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Cornell University 2014

This dissertation documents the development of New Orleans and Louisiana from 1805-1861. I argue that iron collars emerged in the nineteenth century as technologies of torture, control, coercion, commodity production, and distribution. The use of iron collars by enslavers, in conjunction with chains, jails, the state penitentiary, and forced labor on municipal and state public works shows how technologies shaped enslaved peoples lives as they were captured, contained, and forced to be productive units of labor. By combining insights from scholarship in the fields of US slavery and technology, I argue that enslavers innovative uses of these technologies made the process of extracting labor from enslaved people more efficient and productive. By focusing on the punishing labor practices enslaved people endured in iron collars, jails, chain gangs, forced public works labor, and penitentiaries I show how the old and the new were used to “improve” enslaved people in order to keep them productive and profitable.

In Chapter One, I examine the material experience of slaves wearing iron collars, including those with obstructions such as prongs, branches and

bells. In Chapter Two, I examine the practices of incarceration in relationship to legislators' rhetoric about constructing a seamless economic circuit exploiting slave labor from plantation to prison factory in order to clothe an independent South. In Chapter Three, I examine how enslaved people who were either privately or publicly owned were used for to build and municipal and state infrastructure. State and city owned slaves, captured and jailed runaway slaves, and convicts from the state penitentiary labored to build roads, levees and clear rivers and bayous. Through these practices, enslaved people's lives embodied hard labor, blurring lines between enslavement and incarceration, as they were loaned, rented, borrowed, and bought, captured, and recaptured through spaces of punishment and labor in support of building and maintaining the infrastructure necessary for the production and distribution of commodities.

Together, a range of technical practices were socially and economically shaped and produced through networks of people, objects, knowledge and ideology forming a socio-technical system for the control and containment of enslaved people as they struggled to be free.

## BIOGRAPHICAL SKETCH

Darla Thompson earned an M.A. in Science and Technology Studies from Cornell University, an M.A. in Sociology from the University of California at Santa Cruz, an M.A. in Public Policy from The George Washington University in Washington, DC, and a B.A. in Sociology from the University of Colorado at Boulder.

## ACKNOWLEDGMENTS

I would like to thank my dissertation advisor and committee chair Ronald Kline and committee members Edward Baptist and Suman Seth for their unwavering support for this project. The staff in the Department of Science and Technology Studies, particularly Stacey Stone, provided essential administrative assistance as I conducted research and writing outside of Ithaca. I feel very fortunate to have received generous financial support from Cornell University, including travel grants from the Graduate School and the Society for the Humanities. A National Science Foundation Doctoral Dissertation Improvement Grant (#1057543) allowed me to do extensive archival research in Louisiana. A doctoral/post doctoral fellowship from Middlebury College in Vermont provided crucial funding so I could finish writing the dissertation.

I owe a great deal of thanks to knowledgeable and enthusiastic archivists, librarians, faculty and staff at a variety of institutions including Tulane University, the University of Louisiana at Baton Rouge, the Historic New Orleans Collection Williams Research Center, the University of New Orleans, the Louisiana State Museum, and particularly Georgia Chadwick of the Law Library of Louisiana.

Researching and writing a dissertation is a long process. Thank you to my family and friends for supporting me over the years.

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## INTRODUCTION

On February 17, 1844, JF Buffet offered a reward of fifteen dollars to “any person” that would lodge “in any jail in the State” a “mulatto woman” named Rachel who “absconded” wearing “an iron collar with three prongs, with a small bell attached to each prong.” (Figure 1.) In addition to the prominent iron collar, Rachel was also wearing “a red calico frock and red shawl.” Buffett assumed that Rachel would “attempt to go to Frankfort, Kentucky,” probably her former home or where her family members lived.<sup>1</sup>



Figure 1. Iron Collar. Louisiana State Museum. New Orleans.  
Photo taken by the author. 2009.

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<sup>1</sup> JF Buffet, “\$15 REWARD,” *New Orleans Picayune*, February 18, 1844, America’s Historical Newspapers.

How could a woman wearing a pronged iron collar with bells, a red frock and red shawl hide in the bustling port city of antebellum New Orleans? How did the practices of collaring enslaved people in the city of New Orleans relate to collaring practices on the plantations of Louisiana and the broader South? How did enslavers' uses of iron collars relate to general practices of enslavement and incarceration? How were the uses of iron collars on enslaved people intertwined with the social, economic, and technological development of the United States? What can examining the practices of enslavement, specifically the use of iron collars, chain gangs, public works labor, and incarceration in jails and state penitentiaries, tell us about modern uses of old and new technologies? These questions and more are the focus of this dissertation, a social and cultural history of the uses of technology in the context of nineteenth-century US slavery.

## **Enslavement and Violence**

In 1963, Joe Taylor's *Negro Slavery in Louisiana* was published. In it, Taylor provided an examination of "the institution of slavery in the setting which Louisiana then afforded."<sup>2</sup> Taylor's broad-ranging history covered the origins of slavery, the slave trade, slave life and labor, religion, economics, runaways and the control of slaves.<sup>3</sup> Taylor argued that due to the large number of enslaved people composed of an "alien race" "strong controls" were "an absolute necessity."<sup>4</sup> Taylor concluded that it was "an

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<sup>2</sup> Joe Gray Taylor, *Negro Slavery in Louisiana* (Baton Rouge, La: Thos. J. Moran's Sons for the Louisiana Historical Association, 1963).

<sup>3</sup> See Taylor for a discussion of the state-owned slaves and convicts on the state public works. *Ibid.*

<sup>4</sup> *Ibid.*, 194.

established fact that slavery, as it existed in Louisiana, made brutality necessary,” and that “the integrity of the slave system...was never seriously questioned from within.”<sup>5</sup>

By assuming that enslaved people did not resist the status and condition of slavery and were persuaded by the use of incentives, Taylor argued that slaves were not only subjected to the lash as a common “means of correction,” but also that being sent to the field could be “more effective than blows.”<sup>6</sup> Though Taylor argued that flogging was the most popular option for encouraging “good discipline,” he also believed that “any consideration of the prevalence of cruelty to bondsmen must first face the problem of definition, if lashing constituted cruelty, few slaveholders were innocent” thus making it impossible to strictly define cruelty.<sup>7</sup> Taylor’s difficulty defining cruelty seems to be in part due to the existence of slaveholders like Rachael O’Connor a well-known widow whose letters to family members included her expression of love for sick slave children, yet who in Taylor’s interpretation, also had “an iron collar [put] about a black woman’s neck when the hapless creature was caught in bed with her overseer.”<sup>8</sup> To Taylor, O’Connor’s love of enslaved child problematized the use of an iron collar as cruelty.

In contrast, Katherine Bankole argued that the overseer was in a position of power to use the enslaved woman Liza as a “concubine,” a form of forced and coerced

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<sup>5</sup> Ibid., 227, 237.

<sup>6</sup> Ibid., 183, 198, 200.

<sup>7</sup> Ibid., 225.

<sup>8</sup> Ibid., 225. I think that Taylor is incorrect in his interpretation of O’Connor as the source of the iron collar. See Chapter One of this dissertation.

labor often portrayed in the secondary literature as voluntary.<sup>9</sup> In Bankole’s study of medicine and enslavement in Louisiana, she challenged what she saw as the “neglect of scholars to include brutality and punishment, and its arbitrary nature, in the enslaved African’s constant need for medical attention.” Bankole examined how labor itself could be a “medical health risk factor, including two overlooked labor tasks of enslaved African women – breeding and concubinage.”<sup>10</sup> She argued that what slaveholders called the “necessary punishment to control and contain the African population,” former slaves described as “physical violence and abuse” in their narratives, letters, and oral histories.<sup>11</sup> Thus, Bankole challenged the distinctions made between brutality, punishment, and cruelty and was critical of how slaveholders saw themselves.

While Taylor believed that characterizing O’Connor as cruel was difficult, he argued that the “most notorious case of cruelty was that of Madame Lalaurie” a woman he labeled “sadistic” for “abusing her slaves.”<sup>12</sup> However, as Walker pointed out, Lalaurie used iron collars too, though hers were known to have spikes. Walker characterized her treatment of enslaved people as confirming the “oppressive potentialities of space within urban slave systems.”<sup>13</sup> Lalaurie’s torture of enslaved people with spiked iron collars, starvation, and confinement in chains in the house was

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<sup>9</sup> Katherine Kemi Bankole, *Slavery and Medicine: Enslavement and Medical Practices in Antebellum Louisiana*, Studies in African American History and Culture (New York: Garland Pub, 1998), 59–62.

<sup>10</sup> *Ibid.*, xi; On whipping leading to medical problems see, for example, Todd Lee Savitt, *Medicine and Slavery: The Diseases and Health Care of Blacks in Antebellum Virginia* (Urbana: University of Illinois Press, 2002).

<sup>11</sup> Bankole, *Slavery and Medicine*, 33.

<sup>12</sup> Taylor, *Negro Slavery in Louisiana*, 225.

<sup>13</sup> Daniel E Walker, *No More, No More: Slavery and Cultural Resistance in Havana and New Orleans* (Minneapolis: University of Minnesota Press, 2004), 26–7.

only brought to public attention when one of the enslaved women set the house on fire in a desperate attempt to end their suffering.<sup>14</sup>

This tension between the experience of enslavement from the perspective of enslaved people and enslavers continues to occupy many historians. The work of two historians in particular stands out for engaging these important themes and influencing subsequent scholarship. Eugene Genovese's widely influential *Roll Jordan Roll: The World the Slaves Made* defined a generation of scholarship, including, arguably, the way that torture and physical punishments have been and continue to be discussed in historical literature on slavery.<sup>15</sup> Genovese is well known for his framework of analyzing slavery as a system of paternalism that relied upon "reciprocal obligations" between masters and slaves involving compromises and negotiations over the terms of bondage. Genovese believed that slaves accepted paternalism and white domination through cycles of resistance and negotiation. By responding to economic incentives, enslaved people acquiesced to the power of slaveholders.<sup>16</sup> Genovese argued that slaveholders had "tendencies toward modern discipline," such as the use of the whip to force factory-like labor organization in the field.<sup>17</sup>

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<sup>14</sup> Henry C Castellanos, *New Orleans as It Was: Episodes of Louisiana Life*, ed. Judith Kelleher Schafer (Baton Rouge: Louisiana State University Press, 2006).

<sup>15</sup> Eugene D Genovese, *Roll, Jordan, Roll; the World the Slaves Made*, 1st ed. (New York: Pantheon Books, 1974).

<sup>16</sup> *Ibid.*, 147.

<sup>17</sup> *Ibid.*, 186; On this point, though firmly within the context of slavery and capitalism, also see, Robin Blackburn, *The Making of New World Slavery: From the Baroque to the Modern, 1492-1800* (London: Verso, 1997); On this point within the framework of both preindustrial practices and capitalism, see, for example, Mark M Smith, *Mastered by the Clock: Time, Slavery, and Freedom in the American South*, The Fred W. Morrison Series in Southern Studies (Chapel Hill: University of North Carolina Press, 1997);

Genovese went on to argue that this use of whipping was a way for slaveholders to testify “to their own improvement and reformation,” since the use of “branding, ear cropping, and assorted mutilations gradually disappeared from the list of punishments prescribed by law and shrank to a minimum in plantation practice.”<sup>18</sup> Genovese argued that though castrations and burning enslaved people alive declined, “this and other atrocities never disappeared. Iron collars and ‘nigger boxes’-cells with a few air holes and just enough room to allow a slight shift in position– continued in effect on some plantations.”<sup>19</sup> Genovese’s work suggested that in keeping with the trends in “modern” developments in punishment, publicly at least, the methods of punishment changed from clear acts of torture – though he does not use that term – to methods more suitable as modern disciplinary techniques.

In contrast, Norrece Jones argued in his influential *Born a Child of Freedom, Yet a Slave*, that bondage was a “state of war” and that “physical coercion by way of the lash was the most effective and frequently used day-to-day mechanism of control.”<sup>20</sup>

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David Brion Davis, *Inhuman Bondage: The Rise and Fall of Slavery in the New World* (New York: Oxford University Press, 2006); Patterson argued that whipping was for social control not to promote labor. Orlando Patterson, *Slavery and Social Death: A Comparative Study* (Cambridge, Mass: Harvard University Press, 1982).

<sup>18</sup> Genovese, *Roll, Jordan, Roll; the World the Slaves Made*, 67; For more recent analyses on this point, see for example, Davis, *Inhuman Bondage*; Robin Blackburn, *The American Crucible: Slavery, Emancipation and Human Rights* (London ; New York: Verso, 2011).

<sup>19</sup> Genovese, *Roll, Jordan, Roll; the World the Slaves Made*, 67.

<sup>20</sup> Jones, *Born a Child of Freedom, yet a Slave*, 28; On this point, also see DusiBerre’s study of capitalism and slavery in South Carolina. DusiBerre argued that the whip was the “simplest way to elicit subordination” and if that “disciplinary measure” didn’t work, slaves were sent to the Savannah jail or the Charleston workhouse, and lastly, “recalcitrant” slaves were sold. DusiBerre did not discuss the use of iron collars. DusiBerre, *Them Dark Days*, 123–4; Morgan argued that “the whip, rather than resort

Rather than rewards, slaveholders relied upon the threat of sale, confinement in private jails, stocks, the “sweatbox” and the “screw box,” which was used to press bales of cotton.<sup>21</sup> Other punishments relied on opportunity, such as “piercing with forks, burning with tar, skinning with knives” and other tortures.<sup>22</sup> Jones importantly pointed out that the public torture of unlawful slaves elicited little protest from whites, though some people did find it appalling when slaves were butchered and planters escaped “public censure.”<sup>23</sup>

Jones argued that though there were rich studies of slave life and family, community, and autonomy, there was a need for scholarship that directly engaged issues of violence and control by using sources that relied on the words of slaves themselves.<sup>24</sup> Using the WPA ex-slave narratives, Jones argued that there should be a

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to law, was [the] indispensable and ubiquitous instrument.” Lashings and dismemberings were meted out in a “casual and matter-of-fact” manner. Philip D Morgan, *Slave Counterpoint: Black Culture in the Eighteenth-Century Chesapeake and Lowcountry* (Chapel Hill: University of North Carolina Press, 1998), 266.

<sup>21</sup> Jones, *Born a Child of Freedom, yet a Slave*, 78.

<sup>22</sup> *Ibid.*, 84–93.

<sup>23</sup> *Ibid.*, 89.

<sup>24</sup> Norrece T Jones, *Born a Child of Freedom, yet a Slave: Mechanisms of Control and Strategies of Resistance in Antebellum South Carolina* (Middletown, Conn.: Wesleyan University Press, 1990); See for example, John W. Blassingame, *The Slave Community: Plantation Life in the Antebellum South* (Oxford University Press, 1979); Charles W Joyner, *Down by the Riverside: A South Carolina Slave Community* (Urbana: University of Illinois Press, 1984); Deborah G White, *Ar’n’t I a Woman?: Female Slaves in the Plantation South* (New York: Norton, 1985); Larry E Hudson, *To Have and to Hold: Slave Work and Family Life in Antebellum South Carolina* (Athens: University of Georgia Press, 1997); Dylan C Penningroth, *The Claims of Kinfolk: African American Property and Community in the Nineteenth-Century South*, The John Hope Franklin Series in African American History and Culture (Chapel Hill: University of North Carolina Press, 2003); Anthony E Kaye, *Joining Places: Slave Neighborhoods in the Old South*, The John Hope Franklin Series in African American History and Culture (Chapel Hill: University of North Carolina Press, 2007); On Louisiana, see for example, Marcus Bruce

focus on “the mechanisms of control and strategies of resistance” deployed by slaves, from their own perspective.<sup>25</sup>

Thus scholars like Jones, Bankole, and Walker did not see a decline in the level of brutality as a form of “modern improvement” through the nineteenth century. Using WPA narratives these scholars sought to articulate the “debilitating labor expectations, and omnipresent, physically abusive masters or overseers” in “the highly oppressive environment” that relied upon the “systemic degradation and dehumanization of blacks and mulattoes, both slave and free.”<sup>26</sup> Scholars continue to engage with enslaved people’s active resistance to the violence of slavery, individually and systemically.<sup>27</sup>

Enslaved people who tried to escape spaces of control were the subject of a study by Franklin and Schweniger. Rather than interpreting running away as individual acts of resistance, the authors argued that it was a systemic response to enslavement. Enslavers responded in kind with a system of patrols, rules and laws institutionalized to

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Christian, *Negro Ironworkers in Louisiana, 1718-1900* (Gretna [La.]: Pelican Pub. Co, 1972); Gwendolyn Midlo Hall, *Africans in Colonial Louisiana: The Development of Afro-Creole Culture in the Eighteenth Century*, 1st ed (Baton Rouge: Louisiana State University Press, 1992); Ann Patton Malone, *Sweet Chariot: Slave Family and Household Structure in Nineteenth-Century Louisiana*, The Fred W. Morrison Series in Southern Studies (Chapel Hill: University of North Carolina Press, 1992); Roderick A McDonald, *The Economy and Material Culture of Slaves: Goods and Chattels on the Sugar Plantations of Jamaica and Louisiana* (Baton Rouge: Louisiana State University Press, 1993).

<sup>25</sup> Jones, *Born a Child of Freedom, yet a Slave*.

<sup>26</sup> Walker, *No More, No More*, 42–43.

<sup>27</sup> See for example, William Dusingberre, *Them Dark Days: Slavery in the American Rice Swamps* (New York: Oxford University Press, 1996); John Franklin and Loren Schweniger, *Runaway Slaves: Rebels on the Plantation* (New York: Oxford University Press, 1999); Stephanie M. H Camp, *Closer to Freedom: Enslaved Women and Everyday Resistance in the Plantation South* (Chapel Hill: University of North Carolina Press, 2004); Walker, *No More, No More*.



control the movement of slaves.<sup>28</sup> In their study, Franklin and Schweniger mention that irons on necks and legs were part of the “almost perfunctory” response to runaways in contrast to “excessive punishments” like harsh floggings.<sup>29</sup> Franklin and Schweniger argued that large planters in general had a routine for the capture, return and “correcting” slaves who were absent for periods of time.<sup>30</sup> For example, on the Morville Plantation in Concordia Louisiana, the manager and overseer kept track of repeat runaways and responded in a “perfunctory, nonchalant manner, as if such conditions” were “an unavoidable aspect of plantation life.” Franklin and Schweniger argued that the “punishments had little effect” and slaves continued to run.<sup>31</sup> In his own study, Norrece Jones noted that slaves were subjected to wearing iron weights that made work more grueling, and specifically mentioned how captured runaway slaves could be encased in “iron collars with long prongs and steeplelike frames” that made “all movement onerous.”<sup>32</sup>

Stephanie Camp built on this scholarship with an attention to the geographical landscapes of slavery and the gendered aspects of running away, particularly long-term. Camp characterized slavery as being about more than labor or labor power, but also captivity and the struggles of the enslaved to use swamps, woods, and other spaces for temporary respite from the constant restrictions and restraints over their use of time,

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<sup>28</sup> Franklin and Schweniger, *Runaway Slaves*, xv.

<sup>29</sup> *Ibid.*, 45, 234–5.

<sup>30</sup> Franklin and Schweniger, *Runaway Slaves*; Also see Camp, *Closer to Freedom*.

<sup>31</sup> Franklin and Schweniger, *Runaway Slaves*, 234–5.

<sup>32</sup> Jones, *Born a Child of Freedom, yet a Slave*.

space, and bodies.<sup>33</sup> Camp's scholarship on violence and resistance adds to scholarship on rape and other forms of bodily violence against enslaved women, such as being whipped for taking too long to breastfeed.<sup>34</sup> Struggles over uses of the body were central to Camp's work, such as the use of belled harnesses on "truants and runaways."<sup>35</sup> Camp mentioned a case where a man was encased in a belled iron cage for three months for trying to run away, but argued that in general, "planters' full expression of violent rage" exposed women to "cruel punishment more consistently than men."<sup>36</sup> In short, rather than a paternalism focused on slaves' accommodation to slaveholders, Camp defined a paternalism that reads more like Foucault's biopower, with minute attention to black bodies' "nutrition, hygiene, bodily functions, pleasure, and family and intimate relations."<sup>37</sup>

In his study of the sugar masters of Louisiana, Richard Follet argued that enslaved people chose to "acquiesce to the new machines and the agroindustrial

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<sup>33</sup> Stephanie M. H. Camp, "The Pleasures of Resistance: Enslaved Women and Body Politics in the Plantation South, 1830-1861," *The Journal of Southern History* 68, no. 3 (August 2002): 533–572; Camp, *Closer to Freedom*.

<sup>34</sup> Camp, *Closer to Freedom*; Also see, Edward E. Baptist, "'Cuffy,' 'Fancy Maids,' and 'One-Eyed Men': Rape, Commodification, and the Domestic Slave Trade in the United States," *The American Historical Review* 106, no. 5 (December 2001): 1619; Norrece T Jones, "Rape in Black and White: Sexual Violence in the Testimony of Enslaved and Free Americans," in *Slavery and the American South Essays and Commentaries*, ed. Porter L. Fortune, Jr. and Winthrop D. Jordan (Jackson: University Press of Mississippi, 2003); Bankole, *Slavery and Medicine*; Theodore Dwight Weld and American Anti-Slavery Society, *American Slavery as It Is: Testimony of a Thousand Witnesses* (New York: American Anti-Slavery Society, 1839).

<sup>35</sup> Camp, *Closer to Freedom*, 22–3.

<sup>36</sup> *Ibid.*, 57.

<sup>37</sup> *Ibid.*, 18.

discipline of the sugarhouse.”<sup>38</sup> Instead of solely focusing on the paternalist ideology of planters, Follet incorporated insights from more recent scholarship on slavery and capitalism, and proposed that sugar masters “balanced precapitalist pretensions” with capitalist social, economic, and racial values and practices.<sup>39</sup> Using this hybrid framework, Follet characterized “whips, stocks, iron braces, and other ghastly tools in the planter’s armory of regulatory devices” as “pain-driven incentives” that were used as part of the “disciplinary structure that ranged from bonuses to gratuitous violence.”<sup>40</sup> In Follet’s analysis, violence and torture were used to force enslaved people to keep up with the demanding pace of work, similar to what Genovese articulated decades before. However, Follet relied upon the WPA narratives to detail overseer violence.

In his discussion of the “pain-based incentives” Follett included the narrative of Albert Patterson, and characterized the iron collar with four branches he was forced to wear by the slaveholder Maunsel White as a “primeval form of punishment.” Drawing on Patterson’s characterization of White as a good man, Follet argued that acts of benevolence, such as not whipping slaves, forged personal bonds in violence and actually “strengthened paternalistic ties.”<sup>41</sup> Follett argued that even though slaves were subjected to wearing iron collars, Maunsel White was still a good master. By merging

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<sup>38</sup> Richard J Follett, *The Sugar Masters: Planters and Slaves in Louisiana’s Cane World, 1820-1860* (Baton Rouge: Louisiana State University Press, 2005).

<sup>39</sup> *Ibid.*, 8; On capitalism see, for example, Robert William Fogel and Stanley L Engerman, *Time on the Cross: The Economics of American Negro Slavery* (New York: W.W. Norton, 1989); Dusi Berre, *Them Dark Days*; For analyses balancing preindustrial and capitalist values, see for example, Joyce E Chaplin, *An Anxious Pursuit: Agricultural Innovation and Modernity in the Lower South, 1730-1815* (Chapel Hill: University of North Carolina Press, 1993); Smith, *Mastered by the Clock*.

<sup>40</sup> Follett, *The Sugar Masters*, 133.

<sup>41</sup> *Ibid.*, 177–178.

“brutality” with effective compensation, slaves were encouraged to “apply the masters’ technology” within a free labor slave-based economy.”<sup>42</sup> Even though Follet mentioned “to be fair, the slaves had little choice” they supposedly were subjected to brutality for not performing “their half of the bargain.” Therefore, if incentives, negotiation, and compromise failed to “ensure plantation efficiency, planters swiftly reverted to the whip.”<sup>43</sup>

The treatment of enslaved people was also the focus of the legal scholar Judith Schafer who examined, “Cruelty to Slaves as Seen in Appeals to the Supreme Court of Louisiana.”<sup>44</sup> Schafer found that in general, the courts and justices ruled in favor of overseers who were primarily responsible for violent incidents because of the need to provide “safety” to the community. Thus shooting runaways and other uses of force were justified through codes and customs. Even in cases where justices admitted there was “revolting brutality,” overseers were acquitted.<sup>45</sup> In her studies of the treatment of enslaved people convicted of crimes, Schafer included cases that involve the use of iron

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<sup>42</sup> Ibid., 135, 141, on this point also see, Genovese, *Roll, Jordan, Roll; the World the Slaves Made*; Robert Starobin, “Disciplining Industrial Slaves in the Old South,” *The Journal of Negro History* 53, no. 2 (April 1968): 111–128; Robert S Starobin, *Industrial Slavery in the Old South* (New York: Oxford University Press, 1970); James E Newton and Ronald L Lewis, eds., *The Other Slaves: Mechanics, Artisans, and Craftsmen* (Boston: G. K. Hall, 1978); Charles B Dew, *Bond of Iron: Master and Slave at Buffalo Forge* (New York: W.W. Norton, 1995).

<sup>43</sup> Follett, *The Sugar Masters*, 160.

<sup>44</sup> Judith Kelleher Schafer, “‘Details Are of a Most Revolting Character’: Cruelty to Slaves as Seen in Appeals to the Supreme Court of Louisiana,” in *Slavery & the Law*, ed. Paul Finkelman (Rowman & Littlefield, 2002); Judith Kelleher Schafer, *Slavery, the Civil Law, and the Supreme Court of Louisiana* (Baton Rouge: Louisiana State University Press, 1994).

<sup>45</sup> Schafer, “‘Details Are of a Most Revolting Character’: Cruelty to Slaves as Seen in Appeals to the Supreme Court of Louisiana,” 252–259.

collars as a method of punishment when slaves were sentenced to hard labor in the service of their masters.<sup>46</sup> Other convicted enslaved criminals were sent to the state penitentiary.<sup>47</sup> Iron collars could also be used as evidence of slaves' character and behavior in redhibitory cases.<sup>48</sup>

### **Early Uses of Iron Collars on Unfree Laboring Bodies**

An important consideration when discussing a so-called “free labor slave-based economy” in the nineteenth century, is looking backward for a moment to how different unfree people were treated within a context of labor and punishment. Foucault’s analysis of the emergence of rational institutionalized modern forms of punishment is relevant to an examination of iron collars and other forms of “pain-based incentives.”<sup>49</sup> Foucault argued that torture, in the form of devices like iron collars, was gradually replaced in the eighteenth century by technologies and techniques of punishment and discipline as a strategy for imposing social order on populations. Obviously in the U.S., torture and violence directed against the body did not end with the emergence of the prison. Philadelphia reformers of the late eighteenth century brought attention to the

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<sup>46</sup> Judith Schafer, “‘Under the Present Mode of Trial, Improper Verdicts Are Very Often Given’: Criminal Procedure in the Trials of Slaves in Antebellum Louisiana,” in *An Uncommon Experience: Law and Judicial Institutions in Louisiana, 1803-2003*, ed. Judith K. Schafer and William M. Billings (Center for Louisiana Studies, University of Southwestern Louisiana, 1997).

<sup>47</sup> *Ibid.*; Also see, Marianne Fisher-Giorlando, “Women in the Walls: The Imprisonment of Women at the Baton Rouge Penitentiary, 1835-1862,” in *The Wall Is Strong: Corrections in Louisiana*, ed. Burk Foster, 2nd ed. (Center for Louisiana Studies, University of Southwestern Louisiana, 1991).

<sup>48</sup> Judith Kelleher Schafer, *Slavery, the Civil Law, and the Supreme Court of Louisiana*.

<sup>49</sup> Follett, *The Sugar Masters*; Michel Foucault, *Discipline and Punish: The Birth of the Prison*, 1st American ed (New York: Pantheon Books, 1977).

spectacle of convicts in iron collars and chains with bombshells affixed to them as they worked on public streets.<sup>50</sup> Within a few years, Philadelphia reformers were successful at getting the chain gangs off public streets and into prison cells.<sup>51</sup> In contrast, other cities like New Orleans maintained the use of public chain gangs as prominent features of their landscape well into the nineteenth century.

In the eighteenth century US, runaway advertisements emerged as important tools of surveillance.<sup>52</sup> However, as Morgan and Rushton argued, in contrast to Foucault's analysis of the administrative problems presented by paupers in England, runaway slaves were a challenge to a society's productive economy and techniques of social control. Though iron collars were used to visually and physically mark ownership of the labor of a wide range of people in the eighteenth century, including white servants,<sup>53</sup> the legal apparatus reinforced distinctions between slaves as individual

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<sup>50</sup> Foucault, *Discipline and Punish*, 8 Citing Roberts Vaux, Notices, 21, quoted in Teeters, 1937, 24.

<sup>51</sup> Caleb Lownes, *An Account of the Alteration and Present State of the Penal Laws of Pennsylvania* (by Young & Minns, 1799).

<sup>52</sup> Gwenda Morgan and Peter Rushton, "Visible Bodies: Power, Subordination and Identity in the Eighteenth-Century Atlantic World," *Journal of Social History* 39, no. 1 (2005): 39–64 See also; Daniel Meaders, *Advertisements for Runaway Slaves in Virginia, 1801-1820*, Studies in African American History and Culture (New York: Garland Pub, 1997); Judith Kelleher Schafer, "New Orleans Slavery in 1850 as Seen in Advertisements," *The Journal of Southern History* 47, no. 1 (February 1981): 33–56; Jonathan Prude, "To Look upon the 'Lower Sort': Runaway Ads and the Appearance of Unfree Laborers in America, 1750-1800," *The Journal of American History* 78, no. 1 (June 1991): 124–159.

<sup>53</sup> Prude, "To Look upon the 'Lower Sort'"; Farley Grubb, *Runaway Servants, Convicts, and Apprentices Advertised in the Pennsylvania Gazette, 1728-1796* (Baltimore: Genealogical Pub. Co., 1992).

property from other laborers, servants, and convicts.<sup>54</sup> Similar to the nineteenth century, controlling slaves was not only about their labor, but also about sources of capital.

In his comparative study of eighteenth century slavery in Virginia and South Carolina, Philip D. Morgan mentioned that slaveholders used metal neck collars for their slaves, much as they did for their pets. Morgan found advertisements for runaway slaves wearing chains, padlocks, iron spurs, clogs, collars, and pot hooks. Pot hooks – everyday objects used to hold kettles over fires – were also a design for iron collars with three or four protruding prongs used on slaves advertised as runaways in South Carolina.<sup>55</sup> In 1756, the “squat negro named Ceasar” ran away from a Township in East New Jersey wearing iron pot hooks around the neck with chains fastened to it that reached his feet. An ad was placed in a Philadelphia newspaper in 1761 for Quaco, who ran away in an iron collar with two hooks, and a pair of handcuffs “with a chain to them, six feet long.”<sup>56</sup>

In Nash and Soderlund’s book on gradual emancipation in Philadelphia, they mention the brick maker John Coats of Philadelphia, who used “iron collars with hackles” to prevent his enslaved workers from escaping his brickyard.<sup>57</sup> Thus colonial and early Americans found uses for collars with obstructions, probably for the same reasons that

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<sup>54</sup> Gary B Nash, *Forging Freedom: The Formation of Philadelphia’s Black Community, 1720-1840* (Cambridge, Mass: Harvard University Press, 1988); Gary B Nash and Jean R Soderlund, *Freedom by Degrees: Emancipation in Pennsylvania and Its Aftermath* (New York: Oxford University Press, 1991); Marvin L. Michael Kay and Lorin Lee Cary, *Slavery in North Carolina, 1748-1775* (Chapel Hill: University of North Carolina Press, 1995); Oscar Reiss, *Blacks in Colonial America* (Jefferson, NC: McFarland & Co, 1997).

<sup>55</sup> Morgan, *Slave Counterpoint*, 394.

<sup>56</sup> “Pretends to Be Free”: *Runaway Slave Advertisements from Colonial and Revolutionary New York and New Jersey* (New York: Garland Pub, 1994), 63, 89.

<sup>57</sup> Nash and Soderlund, *Freedom by Degrees*, 26.

nineteenth century slaveholders did: they made it difficult for unfree laborers to sleep, but also to move through forested areas. Also, iron collars with prongs and horns were similar to what animals wore.

Iron collars were used on a range of workers such as “an Indian Servant Wench named Kate” who in 1758 ran away from her “Master” in Westchester, New York, and the “Negro Wench” Charlotte whom Emanuel Levy wanted either delivered to him or the Charleston, South Carolina workhouse in 1799.<sup>58</sup> Other runaways in iron collars included an Irish convict servant Dominick Hogan, who made his escape from the Patapsco Iron works in Pennsylvania in 1745. In 1774, the Scotch servant, James Dick who had a “down look, and talks coarse” ran away from Salem County, Pennsylvania. That same year, the English servant William George, a carpenter and joiner ran from Dorsey’s forge; while in 1775, the Irish servant Thomas Kinslow ran away from working at a furnace in Frederick County, Maryland.<sup>59</sup>

The earliest reference to the design of an iron collar that I have found, related to the punishment of a slave who was accused of attempting to start an insurrection in Virginia in 1688. The enslaved man Sam was sentenced to wear an iron collar with “four spriggs (wedge-shaped nails)” for life. If he left his master’s plantation, he was to be put

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<sup>58</sup> Aaron Forman, “Run-Away, on the 20th of May Last,” *New-York Mercury*, June 12, 1758; Emanuel Levy, “Five Dollars Reward,” *City Gazette and Daily Advertiser*, December 25, 1799.

<sup>59</sup> Richard Croxall, “Run Away from the Patapsco Iron Works,” *The Pennsylvania Gazette*, July 18, 1745; Thomas Carney, “Four Dollars Reward,” *Dunlap’s Pennsylvania Packet Or, the General Advertiser*, September 26, 1774; Samuel Dorsey and Edward Norwood, “Fifteen Pounds Reward,” *Dunlap’s Pennsylvania Packet Or, the General Advertiser*, November 7, 1774; Daniel and Samuel Hughes and Co, “Four Pounds Reward,” *Dunlap’s Pennsylvania Packet Or, the General Advertiser*, September 18, 1775.



to death.<sup>60</sup> Other advertisements that mention the designs of collars include an ad seeking the return of the “Mulatto Slave” Joe of Pennsylvania, who ran away in 1789 wearing an iron collar with no prongs. The English convict servant Richard Dawson and Solomon, a “Negro,” ran away together in 1775. Both men were wearing iron collars “doubled rivetted” though Solomon’s also had a chain attached to it.<sup>61</sup> The “Negro Man Servant named *Cyrus*” ran away in 1761 from Stamford in the Colony of Connecticut, wearing an iron collar riveted around his neck, “with a chain fastened to it.”<sup>62</sup> Two servant men ran away from the Northampton furnace in Baltimore County in 1776: the English convict servant William Orton, wearing an iron collar with horns, and Robert Brown, an Englishman who was “by trade a collar and harness maker.”<sup>63</sup> Virginia runaways in 1775 included three men who escaped the Marlborough iron works, two were English convicts and the third was a “country born negro” Will, who was the only one of the three collared, in this case, an iron collar with the “horns cut off, being a notorious runaway.”<sup>64</sup> The Mulatto man John Saunders also managed to escape with an iron collar about his neck in 1757, which William Pickett assumed “some evil-disposed

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<sup>60</sup> Reiss, *Blacks in Colonial America*, 102; “Punishment for Sam. York County Deeds, Orders, and Wills (8) 99-100, 24 January 1687/8,” *Virtual Jamestown. The Practise of Slavery. Selected Virginia Records Relating to Slavery*, April 26, 1688, accessed December 13, 2013, <http://www.virtualjamestown.org/practise.html>.

<sup>61</sup> Henry Howard, “Joe, a Mulatto Slave,” *Freeman’s Journal*, February 11, 1789; Thomas Cockey, “Thirty Pounds Reward,” *Dunlap’s Pennsylvania Gazette*, May 22, 1775.

<sup>62</sup> John Lloyd, “Run-Away on the 5th Instant,” *Boston Evening Post*, October 19, 1761.

<sup>63</sup> Henry Howard, “TWENTY POUNDS Reward,” *Pennsylvania Evening Post*, October 15, 1776.

<sup>64</sup> Isaac Zane, “SIXTEEN DOLLARS REWARD.,” *Virginia Gazette*, November 23, 1775.

Person has taken off.”<sup>65</sup> In 1768, the convict servant Edmund Cooper, who was described as having a “polite tongue” and “well instructed in learning and law” ran away wearing “a steel collar.”<sup>66</sup> As these ads demonstrate, there was some variation in the design of the collars, but perhaps more importantly, there were a range of people wearing them.

While it is quite likely that padlocks were used on many of the iron collars that unfree laborers wore in the eighteenth century, they weren’t mentioned much in advertisements. However, in 1786, the “Negro Boy, named Harry,” who was “about 14 years of age” ran away wearing “an iron collar on his neck with a brass padlock to it, and a red striped silk handkerchief tied over it.”<sup>67</sup> Other runaways wearing padlocked collars included, in 1742, the “bright bay Mare, about thirteen Hands high, without either Brand or Ear mark; had on a Bell and an Iron Collar, both mark’d thus, R. ALLEN, the Collar was lock’d with a small Pad-lock.”<sup>68</sup> Also missing in 1783 was a “Red Milch Cow, with an iron collar and bell” whose padlocked iron neck collar had the name of the owner, “Edward Pole engraved on it.”<sup>69</sup>

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<sup>65</sup> William Pickett, “Run Away from the Subscriber,” *Virginia Gazette*, September 2, 1757, *The Geography of Slavery*, accessed December 13, 2013, <http://www2.vcdh.virginia.edu/gos/index.html>.

<sup>66</sup> James Laird, “Three Pounds Reward,” *Virginia Gazette*, April 14, 1768, *The Geography of Slavery*, accessed December 13, 2013, <http://www2.vcdh.virginia.edu/gos/index.html>.

<sup>67</sup> William Cammeyer, “Runaway from the Subscriber,” *Daily Advertiser*, January 18, 1786, vol. II, issue 278 edition.

<sup>68</sup> Richard Allen, “Stray’d or Stolen,” *The Pennsylvania Gazette*, October 21, 1742.

<sup>69</sup> Edward Pole, “TWO DOLLARS REWARD,” *The Pennsylvania Packet or The General Advertiser*, June 28, 1783.

Engraved iron collars were also found on humans. In Boston, the “Negro Man named Cajo” ran away in 1736 with an iron collar around his neck with the Benjamin Astills name “engraven upon it in Capital Letters.”<sup>70</sup> Unclaimed runaway slaves jailed in North Carolina, Tennessee, and Virginia were hired out wearing iron collars with the initials P.G. for Public Gaol stamped on them.<sup>71</sup> One African-born man named Quamino escaped in 1774 in North Carolina wearing an iron collar marked with P.G., two prongs, and “an iron on each leg.”<sup>72</sup> In 1776, a fifteen-year old “negro boy named James, formerly the property of George Thomas of Hampton, but lately purchased by Mr. John Mayo” ran away wearing “an iron collar with G. Thomas inscribed on it” after being convicted of a felony and sentenced to death in Virginia.<sup>73</sup> In New York, the “negro boy named Jack, aged about 16 years” ran away wearing an iron collar “marked J.L.” the initials of Jeromus Lott who was seeking his return in 1784.<sup>74</sup>

Iron collars were used to identify and punish runaway servants, slaves, and convicts in the eighteenth century visual landscape of deviant laboring bodies. Gradually, private owners no longer seemed to use collars with the names of owners/enslavers on

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<sup>70</sup> Benjamin Astills, “Ran Away,” *Boston Evening Post*, September 27, 1736.

<sup>71</sup> Kay and Cary, *Slavery in North Carolina, 1748-1775*, 64; Chase Mooney, *Slavery in Tennessee*, (Westport Conn.: Negro Universities Press, 1971), 204; Virginia and William Waller Hening, *The Statutes at Large: Being a Collection of All the Laws of Virginia, from the First Session of the Legislature, in the Year 1619. Published pursuant to an Act of the General Assembly of Virginia, Passed on the Fifth Day of February One Thousand Eight Hundred and Eight*, vol. 4 (Printed for the editor, by R. & W. & G. Bartow., 1823).

<sup>72</sup> Kay and Cary, *Slavery in North Carolina, 1748-1775*, 130.

<sup>73</sup> Peter Pelham, “Williamsburg, August 21, 1776,” *Virginia Gazette*, August 23, 1776, The Geography of Slavery, accessed December 13, 2013, <http://www2.vcdh.virginia.edu/gos/index.html>.

<sup>74</sup> Jeromus Lott, “Ran-Away from the Subscriber,” *The New York Packet and the American Advertiser*, May 24, 1784.

them. This is emphasized by a rare advertisement placed in an Alabama newspaper in 1838: “Ranaway, a negro boy of twelve years old -- had round his neck a chain dog-collar with ‘De Yampert engraved on it.’”<sup>75</sup> Looking at iron collars, from pot hooks to prongs, seventeenth to the late eighteenth century, it seems that they were rationalized in design, but particularly in their use, as with the decline in enslaved populations in the North and their growth in the South, they were adapted to the overall social and economic needs of the society. While iron collars are “familiar” objects from centuries of punishment in Europe like the gallows, stocks, cages, bits, thumbscrews, brands and whips, or the branks and scold’s bridles used to punish and torture women, these objects are more than “weapons of ‘correction’” on plantations representing the “emasculatation” of slaves.<sup>76</sup>

### **Enslavement through the Lens of Technology**

In her pioneering study of mid-eighteenth century jails and workhouses as mechanisms primarily aimed at maintaining the “racial order” in Georgia, Betty Wood argued that slaves who were captured by urban watches or slave patrols spent brief amounts of time in these spaces used euphemistically for correction—meaning whipping—and safe-keeping, rather than the social and economic functions usually

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<sup>75</sup> Weld and American Anti-Slavery Society, *American Slavery as It Is: Testimony of a Thousand Witnesses*, 73.

<sup>76</sup> Marcus Wood, *Blind Memory: Visual Representations of Slavery in England and America, 1780-1865* (New York: Routledge, 2000); Blackburn, *The Making of New World Slavery*.

associated with these institutions designed for white inmates.<sup>77</sup> Thomas Ingersoll argued that the “control of slaves mainly involved the everyday humiliation of less-than-severe public whipping, use of the pillory and various restraints, and denial of privileges by masters, overseers, drivers, and judges.”<sup>78</sup> Thus from his perspective, the New Orleans chain gang was the “lowest level of humiliation.” Ingersoll’s interpretation of the use of irons, like eighteen-pound rings on the feet of a man or an iron collar used on an enslaved woman who was considered a flight risk, was that weights were a “popular technique” because they were a “slow torture” supposedly less likely to “drive a slave to run away again.”<sup>79</sup> In contrast, “more severe” was the whipping of slaves on plantations and in the New Orleans jail.<sup>80</sup>

While I do not believe that whipping was a more severe form of torture on some scale of brutality, a theme going decades back to Taylor and Genovese, I do think that the use of irons was a “popular technique.”<sup>81</sup> Torture, jailing, irons, and the chain gang did not operate in isolation, they were systemic. Iron collars were technological objects that were interwoven into the social, political, and technological changes that occurred in nineteenth-century America. Inspired by the work of Marx and Nye, this dissertation is a “counter-narrative” to histories of linear social and technological progress that do not

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<sup>77</sup> Betty Wood, “Prisons, Workhouses, and the Control of Slave Labour in Low Country Georgia, 1763-1815,” *Slavery & Abolition* 8 (1987): 248; Also see, Jones, *Born a Child of Freedom, yet a Slave*; DusiBerre, *Them Dark Days*. For a discussion of penitentiaries see Chapter Two of this dissertation..

<sup>78</sup> Thomas N Ingersoll, *Mammon and Manon in Early New Orleans: The First Slave Society in the Deep South, 1718-1819*, 1st ed (Knoxville: University of Tennessee Press, 1999), 188.

<sup>79</sup> *Ibid.*, 301, 307.

<sup>80</sup> *Ibid.*, 307.

<sup>81</sup> Ingersoll, *Mammon and Manon in Early New Orleans*.

critically examine the “improvements” represented by steamboats, increased water communication and agricultural productivity, and the hidden labor of industrialization.<sup>82</sup> Building on the work of Chaplin, Lakwete, and Mark M. Smith, my work complicates histories of knowledge, technological innovations, and claims to modernization in general, as emerging solely from within the northern U.S.<sup>83</sup> This dissertation also complements the work of Aaron Marrs who demonstrated that the ideology of slavery informed how southerners conceptualized technology, modernity, and progress.<sup>84</sup> By focusing on iron collars, medieval tools of torture that were rationalized as instruments of forced labor within a modernizing South, this dissertation raises questions about the uses of slave labor and violence intertwined with, and part of, technological advancement.

Scholarship on technological systems has influenced my thinking about the uses of iron collars, jails, chain gangs, penitentiaries, public works and expert discursive and technical practices that formed component parts of a sociotechnical system.<sup>85</sup> Drawing

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<sup>82</sup> Leo Marx, *The Machine in the Garden; Technology and the Pastoral Ideal in America* (New York: Oxford University Press, 1964); David E Nye, *America as Second Creation: Technology and Narratives of New Beginnings* (Cambridge: MIT Press, 2003); Also see Walter Johnson, *River of Dark Dreams: Slavery and Empire in the Cotton Kingdom* (Cambridge, Mass.: Harvard University Press, 2013); Thomas C Buchanan, *Black Life on the Mississippi: Slaves, Free Blacks, and the Western Steamboat World* (Chapel Hill: University of North Carolina Press, 2004).

<sup>83</sup> Angela Lakwete, *Inventing the Cotton Gin: Machine and Myth in Antebellum America*, Johns Hopkins Studies in the History of Technology (Baltimore: Johns Hopkins University Press, 2003); Smith, *Mastered by the Clock*; Chaplin, *An Anxious Pursuit*.

<sup>84</sup> Aaron Marrs, *Railroads in the Old South: Pursuing Progress in a Slave Society* (Baltimore: Johns Hopkins University Press, 2009).

<sup>85</sup> Wiebe E. Bijker, T. J. Pinch, and Thomas Parke Hughes, eds., *The Social Construction of Technological Systems: New Directions in the Sociology and History of Technology* (Cambridge, Mass: MIT Press, 1987); Donald A MacKenzie and Judy

on this scholarship, particularly Hughes, helps me to articulate how sociotechnical systems included physical artifacts like iron collars but also legislative artifacts like laws that regulated the behavior and sales of enslaved people-property. Thus while technological systems are “socially constructed and society shaping” they are not solely composed of material things.<sup>86</sup> The concept of sociotechnical systems also helps me to articulate a system composed of overseers, engineers, surveyors, legislators, penitentiary lessees, and jailors whose knowledge and labor contributed to the common goal of the control and containment of enslaved people in the service of producing and distributing commodities in the service of the nation.

David Edgerton’s work has influenced my thinking about a “use-centered” approach to technologies. Doing this underscores how “tidy timelines of progress” are disrupted, but also how the “most significant technologies change.”<sup>87</sup> As David Arnold argued, “old technologies do not simply wither away with the coming of the new.”<sup>88</sup> Instead, there is an attention to how people work with old and new things. Also, a use-

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Wajcman, eds., *The Social Shaping of Technology*, 2nd ed (Buckingham [England]: Open University Press, 1999); Wiebe E Bijker and John Law, eds., *Shaping Technology/Building Society: Studies in Sociotechnical Change*, 1st MIT Press pbk. ed, Inside Technology (Cambridge, Mass: MIT Press, 1994); Judy Wajcman, *TechnoFeminism*, 1st ed. (Cambridge Mass.: Polity, 2004); Leo Marx, “Technology: The Emergence of a Hazardous Concept,” *Technology and Culture* 51, no. 3 (2010): 561–577.

<sup>86</sup> Thomas Parke Hughes, “The Evolution of Large Technological Systems,” in *The Social Construction of Technological Systems: New Directions in the Sociology and History of Technology*, ed. Wiebe E. Bijker, T. J. Pinch, and Thomas Parke Hughes (Cambridge, Mass: MIT Press, 1987), 51–82.

<sup>87</sup> David Edgerton, *The Shock of the Old: Technology and Global History Since 1900* (Oxford: Oxford University Press, 2007), xii.

<sup>88</sup> David Arnold, *Everyday Technology: Machines and the Making of India’s Modernity*, 2013.

centered approach shifts the focus of technological histories from innovation and invention, thus decentering western masculinist narratives.<sup>89</sup> Drawing on this work, I find the term “everyday technologies” useful.<sup>90</sup> Though old technologies like iron collars were initially imported to the Americas from Europe, their uses and meanings did not remain stable over time precisely because of their everyday uses within slave societies. Thus, while masks and iron collars were historically used in Europe to torture women, religious dissidents and others, within colonial and nineteenth-century U.S., they accumulated meanings and uses beyond torture. Also, by studying iron collars in relationship to “big technologies” like state supported public works, I am able to describe how state and individual investments in a range of technologies was interwoven into the lives of enslaved people. By studying enslaved people whose lives were connected to both the “big technologies” and the small, I hope to raise questions not only about how we think about technologies in use, but also how their use informed the society in which enslaved people were forced to live.<sup>91</sup>

Though iron collars appear in scholarship as examples of cruelty, torture, or punishment, they have not been treated as technological objects within the context of other technical or general labor practices of enslavement. In *River of Dark Dreams: Slavery and Empire in the Cotton Kingdom*, Walter Johnson argued that, “slaves often remembered the work they did as a form of extended, repetitive torture.”<sup>92</sup> Johnson

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<sup>89</sup> Edgerton, *The Shock of the Old*.

<sup>90</sup> Arnold, *Everyday Technology*.

<sup>91</sup> Edgerton, *The Shock of the Old*, 211.

<sup>92</sup> Walter Johnson, *River of Dark Dreams: Slavery and Empire in the Cotton Kingdom* (Cambridge Mass.: Harvard University Press, 2013), 173.



extended this analysis to the use of the bullwhip and the way that it seemed to stand apart from the work process, as if there was an “analytic separation between work and torture” which is challenged by the way that slaves were beaten with the very tools used in their labor.<sup>93</sup>

I shift the perspective to the uses of iron collars riveted or padlocked to the bodies of enslaved people, with or without prongs, horns, branches, and bells that made it possible to simultaneously torture and keep slaves productive. Labor in fields, building levees, digging ditches, in swamps, on plantations, or city streets would have been torturous alone, but the deliberate, extended use of iron collars, certainly did not separate work from torture, nor did it make it necessary to use additional tools to beat slaves. By thinking about the use of iron collars as technologies within a rationalized system of labor and punishment, the distinctions between individual cruelty and societal brutality collapse.

Iron collars were “small objects” that virtually any enslaver could acquire due to their, “accessibility, affordability, and mobility” since they were produced by neighborhood blacksmiths.<sup>94</sup> By situating iron collars, jails, chain gangs, penitentiaries, and the state public works within the same frame of analysis as the use of “technologies that underlay ... capital accumulation” such as steamboats, their connection to the

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<sup>93</sup> Ibid., 174.

<sup>94</sup> Arnold, *Everyday Technology*, 174.

millions of dollars of bales of cotton and sugar, but also chained enslaved people on their way to the slave markets of New Orleans becomes clear.<sup>95</sup>

By examining American slavery “in the steam age” as modern both for the “miles of railway or telegraphic cable which served it” and the use of iron collars, chain gangs, penitentiaries and forced labor on public works, I consider how enslavers uses of rationalized forms of punishment provided the infrastructure for the use of steamboats, railroads, cotton gins, and textile machines.<sup>96</sup> On this point, an obvious influence on my work is Michel Foucault’s theorizing of punishment and the emergence of rational “coercive technologies of behavior.”<sup>97</sup> However, I necessarily problematize the concept of disciplinary technologies and methods of incarceration within the context of racial slavery, since it obviously implies the use of violent physical force to control labor.

Reading across the fields of slavery and technology, one can see how discourses of progress and humanity were intertwined with language suggesting that practices that historically have been considered a form of torture, can reemerge within a different social, political, and historical context as discipline.<sup>98</sup> These intersecting discourses and practices illuminate the significance of socio-historical context, and the people technologies were used upon.

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<sup>95</sup> Buchanan, *Black Life on the Mississippi*, 121; See also, Robert H. Gudmestad, *Steamboats and the Rise of the Cotton Kingdom* (Baton Rouge: Louisiana State University Press, 2011); Walter Johnson, *Soul by Soul: Life Inside the Antebellum Slave Market* (Cambridge, Mass: Harvard University Press, 1999).

<sup>96</sup> Blackburn, *The American Crucible*, 295.

<sup>97</sup> Foucault, *Discipline and Punish*.

<sup>98</sup> See for example, Bankole, *Slavery and Medicine*.

When one reads enslavers' literature on the proper management techniques required to control slaves – literally the “humane” forms of behavior management – one understands the power of physical and discursive control over bodies and minds.<sup>99</sup> Foucault's analysis of the body is helpful for thinking about “slave management” as behavior management.<sup>100</sup> While Foucault argued that the body is only useful if it is both productive and subjected, whether the subjection is obtained “by instruments of violence or ideology; it can also be direct, physical pitting force, against force, bearing on material elements, and yet without involving violence....it may be subtle, make use neither of weapons nor of terror and yet remain of a physical order.” But what is produced is a knowledge and mastery of the body.<sup>101</sup>

I propose that the use of iron collars was produced within a political field of the body that encompassed all of these factors. Rather than a clear distinction between calculated, thoughtful, organized punishment, or direct force on the body, precisely because there was a systemic nature to the sociotechnological control of slaves, a system of “negro management” was focused on shaping the body, mind, and morals

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<sup>99</sup> On management strategies, including those that emphasized slave character, such as being “thriftless” see, see for example James O Breeden, ed., *Advice Among Masters: The Ideal in Slave Management in the Old South* (Westport, Conn: Greenwood Press, 1980); Also on importance of medicine to slave management see, Ariela Julie Gross, *Double Character: Slavery and Mastery in the Antebellum Southern Courtroom* (Princeton: Princeton University Press, 2000); Sharla M Fett, *Working Cures: Healing, Health, and Power on Southern Slave Plantations*, Gender & American Culture (Chapel Hill: University of North Carolina Press, 2002); On the production of docile bodies see for example, Foucault, *Discipline and Punish*.

<sup>100</sup> Foucault, *Discipline and Punish*, 25–6.

<sup>101</sup> *Ibid.*, 26.

while simultaneously maintaining subjective, submissive productivity.<sup>102</sup> Foucault discussed the prison as a “machine for altering minds.”<sup>103</sup> Looking at technological objects like iron collars, their design and use were organized to alter behavior through physical and emotional suffering. Thinking about iron collars serves as a way to consider how ideology and practice were entangled in the bodies of slaves, but also how other objects literally shaped and controlled their bodies. It seems that ideologies and practices of enslavement went into the making of the objects themselves. In other words, the way that iron collars, wire muzzles, gags, and similar objects were made and used was evidence of the technological culture of the slaveholding and slave-using South, and by extension the nation.

In this dissertation, documenting the development of New Orleans and Louisiana from 1805-1861, I argue that iron collars emerged in the nineteenth century as technologies of torture, control, coercion, commodity production, and distribution. I argue that the use of iron collars by enslavers, in conjunction with chains, jails, the state penitentiary, and forced labor on municipal and state public works shows how technologies shaped enslaved peoples lives as they were captured, contained, and forced to be productive units of labor. By combining insights from scholarship in the fields of US slavery and technology, I treat iron collars as technological objects of torture that were rationalized as part of social and technical labor practices, particularly in the nineteenth-century. Through enslavers’ innovative uses, these technologies made the process of extracting labor from enslaved people more efficient and productive. Thus,

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<sup>102</sup> Fett, *Working Cures*; Gross, *Double Character*.

<sup>103</sup> Foucault, *Discipline and Punish*, 125.

rather than treating enslavers uses of iron collars on enslaved people as outside modern technical developments, I show how the old and the new – iron collars, jails, chain gangs, forced public works labor, and penitentiaries were used to “improve” enslaved people to make them productive and profitable.

In Chapter One, I examine the material experience of slaves wearing iron collars, including those with obstructions such as prongs, spikes, branches and bells. The slave user preference for both physical and discursive control had a real material impact on slaves’ everyday lives. Iron collars shaped and modified the movement of the enslaved through their visible marking of slaves deemed uncontrollable, but particularly through their sheer weight and size. Iron collars altered the comportment of the enslaved as objects of mobile confinement that reconfigured slaves’ bodies and thus the practices of slavery. My work brings attention to the materiality of iron collars as technological objects of control that helped shape the violence and suffering enslaved people endured everyday as they were forced to remain productive units of labor. Whether iron collars were used in fields or city streets, plantation or city jails; to control potential runaway slaves, or as part of criminal sentences meted out by special tribunals of slaveholders; their use merged public and private interests in punishing labor for profit.

In Chapter Two, I examine the practices of incarceration in relationship to Louisiana legislators’ rhetoric about constructing a seamless economic circuit exploiting slave labor from plantation to prison factory in order to clothe an independent South. A firm of commission merchants leased the labor of incarcerated white and black women, slaves, men of color, and white men. I argue that the emergence of the prison textile

factory, one of the largest in the South played a crucial role within the Baton Rouge community. While the lessees' and State benefitted economically from the circulation of raw and finished commodities, I show how a broad network of local and national planters and businessmen, as well as midwives, day laborers, iron founders and others within the slave-holding community, exchanged goods and services through the penitentiary.

In Chapter Three, I examine how the spaces and practices of incarceration and hard labor intersected with the internal improvements of Louisiana. Enslaved people who were either privately or publicly owned were used for municipal and state infrastructure. State and city owned slaves, captured and jailed runaway slaves, and convicts (slave and men of color) from the state penitentiary labored on New Orleans chain gangs and the state public works building roads and levees and clearing rivers and bayous for commerce. Through these social and technical practices, enslaved people's lives embodied hard labor, blurring lines between enslavement and incarceration, as they were loaned, rented, borrowed, and bought, captured, and recaptured through spaces of punishment and labor. Together, these practices merged public and private enterprise, as enslaved people built and maintained the infrastructure necessary for the production and distribution of commodities.

In the conclusion, I discuss how enslavers used technologies and technical practices in innovative ways to increase slave productivity. Taken together, iron collars, chain gangs, penitentiaries and public works labor were technological practices that were socially and economically shaped and produced through networks of people,

objects, knowledge and ideology, that formed a socio-technical system for the control and containment of enslaved people as they struggled to be free.

## CHAPTER 1

### THE MATERIALITY OF SLAVERY

#### **Curing Bad Habits**

Controlling uncooperative enslaved people was a full-time occupation of enslavers in the South. As Judith Schafer argued: “Maintaining slave discipline by not allowing an ungovernable slave to go unpunished” was the overwhelming attitude toward runaway slaves and others law or rule-breakers.<sup>104</sup> Slave insubordination was obviously a problem for an entire economy based upon slave labor, so it should come as no surprise that many different institutions participated in the maintenance of their discipline and productivity. A range of Southerners including doctors, planters, overseers and others believed that if people were afflicted by behaviors that made them less productive they needed to be disciplined in the interest of the broader economy.

In order to govern enslaved people, there was a need to directly and forcibly ensure compliance, and it was at the site of slave’s bodies where the discourses and practices of medicine, “negro management,” and the law intersected.<sup>105</sup> Part of what emerged across these institutions of slave management was an intense focus on the material aspects of the body such as food, medical care, shelter, and other basic necessities in order to keep enslaved people working at the highest level of productivity.

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<sup>104</sup> Schafer, “‘Details Are of a Most Revolting Character’: Cruelty to Slaves as Seen in Appeals to the Supreme Court of Louisiana,” 252.

<sup>105</sup> See for example Breeden, *Advice Among Masters*; Fett, *Working Cures*; Gross, *Double Character*; Bankole, *Slavery and Medicine*; Judith Kelleher Schafer, *Slavery, the Civil Law, and the Supreme Court of Louisiana*.



While a detailed discussion of medical practices on plantations is beyond the scope of this dissertation and can be found elsewhere,<sup>106</sup> there were important intersections between some of the disciplinary treatments applied by overseers, slaveholders, and medical practitioners to slave bodies in order to “correct” or “cure” behaviors that were considered damaging to slave property. More importantly, this desire for cures was forcefully argued in terms not only of the individual wellbeing of the enslaved person, the planter or the plantation, but also of the economy as a whole.

In this chapter, I treat iron collars as technologies by bringing attention to their design and use within a society built by people, objects, artifacts, and machines. Through their continued use on enslaved people at a time when new forms of punishment and incarceration emerged in the U.S., iron collars may be thought of as technologies that conjoined slaves bodies to discourses and practices of pain and torture and rational disciplinary measures, urban to rural labor and punishment, and as a set of practices that collapsed distinctions between public and private brutality/discipline.

By exploring how iron collars functioned to materially impinge and shape the lives of the enslaved, I consider what it meant to experience a form of confinement through one’s body and other objects. Thus I hope to illuminate how slaves and iron collars were “enacted in practice.”<sup>107</sup> I want to understand not only the *doing* of “collaring” a slave, but also what the *doing* of wearing an iron collar tells us about the practices of slavery.

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<sup>106</sup> Fett, *Working Cures*.

<sup>107</sup> Annemarie Mol, *The Body Multiple: Ontology in Medical Practice* (Duke University Press, 2002), 152.

To do this, I explore how an object and its practices were enmeshed with enslaved bodies and what that meant for the practice of enslavement.

Before specifically focusing on the experience of slaves in Louisiana, I begin by drawing upon a broader set of materials. Several published ex-slave narratives describe the material experiences of wearing slave collars used to prevent enslaved people from running away. In his tale of slave life in Georgia, the ex-slave John Brown described being put in a collar, harness, and bells by his master Thomas Stevens:

[he]... fixed bells and horns on my head. This is not by any means an uncommon punishment. I have seen many slaves wearing them. A circle of iron, having a hinge behind, with a staple and padlock before, which hangs under the chin, is fastened round the neck. Another circle of iron fits quite close round the crown of the head. The two are held together in this position by three rods of iron, which are fixed in each circle. These rods, or horns, stick out three feet above the head, and have a bell attached to each. The bells and horns do not weigh less than from twelve to fourteen pounds. When Stevens had fixed this ornament on my head, he turned me loose, and told me I might run off now if I liked.<sup>108</sup>

I wore the bells and horns, day and night, for three months, and I do not think any description I could give of my sufferings during this time would convey any thing approaching to a faint idea of them. Let alone that their weight made my head and neck ache dreadfully, especially when I stooped to my work, at night I could not lie down to rest, because the horns prevented my stretching myself, or even curling myself up; so I was obliged to sleep crouching. Of course it was impossible for me to attempt to remove them, or to get away, though I still held to my resolution to make another venture as soon as I could see my way of doing it. Indeed, during those three long months, I thought more of ... getting off to England, than I had ever done all the time before, with such a firm purpose...for though my case seemed desperate, I clung to hope, with a tenacity which now

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<sup>108</sup> John Brown, "Slave Life in Georgia: A Narrative of the Life, Sufferings, and Escape of John Brown, a Fugitive Slave, Now in England," *Documenting the American South*, 1855, 88, accessed December 13, 2013, <http://docsouth.unc.edu/neh/jbrown/jbrown.html>.

surprises me. It was a blessed consolation, and only for it I must have died.<sup>109</sup>

I cite Brown at length because of his descriptions of the iron collar, harness, and bells, and how he suffered mentally and physically from wearing them for three months.

(Figure 2.)



Figure 2. Slave Harness. Historical Society of Pennsylvania Collection. Philadelphia History Museum. Photo taken by the author. 2013.

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<sup>109</sup> Ibid., 89.

Stevens, like other slaveholders who used similar objects to control slaves, was confident enough in the success of this technology that he told Brown he could “run off” if he liked since this was a clear visual, aural and physical device of mobile confinement, simultaneously achieving a state of immobile mobility. While this device worked well for fieldwork, when Brown needed to crawl into a corncrib, the belled harness prevented him from doing so. Stevens thus removed it to maintain Brown’s flexible labor productivity. Brown took advantage of having it removed, and it was shortly thereafter that he successfully ran away and eventually made it to England.<sup>110</sup>

The ex-slave Madison Jefferson testified that after he ran away from a slaveholder for the second time he was put in a dungeon nightly and worked during the day. Jefferson ran away again, but was betrayed by “a mulatto couple.”<sup>111</sup> After he was returned to the plantation, Jefferson was subjected to 150 lashes, placed in the dungeon for two days, forced to walk “up and down before the house in chains with a bell upon his head” and iron that reached around the waist, with bands that connected at the collar from which two other pieces of iron terminated in a crossbar in the center of which was a bell.<sup>112</sup> Jefferson had to wear “this degrading instrument” for several days, and was then sent to the field to work, “being locked up and chained nightly for five or six months, by which time he was supposed to be cured of running away.”<sup>113</sup> The

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<sup>110</sup> Ibid., 90.

<sup>111</sup> *Slave Testimony: Two Centuries of Letters, Speeches, Interviews, and Autobiographies* (Baton Rouge: Louisiana State University Press, 1977), 217–222.

<sup>112</sup> Ibid., 222–3.

<sup>113</sup> Ibid., 223.

disciplinary cure did not work, since Jefferson later made it to Canada after running away again.

The former slave Henry Bibb also reported that after running away for the second time, he was taken “several miles to a shop and had a heavy iron collar riveted on my neck with prongs extending above my head” with a bell at the top that he could not reach.<sup>114</sup> Bibb had to wear the collar for six weeks and was kept separate from his family. He had to sleep with his feet in the stocks or was chained to a log chain at night. Though he “suffered almost death while kept in this confinement” he was still forced to labor “all day in the cotton field.”<sup>115</sup> Bibb, too, however, eventually made it to Canada.

Though not as commonly associated in the secondary literature with slavery as whipping, these “cruel badges of the runaway” or “runaway’s irons” figured a great deal in descriptions of the “disciplinary” techniques used as part of plantation management.<sup>116</sup> One of the key features of iron collars was that they mobilized labor while simultaneously forcing people to suffer through different spaces of confinement on plantations.

While these men suffered and were motivated to run away yet again, demonstrating the limits to this form of behavior modification through prolonged physical and psychological intervention, the imposition of this form of technology had a very

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<sup>114</sup> Henry Bibb, “Henry Bibb, 1815-1854. Narrative of the Life and Adventures of Henry Bibb, an American Slave, Written by Himself. Published by the Author; 5 Spruce Street. New York. 1849,” *Documenting the American South*, 134, accessed June 15, 2012, <http://docsouth.unc.edu/neh/bibb/bibb.html>.

<sup>115</sup> *Ibid.*

<sup>116</sup> Kate E. R Pickard, *The Kidnapped and the Ransomed; the Narrative of Peter and Vina Still After Forty Years of Slavery*, 1st ed. (Philadelphia: Jewish Publication Society of America, 1970), 308, 195.

different outcome for others. In the stories of Peter and Vera Still, several enslaved people who attempted to escape slavery were punished with iron collars and labor. One boy was put in an iron collar with rods that went out to his shoulders, bent up and above his head, and was hung with bells. The boy spent mornings “locked to the plough by a chain which was fastened to the band around his body, and thus he was obliged to plough.”<sup>117</sup> At night he was locked in a cabin alone, demonstrating how iron collars were articulated with bodies, chains, plows and structures to control slaves.

In another story, the woman Mary, who was a “special favorite with her master, as all the pretty women were,” meaning she likely was forced to have sex against her will, fled to the woods after being “abused” by the mistress. After Mary was captured, the mistress ordered that she be given a “correction,” a euphemism for daily whippings. She was then put into irons, including a collar and a band of iron on her ankle. Though she had previously been used as a house slave, Mary was forced to work in the field as punishment, and after months of this treatment was “raggetty and dirty too, as if she hadn’t no spirit left to wash and mend her clothes.”<sup>118</sup> Though the whippings eventually stopped, Mary was kept in the fields and did not attempt to run away again.

Stories like Mary’s suggest that there is more to what Dunaway called “the symbolic display of degradation” to motivate “better behavior” and “acquiescence to the owner’s power.”<sup>119</sup> While Mary sounds as if she was broken in mind and spirit, the level of violence in her story, particularly in relationship to Jefferson’s, suggests that collars

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<sup>117</sup> Ibid., 308.

<sup>118</sup> Ibid., 309–310.

<sup>119</sup> Wilma Dunaway, *Slavery in the American Mountain South* (Cambridge, U.K.; New York: Cambridge University Press, 2003), 165.

combined with labor and whippings went far beyond degradation. Perhaps more appropriate is pointing to Dunaway's own example of a woman who labored in a household and "who kept leaving to visit her absent children." In order to try and curtail this behavior, an enslaver put this enslaved woman in an iron collar "with horns or prongs extending out on either side" meeting at the top where a bell was "attached."<sup>120</sup> In another case, an enslaved man who regularly visited his "previous spouse" on another plantation was forced by a slaveholder to wear "long old horns" which marked him as "an adulterer in the eyes of his neighbors."<sup>121</sup>

Anna Lee remembered a man who "had to wear a bell for ever so long." As she said, "that slave he had to wear a bell because he got to slipping off at night to see his woman." A frame was fixed over his head and shoulders. The bell was too high for him to reach, "but that didn't stop him from going to see his woman. He would get some of the negroes to stuff that bell full of rags and leaves or something to keep it from clapping, then he would leave...they would stay out all night and then they would not be no account the next day." The individual slaveholders tried to put an end the relationship since both the man and woman were "good hands." In the end, however, the man was sold elsewhere in order to maintain the productivity of the individual slaves, and the plantations.<sup>122</sup> These stories suggest that iron collars had a range that was not only

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<sup>120</sup> Ibid.; On female slaves absenting themselves for days at a time to visit family and take breaks from arduous labor, see, Camp, *Closer to Freedom*.

<sup>121</sup> Dunaway, *Slavery in the American Mountain South*, 165.

<sup>122</sup> Anna Lee, interviewed Madisonville, Texas, 16 September 1937, American Slave, supp. ser. 2, vol 6, 2272-90. Ira Berlin, Marc Favreau, and Steven F. Miller, *Remembering Slavery: African Americans Talk about Their Personal Experiences of Slavery and Emancipation* (New Press, 2007), 146.

related to design elements such as horns and bells, but also to the range of uses. Enslavers could use them to assert physical and mental control over individuals and control family relationships. And similar to other failed strategies, slaves were sold if they could not be productively controlled.

Obstructions of various descriptions are quite prevalent throughout the narratives, and the horns seemed to serve several functions. Harry McMillan of South Carolina mentioned how collars could have “two horns, like cow’s horns, so that you could not lie down on your back or belly. This also kept you from running away for the horns would catch in the bushes.”<sup>123</sup> Robert Smalls also interviewed in South Carolina described seeing a man wearing “an iron collar with two prongs sticking out at the sides like cow’s horns.”<sup>124</sup> The symbolism of using horns shaped like a cows is certainly a visually powerful way of associating slaves with other beasts of burden. However, as McMillan mentioned, they also served the practical purpose of catching in the bushes and limiting the range of slaves’ mobility and forcing them to labor.

The very mobile quality designed into collars, particularly those with bells, was obviously part of what made them attractive to slaveholders who wanted their slaves to remain under visible, material, punishing and productive control. Iron collars with audible bells served enslavers as audible/visual surveillance, but from the perspective of slaves unable to stop their tinkling may have been quite unnerving (evening maddening) if they were not silenced. John Crawford told a story of “calcitrant niggers” who “wouldn’t work” and “went off into the swamplands” of the plantation where they resided in Mississippi.

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<sup>123</sup> Jones, *Born a Child of Freedom, yet a Slave*, 84.

<sup>124</sup> *Slave Testimony*, 373 Smalls was also interviewed in 1863.



His grandfather, who was also the slaveholder, used his dogs to catch the runaway slaves and then “sent for a smithy” to put an iron band around the leg and waist of each slave with a pole that extended into the air and hung over the head with a brass bell. In a deliberate response to the use of this technology, enslaved people would lie down in the mud and scoot along until they filled the bells with mud. Belled enslaved people then sit out in the sun or by a fire until the mud baked and the “clapper” no longer moved, then they went to find “somebody to cut it loose.” In Crawford’s words: “Grandpappy got outdone buying bells.”<sup>125</sup>

Whether enslaved people could actually stop the bells seems to be related to the design as well as the region in which they lived and their access to materials such as mud. Some slaveholders may have used bells that were closed and thus the ringing could not be stopped. A story in the narrative of the ex-slave Charles Ball, suggests that while some slaves were capable of actively resisting this technology, others were structured in a manner that could not be modified. In his narrative, Ball tells the story of Paul, a runaway slave hindered by an iron collar cage-like structure with bells.<sup>126</sup> When Ball met Paul, Paul had been wandering in the wooded swamps for three weeks. Ball described the bells as “similar to those which wagoners place on the shoulders of horses.”<sup>127</sup> At first, Ball couldn’t figure out where the sound of bells was coming from.

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<sup>125</sup> James Mellon, *Bullwhip Days: The Slaves Remember* (New York: Avon Books, 1988), 305–312.

<sup>126</sup> Charles Ball, *Fifty Years in Chains, Or, The Life of an American Slave* (New York: H. Dayton, 1858).

<sup>127</sup> *Ibid.*, 325.

They were silent then would “jingle quick, not loud.”<sup>128</sup> At first, Ball was terrified when he heard the bells until he saw a naked, “famished-looking black man” with matted and shaggy hair.<sup>129</sup> Ball described Paul encased in an iron structure that had three bells suspended from a rod of iron reaching from one shoulder to the other and forming an arch. Paul, “this frightful figure,” was also wearing “a collar of iron about its neck, with a large padlock pendent from behind.”<sup>130</sup>

After getting over his fright, Ball realized that Paul was afraid too, as he begged for mercy and asked not to be returned to his master. Paul had a spear to pierce tortoises, frogs and reptiles for subsistence, but given Ball’s description of his emaciated body, it seems likely that the bells scared some food away.<sup>131</sup> By the time Ball procured a blacksmith’s file to get the contraption removed from Paul’s neck several days later, Paul had already hung himself out of desperation, though the three bells still rang as birds pecked at his corpse.<sup>132</sup>

Though Ball did not wear this particular iron collar with arch and bells on his own body, meeting a man entrapped within a technology of mobile confinement shaped his own experience of slavery. Ball thus served as a witness to material suffering. However, Ball also shared an experience involving his own body in mobile confinement when he was part of a slave coffle of fifty-one other men and women transported by foot over land from Maryland to South Carolina. Ball described the women as tied together with

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<sup>128</sup> *Ibid.*

<sup>129</sup> *Ibid.*, 326.

<sup>130</sup> *Ibid.*

<sup>131</sup> Mark M Smith, *Listening to Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 2001).

<sup>132</sup> Ball, *Fifty Years in Chains, Or, The Life of an American Slave*, 330.

rope, and the men wore iron collars that were “closely fitted by means of a padlock round each of our necks.”<sup>133</sup> Similar to the contraption worn by Paul, padlocks meant that rather than being custom-made or riveted directly to the slave’s body, these collars were instead a reusable technology. Padlocks on collars and harnesses for humans suggests that similar to those used on animals, there was a standardization to the design and an interchangeability in terms of the property that wore them: cows and enslaved people.

Ball described how a chain was used to connect the enslaved by means of passing it through the clasp of each padlock except at the ends where the clasps of the padlocks passed through the chain links. The enslaved prisoners were also handcuffed in pairs with iron bolts and staples and another chain linking the men alternately by the right and left hand. Ball was ironed to a man who “wept like a infant when the blacksmith, with his heavy hammer, fastened the ends of the bolts that kept the staples from slipping from our arms.”<sup>134</sup> Ball’s “long confinement” lasted “four weeks and five days” when the irons that had been riveted the wrists of the enslaved he traveled with from Maryland were finally removed by a blacksmith in Columbia, South Carolina who “set about it, with the air of indifference that he would have manifested in tearing a pair of old shoes from the hoofs of a wagon-horse.”<sup>135</sup> The blacksmith even purchased the “whole lot of irons” for seven dollars.<sup>136</sup> Ball reported that he did not feel liberated after the irons were removed, since he knew that their removal could signal his preparation

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<sup>133</sup> *Ibid.*, 29.

<sup>134</sup> *Ibid.*, 29–30.

<sup>135</sup> *Ibid.*, 40.

<sup>136</sup> *Ibid.*

for “perpetual subjugation to the power”<sup>137</sup> of another enslaver. He did, however, feel a sense of “giddiness, or lightness of the head” after having “been so long oppressed by the weight of my chains, and the iron collar about my neck.”<sup>138</sup>

In his narrative, Ball not only conveyed the personal and social suffering of being physically confined as he was transported for sale, he also showed us how slaves’ bodies and minds were shaped by the use of iron collars and chains. It is worth noting the significant role played by blacksmiths. Not only did smiths make and disseminate technological objects that were intertwined in the lives and narratives of the enslaved, they also played an important role in maintaining the infrastructure of the control and containment of the enslaved.<sup>139</sup> Ball’s story also points again to the significance of a mobile immobility, and how the experience and landscapes of enslavement were shaped by movable confined embodied property.

Iron collars also made an impression on enslavers, serving as a common language for expressing their control and domination. When the slave coffle Ball was a part of entered South Carolina from Maryland, “two breeding wenches” were sold to a slaveholder who told a story to Ball’s enslaver of how he treated two enslaved people

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<sup>137</sup> Ibid.

<sup>138</sup> Ibid., 41.

<sup>139</sup> Berlin, Favreau, and Miller, *Remembering Slavery*; Weld and American Anti-Slavery Society, *American Slavery as It Is: Testimony of a Thousand Witnesses*; Ball, *Fifty Years in Chains, Or, The Life of an American Slave*; Bibb, “Henry Bibb, 1815-1854. Narrative of the Life and Adventures of Henry Bibb, an American Slave, Written by Himself. Published by the Author; 5 Spruce Street. New York. 1849”; Brown, “Slave Life in Georgia: A Narrative of the Life, Sufferings, and Escape of John Brown, a Fugitive Slave, Now in England”; Gilbert Osofsky et al., *Puttin’ on Ole Massa; the Slave Narratives of Henry Bibb, William Wells Brown, and Solomon Northup* (New York: Harper & Row, 1969); Pickard, *The Kidnapped and the Ransomed; the Narrative of Peter and Vina Still After Forty Years of Slavery*.

from Maryland who persisted in running away in spite of receiving “a hundred lashes more than a dozen times.” This storyteller/slave buyer chained the two people together “with iron collars round their necks, and chained them to spades, and made them do nothing but dig ditches to drain the rice swamps. They could not run away then, unless they went together, and carried their chains and spades with them. I kept them in this way two years, and better niggers I never had.”<sup>140</sup>

Of note is the way that chains and collars serve as a both a narrative and experiential link between these stories. In a sense, Ball described the use of bodies entangled in chains and collars as material evidence of the experience of slavery. While one could argue that this is not different from the sentimental literature describing the pained or tortured body, I think instead Ball’s narrative emphasizes the routinized forms of confinement within the system of enslavement.<sup>141</sup> If whipping did not produce the desired pliable body, then the slow, torturous use of collars, chains, logs, weights, and other technical objects and techniques were used to try to force compliance.<sup>142</sup>

Iron collars were also an experiential link between the enslaved and enslavers. After the Civil War, former slaves interviewed in Alabama often told Mary White Ovington of a story about an enslaved woman who was repeatedly whipped for running

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<sup>140</sup> Ball, *Fifty Years in Chains, Or, The Life of an American Slave*, 39–40.

<sup>141</sup> On sentimentality and pain see for example, Shirley Samuels, *The Culture of Sentiment: Race, Gender, and Sentimentality in Nineteenth-Century America* (Oxford University Press US, 1992); Karen Halttunen, “Humanitarianism and the Pornography of Pain in Anglo-American Culture,” *The American Historical Review* 100, no. 2 (April 1995): 303–334; Wood, *Blind Memory*.

<sup>142</sup> Starobin, “Disciplining Industrial Slaves in the Old South.”

away. The woman who enslaved her finally “had her belled.”<sup>143</sup> An “iron hoop was welded across her waist, another about her neck, and attached to these a long rod went up her back to which, over her head and beyond her reach a bell hung.”<sup>144</sup> Though both the enslaved woman and the slaveholder were long dead, people still told the story about the mistress who was haunted by the sound of bells. “Day and night she heard the sound of the bell which she had mercilessly forced another to carry through the years in which she had held her a slave.”<sup>145</sup> Though the design of this device is common, the story serves as evidence of how significant story telling was to remembering the centrality of iron collars and bells to the haunting of enslavers and the formerly enslaved.<sup>146</sup>

Iron collars were obviously part of a broader arsenal of techniques used to enforce “negro management” but there are particular similarities in the material and discursive use of iron or wire masks, iron gags, and iron collars that is relevant to understanding the wider investment in the control of slave labor. What these technologies have in common is that they are part of a range of techniques used to “cure” enslaved people of “bad habits.” One such habit was that of running away.

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<sup>143</sup> Berlin, Favreau, and Miller, *Remembering Slavery*, 543.

<sup>144</sup> Ibid.

<sup>145</sup> Ibid. This was originally cited in the Independent of May 26, 1910, 1131-36.

<sup>146</sup> A fictional representation of such a haunting, in terms of a slave mistress describing the feeling of having an iron collar tight around her head, similar to the collars she saw on women laboring in the fields. Valerie Martin, *Property* (Random House Digital, Inc., 2004).

However, slaveholders responded to other behaviors constructed as habits with equal force and techniques, since bad habits had to be broken.<sup>147</sup>

A former resident of Louisiana and Mississippi reported that he saw a slave in 1819 “who was in the habit of running away” in spite of being whipped repeatedly “with great severity, but to no purpose,” and so the owner took him “to the blacksmith and ‘had an *iron head-frame made for him, which may be called lock-jaw, from the use that was made of it. It had a lock and key, and was so constructed that when on the head and locked,* the slave could not open his mouth to take food, and the design was to prevent him running away.”<sup>148</sup> Though the man ran away again, he was recaptured and tragically died shortly thereafter.<sup>149</sup>

In another case merging disciplinary rhetoric and practices, Samuel Hall a teacher from Marietta College in Ohio reported seeing the following:

...a negro with an iron band around his head, locked behind with a padlock. In the front, where it passed the mouth, there was a projection inward of an inch and a half, which entered the mouth...The overseer told me, he was so addicted to running away, it did not do any good to whip him for it. He said he kept this gag constantly on him, and intended to do so as long as he was on the plantation: so that, if he ran away, he could not eat, and would starve to death.”<sup>150</sup>

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<sup>147</sup> Bibb, “Henry Bibb, 1815-1854. Narrative of the Life and Adventures of Henry Bibb, an American Slave, Written by Himself. Published by the Author; 5 Spruce Street. New York. 1849”; Weld and American Anti-Slavery Society, *American Slavery as It Is: Testimony of a Thousand Witnesses*, 75.

<sup>148</sup> Rev. Thomas Savage a pastor of the Congregational Church at Bedford, New Hampshire cited in Weld and American Anti-Slavery Society, *American Slavery as It Is: Testimony of a Thousand Witnesses*, 76 Italics in original.

<sup>149</sup> Weld and American Anti-Slavery Society, *American Slavery as It Is: Testimony of a Thousand Witnesses*.

<sup>150</sup> *Ibid.*, 75.

Hall later watched as the thirsty man in a gag went to the river for a drink by dunking his head since was unable to do so otherwise, unless the overseer removed it.<sup>151</sup> In both of these stories, the rationalization of torture is particularly illuminating because gags could be used discursively and physically to prevent eating food and thus running away, but also eating dirt. In both cases, the discursively produced “bad habit” that was destructive to enslaved property was treated with technological objects.

*Cachexia Africana (also Africanus)* was the name medical practitioners used to identify the condition of enslaved people compulsively eating dirt. Treatments used by enslavers and medical practitioners included the use of wire masks and gags to prevent further damage and eventual death of the patient-property, suggesting a clear link between diseases and the use of instruments of punishment to prevent the behavior, even if its “curative” potential was questionable. Although there is ample documentation of different human groups ingesting foreign substances, some medical practitioners insisted that there was something pathological about eating dirt relating potentially to the biological make up of blacks.<sup>152</sup> The terms used, habit and addiction, and the response,

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<sup>151</sup> Ibid.

<sup>152</sup> See for example, J S Haller Jr, “The Physician versus the Negro: Medical and Anthropological Concepts of Race in the Late Nineteenth Century,” *Bulletin of the History of Medicine* 44, no. 2 (April 1970): 154–167; Todd Lee Savitt, *Race and Medicine in Nineteenth- and Early-Twentieth-Century America* (Kent, Ohio: Kent State University Press, 2007); W.M. Carpenter, “Observations on the Cachexia Africana, or the Habit and Effects of Dirt-Eating in the Negro Race,” *The New Orleans Medical and Surgical Journal* 1 (October 1844): 146–68; F.W. Craigin, “Observations on Cachexia Africana or Dirt-Eating,” *The American Journal of the Medical Sciences* 17 (1835): 356–; S.L. Grier, “The Negro and His Diseases,” *The New Orleans Medical and Surgical Journal* X (May 1853): 752–63; Samuel A Cartwright, “Report on the Diseases and Physical Peculiarities of the Negro Race,” *The New Orleans Medical and Surgical Journal* (May 1851): 691–715; Samuel A Cartwright, “Unity of the Human Race



punitive and disciplinary, demonstrate the real material impacts that the rhetorical construction of black slavery had for enslaved people.

Eating dirt led to dyspepsia, diarrhea, heart palpitation, emaciation and eventually death.<sup>153</sup> Physicians considered a range of causes for the disease, ranging from influence of the “Obeah man,” the desire to commit suicide, loneliness, as a response to ill treatment, constitutions worn out by hard labor, poor clothing, food and housing.<sup>154</sup> Though medical doctors did not agree on the causes, they were concerned with the potential widespread consequences. As Dr. Carpenter, a professor at the Louisiana Medical College pointed out, the practice was, “by no means of rare occurrence, and in some swampy and insalubrious tracts” where “large planting establishments” in Louisiana were “entirely broken up by the extensive mortality, resulting among the slaves, from this habit.”<sup>155</sup> Dr. S.L. Grier argued that *Cachexia Africana* could actually reach a level of “mania” that could “seem suddenly to take possession of the inhabitants of a place, and rage with almost epidemic violence. In one case a plantation was depopulated within the space of one or two years.”<sup>156</sup> Grier argued that eating dirt was comparable to “the passion for alcoholic drinks” and though it was “mainly a moral rather than a physical disorder” the physician was “expected to furnish a remedy.”<sup>157</sup>

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Disproved by the Hebrew Bible,” *Debow’s Review, Agricultural, Commercial, Industrial Progress and Resources*. 29, no. 2 (August 1860): 129–136.

<sup>153</sup> Haller, “The Physician versus the Negro.”

<sup>154</sup> Jr J S Haller, “The Negro and the Southern Physician: A Study of Medical and Racial Attitudes 1800-1860.” *Medical History* 16, no. 3 (July 1972): 238.

<sup>155</sup> Carpenter, “Observations on the Cachexia Africana, or the Habit and Effects of Dirt-Eating in the Negro Race,” 148.

<sup>156</sup> Grier, “The Negro and His Diseases,” 757.

<sup>157</sup> *Ibid.*, 758.

Thus similar to when enslaved people ran away, slaveholders responded to the “habit” of eating dirt with force. So while the cause may have been mental or physiological, the response was the same: punishing a behavior that threatened the productivity of the plantation. Carpenter argued, “some persons, viewing the habit as voluntary crime, rather than an irresistible propensity, arising from disease, have employed the most severe measures, in order to break the negroes of it.”<sup>158</sup> However, “the indomitable force of the habit, that neither bolts, nor bars, nor punishment, nor the certainty that it will inevitably end in death, can in any measure prevent their indulging in it.”<sup>159</sup> Dr. Craigin argued that this form of “treatment” was founded on “erroneous ideas” about the “nature of the affection.” He knew of slaves confined to “tight rooms,” or put in the stocks, but they did not work, in part because they deprived the patient “of pure air and exercise” which at the early stages of the disease brought about a better state of health.<sup>160</sup> Dr. Grier argued that the “greatest benefits” could be gained “by a proper attention to discipline of negroes, and the employment of all those means calculated to improve their *morale*.”<sup>161</sup> One strategy to ensure that enslaved workers were not deprived of exercise was obviously mobile confinement, rather than tight rooms or stocks.

Dr. Carpenter proposed that “All of the advantages, without the disadvantages of this plan [confinement], may be obtained by causing the patient to wear a close wire

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<sup>158</sup> Carpenter, “Observations on the Cachexia Africana, or the Habit and Effects of Dirt-Eating in the Negro Race,” 166.

<sup>159</sup> *Ibid.*, 149.

<sup>160</sup> Craigin, “Observations on Cachexia Africana or Dirt-Eating.”

<sup>161</sup> Grier, “The Negro and His Diseases,” 758.

mask secured by a lock which prevents him from eating improper substances, and yet allows of free exercise. This is the principal means of prevention in the West Indies, and I am informed that it has been adopted to advantage in some parts of [Louisiana].”<sup>162</sup> Though it allowed exercise, as Dr. Craigin argued, the “metallic mask or mouth-piece, secured by a lock, is the principal means of security for providing against their indulging in dirt-eating, if left for a moment to themselves, nor does this effect a cure or save the life of the patient.”<sup>163</sup> Thus this punitive technological restraint served a range of functions and uses to not only prevent dirt, but apparently due to its functions as a rationalized instrument of mobility, labor, and torture, could also be effectively used to prevent slaves from running away, presumably because if they could not remove the device themselves they were sure to starve to death.

What is notable, is that in general whether practitioners supported the use of iron masks, gags, or the “iron wire-muzzle” that was “fastened and locked around the negro's mouth and face to prevent him from eating dust” that the tragic results of their

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<sup>162</sup> Carpenter, “Observations on the Cachexia Africana, or the Habit and Effects of Dirt-Eating in the Negro Race,” 166; In Brazil, the “chastisements which the refractory slave receives. These are private floggings; and some of the most common expiations are the tin mask, the iron collar, and the log and chain. The last two denote runaways; but the tin mask is often placed on the visage to prevent the city-slave from drinking cochaça and the country slave from eating dirt, to which many of the field-negroes are addicted.” Daniel Kidder, *Brazil and the Brazilians: Portrayed in Historical and Descriptive Sketches* (Philadelphia ;Boston: Childs & Peterson ;;Phillips Sampson & Co., 1857), 132; Ewbank also reported seeing women in masks as a form of punishment and to keep them from drinking the liquor they were responsible for selling. He said that he primarily saw these on women, but they were no longer as prevalent on the streets because people did not want to see them. Thomas Ewbank, *Life in Brazil Or, A Journal of a Visit to the Land of the Cocoa and the Palm*. (New-York: Harper & Bros., 1856), 437.

<sup>163</sup> Craigin, “Observations on Cachexia Africana or Dirt-Eating,” 359–60 See footnote above on Brazil for other examples of masks.

use is only discussed in literature on runaway slaves.<sup>164</sup> In other words, it was only observers who were not enmeshed within the economy of slavery that pointed out that enslaved people starved to death if the gags or muzzles were not removed by the overseer or slaveholder in order for the slave to eat. Thus, these technologies of control and containment were used to prevent or “cure” the conditions of eating dirt or running away, but physicians seemed oblivious to the risks to their “patients.” Physicians, planters or overseers and others were concerned with devising and using the best strategies to control enslaved people in order to increase agricultural productivity of the South, and an important component of that was to ensure that they continued to tend crops.<sup>165</sup>

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<sup>164</sup> Cartwright, “Unity of the Human Race Disproved by the Hebrew Bible,” 135–136; Cartwright argued, “in order to be able to prevent or cure any malady, it is necessary to know its cause and its seat. The seat of negro consumption is not in the lungs, stomach, liver or any organ of the body, but in the mind, and its cause is generally mismanagement or bad government on the part of the master, and superstition on the part of the negro.” Cartwright also argued that it was “bad government to let them remain” “sulky” and “dissatisfied” without learning the cause and removing it. Medicines he suggested to cure consumption included purgatives, tonics, etc. Cartwright, “Report on the Diseases and Physical Peculiarities of the Negro Race,” 705, 707.

<sup>165</sup> Breeden, *Advice Among Masters*; Thomas B Affleck, “On the Hygiene of Cotton Plantations and the Management of Negroes,” *Southern Medical Reports* 2 (1851): 429–36; John Hume Simons, *The Planter’s Guide and Family Book of Medicine: For the Instruction and Use of Planters, Families, Country People and All Others Who May Be out of the Reach of Physicians, or Unable to Employ Them* (Charleston, S.C.: J.B. Nixon, printer, 1848); By a Citizen of Mississippi, “The Negro,” *Debow’s Review, Agricultural, Commercial, Industrial Progress and Resources*. 3 (May 1847): 419–422; PHILOM, “MORAL MANAGEMENT of NEGROES,” *Southern Cultivator (1843-1906)*, July 1849; A Small Farmer, “Negroes-Management Of,” in *The Industrial Resources, Statistics, Etc of the United States and More Particularly of the Southern and Western States*, vol. II, III vols., Third [1854] (New York: Augustus M. Kelley, 1966), 333–337; Joseph A.S. Acklen, “Rules in the Management of a Southern Estate as Enforced by Joseph Acklen, of La., Part I,” in *Debow’s Review: Agricultural, Commercial, Industrial Progress and Resources*, ed. James Dunwoody Brownson DeBow, vol. 21, Third 1 (New Orleans: J.

As Samuel Cartwright argued:

...the very exercise, so beneficial to the negro, is expended in cultivating those burning fields in cotton, sugar, rice and tobacco, which, but for his labor, would, from the heat of the climate, go uncultivated, and their products lost to the world. Both parties are benefitted -- the negro as well as his master -- even more. But there is a third party benefitted -- the world at large. The three millions of bales of cotton, made by negro labor, afford a cheap clothing for the civilized world. The laboring classes of all mankind, having less to pay for clothing, have more money to spend in educating their children, and in intellectual, moral and religious progress.<sup>166</sup>

Cartwright considered the health of slaves' bodies and productive capabilities as intertwined with the health of world markets that depended on the unpaid labor of black slaves. Cartwright was particularly concerned with the potential for competition from other exploited laborers in the British Caribbean and East India.<sup>167</sup> He considered British and U.S. abolitionist demands for black freedom as part of a larger strategy to diminish the capabilities of U.S. slaves to compete against the "the immense colonial

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D. B. DeBow., 1856), 617–620; James Dunwoody Brownson DeBow, "Overseers at the South," in *Debow's Review: Agricultural, Commercial, Industrial Progress and Resources*, vol. 21, Third 1 (New Orleans: J. D. B. DeBow., 1856), 277–279; Joseph A.S. Acklen, "Rules in the Management of a Southern Estate (Concluded)," *Debow's Review, Agricultural, Commercial, Industrial Progress and Resources*. 22, no. 4 (April 1857): 376–381; John S. Wilson, M.D., "The Negro," in *The American Cotton Planter and the Soil of the South*, vol. 2 (Underwood & Cloud, 1858), 355; John S. Wilson, M.D., "The Negro--His Mental and Moral Peculiarities," in *The American Cotton Planter and the Soil of the South* (Underwood & Cloud, 1859), 67–68, 92–93, 197–08, 228–29.

<sup>166</sup> Cartwright, "Report on the Diseases and Physical Peculiarities of the Negro Race," 714.

<sup>167</sup> Dr. Samuel Cartwright, "Art. I. Extension of the Sugar Region of the United States," *Debow's Review, Agricultural, Commercial, Industrial Progress and Resources* 14, no. 3 (March 1853): 200.

possessions of Great Britain” and enable the British “to monopolize” “Southern staple commodities.”<sup>168</sup>

Other practitioners such as SL Grier argued that it was essential that doctors address the health of slaves because they were “the most useful class of operatives now on the face of the earth; and this subject is invested with still more interest when we consider how intimate the commercial and general prosperity of the country is connected with the physical well-being of slaves, it is not only a subject for the lover of science to investigate; it is also a question of vital import in political economy.”<sup>169</sup> Dr. P. Tidyman argued that “the black population has always been considered of great importance to the agricultural prosperity of the United States, and closely connected with the general welfare of the nation” and thus physicians should turn their attention to the “diseases to which blacks are commonly subject”<sup>170</sup>

Thus, while Cartwright argued for the need to ensure the position of black slave laborers within international agricultural markets, particularly cotton and textiles, other physicians emphasized that blacks were vital to the health of the nation. As Grier argued, though medical doctors obviously had a commitment to the medical needs of the broader community, their help was most important for

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<sup>168</sup> Cartwright developed his views on the threat of British labor and colonial workers after visiting London, James Denny Guillory, “The Pro-Slavery Arguments of Dr. Samuel A. Cartwright,” *Louisiana History: The Journal of the Louisiana Historical Association* 9, no. 3 (July 1, 1968): 209–227; Cartwright, “Art. I. Extension of the Sugar Region of the United States,” 207.

<sup>169</sup> Grier, “The Negro and His Diseases,” 762.

<sup>170</sup> P. Tidyman, M.D., “Art. VI. A Sketch of the Most Remarkable Diseases of the Negroes of the Southern States, with an Account of the Method of Treating Them, Accompanied by Physiological Observations,” *The Philadelphia Journal of the Medical and Physical Sciences (1820-1827)* 3, no. 6, American Periodicals (April 1, 1826): 306.

...those whose labor not only freights our ships, stocks our warehouses, and rears our great commercial cities, but which also builds our colleges, supports our hospitals, and endows with princely munificence our budding universities – which supplies us with so many of the comforts and luxuries of life, and which even procures for us the ability to regale with an entertaining foreign literatures, and the means whereby we appropriate to our own use the productions of other lands. In all, therefore, we repeat, that relates to the welfare of the negro race, we have a common and abiding interest, and in regard to it, the medical profession has its appropriate duty to perform.<sup>171</sup>

Thus, while it may be argued that most southern medical practitioners did not think specifically about slavery as a whole, other practitioners actually articulated quite well how significant the health, and thus control over the moral and physical well being of slaves was to the economy. Therefore, it is not surprising, that while enslavers may have deployed techniques of control that were not necessarily cures for addictions to eating dirt or running away, they certainly served as material links between the rhetorical and physical control of unfree laborers in the southern U.S.

However routine the use of masks, gags or iron collars may have been in response to persistent running away by the enslaved, as I have shown, they served other functions as well. Taking a closer look at the experience of the enslaved in Louisiana allows for an exploration of a wider range of iron collars and how their use on the enslaved traversed public and private spaces of enslavement. Questions emerge about their use when one considers records such as those of the blacksmith James Rudman, who was a resident of West Feliciana Parish in Louisiana and did iron work for the jail and several prominent families. In 1846, his account books show that he made

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<sup>171</sup> Grier, “The Negro and His Diseases,” 763.

“neck irons.” One was made “*on* negro girl Maria” and the other was made “*for* negresse woman.” From the descriptions, it sounds like the girl Maria had a “neck iron” that may have been custom fit and riveted on her, perhaps due to her small size. Why would a blacksmith make an iron collar for a specific girl? The other collar, for an unnamed “negresse” may have included a padlock, which did not require a custom fit and thus presumably was used and reused at will. Rudman was also paid for “taking irons of[off?] negresse in jail.”<sup>172</sup> Thus rather than simply noting that irons were used in jails and by private slaveholders to control and contain the enslaved, by examining one site—Louisiana—I can examine in more detail the multiple uses and meanings of iron collars on enslaved people within the economy of slavery.

### **The Body Politics of Slavery**<sup>173</sup>

Within the Louisiana Civil Code, the “‘habit of running away’ was an absolute vice of character that allowed the purchaser of such a slave to bring a legal action to rescind the sale and have the purchase price returned or reduced.” Vices of character included committing a capital crime, being “addicted to theft; Or, that he is in the habit of running away.” The Code required proof establishing that a slave was a habitual runaway “with a habit that existed before the sale, specifically that the slave in question ‘shall have absented himself from his master’s house twice for several days, or once for more than

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<sup>172</sup> James Rudman, 1816-1894, “Account Book, 1844-1882” (Louisiana, 1846), MSS 881. Louisiana and Lower Mississippi Valley Collections, LSU Libraries, Baton Rouge, Louisiana.

<sup>173</sup> For a very different conception of the body politics of slavery, focused on the pleasures of the body, see, Camp, *Closer to Freedom*.



a month.”<sup>174</sup> Proof was provided in the form of witness testimony focused on whether or not the enslaved person was seen before the sale in irons, but not during the sale, thus potentially voiding the transaction.<sup>175</sup>

The irons themselves thus took on sets of meanings associated with the habitual runaway slave who was “ungovernable” and had “bad character.”<sup>176</sup> The sale of the enslaved woman Marthonne to Louis Feriet was annulled after she disappeared along with her infant son after a free woman of color Justin Seguin sold her to Louis Feriet. Feriet was able to return the enslaved woman and child after his neighbors testified that Marthonne “‘often went maroon’ and had worn the iron collar” around her neck.<sup>177</sup> In another case, Célèste Bertrand, a free woman of color was sued for harboring the slave Mathilda in spite of the presence of an iron collar she wore “for having run away in a previous incident”.<sup>178</sup>

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<sup>174</sup> The Louisiana Civil Code protected slave buyers’ in sales. If there were “vices of the thing sold” then “redhibition is called the avoidance of a sale on account of some vice or defect in the thing sold, which renders it either absolutely useless, or its use so inconvenient and imperfect, that it must be supposed that the buyer would not have purchased it, had he known of the vice.” “The Code divided the defects of slaves and animals into ‘vices of body’ and ‘vices of character,’ absolute and relative. Absolute vices of slaves – leprosy, madness, and epilepsy – were those defects that gave rise to the redhibitory action simply by their existence.” Relative vices led to a reduced price, depending on the defectiveness, Judith Kelleher Schafer, *Slavery, the Civil Law, and the Supreme Court of Louisiana*, 130, 136.

<sup>175</sup> *Ibid.*, 140–147; Also see Johnson on this point. Johnson, *Soul by Soul*.

<sup>176</sup> Judith Kelleher Schafer, *Slavery, the Civil Law, and the Supreme Court of Louisiana*, 140, 145–6; Gross, *Double Character*.

<sup>177</sup> *Feriet v. Seguin*, 10 Jan 1814, reel 2, case 251 New Orleans Public Library; Ingersoll, *Mammon and Manon in Early New Orleans*, 301.

<sup>178</sup> Judith Kelleher Schafer, *Slavery, the Civil Law, and the Supreme Court of Louisiana*, 121.

In another case involving the “rescission of the sale” of the enslaved woman Caroline, the plaintiff charged that she was in the habit of running away, addicted to robbery, and suffered from a convulsive order, yet another character vice. Two separate witnesses reported that they saw Caroline in an iron collar, which the defendant put on her because she had run away several times. One of the witnesses reported that Caroline wore the iron collar for five months while she was taught how to plait. The other witness reported that the defendant brought Caroline to her house wearing an iron collar and with hands tied because she had stolen some dresses.<sup>179</sup>

While iron collars symbolized particular behaviors and were part of the language used to read bodies and character, they were also part of the practices used to punish and control enslaved convicts. The Black Code, “an act prescribing the rules and conduct to be observed with respect to Negroes and other slaves of this territory,” was approved in the Louisiana Territory in June of 1806.<sup>180</sup> The code stipulated that irons, chains and whipping be used as punishments for slaves convicted of non-capital crimes. Slaves who were found guilty of direct or indirect involvement in “revolt or rebel against any white overseer...or against a free overseer, or slave” were sentenced to 25 lashes and to work in the fields for two years with a chain around the leg.<sup>181</sup> If there was

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<sup>179</sup> J Martin, *Blondeau v. Gales*, 8 Mart. (o.s.) 313 (Supreme Court of Louisiana 1820) Historical Archives of the Louisiana Supreme Court, University of New Orleans.

<sup>180</sup> Louis Moreau Lislet, *A General Digest of the Acts of the Legislature of Louisiana: Passed from the Year 1804, to 1827, Inclusive, and in Force at This Last Period* (Levy, 1828), 100–129.

<sup>181</sup> section 10, *ibid.*, 116.

bloodshed, then a slave was sentenced to fifty lashes and four years of work in the fields “with a chain around his leg.”<sup>182</sup>

In the case of murder or insurrection, the penalty for slaves was death. The act of 1816 amended the Black Code by changing the penalty for slaves convicted of poisoning or committing arson “from execution to imprisonment in irons and hard labor for life.”<sup>183</sup> In non capital cases, slaves could not be imprisoned beyond eight days, they could however be sentenced by tribunals “be whipped, put into the pillory or in irons, at the service of their masters.”<sup>184</sup> Slaves who were released from their irons by slaveholders before their sentence was fully served were forfeited to the state.<sup>185</sup> As Judith Schafer has argued, presumably slaves were punished in irons at the service of their masters so “the owner of the offender would not be deprived of the slave’s labor for an inordinate amount of time.”<sup>186</sup> There was no “due process” or any sort of “common law safeguards” and “few procedural rights” for slaves.<sup>187</sup> Special tribunals (composed of slaveholders) were given explicit instructions regarding the trials, but not the “irons.”

Language specifically referring to the use of iron collars did not emerge in the Code until 1855, reflecting the tremendous concern with slave stealing and successful escapes from slavery. In that context, the code stipulated that it was illegal to remove iron collars or chains from slaves with the penalty being a fine of \$200 to \$1000 and

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<sup>182</sup> section 11, *ibid.*

<sup>183</sup> *ibid.*, 127.

<sup>184</sup> *ibid.*, 127–8.

<sup>185</sup> *ibid.*, 128.

<sup>186</sup> Schafer, “‘Under the Present Mode of Trial, Improper Verdicts Are Very Often Given’: Criminal Procedure in the Trials of Slaves in Antebellum Louisiana,” 455.

<sup>187</sup> *ibid.*, 474.

three to six months of imprisonment.<sup>188</sup> However, as I will discuss, their use, even before they were specifically mentioned within the Code may have been inspired by their cultural, social, and economic uses within the community.<sup>189</sup> Of particular note is how their design and use for slaves sentenced to hard labor in irons was quite specific. Also, their prevalence as an effective visible means of punishing runaway slaves in city and plantation settings may have served as a clear example of what kind of “irons” could be used on slave bodies enduring hard labor.

In 1846, the enslaved man Henry Peyton was “placed on trial under the provisions of the black code.”<sup>190</sup> He was found guilty of murdering the slave Danwood, property of Messrs. Bailey & Massey and sentenced to 125 lashes of the whip, 25 lashes at the end of each month for five months and had to “wear an iron collar with

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<sup>188</sup> U.B. Phillips, *The Revised Statutes of Louisiana* (New Orleans: J. Claiborne, State Printer, 1856), 21; Hon. Carleton Hunt, “Address to the Louisiana Bar Association,” in *Report of the Louisiana State Bar Association* (New Orleans, La.: J.G. Hauser, 1908), 42–3.

<sup>189</sup> The earliest mention of collars is from an 18th c. royal ordinance: “the breaking up of seals and the violation of secrecy of letters” This order came from the directors of the French East India Company: those persons “convicted of having detained or intercepted one or several letters or packages, shall be sentenced, to wit: the officers or clerks, to a fine of five hundred livres, to be deprived of their office or offices, and to be forever incapable of holding any other under our government; and that the inhabitants (habitants) and others shall be sentenced to the iron collar (carcan), and to a fine of five hundred livres.’ Another early use is from 1735, when New Orleans suffered an inundation of water after levees broke. For some reason, a bunch of “mad dogs” were raging throughout the city. The royal commissary, Salmon, “prohibited negroes and Indians from having dogs, under the penalty for the offender of being sentenced to wear an iron collar.” Gayarré, Charles, *History of Louisiana* (New York: W.J. Widdleton, 1866), 363, 470.

<sup>190</sup> New Orleans Picayune, “Black Code -- Trial for Murder,” *Barre Patriot*, September 4, 1846.

three branches for five years” “in the service of his owner, the latter to pay all costs.”<sup>191</sup>

That same year, two different slaves named James were sentenced to iron collars, though for different crimes. One of the James’ was found guilty of killing another slave of his mistress. He was sentenced to 100 lashes, with 25 lashes prescribed for every 15 days. He was then “allowed” “to return to his mistress’s service” and was to wear an “iron collar ‘with three branches’ for five years after his release.”<sup>192</sup> The enslaved man James owned by a “man named Davis” was found guilty of “shooting with intent to kill” Patrick Maher. James was sentenced “to receive twenty lashes every twenty-two days till he received one hundred lashes”<sup>193</sup> and had to wear an iron collar with three branches for five years.<sup>194</sup> In each of these cases, though the enslaved men had committed different crimes, and the number of lashes applied to their bodies varied, each was sentenced to labor in an iron collar with three branches for five years.

Another case in 1846 involved a “gang of slaves” who were convicted of larceny and “sentenced to receive thirty lashes each, to be imprisoned for four months, and to

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<sup>191</sup> First quote from Schafer, “‘Under the Present Mode of Trial, Improper Verdicts Are Very Often Given’: Criminal Procedure in the Trials of Slaves in Antebellum Louisiana,” 467; New Orleans Picayune, “Black Code -- Trial for Murder” Also published in the New Orleans Picayune, August 18, 1846.

<sup>192</sup> Schafer, “‘Under the Present Mode of Trial, Improper Verdicts Are Very Often Given’: Criminal Procedure in the Trials of Slaves in Antebellum Louisiana,” 467.

<sup>193</sup> New Orleans Picayune, “Black Code-Trial for Murder,” *New Orleans Picayune*, August 19, 1846.

<sup>194</sup> Schafer, “‘Under the Present Mode of Trial, Improper Verdicts Are Very Often Given’: Criminal Procedure in the Trials of Slaves in Antebellum Louisiana,” 473; Some of the sentences are a bit confounding, since assaulting whites was taken quite seriously. However, given the attitudes toward immigrants, it may be that there were more lenient sentences for attacks against them, as opposed to slaveholders or their agents. For example, the slave Joseph was sentenced to “twenty five lashes and to wear an iron collar on his neck for six months” for assaulting “Mr. Vincent, a white man “Joseph, a Slave of Mr. Ramsden,” *New Orleans Picayune*, June 25, 1841.

wear an iron collar with three prongs during their imprisonment.”<sup>195</sup> Given the short length of imprisonment, it is likely that these enslaved convicts joined other slaves who worked on the streets everyday as part of the New Orleans Chain Gang (see Chapter Three). Observers noted that the chain gangs were often chained and connected “two or more together and some had iron collars and yokes,” as some dragged “a ponderous ball and chain, while at work upon the public streets.”<sup>196</sup> Enslaved women were also observed wearing “hobbles and an iron collar around the neck, with long horns of iron attached to the same.”<sup>197</sup> As Judge Carleton Hunt reported, “it was not unusual in the time of my boyhood, to see slaves with pronged iron collars locked around their necks. They were flogged at the Parish Prison on a simple order of the owner, and were sometimes kept in chains and fetters at home.”<sup>198</sup> Thus, enslaved men and women were stripped, whipped, and collared at the parish prison.<sup>199</sup>

While the majority of the jailed slaves were runaways apprehended by the patrols, or slaves sent there by their masters to be whipped and worked on the chain gangs, it is

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<sup>195</sup> New Orleans Picayune, “Criminal Court; Second Municipality,” *New Orleans Picayune*, February 18, 1846.

<sup>196</sup> William Drown of Rhode Island quoted in, Weld and American Anti-Slavery Society, *American Slavery as It Is: Testimony of a Thousand Witnesses*, 75–6; Castellanos, *New Orleans as It Was*, 132–133.

<sup>197</sup> William Anderson, “William J. Anderson, B. 1811. Life and Narrative of William J. Anderson, Twenty-Four Years a Slave; Sold Eight Times! In Jail Sixty Times!! Whipped Three Hundred Times!!! Or The Dark Deeds of American Slavery Revealed. Containing Scriptural Views of the Origin of the Black and of the White Man. Also, a Simple and Easy Plan to Abolish Slavery in the United States. Together with an Account of the Services of Colored Men in the Revolutionary War--Day and Date, and Interesting Facts [1857],” *Documenting the American South*, 2000, 21, accessed December 13, 2013. <http://docsouth.unc.edu/neh/andersonw/andersonw.html>.

<sup>198</sup> Hunt, “Address to the Louisiana Bar Association,” 43.

<sup>199</sup> Anderson, “Life and Narrative of William J. Anderson,” 21–2; Castellanos, *New Orleans as It Was*, 132–133.

certainly notable that they were incarcerated in the same spaces as convicts serving sentences, regardless of race. Legislators and reformers agitated for the removal of white criminals from jails, so debtors and others would no longer be contaminated by their corrupt knowledge and practices (see Chapter Two). Such distinctions, however, were not made between the enslaved. The continued incarceration of different categories of the enslaved together suggests the interchangeability between enslavement, criminality and incarceration. Jailed together were runaways who were captured from plantations above New Orleans until the jail fees were paid and their owners retrieved them, slaves sent to jail for what was called “safe-keeping,” or “correction” [meaning whippings]; and enslaved people convicted of crimes in violation of the Black Code. Across these categories, enslaved people appear to have been equally threatening to the maintenance of slavery and subjected to the same techniques of control and containment for challenging the systemic power embodied by white persons and property.

In 1844, three slaves were found guilty of setting fire to the sugarhouse of Mr. Dugas of Fausse Pointe. “The principal in the transaction” was sentenced to life imprisonment; another slave to two years imprisonment; and the third to 39 lashes and to labor in the “iron collar for one year.”<sup>200</sup> Several slaves were convicted of attempting to poison the overseer on the plantation of the deceased Captain Wilkinson of Rapides, on the Red River. The “principal engaged in the business,” the “old negress named

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<sup>200</sup> New Orleans Picayune, “St. Martinsville Creole; Houston; Mr. Desire Dugas; Jaco; Mr. Nicholas Amant Broussard; Mr. Louis Eloy Dugas; Parish Judge,” *New Orleans Picayune*, November 23, 1844.

Hannah” maintained “rigid silence” and was hanged. The children “made a full confession.” The girl Judy and an unnamed boy were each “sentenced to wear around the neck a five pound iron collar, for twelve months.” Judy was also sentenced to “receive twenty-five lashes per month for the same period.”<sup>201</sup> This incident in 1846 is one of two that I have seen reported in the papers that specifically mention the weight of an iron collar used in a sentencing. It is unlikely that the children’s youth had much to do with the sentencing, or at least in the case of the girl, since girls were incarcerated in the state penitentiary around that time. Phoebe a twelve-year-old girl was sentenced to life imprisonment for wounding a white, and Eliza a fourteen-year-old was sentenced to two years imprisonment for the crime of attempting to poison.<sup>202</sup> It is also unclear why the girl was sentenced to twenty-five lashes per month for an entire year and the boy was not. It may have been that she had a larger role in the attempted poisoning, or it may have been because of prevailing fears enslavers had about being poisoned by female cooks, the girl was held to a higher standard of culpability based on her gender. I would like to emphasize here that many adult men described in ex-slave narratives how they suffered while wearing iron collars. So to be a child sentenced to labor in an iron collar that weighed five pounds for a one year must have been torture.

Iron collars were also used within cities, particularly for enslaved people with mobile jobs. This technological range of the uses and users of iron collars informed how

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<sup>201</sup> The Jeffersonian, “Poisoning,” *The Jeffersonian*, July 2, 1846; New Orleans Picayune, “Singular Case of Poisoning,” *New Orleans Picayune*, July 2, 1846.

<sup>202</sup> Thomas G. Davidson, Dan Barbee, and James Cooper, *Report of the Board of Directors of the Penitentiary of the State of Louisiana* (New Orleans, La: Printed at the Office of the “Louisiana Courier,” 1848).



they shaped the lives of the enslaved whether in cities or plantations and blurred distinctions between public and private uses.<sup>203</sup> Whereas on plantations there was a particular need for mobile confinement, in the city of New Orleans there was a different mobile visibility, where the containment and control of local slaves converged in spaces where runaways were quite prevalent and tried to blend in long enough to get onboard ships bound for either England or up the Mississippi and, if escapees were fortunate, freedom.<sup>204</sup>

Sprinkled throughout the pages of Louisiana newspaper advertisements for runaway slaves, were slaves wearing iron collars, including those whose labor required a certain level of mobility in New Orleans. The slave Hachen, who spoke broken English but perfect French, was described by Eleanor Boylan as being “very black” with “a scar between the eyebrows in the shape of the letter S; one front tooth out of the upper jaw” and “an iron collar on his neck.” A common phrase found in advertisements warned “captains of vessels and steamboats” against “employing him. He has always been engaged in working about the wharves and will probably endeavor to obtain employment there.”<sup>205</sup> It is unclear if Boylan thought that Hachen could get the collar removed before he made a run for freedom, but this suggests that even with an iron

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<sup>203</sup> There are early examples elsewhere, such as: In 1741 an “act concerning servants and slaves” encouraged the capture of runaways. If they were unwilling to name their owner, they were put in the local jail and were advertised. If after two months they were not claimed, they were then transferred to the provincial or public jail. The jail keeper could then hire out the runaway wearing an iron collar around the neck with P.G. for Public Goal stamped on it. Owners were responsible for paying the costs up to the time or picking up the runaway, and also received the profits from the hiring out Kay and Cary, *Slavery in North Carolina, 1748-1775*.

<sup>204</sup> Buchanan, *Black Life on the Mississippi*.

<sup>205</sup> Eleanor Boylan, “Ten Dollars Reward,” *New Orleans Picayune*, June 12, 1853.

collar on, he was known to work on the wharves, suggesting that collars may have been a common sight in the city as an additional layer of surveillance in controlling mobile slave labor.

Similar to the needs of planters who used iron collars to maintain slave productivity through a state of immobile mobility, within New Orleans, enslaved people held many occupations that required their free movement throughout the city. Thus slaveholders wanted the ability to control, but not entirely prevent the mobility of their laboring bodies. H. Schroder<sup>206</sup> placed several advertisements for young men who ran away. Harry was “well known in the city as a drayman” and was described as a “yellow boy” with “straight hair” and with “an iron collar on his neck.”<sup>207</sup> Sam and Henry, other enslaved draymen to Schroder, also ran off wearing iron collars.<sup>208</sup> Schroder did not mention in any of the ads what kind of character he thought the men had, so it is unclear why they were put in iron collars. However, since they were draymen responsible for driving dray carts throughout the municipalities of the city, the iron collars may have been a means of keeping them working while punishing them for either attempting to runaway, or as a preventative measure.<sup>209</sup>

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<sup>206</sup> Also spelled Shroeder.

<sup>207</sup> H Shroder, “Ten Dollars Reward,” *New Orleans Picayune*, February 22, 1850; H Shroder, “Ten Dollars Reward,” *New Orleans Picayune*, February 23, 1850.

<sup>208</sup> H Shroeder, “Forty Dollars Reward,” *New Orleans Picayune*, December 19, 1848; H Schroder, “Five Dollars Reward,” *New Orleans Picayune*, May 1, 1850.

<sup>209</sup> The “black man” Peter who ran away from his owner, “had been employed driving a dray” for a Mr. James Dunn, but it is unclear if he was still a drayman, Max Block, St. John at. Bakery, “\$10 REWARD,” *New Orleans Picayune*, August 8, 1847; John White, who had “rather a pleasing countenance” also ran away with an iron collar on and “formerly drove a bread cart,” yet another position requiring mobility Daquin Brothers, “\$25 Reward,” *New Orleans Picayune*, April 8, 1847.

The technological range of iron collars is also displayed by examples of other mobile enslaved and collared people such as the “griff negro boy Eli” a cart driver who was described as wearing “an iron collar around his neck” by John McLeggan, who also mentioned that this particular enslaved runaway man had a “surly look” and would likely to “try to cover” the collar with his shirt.<sup>210</sup> Yet other enslaved people would not have been able to cover their iron collars. A Mr. Wilkinson of New York saw a black woman regularly during his three weeks in New Orleans when she went “to the market with milk” wearing “an iron band around her neck, with three rods projecting from it, about sixteen inches long, crooked at the ends.”<sup>211</sup> The enslaved woman Caroline “had on a collar with one prong turned down,”<sup>212</sup> while the bilingual (French/English) slave Nole’, described in an advertisement as having recently arrived from Charleston and used for “selling dry goods about town” had a “red complexion like that of a sambo, big eyes, a large mouth, thick lips, and her teeth much separated.” Interestingly, when Nole’ ran away, she was wearing “an iron collar with 3 branches,” which is the design used on enslaved people convicted of crimes and sentenced to hard labor by special tribunals of slaveholders, thus blurring distinctions, intentionally or not, between enslaved people forced to wear such collars.<sup>213</sup>

Though her occupation was not described in the advertisement seeking her capture, the “mulatto woman Rachel, aged about 40 or 45 years; had on an iron collar

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<sup>210</sup> John McLeggan, “\$10 REWARD,” *New Orleans Picayune*, November 4, 1847.

<sup>211</sup> Weld and American Anti-Slavery Society, *American Slavery as It Is: Testimony of a Thousand Witnesses*, 75.

<sup>212</sup> An advertisement posted by Mr. T. Enggy, in the *New Orleans Bee* of October 27, 1837 quoted in *ibid.*, 73.

<sup>213</sup> “\$20 REWARD,” *Courrier de La Louisiane*, October 6, 1823, sec. Advertisement.

with three prongs, with a small bell attached to each prong.” ( Figure 1.) JF Buffet, presumably Rachel’s enslaver, “supposed” that she would attempt to reach Frankfort, Kentucky, likely where she previously lived or had family.<sup>214</sup> While it may sound remarkable that a woman would run away wearing such a prominent collar and a “red calico frock and red shawl,” it was precisely because of the prevalence of enslaved people in collars throughout New Orleans that it was possible for people in what sound like rather visually noticeable contraptions to hide in plain sight, reinforcing the claims of Judge Carleton about frequently seeing slaves in iron collars throughout the city of his childhood.<sup>215</sup> After all, even children wore them, such as the “negro boy about ten years old” who was reported as having “drowned while bathing in the river yesterday opposite St. Louis Street. He had an iron collar round his neck and his dress consisted of blue cottonade with white cotton shirt.”<sup>216</sup> There is almost a banality to the tone of the advertisements, rendering these potentially extraordinary visual devices as part of the everyday landscape of the city. Thus iron collars appear as yet another descriptive characteristic of enslaved peoples’ missing or drowned bodies.

Other descriptors included of course the condition of the bodies. Peter was described as having “had a small piece cut off his left ear, a small scar under his right eye, and a mark on the left corner of his mouth.” This “griff boy” also had on an iron collar and was advertised as missing several times over a period of months, though it is notable that the last advertisement placed no longer mentioned the collar, perhaps

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<sup>214</sup> Buffet, “\$15 REWARD.”

<sup>215</sup> Hunt, “Address to the Louisiana Bar Association.”

<sup>216</sup> His clothing is a standard uniform for male slaves Picayune, “DROWNED,” *New Orleans Picayune*, July 4, 1842.

conveying the owner's assumption that by then this resourceful man had managed to get help removing the collar.<sup>217</sup> One visitor to New Orleans observed the removal of such a collar, and said it took more than one hour for a blacksmith to file it off.<sup>218</sup>

This landscape of everyday mobile incarceration and the struggle to be free is further emphasized in advertisements describing missing enslaved people as potentially "lurking around the city," like the slave Agnes, a woman of "low stature, rather stoutly made, black color" and with "an iron collar around her neck when she left."<sup>219</sup> So common, it seems, was the use of iron collars that even a "runaway slave called Lubin, belonging to the Charity Hospital" "ran off" "taking with him an iron collar and all his clothes." Lubin was "attached" to the hospital for many years as an attendant "on the sick" and spoke French, Spanish, and English, demonstrating not only how prevalent the use of the collars as objects of control was, but also on how they were used on very "adroit" skilled slaves.<sup>220</sup>

Captured runaway slaves were also detained in the parish prisons not far from New Orleans wearing rather elaborate iron collars similar to those used in the sentencing of slaves to hard labor. Rosalie, between the ages of 50 and 60 years old, or so the sheriff of the parish of St. John Baptist thought, was "kept in the gaol" "having an

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<sup>217</sup> Caspar Krisberger, "\$5 REWARD," *New Orleans Picayune*, March 14, 1841; This later ad was placed for Krisberger (though spelled Krizberger) S. Gillingham, Jr., "\$25 Reward," *The Daily Picayune*, May 28, 1841.

<sup>218</sup> Given the severity with which runaways and their accomplices were met -- meaning anyone who removed a collar -- it is not surprising that Horace Nye could not recall where the slave had runaway from, Weld and American Anti-Slavery Society, *American Slavery as It Is: Testimony of a Thousand Witnesses*, 74.

<sup>219</sup> Virg. Leva'Chez, "\$10 Reward," *New Orleans Picayune*, October 4, 1843.

<sup>220</sup> O'Conway, "Twenty Dollars Reward," *Courier de La Louisiane*, February 20, 1822, America's Historical Newspapers.

iron collar with three branches on.” Though she claimed that she could not remember the name of her master, the sheriff requested that the owner claim her and pay the fees.<sup>221</sup> In the Parish of Point Coupee, adjacent to the city of Baton Rouge, a “runaway” “who calls himself William” was detained in the “public prison.” He was described as “black” and with a “down look.” When “committed, he had around his neck an iron collar with three prongs extending upward; has many scars on his back and shoulders from the whip.”<sup>222</sup> Thus the iron collars along with countenance, clothes, skin color and physical marks, served as a kind of shorthand for the supposed characteristics of the body wearing it: runaway, convict, uncontrollable, incorrigible.

In 1823, the enslaved man Aubeder, described by the St. James parish sheriff as “an American negro speaking English only,” was detained as a runaway wearing “an iron collar, and an iron ring round his right foot to which is affixed a chain which goes round his waist.” Also detained at the parish jail with Aubeder were a group of runaways that included Charles, who had “two brands on his breast, an iron collar with two branches, and an iron ring at one of his feet, to which is attached an iron chain which goes round his body.”<sup>223</sup> When reading these descriptions of slaves encumbered by iron collars, what is most remarkable is that people managed to runaway at all. The “copper colored” Reuben, who had run away twice before, ran away yet again even though he

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<sup>221</sup> A sheriff’s notice placed in *L’Ami Des Lois Et Journal Du Commerce* on August 8, 1821 quoted in, Louisiana Writers Project, Works Progress Administration, and Louisiana State Library Commission, *Gumbo Ya-Ya: A Collection of Louisiana Folk Tales* (Boston: Houghton Mifflin, 1945), 252.

<sup>222</sup> S. Van Wickle, Sheriff, “Is Detained in the Public Prison of the Parish of Point Coupee,” *Louisiana State Gazette*, November 14, 1826.

<sup>223</sup> Cerisay, Sheriff, “Detained in the Parish Jail of St. James,” *Courrier de La Louisiane*, March 17, 1823, *America’s Historical Newspapers*.

was “ruptured” from harsh labor and wearing “a truss” and an iron collar.<sup>224</sup> Tom Wilson was shot with buckshot, bitten by dogs, burned with a red-hot iron, and put in an iron collar for eight months, “besides two irons, one on each leg,” because he consistently ran away. Even weighed down in this manner, with irons on neck and legs, Wilson ran away again, and managed to make it to a ship, where he was hidden by the crew and eventually made it to Liverpool.<sup>225</sup> By reading descriptions like this one really gets a sense of the complicated articulations of the suffering, yet simultaneously motivated and determined enslaved people. While advertisements certainly rendered slave bodies visible through the technology of print by publishing descriptions of uncontrolled runaway labor, they also pointed to the failures of multiple technologies and users to adequately address the problems of controlling all bodies of slave labor.<sup>226</sup>

### **Rearticulating Louisiana Slavery: The Materiality of Experience**

Albert Patterson was born in 1850 and he labored on Maunsel White’s sugar plantation until after the Civil War. Interviewed as part of Louisiana’s Works Progress Administration (WPA) ex-slave narrative project, Patterson reported that White was not “cruel. He wouldn’t whip, he’d punish. He had a iron band he’d rivet to go around the ankle, and he had a iron band to go around the neck with a piece of iron standin’ up in the front, de back, and each side. You had to hold your head just so, and you couldn’t

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<sup>224</sup> WM Sittcoton, “\$10 Reward,” *New Orleans Picayune*, August 22, 1840.

<sup>225</sup> *Slave Testimony*, 338–340.

<sup>226</sup> Physical descriptions could be quite intimate, see, Prude, “To Look upon the ‘Lower Sort’”; On race, Foucault, and the print culture of runaway ads, see, Morgan and Rushton, “Visible Bodies.”

lay down. You had to pad that iron band 'cause it was so heavy it would cut your neck. But he never kept no nigger-dogs."<sup>227</sup> As Katherine Bankole noted, ex-slaves like Patterson were quick to point out "good" masters.<sup>228</sup> While this may be true, I think that this points to the multiplicity of experiences and meanings that emerged on plantations, but also through interpretations in contemporary pro-slavery and abolitionist print culture or post-Civil War interviews. As Patterson pointed out, White did not use dogs, which were weaponized to bite and even rip at people's bodies.<sup>229</sup> So though his own life, and those of other slaves "had no pleasures – just work – only [except] on the Fourth of July," comparatively speaking, this was not cruelty to a man who had "seen de blood run out of niggers dat deep, seen it wid my own eyes."<sup>230</sup> And herein lies one of the difficulties when using the evidence of experience. Patterson's description of bearing the weight and size of an unwieldy iron collars sounds like first person; it seems an odd turn of phrase to interpret what is described as an excruciating experience into an act that was not one of cruelty. Patterson's description of having to hold one's head "just so" and a neck cut from a heavy band, and the inability to lie down, sounds a great deal like brutality, which of course emphasizes slaves' experiences as simultaneously brutality and punishment.<sup>231</sup>

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<sup>227</sup> Patterson's quote comes from, Ronnie W Clayton, *Mother Wit: The Ex-Slave Narratives of the Louisiana Writers' Project* (New York: P. Lang, 1990), 178; Examples of works that cite Patterson include, Bankole, *Slavery and Medicine*; Walker, *No More, No More*; Follett, *The Sugar Masters*.

<sup>228</sup> Bankole, *Slavery and Medicine*, 41.

<sup>229</sup> Johnson, *River of Dark Dreams*.

<sup>230</sup> Clayton, *Mother Wit*, 178.

<sup>231</sup> Bankole, *Slavery and Medicine*.



Patterson's story provides an important perspective for considering how the prevalent use of iron collars in Louisiana had a real material impact on the bodies of the enslaved, in a manner that is not conveyed through advertisements for runaway slaves or news articles about the sentencing of slaves convicted of crimes. Patterson's recollection of a socioeconomic reality where whippings elsewhere were common, and dogs were trained to hunt down runaway slaves, suggests that the collar was experienced as a "better" form of punishment from a "good" master. This is the other side to the interpretation of slaves wearing iron collars as "bad" or "uncontrollable." Though Patterson's interpretation may be influenced in part by his limited experience due to his age, being born in 1850, it also demonstrates how the normalizing of strategies of control and confinement collapsed distinctions between good and cruel.<sup>232</sup> Thus what some slaves experienced as suffering and brutality that motivated them to fight for their freedom, for others they were merely "punishment" problematizing distinctions in bodily experience and narrative descriptions of slavery.<sup>233</sup>

It is also significant that Patterson claimed that White was not cruel because *he* did not whip slaves. Evidence to the contrary is actually available from White's own journals. In December of 1856, White documented "a pretty good whipping" of the slave Caty "by my own hand." A "similar punishment" would have befallen "an innocent fellow

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<sup>232</sup> Stories of cruelty abound in Clayton, *Mother Wit*; Other sources include, *Slave Testimony*; Berlin, Favreau, and Miller, *Remembering Slavery*; Mellon, *Bullwhip Days: The Slaves Remember*.

<sup>233</sup> *Slave Testimony*; I am well aware of the critiques of relying on the testimony of slaves, particularly those who were interviewed during the Great Depression. That may factor into Patterson's descriptions of the iron collar. Also a factor may have been continued relationships with White's descendants, Clayton, *Mother Wit*.

servant” “had not an other come forward to declare her innocence.” Thus “this double act of baseness procured for [Caty] the punishment above mentioned much severer than it otherwise would have been and gave me a bad opinion of her which I never before entertained.”<sup>234</sup>

Thus White did whip slaves, and from this description, it sounds like this case was unusual only because he undertook the whipping himself. Thus, White was similar to other enslavers who used multiple strategies of “negro management” to maintain plantation discipline. In one case, White offered “a liberal reward” for the apprehension of “the Negro Boy George Guy,” who ran away from White’s plantation in Plaquemines Parish. This man George, was advertised as a “dark griff color, with a downcast look” who was “lame of one leg, and had on when he left an iron collar around his neck, and an iron on one of his legs.”<sup>235</sup> Though one can only speculate about the source of George’s lameness, such as birth or beatings, what is clear is that he was multiply disabled, and still ran away, suggesting there is more to the construction of White as a man who was not “cruel.” White’s own father was considered a “benevolent slaveowner” because he “emphasized rewards and incentives rather than punishment in slave management,”<sup>236</sup> suggesting that perhaps just as there may be some confusion about

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<sup>234</sup> Maunsell White, “Maunsell White Papers, 1802-1912, Plaquemines Parish and New Orleans,” Louisiana, Reel 1, Series 2, Plantation Journals Records of the Ante-Bellum Southern Plantations from the Revolution through the Civil War, Series J, Part 5: Louisiana Selections from the Southern Historical Collection, Manuscripts Department, Library of the University of North Carolina at Chapel Hill, 1856.

<sup>235</sup> Maunsell White, “Ran Away from the Plantation of Maunsell White,” *New Orleans Picayune*, June 6, 1845.

<sup>236</sup> UNC, “Maunsell White Papers, 1802-1912,” text, accessed July 17, 2010, <http://www.lib.unc.edu/mss/inv/w/White,Maunsell.html#d1e124>.

the names (both Maunsell/Maunsel White in records), there may also be confusion about what benevolence means.

Taken together, Patterson's claims and those of others who consider a system of rewards and incentives, including those that were "pain-based"<sup>237</sup> to be a show of benevolence or a lack of cruelty, may instead be pointing to the contradictions that were slavery. "Good" and cruelty could occupy the same spaces, even at the intersection of an enslaved person's body, weighed down by an iron collar and head held just so, or a body receiving a "good whipping" which could euphemistically mean so harsh that the skin was flayed. My point of course is that similar to the use of terms like "correction" and "safe-keeping" that hid the violence and humiliation central to the disciplining of slave bodies within the context of jails and chain gangs, so does a term like "punishment" when considered opposite to either cruelty or rewards and incentives.

Strategies to punish and control enslaved people could also be very gendered, as when iron collars were used to control access and use to black women's bodies; and thus to control over their sex and reproduction. Rachel O'Connor, a widow who is well known for the series of letters she wrote to family members about her experiences with slaves and overseers on the Evergreen Plantation in West Feliciana Parish, is widely characterized as one of the gentler slaveholders.<sup>238</sup> After her husband died, O'Connor inherited the plantation, yet nearly lost it due to debts accumulated by one of her

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<sup>237</sup> Follett, *The Sugar Masters*.

<sup>238</sup> Avery Craven, *Rachel of Old Louisiana* (Baton Rouge: Louisiana State University Press, 1975); Allie Bayne Windham Webb, ed., *Mistress of Evergreen Plantation: Rachel O'Connor's Legacy of Letters, 1823-1845* (Albany: State University of New York Press, 1983); Taylor, *Negro Slavery in Louisiana*.

deceased brother's. David Weeks, another of her brothers, bought it for her so she could continue to reside there and manage it herself.<sup>239</sup> The slaves and other property belonged to Weeks.

Weeks owned several plantations, and while O'Connor was living on a cotton plantation, Weeks was also in the sugar business. As was customary for slaveholders with multiple properties, when Weeks' overseer needed help on one of his sugar plantations several slaves were sent from O'Connor's cotton plantation to help cut sugarcane. In a letter dated November 20, 1833, O'Connor told her brother that three of the slaves her brother requested earlier that month tried to return to her plantation without an escort and were captured and "lodged in jail in Baton Rouge."<sup>240</sup> O'Connor believed that they were led astray by Mulkey, the overseer on her plantation. O'Connor held him responsible for the young slaves since she didn't think that they would not "have thought of acting so" without the "bad advice" of Mulkey whom she believed "had a particular spite."<sup>241</sup> Mulkey had been hired the previous summer to replace the overseer Patrick who was known to have sex with "those Negro girls." Patrick came to be known for sneaking around O'Connor's slaves' cabins and those of her neighbors' slaves.<sup>242</sup> O'Connor initially believed that Mulkey was different, but her attitude changed when she discovered that Mulkey was indeed having sex with female slaves, and in general doing "*bad things*."<sup>243</sup>

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<sup>239</sup> Webb, *Mistress of Evergreen Plantation*, 37–49.

<sup>240</sup> *Ibid.*, 126.

<sup>241</sup> *Ibid.*, 127.

<sup>242</sup> *Ibid.*, 71.

<sup>243</sup> *Ibid.*, 119–124.

In the letter to her brother, O'Connor explained that when the slaves returned to the plantation, Eben,

caught [Mulkey, the overseer] and Eliza together which caused a great fuss; but, as he was guilty, he could not whip Eben unless I said so, which I was very clear of doing. She and Eben were to go together as man and wife, but now I don't expect he will take her. The next day, the young madam was confined to her room where I found her and whipped her myself, and then cut her curls off, and then started her to field where she had been ever since without grumbling once. Mulkey knew all that I done and what it was for, but he never mentioned it to me. He now enjoys the company of his ladies undisturbed, and from what I can hear, rejoiced on hearing the boys had to be whipped. If I did not think his talking to them had been the cause of their acting as they have, of course, I could blame none but themselves. But as it is, I hate the wretch on earth.<sup>244</sup>

Thus O'Connor told her brother about whipping the slave Eliza herself, cutting her hair, presumably to make her less attractive, sending her out to the field to labor, meaning that she was likely a house slave for whom this would have been a punishing form of labor, and knowingly treating this woman as if she had sex with the overseer by choice.<sup>245</sup> O'Connor's tone in the letters and her actual practices are particularly noteworthy since in a letter dated a few days earlier, O'Connor told her brother about a single man that she expected to soon have "six or seven ladies in the field, that the rest dare not speak to, for fear of giving offense."<sup>246</sup> If this man was an overseer, as she seems to be euphemistically implying, how could she be so blind to the power dynamics in her own fields?

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<sup>244</sup> Ibid., 127.

<sup>245</sup> See Bankole about the lack of choice slave women had when they were treated as "wives" or "concubines." Bankole, *Slavery and Medicine*.

<sup>246</sup> Webb, *Mistress of Evergreen Plantation*, 125.

Eliza's lack of choice is also emphasized by O'Connor's comment about Eben and Eliza. By questioning whether Eben would still "take her," O'Connor reinforced Eliza's lowly status and lack of choice as a slave woman. O'Connor's comment also indicates Eliza's status as a "breeder" for one of the disturbing contradictions in O'Connor's attitudes about overseers like Patrick and Mulkey sleeping with enslaved women is that their offspring actually added to the slave property.<sup>247</sup> Several of O'Connor's letters calculate with pride the growing number of children. In 1828, O'Connor commented that "five little Negroes" had been born in less than two months.<sup>248</sup> In April of 1832, she was proud to report that there were "three mulatto born this year and living yet."<sup>249</sup> In an 1836 letter to her sister, O'Connor mentioned that one slave woman named Bridget, who was only 22 years old, had borne "five living children" in seven years. O'Connor even seemed to sympathize with Bridget by commenting: "Poor body. I really pity her to have them so fast."<sup>250</sup> And, in December of 1844, O'Connor reported that "we have thirty children now alive born since the year of 1837."<sup>251</sup> In short, O'Connor was perfectly happy to accumulate the property of the "ladies" whether the babies were mulattos born of overseers or "little negroes" born of two enslaved people. Thus it seems that it is more than the reproduction of the enslaved women that O'Connor wanted to control. O'Connor took ownership over this reproduction, when she talked about having "sixteen little Negroes a raising" and

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<sup>247</sup> Also see Bankole on this point Bankole, *Slavery and Medicine*.

<sup>248</sup> Webb, *Mistress of Evergreen Plantation*, 30.

<sup>249</sup> *Ibid.*, 67.

<sup>250</sup> *Ibid.*, 202.

<sup>251</sup> *Ibid.*, 265–6.

mentioned in a letter to her sister that “you will (no doubt) find yourself disgusted with the acknowledgement I make of the attachment I feel toward those Negroes on this place, but I do not see that I could be otherwise after the care that I have taken to raise them and the blessings the Lord of Heaven and earth bestowed in causing them to prosper under my care.”<sup>252</sup> Here, O’Connor treated the enslaved women as if they were surrogates for the (re)production of her family’s own property. Thus O’Connor’s problems with Mulkey’s villainy were linked not only to his having (forced) sex with enslaved women, but also perhaps more importantly to his inability to annually increase the cotton yields on the plantation.<sup>253</sup>

David Weeks eventually had Mulkey replaced with the overseer Germany, who did increase the cotton crop. Weeks also arranged for the enslaved woman Eliza (known as ‘Lid’) to be “punished by means of an iron collar around her neck.”<sup>254</sup> O’Connor wrote to her brother in February of 1834 and claimed that, “I begin to feel sorry for Lid. The iron is rather tight on her neck.”<sup>255</sup> In April, O’Connor mentioned that she would “be glad if you let the iron be taken off Lid’s neck,” since O’Connor was starting to “feel sorry for her. She was a good girl before that villain came here, and I scarcely think there is one Negro woman in existence that is not guilty of the same

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<sup>252</sup> *Ibid.*, 204.

<sup>253</sup> *Ibid.*, 127.

<sup>254</sup> *Ibid.*, 134.

<sup>255</sup> *Ibid.*

wickedness.”<sup>256</sup> O’Connor wrote that “low white men” caused “more punishment to be inflicted amongst the poor ignorant slaves than all else they commit.”<sup>257</sup>

Thus, the iron collar on Liza became an object of contestation between O’Connor and her brother, emphasizing the multiple stakeholders involved in divvying up the control and profits produced by enslaved women. O’Connor’s comments and actions simultaneously reinforced and diminished the agency of enslaved women by implying that they were unable to think for themselves, yet also deserving punishment for having coerced sex. In this context, in spite of whipping a slave, confining her to her room, and sending her out to labor in the fields in a collar as punishment, O’Connor’s stated devotion to “take care of them for their own sakes, and for charity’s sake” is a presentation of self at odds with her practices.

I want to emphasize how the iron collar operated as a technological object. It was a reproductive technology that facilitated one man’s ability to assert his ownership over the gendered body of his slave on his sister’s property. Not only was Eliza unable to control with whom she had sex, she was also subject to punishment simultaneously by O’Connor and her brother, in part for her own supposed lack of character and morality. The iron collar, in this instance, intervened at the level of the body to not only make the slave more productive in a manner similar to returning runaways or other uncooperative slaves to the fields, but also to mark a reproductive body only for those that owned it (neither overseer nor slave), thus reinforcing the institution of slavery itself.

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<sup>256</sup> *Ibid.*, 140.

<sup>257</sup> *Ibid.*, 150.



Parallel to enslavers use of iron collars when slaves were sentenced to hard labor under the direction of their owners by special tribunals for committing crimes; the tightly fitted iron collar Lid was forced to wear compounded her grueling field labor on a cotton plantation. Taken together, the published stories of male ex-slaves who described their suffering in iron collars; and the testimony of Albert Patterson describing the altered body movements of a collared slave; the way that the collar became a part of the body is illuminated, as it functioned as mobile containment that reproduced slavery at the site of slaves' bodies. Thus, through the multiple punishments meted out by O'Connor and Weeks, there was a complicated articulation of the hierarchy of relationships on the plantation: slave/free, black/white and female/male. This hierarchy was reinforced by the actions of Weeks, the absent-owner who could assert his ownership over the reproductive body of a female slave by inserting the iron collar into the physical relations between his female slave and the male overseer on his sister's plantation.

Other stories also illustrate how iron collars were interwoven with the complicated articulations of the race and gender of people on plantations. During the occupation of New Orleans during the Civil War, General Butler sent members of the Third Massachusetts Cavalry in May of 1862 "on sundry expeditions." In Sergeant Read's account of one of their expeditions, a central figure was an incarcerated slave women on a plantation a few miles outside of New Orleans. The squad of men was visiting plantations to seize firearms, but having "previous knowledge" that "they had some slaves in confinement. The overseer did not wish to show us, but dare not refuse. He

procured some keys, and conducted us to a small building, about 12 by 15 feet, and proportionately high. In each end, well up toward the roof, was a small opening or window, covered on the inside with wire netting, and, on the outside, a door, with a padlock, closing tightly and locked on the outside.” The overseer unlocked the door and the men entered, only to withdraw “immediately, as the stench was too strong for our nostrils.” The windows were closed so “not a breadth of fresh air could reach the prisoners; and there, crouched down in the darkness and filth, we found three female human beings, confined for the crime of trying to make their escape from slavery. Upon the neck of one, whose skin was almost as white as my own, was riveted a heavy iron ring, with three prongs, each a foot in length. The ring had worn large sores upon her neck.” In spite of the horrific scene depicted by Sergeant Read, the women were not immediately freed from the jail or the irons. Instead, the overseer was instructed to open the windows to air out the jail while the squad continued their mission downriver seizing arms from residents. When the soldiers returned, they released the women and took them to the city in their “baggage-wagon” and “General Butler gave them their liberty,” after they had been “shut up thirteen weeks.”<sup>258</sup>

This story is notable for several reasons. For one thing, it seems that Read’s decision to identify these women as “female human beings” was deliberate. Another, the jail structure sounds similar to specifications recommended in the literature on “negro

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<sup>258</sup> James K Ewer, *The Third Massachusetts Cavalry in the War for the Union* ([Maplewood, Mass: The Wm. G. J. Perry press], 1903), 284.

management.”<sup>259</sup> By putting actual enslaved “female human beings” within the structure, it loses the façade of humane management. Even more, the horrific jail conditions were amplified by the presence of a white-skinned woman in an iron collar. Read said that he wanted the overseer “turned over to my tender mercies for about five minutes” which seems was provoked not only by her skin color but also her gender. This unnamed woman with white skin embodied the very contradictions of slavery and freedom.<sup>260</sup> The representation of this white-skinned enslaved woman simultaneously reinforced and collapsed distinctions between slave/free and black/white. The painful sentimentality evoked by this woman’s battered body intertwined with the draconian iron collar. In a sense, both the white slave body and the iron collar seemed to strike the author as obscene, as out of place within a plantation slave jail. And yet the bodies were not freed from their confinement until the rest of “the mission” was complete and the soldiers had time to return so the women could be liberated at the command of Butler.

Thus, this dreadful scene neatly captures the multiplicity of confinement, for not only were the women confined by enslavement on a plantation, there was the added confinement of a jail, an iron collar, and even the presence of occupying troops and the General who made the final decision about the women’s liberation. When one thinks about the confinement of bodies in horns, collars, bells, rods, or the treatment of women like Eliza on O’Connor and Weeks’ plantation, their bodies were owned and used by so

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<sup>259</sup> A Small Farmer, “Negroes-Management Of”; For more on “negro management” see for example Breeden, *Advice Among Masters*.

<sup>260</sup> Anti-slavery activists were well aware of this and used white-skinned slaves in pamphlets.

many people that these technological objects did more than symbolize the deliberate collapsing of distinctions between animals and humans.

While the Sergeant's insistence on the women's humanity seems in part to have been related to the materiality of the iron collars and jail, materiality is not a rigid category that can capture the whole of slavery. Slavery should not be reduced only to the material, or rather, material evidence. While the materiality of an object is significant, in this context, it is inseparable from the experience of being punished/disciplined/tortured/corrected by an instrument of labor, power, gender, race, and sexuality. The materiality of iron collars marked whiteness and blackness, slave and free, prevented and forced labor, mobilized and immobilized bodies.

Iron collars intervened upon, modified, and altered bodies in slavery. When an iron collar was padlocked or riveted to the body, it became an extension of self. Rather than the liberated cyborg, this was a material obstruction, a projection, a "thing" that became part of slaves' negotiation and movement through space.<sup>261</sup> Collars were not something that slaves could remove themselves. They were either unlocked or filed off. Thus iron collars were not only about body modification that changed movement through space, but also in relation to other human bodies. And, as I have shown, other slaves would have been punished by extension. By witnessing the rituals of punishment, whether whipping, castrating, stocks, the ball and chain, and the like, slaves were terrorized physically and mentally by intrusions into the body. But the iron collar in particular, seems to resonate as a particular kind of haunting for slaves.

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<sup>261</sup> Donna Jeanne Haraway, *Simians, Cyborgs, and Women: The Reinvention of Nature* (New York, NY: Routledge, 1991).

For enslaved people, there would have been the immediate visual and psychological impact of witnessing and potentially participating in this violence. It makes sense to speculate that enslaved blacksmiths made some of the iron collars worn by enslaved people. It is also likely that the people forced to hold down a body as it was collared, may very well have been other enslaved people. But this is also the issue of the inability to physically comfort a collared person. While limiting physical access to a slave in a collar with particularly long projections may have benefitted the enslaver, for some enslaved people, they may have interfered with their ability to hug and comfort a loved one.

Iron collars also seemed to be used and experienced as the means for enslavers to learn the limits of pain and control. In practice, this body politics of slavery was a way to find the balance between mobility and immobility, central to controlling and confining bodies in slavery. Rendering raced/gendered/sexed/enslaved bodies fully immobile or useless was certainly not the point of productive control. And yet the use of iron collars, which today we may consider an enhancement technology that forced the body to work harder and longer while suffering for profit, was only as good as the ability of enslavers to manage their labor. Too much physical constraint or direct violence could and did become a problem of productivity, and in the story of John Brown this meant that a full harness with bars extending well above the head may have been useful for dominance and surveillance in the cotton field, but was unproductive when Brown was ordered to crawl into a corn crib.

These stories about enslavers' uses of iron collars on people articulate the collapse between mundane everyday objects in use and ritualistic violence directed at the body.<sup>262</sup> The slave collar, as part of the everyday landscape, was meant to signal and enforce a racialized punishment that not only defined the bodies being punished, but also others. Thus, the materiality of objects and race within the context of the nineteenth century South is clear, not only in the criminal sentences of hard labor in iron collars with three prongs, or the range of enslaved people subjected to mobile confinement in the city of New Orleans. This materiality is also evidenced by the horror and disgust described by a white union soldier at the sight of a white-skinned woman whose incarceration in an iron collar and plantation slave jail signified that she was clearly not white or free. Her white collared body was thus emblematic of the cruelty and depravity of slaveholders and the institution of slavery. However, what he "saw" was part of the enactments of this mundanely violent object with other bodies at sites where discipline and punishment met. This experience of confinement and blurring distinctions between the "crimes" of running away and committing murder, was reproduced within the lives of the enslaved, both materially and discursively, in the collar, the chain gang, the public works and the penitentiary.

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<sup>262</sup> Edgerton, *The Shock of the Old*; Foucault, *Discipline and Punish*.

## CHAPTER 2

### WEAVING THE FABRIC OF SLAVERY

#### **To Build a Perfect Slavery**

During debates in March of 1857 about leasing the newly built and furnished penitentiary factory to businessmen or keeping it in state control, Senator Buffington argued that by combining the forces of plantation slaves harvesting raw materials, with the labor of incarcerated slaves using the newest textile machines, the day would soon arrive when the entire South would be clothed by slave labor. Buffington argued:

This factory furnishes us with another fact in connection with this matter, of equal importance, and that is, negro slave labor can be employed in the manufacture of the raw material as well as in its production; for you can see, at any time, convict negroes engaged working at the looms with as much efficiency as the white operators. These two facts are of immense interest to the South; and, if it be true that the manufacture of cloth is as profitable to the capitalist as the production of raw material, and that negro labor can be employed as efficiently as white labor in the manufacture of fabrics, we have a new branch of industry presented to our people, which will furnish a source of such vast national wealth and political power, as will surpass the calculations of the most far-seeing statesman.

It is this branch of industrial pursuits that constitutes the wealth and greatness of England, and of the most important necessities of life. Let us, then, build up and foster this factory, and make a thorough experiment, and if the result proves as successful as I feel confident [it] will, our citizens will be encouraged to embark in a like enterprise; and the day is not far distant, when we will see every inhabitant of the South clothed in fabrics made by our own slave labor. Then will we be independent of Northern enemies, and if unable to maintain our fraternal equality in the Union, and driven to the painful necessity of dissolving our political connection with the North, the South will be none the loser, for we

will possess all the elements of being the most wealthy as well as the most powerful nation.<sup>263</sup>

How is it that a southern penitentiary with new textile machinery used by “convict negroes” and “white operatives” emerged in the late 1850’s as an icon of industrial progress, in part by serving at the intersection of ideals and practices that imagined a circuit of unfree labor fueling capitalist development on par with northern and British industrialists? What makes this significant is its vision of a seamless economic circuit of labor and commodities built with the bodies and labor of slaves. While this may not sound like an extraordinary statement – when one thinks the rhetoric that even enslaved blacks could be made efficient by the newest textile machines, the implications of using incarcerated laborer to lead the south to independence, is just as ironic as the idea of using all-white factory towns to support slavery.<sup>264</sup> At bottom, what is revealed is how agriculture and industry could be merged through the bodies of slaves working machines in a state institution like the penitentiary, an institution for the reform of white men, that was put into the service of slavery.<sup>265</sup>

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<sup>263</sup> Louisiana Senate, *Official Reports of the Senate of Louisiana. Session of 1857. Third Legislature. Second Session.* (Baton Rouge: Printed at the office of the Daily Advocate, 1857), 36–39.

<sup>264</sup> See Downey on the irony of all-white textile towns as a strategy to get broader support for slavery Tom Downey, *Planting a Capitalist South: Masters, Merchants, and Manufacturers in the Southern Interior, 1790-1860* (Baton Rouge: Louisiana State University Press, 2006); The Daily Gazette reported that in addition to the new cotton machinery the machinery for the production of jeans and linsey would “stimulate wool-growing in the State” Baton Rouge Daily Gazette & Comet, “The State Penitentiary,” *Daily Gazette & Comet*, August 5, 1859.

<sup>265</sup> Point also made in Robert Perkinson, *Texas Tough: The Rise of America’s Prison Empire*, 1st ed. (New York: Metropolitan Books, 2010). In that case, however, there were not incarcerated slaves. Slaves did not enter the penitentiary until the Civil War



Louisiana was one of the few states to incarcerate slaves in a state penitentiary.<sup>266</sup> In the late 1850s, the majority of prisoners serving life terms were enslaved people, a good number of which were incarcerated for killing, striking or otherwise wounding whites. These slaves, along with other prisoners, white and colored (f.w.c., f.m.c.), male and female worked within what by 1860 was one of the largest prison textile factories in the South. As legislators debated the morality of privately leasing the labor of white male convicts for profit they regularly invoked the presence of slaves in the penitentiary as points of reference for understanding reform. Several legislators likened leasing the penitentiary to treating white men like slaves, because it implied that profit was more important than reform, one of the guiding principles of building a modern penitentiary.

While Ayers brought early attention to the Southern opposition to the penitentiary because it “smacked of slavery,” and served as a “usurper of basic rights,” in Louisiana there were people who were enslaved whether they were incarcerated in the

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when the demands for labor led to the use of POWs, runaway slaves, and others that they were able to purchase from prominent slaveholders.

<sup>266</sup> On Louisiana Mark Carleton, *Politics and Punishment the History of the Louisiana State Penal System* (Baton Rouge: Louisiana State University Press, 1971); Fisher-Giorlando, “Women in the Walls: The Imprisonment of Women at the Baton Rouge Penitentiary, 1835-1862”; Connie H. Nobles, “Gazing upon the Invisible: Women and Children at the Old Baton Rouge Penitentiary,” *American Antiquity* 65, no. 1 (January 2000): 5–14; On other states and the relative lack of scholarship see Kelly Birch and Thomas C. Buchanan, “The Penalty of a Tyrant’s Law: Landscapes of Incarceration during the Second Slavery,” *Slavery & Abolition* 34, no. 1 (2013): 22–38; Paul Keve, *The History of Corrections in Virginia* (Charlottesville: University Press of Virginia, 1986); Wallace Shugg, *A Monument to Good Intentions: The Story of the Maryland Penitentiary, 1804-1995* (Baltimore Md.: Maryland Historical Society, 2000).

penitentiary or not.<sup>267</sup> As Hindus noted, “slavery shaped penal technologies in the South.”<sup>268</sup>

In this chapter, I examine how the rhetoric of slavery and reform in relation to actual penal practices demonstrates the tensions between the uses and meanings of different forms of unfree labor, particularly in relationship to incarceration in a southern prison textile factory. I do this in part, because the Louisiana penitentiary was firmly rooted within the context of the Baton Rouge community and more broadly within the networks of local and regional businessmen who benefitted from the leasing of the penitentiary, the inmates, their labor, and the products of their labor. In short, the penitentiary was an engine of control, reform, incarceration, and the economy regardless of whether it was managed by the state or lessees.

While there is scholarship on some of the legislative debates about leasing, they have not been considered in terms of the broader community or specifically in terms of the conditions of the penitentiary itself.<sup>269</sup> Debates about whether the profits should all be kept for the state or shared with private lessees, is only part of the story. There was a network of people who bought and sold goods from the penitentiary and thus profited from its business as well. A narrow focus on the terms of the lease can ignore that incarceration for the inmates regardless of the management was profitable to the

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<sup>267</sup> Edward Ayers, *Vengeance and Justice: Crime and Punishment in the 19th Century American South* (New York: Oxford University Press, 1984), 46, 48.

<sup>268</sup> Michael Stephen Hindus, *Prison and Plantation: Crime, Justice, and Authority in Massachusetts and South Carolina, 1767-1878* (Chapel Hill: University of North Carolina Press, 1980).

<sup>269</sup> Elizabeth Wisner, *Public Welfare Administration in Louisiana*. (Chicago, University of Chicago Press, 1930).

community, particularly because the initial expansion into coarse cotton and wool goods was to serve the slave-holding planters in Louisiana. By situating inmates and their struggles against the penitentiary within the circulation of raw materials used in the manufacturing of goods for broader markets, southern and otherwise, I throw this tension into relief.

Most studies in the historiography on convict labor before the Civil War emphasize the use of machinery and industrialization in the north.<sup>270</sup> When the South is mentioned, it is often in terms of fears of convict competition. Mechanics protested against the sale of prison-manufactured goods, but also the training of convicts in their preparation for release.<sup>271</sup> Scholarship on the leasing of labor is often split in terms of substantive treatments of pre-Civil War leasing in the north and post-Civil War leasing in the South.<sup>272</sup> Scholarship focused on longer histories of penitentiaries in the South

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<sup>270</sup> See for example, Glen A. Gildemeister, *Prison Labor and Convict Competition with Free Workers in Industrializing America, 1840-1890* (Garland Pub., 1987); Rebecca M. McLennan, *The Crisis of Imprisonment* (Cambridge University Press, 2008); Mark Colvin, *Penitentiaries, Reformatories, and Chain Gangs: Social Theory and the History of Punishment in Nineteenth-Century America*, 1st ed. (New York: St. Martin's Press, 1997).

<sup>271</sup> Leon Stout, "Origin and Early History of the Louisiana Penitentiary" (Dissertation, Louisiana State University, 1934); Ayers, *Vengeance and Justice*; McLennan, *The Crisis of Imprisonment*.

<sup>272</sup> See for example, McLennan, *The Crisis of Imprisonment*; Ayers, *Vengeance and Justice*; Douglas Blackmon, *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II*, 1st ed. (New York: Doubleday, 2008); David Oshinsky, *Worse than Slavery: Parchman Farm and the Ordeal of Jim Crow Justice* (New York: Free Press, 1996); Milfred C Fierce and Brooklyn College, *Slavery Revisited: Blacks and the Southern Convict Lease System, 1865-1933*, 1st ed (Brooklyn, N.Y.: Africana Studies Research Center, Brooklyn College, City University of New York, 1994); Matthew Mancini, *One Dies, Get Another: Convict Leasing in the American South, 1866-1928* (Columbia S.C.: University of South Carolina Press, 1996); Donald Walker, *Penology for Profit: A History of the Texas Prison System, 1867-1912*, 1st ed.

importantly have noted that the leasing (what many call contracting of labor), before the war was quite distinct from post-CW leasing. For one thing, pre-Civil War populations throughout the South usually included few free blacks and overwhelmingly white male prisoners who labored on prison grounds, even if they were doing work for private companies.<sup>273</sup> After the war, the mostly black imprisoned populations were used publicly and privately to literally rebuild the infrastructure of the South while simultaneously enriching capitalists.<sup>274</sup>

Throughout the mid-nineteenth century South, in states such as Alabama, Mississippi, Virginia, North and South Carolina there were textile factory towns.<sup>275</sup> In part, this was to boost manufacturing in the South, but also to get poor, non-slaveholding whites invested in slavery. There is a long varied history of slaves used in textile mills, either in small operations of a few looms, or more large-scale

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(College Station: Texas A & M University Press, 1988); Shugg, *A Monument to Good Intentions*.

<sup>273</sup> Robert David Ward, *Alabama's Response to the Penitentiary Movement, 1829-1865* (University Press of Florida, 2003); See also, Carleton, *Politics and Punishment the History of the Louisiana State Penal System*.

<sup>274</sup> See for example Carleton, *Politics and Punishment the History of the Louisiana State Penal System*; Alexander C Lichtenstein, *Twice the Work of Free Labor: The Political Economy of Convict Labor in the New South*, The Haymarket Series (London: Verso, 1996); Fierce and Brooklyn College, *Slavery Revisited*; Mancini, *One Dies, Get Another*; David Oshinsky, *Worse than Slavery: Parchman Farm and the Ordeal of Jim Crow Justice* (New York: Free Press, 1996); Blackmon, *Slavery by Another Name*.

<sup>275</sup> Downey, *Planting a Capitalist South*; Curtis J Evans, *The Conquest of Labor: Daniel Pratt and Southern Industrialization*, Southern Biography Series (Baton Rouge: Louisiana State University Press, 2001); John Moore, *The Emergence of the Cotton Kingdom in the Old Southwest: Mississippi, 1770-1860* (Baton Rouge: Louisiana State University Press, 1988); Allen Heath Stokes, "Black and White Labor and the Development of the Southern Textile Industry, 1800-1920" (Dissertation, University of South Carolina, 1977); Broadus Mitchell, *The Rise of Cotton Mills in the South*. (The Johns Hopkins press, 1921).

manufacturing bases, either hired or owned by manufacturers, but by the 1850s, there was unevenness across industries because of prevailing ideas about race, slavery, and labor.<sup>276</sup>

Champions of all-white textile towns believed that they were a way to morally reform the white laboring masses through the inculcation of habits of industry and intemperance, by educating them in machine labor and reinforcing discipline through churches and schools. This same sensibility informed the penitentiary.<sup>277</sup> William Gregg of Graniteville, South Carolina employed workers that included 300 women and teenagers as part of his strategy to uplift the poor white masses through education, religion, and social mobility.<sup>278</sup> Gregg believed that it was more cost-effective to use slaves, but remained committed to using white labor as part of a strategy to maintain their commitment to slavery.<sup>279</sup>

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<sup>276</sup> Stokes, “Black and White Labor and the Development of the Southern Textile Industry, 1800-1920”; Mitchell, *The Rise of Cotton Mills in the South*.

<sup>277</sup> Foucault, *Discipline and Punish*.

<sup>278</sup> Downey, *Capitalist South*, points out the irony of supporting white wage-labor as a way to reinforce commitment to slavery and avoid class conflict. Downey, *Planting a Capitalist South*.

<sup>279</sup> Though there was a history of interracial workforces in textile mills, reflected the availability of labor, by the 1850s both rhetoric and practices demonstrated a concern about white women not being reduced to the level of having to work alongside slaves. The well-known southern booster, JDB DeBow, proposed that an all-white female textile facility modeled on those in Lowell, Massachusetts, should be erected across the Mississippi river from New Orleans in Algiers as a way to get young white women into better jobs where they would no longer be degraded by working with blacks. J.D.B. DeBow, “Establishment of Manufactures at New Orleans,” *DeBow’s Review, Agricultural, Commercial, Industrial Progress and Resources*. 8, no. 1 (January 1850): 1–20.

Textile manufacturing was championed as a strategy to keep slaves in their place, on the fields raising raw materials for manufacture by southern whites.<sup>280</sup> One writer in *DeBow's Review* even proposed that by keeping slaves on the fields and white families in manufacturing with self-sufficient housewives, families would eventually be able to purchase their own slaves, further increasing demand for "this species of property."<sup>281</sup> There were industrialists who preferred to use slave labor, since they could then purchase more slaves from the profit generated from their manufacturing labor, and thus expand their businesses.<sup>282</sup> By the 1850s, the trend, at least rhetorically, was often towards using white workers in textile factories, rather than interracial or all-black, slave owned and hired.<sup>283</sup> When there were mixed workforces, blacks were often delegated to

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<sup>280</sup> Governor Hammond, "Progress of Southern Industry," *DeBow's Review, Agricultural, Commercial, Industrial Progress and Resources* 8, no. 6 (June 1850): 501–522; Stokes, "Black and White Labor and the Development of the Southern Textile Industry, 1800-1920," 70–71, Stokes cited a Mississippi planter who argued that planters should "build log-cabin mills adjacent to cotton fields. If the machinery failed to operate properly, the slaves could return immediately to the fields while machinery was repaired. Another planter envisioned the raw material and pine forests necessary for construction of factories." It would be cheaper with slaves. This was in a "production and manufacture of cotton, *DeBow's* 8 Feb. 1850: 101; *ibid.* January 1850: 73.

<sup>281</sup> J.H. Taylor, "Manufactures in South Carolina," *DeBow's Review, Agricultural, Commercial, Industrial Progress and Resources* 8, no. 1 (January 1850): 24–29.

<sup>282</sup> For an example of a manufacturer using dividends to purchase more slaves to work in his factory see J. D. B. [The Editor De Bow, ed., "Department of Manufactures. An Alabama Manufacturing Village," *DeBow's Review, Agricultural, Commercial, Industrial Progress and Resources*. 25, no. 6 (December 1858): 717–719; On the shift over time in the use of black and white labor see Stokes, "Black and White Labor and the Development of the Southern Textile Industry, 1800-1920"; Randall M. Miller, "The Fabric of Control: Slavery in Antebellum Southern Textile Mills," *The Business History Review* 55, no. 4 (December 1, 1981): 471–490; Downey, *Planting a Capitalist South*; Evans, *The Conquest of Labor*.

<sup>283</sup> De Bow, "Department of Manufactures. An Alabama Manufacturing Village"; On industrial work in general see Starobin, *Industrial Slavery in the Old South*.

the most dangerous and dirty positions.<sup>284</sup> It is within this context that black slaves at textile machines in the Louisiana Penitentiary became embedded within the practices of enslavement and incarceration, and legislative visions of a future when blacks could be used from field to factory to produce manufactured cloth for the entire south.<sup>285</sup>

### **Louisiana Leasing**

Before the opening of the Louisiana penitentiary in Baton Rouge, legislators expressed concern about the mixing of convicts, particularly slaves, and women of different races, with other prisoners not condemned to hard labor. They were also critical of the spectacle of public labor on the streets of New Orleans.<sup>286</sup> Tribunals sentenced slaves as early as 1819 for arson or administering poison to be “imprisoned in irons and hard labor for life.”<sup>287</sup> Acts in 1823 and 1830 provided compensation to owners for the loss of slaves’ including those who were sentenced to life imprisonment for capital crimes. When enslaved people were incarcerated, the title of the slave was transferred to the state. Judith Schafer argued that this compensation and transfer of title, not only meant the state had the right to “hire the slave prisoners on such terms as

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<sup>284</sup> After the Civil War, it was even proposed that blacks were biologically unfit to labor in textile mills as a way to maintain white solidarity Stokes, “Black and White Labor and the Development of the Southern Textile Industry, 1800-1920.”

<sup>285</sup> Louisiana Senate, *Official Reports of the Senate of Louisiana. Session of 1857. Third Legislature. Second Session.*

<sup>286</sup> Louisiana House of Representatives, *Journal of the House of Representatives during the Second Session of the Fifth Legislature of the State of Louisiana* (New Orleans: J.C. De St. Romes, State Printer, 1822).

<sup>287</sup> Schafer, “‘Under the Present Mode of Trial, Improper Verdicts Are Very Often Given’: Criminal Procedure in the Trials of Slaves in Antebellum Louisiana,” 455.

may be most advantageous to the state,” but was also evidence that imprisoning slaves was a “property condemnation.”<sup>288</sup>

While the public exposure of white criminals was deemed problematic, the chain gangs of black slaves served as a counterpoint to the ideal of the modern penitentiary as Louisiana legislators debated the terms for erecting a penitentiary in 1832. In his 1832 speech to the legislature, Governor A.B. Roman argued that the sight of men “loaded with chains and reduced to a species of slavery” had to end.<sup>289</sup> Looking north to the Auburn penitentiary system in New York, Roman argued that rather than criminals working the streets of New Orleans without the state being compensated for their labor, in a penitentiary the convicts could work in silence in a common room removed from public display.<sup>290</sup> Legislators believed that reforming prisoners would only come by following the Auburn model of solitary confinement at night, and constant labor during the day.<sup>291</sup>

In 1836, the prisoner-built penitentiary opened in Baton Rouge. By 1840, the year of the earliest records that I have found listing convicts, there were 32 blacks, 18 of them slaves, 7 of whom were enslaved convict women, out of an incarcerated population of 174. At the time, there were no incarcerated white women or women of color. In the early workshops there were 8 convicts employed as blacksmiths and in the

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<sup>288</sup> *Ibid.*, 456.

<sup>289</sup> Louisiana Senate, *Journal of the Senate of the State of Louisiana. Third Session of the Tenth Legislature of the State of Louisiana, Begun and Held in the City of New Orleans* (New Orleans, 1832), 7.

<sup>290</sup> Roman notes that the state had “to pay rent for their safe keeping to the city.” The term is also used in relationship to slaves -- meaning those who were sent specifically to the chain gangs to be worked at punishing labor. *Ibid.*

<sup>291</sup> *Ibid.*, 35–38.



gun shops, 23 as carpenters and wheelwrights; 6 as cabinetmakers and painters; 8 as coopers and turners; 41 as shoemakers and tailors; 3 as saddle and harness makers; 9 as corn grinders, carters and gardeners, 4 whip sawyers; 8 women washing and mending; and 35 as weavers and spinners in the cloth factory.<sup>292</sup> The most profitable industry in 1840 was the textile factory.<sup>293</sup> In order to meet the needs of planters for coarse cloth, the committee on the penitentiary requested additional appropriations for machinery, so they could employ more than the 35 convicts producing 400 yards of cotton and woolen cloth daily.<sup>294</sup>

In his 1841 address to the general assembly, Governor Roman attributed the productivity of the inmates to steam power. Roman argued that “this experiment” of using steam engines would hopefully, “induce some of our fellow-citizens to employ in the same manner the steam power” laying dormant on their plantations three-fourths of the year and with a small investment they could be used for making coarse cloths while employing “women and children” “to more advantage than the men.”<sup>295</sup> Expanding manufacturing could bring “the labor of this institution into competition with northern

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<sup>292</sup> Louisiana House of Representatives, *Journal of the House of Representatives, Fifteenth Legislature, First Session, 1841*.

<sup>293</sup> Inventory of the property belonging to the state at the end of 31st Dec. 1840 Amount of value on hand • In the blacksmiths and gunsmiths shop \$2307.10 • Carpenters, Cabinet, Wheelrights \$5812.75 • Turners and Coopers \$537 • Foundry and printers \$673.25 • Shoemakers and Tailors \$729.40 • Saddle and Harness \$597.44 • Cloth Factory \$15,334 (\$14,798.02 of that was the machinery and engines) • 300,000 bricks on hand at value of \$2400 • Articles manufactured in penitentiary and unsold \$4575.26 • Other things in list.....arms, horses, provisions on hand, clothing and bedding • Total: \$40,655.54 *ibid.*

<sup>294</sup> *Ibid.*

<sup>295</sup> Louisiana Senate, *Journal of the Senate of the State of Louisiana. First Session of the Fifteenth Legislature* (New Orleans, 1841).

labor” and “British capital” both regions to which millions of bales of cotton transported through Baton Rouge and New Orleans were destined for manufacturing to produce cloth that was then sold back to Southern consumers.<sup>296</sup>

As Marianne Fisher-Giorlando has shown, women working at machines within the penitentiary never materialized. Instead, all of the women were delegated to washing and mending clothing for the prisoners from the penitentiary’s inception through the Civil War.<sup>297</sup> Thus, in contrast to the practices of jails, and at odds with broader practices in textile factories, women worked in separate spaces from men. Though men obviously worked as tailors, washing and mending were generally viewed as women’s work.<sup>298</sup>

The state continued to invest in cotton and wool manufacturing, and the legislature was able to report by 1843 that the articles manufactured by the forty-three convicts in the factory (out of a population of 206) were nearly equal to the goods that were produced in all other branches. However, an examination of the balance sheets shows that the disbursements for the year, including subsistence for the convicts, pay

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<sup>296</sup> Louisiana House of Representatives, *Journal of the House of Representatives. Second Session, Fourteenth Legislature*, 1840, 109–111.

<sup>297</sup> Fisher-Giorlando, “Women in the Walls: The Imprisonment of Women at the Baton Rouge Penitentiary, 1835-1862.”

<sup>298</sup> On gendered work on Louisiana plantations see Follett, *The Sugar Masters*; On the “second shift” of work for female slaves, see Camp, *Closer to Freedom*; On technology and women’s work see, Ruth Schwartz Cowan, *More Work for Mother: The Ironies of Household Technology from the Open Hearth to the Microwave* (New York: Basic Books, 1983).

for officers and guards, building materials, raw cotton and wool, not to mention machine parts and other materials was nearly twenty thousand dollars more than sold.<sup>299</sup>

The state spent \$450,000 to build and maintain the prison from 1830 to 1844, but decided that the cost of managing it was too high. An 1844 report by the board of inspectors submitted to the Louisiana Legislature reported that the penitentiary had been mismanaged until the last few months of 1843, after a new warden and captain of the guards were appointed. Though the removal of the former warden had led to more economical practices, as well as the convicts building an expanded two-story north workshop with a hospital and kitchen, to replace one that burned, the legislature and Governor authorized the leasing of the institution for a period of five years, starting in October of 1844.<sup>300</sup> At the time, there were 189 convicts in the penitentiary, of which 6 were enslaved convict women, and one white. All of the free men of color and enslaved men and slave women of the “Williams Gang” had been transferred out of the penitentiary to labor on the public works (See Chapter Three).

The first lease was awarded in 1844 to the firm of McHatton, Pratt & Co. composed of partners James A. McHatton, Charles McHatton, William Pratt and George W. Ward.<sup>301</sup> Though the alliances changed over the years, control of the prison

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<sup>299</sup> Total: \$55,732.98. Louisiana Legislature, *Journal of the Senate. First Session. Sixteenth Legislature* (New Orleans, La: A.C. Bullitt, State Printer, 1843), 18.

<sup>300</sup> Louisiana Senate, *Journal of the Senate of the State of Louisiana. Seventeenth Legislature – First Session*, 1845, 3–5.

<sup>301</sup> Louisiana House of Representatives, *Journal of the House of Representatives, of the State of Louisiana. Seventeenth Legislature – First Session* (New Orleans, 1845); Elizabeth Wisner, *Public Welfare Administration in Louisiana.*, 147; Carleton, *Politics and Punishment the History of the Louisiana State Penal System*, 9; The text of the 1844 lease can be found in Stout, “Origin and Early History of the Louisiana

remained within the hands of this small group of men, with the addition of W.S. Pike. Being prominent members of the Baton Rouge and New Orleans communities, the men's networks of power and influence extended throughout the Baton Rouge, New Orleans, and beyond.

By the terms of the first lease approved on March 25, 1844, the state received none of the profits.<sup>302</sup> In 1847, the state appropriated \$37000, \$25000 of which went to the purchase of cotton and woolen machinery from Lowell and for the services of an experienced machinist to set it up.<sup>303</sup> The lessees expanded the convict production of coarse cotton Lowells, Kentucky linseys, jeans, "negro shoes" and cotton bagging and hemp ropes for the plantation markets. The production of brick was also expanded as part of the articles being sold at "a great convenience to our planters" by supplying them "at their own doors."<sup>304</sup> Similar to what other industrialists did when the prices of cotton

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Penitentiary"; In comparison, Alabama started leasing in 1846. Leases were sequentially held by a landowner and construction financier, then later doctors, one of whom ran a store selling prison goods, and was killed by an inmate. Ward, *Alabama's Response to the Penitentiary Movement, 1829-1865*.

<sup>302</sup> The lessees received a loan of \$15,000 at 6 percent payable at the end of three years. Louisiana Senate, *Journal of the Senate of the State of Louisiana. Seventeenth Legislature – First Session*; Stout, "Origin and Early History of the Louisiana Penitentiary"; Louisiana Legislature, *Journal of the Senate. First Session. Third Legislature*, 1850.

<sup>303</sup> The sum of the three acts was \$52,000 in capital improvements paid for by the state. Louisiana Legislature, *Journal of the Senate. First Session. Third Legislature*.

<sup>304</sup> Louisiana Legislature, *Report on the Penitentiary, by a Joint Committee of the Senate and House of Representatives. J. Bernard Chairman* (New Orleans: Magne & Weisse, State Printers, 1845), 1–5; Louisiana Senate, *Journal of the Senate of the State of Louisiana for the Session of 1846, Continued*. (New Orleans, La: Van Benthuyssen & Besancon, 1846), 64–5.

fluctuated, the lessees increased their investments in cotton/woolen mixed goods, thus requiring a higher consumption of wool and the use of woolen machinery.<sup>305</sup>

The use of chains to restrain the inmates in the penitentiary was discontinued under the first lease in 1844. The lessees requested that the east wall of the prison yard be moved and the walls raised an additional 6 feet so there was room to erect a building for the proposed bagging and rope factory. Without a building for manufacturing, the convicts would have had to work in sheds that would not only be inconvenient, but also unsafe, “as it would be almost impossible, even with an increased number of guards, to prevent the prisoners from making their escape, as it is utterly impossible for them to perform that kind of labor with the heavy chains which they have heretofore worn.”<sup>306</sup> And escapes there were. There were numerous escapes by slaves, free men of color, and given their larger numbers, mostly white male prisoners over the years. Three prisoners escaped in 1842; two escaped in 1849; one slave died in an escape attempt in 1854; four escaped in 1857; and two escaped in 1858. Some of the escapees were captured and returned to the penitentiary, such as a convict woman who was captured and returned in 1860.<sup>307</sup>

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<sup>305</sup> See Evans for examples of others diversifying, such as Pratt. Evans, *The Conquest of Labor*.

<sup>306</sup> Louisiana Senate, *Journal of the Senate of the State of Louisiana. Seventeenth Legislature – First Session*, 4–5.

<sup>307</sup> For example, five convicts escaped in 1844, Louisiana Legislature, *Report on the Penitentiary, by a Joint Committee of the Senate and House of Representatives. J. Bernard Chairman*; Two escaped in 1849, “Appendix. Report of the Board of Directors on the State Penitentiary,” in *Journal of the House of Representatives. First Session, Third Legislature*, 1850, 5; A receipt dated 9th February 1859 was made out for \$126.80 to a Mr. Elliott for the capture of an escaped slave convict, “Powell.” The total included \$1.00 for a chain and padlock and jail expenses. Reel 2. \$125 was paid for the capture

By the end of 1848, there were 152 convicts remaining in the penitentiary (172 a few months previous). Of the 152, 95 were white men, 1 was a free man of color, and 44 were enslaved convict men, 12 enslaved convict women, and 95 white men.<sup>308</sup> The lessees paid the salaries of the clerk, chaplain, and physician. They were also responsible for buying all of the raw and manufactured materials in stock. The cotton and wool factory continued to be the most profitable, bringing in \$67,571 by September 30, 1848 whereas the brickyard made \$16,228, the shoemakers shop \$11,608.56, and bagging and rope, \$9974.06. At the expiration of the lease, the directors of the penitentiary received from the firm of McHatton Pratt & Co materials and manufactured articles, valued at \$24,067.20 which was then transferred to the new firm McHatton, Ward & Co on September 30<sup>th</sup>, 1849.

Under the new lease, from 1850-1855, the members of the firm were the same, minus Mr. Pratt. The state received one fourth of the profits, which was guaranteed to be no less than \$4000.<sup>309</sup> The new and old machinery and tools were valued at

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of Wilson “a slave and an escaped convict” who escaped the prison on April 9th. The charges included a bill for \$82.35 to a physician and \$20 for passage. Stephen Roark earned \$30 for capturing a convict on September 1, 1858. A note asking for payment for capturing an “escaped convict woman” delivered to the penitentiary in June of 1860. Reel 3. McHatton, Pike & Co., “McHatton, Pike & Co Record Books 1857-1860,” MSS 992. Louisiana and Lower Mississippi Valley Collections, LSU Libraries, Baton Rouge, Louisiana.

<sup>308</sup> Davidson, Barbee, and Cooper, *Report of the Board of Directors of the Penitentiary of the State of Louisiana*; Board of Directors of the Louisiana Penitentiary, “Appendix Report,” in *Documents of the Extra Session of the Second Legislature of the State of Louisiana* (Baton Rouge, 1848).

<sup>309</sup> Louisiana Legislature, *Journal of the Senate. First Session. Third Legislature.*

\$42,442.87.<sup>310</sup> By 1854, there were 295 prisoners, 4 of them white women, 15 enslaved black women, 191 white men, and 85 colored men. 41 of the 50 people from Louisiana were slaves, 6 of them free men of color, and 3 were white men. There were 55 inmates from Ireland and another 15 from Germany. 55 inmates were incarcerated for larceny, 52 for murder, 27 for manslaughter, 24 for robbery, and 12 for arson. 12 black inmates were incarcerated for assaulting a white man, 2 for wounding white persons, 3 for stabbing white men were all enslaved people and they were all serving life sentences.<sup>311</sup> After a fire in 1856, female cells and an adjacent washroom were finally built.<sup>312</sup> This was not the first fire. Part of the prisoner rebellions against their conditions included setting fires to burn their modern form of incarceration. One of the fires was set in the pickery in 1841. The north wing was rebuilt by 1843, using convict labor and expanded with an additional story for workshops. After another fire engulfed the factory in 1856 and the convicts erected new buildings that by 1857 included a fireproof cotton warehouse large enough to hold 120 bales of cotton. The state also purchased new and improved machinery for the factory “now capable of performing twice the work of the

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<sup>310</sup> The state also delivered to the lessees \$15,082.00 and owed them an additional \$8985.29. Ibid.

<sup>311</sup> Edward Hiriart, President et al., *Annual Report of the Board of Directors, Clerk and Officers of the Louisiana Penitentiary, at Baton Rouge, for the Year Ending December 31, 1854* (New Orleans: Emile La Sere, State Printer, 1855), 17.

<sup>312</sup> *Message of Robert C. Wickliffe, Governor of the State of Louisiana. Together with an Appendix Containing the Report of the Penitentiary Agents for the Year 1856* (Baton Rouge: Daily Advocate, 1857); Nobles, “Gazing upon the Invisible.”

old.”<sup>313</sup> The rebuilt factory was at the center of debates about state or lessee control over the machinery, buildings, and inmates.

### **Incarceration and Enslavement in Rhetoric and Practice**

In 1855 Governor Hebert vetoed the new penitentiary bill.<sup>314</sup> Hebert objected to private leasing because it did not “reflect humanity” and because “the lessees seem to be making huge amounts of money with no capital outlay, since it is the state that pays,” for the buildings, machinery, and tools.<sup>315</sup> Hebert was also concerned that there were no safe-guards against abuses, leaving “everything, practically, to the unbridled discretion of the Lessee, who may look upon the Penitentiary in no other light than as a workshop, and consider the convicts only as producing or manufacturing machines!”<sup>316</sup> Thus machines figured as an important component of how people understood the penitentiary, or as one legislator put it, the buildings and machines were “its very existence.”<sup>317</sup>

While an extensive discussion of the leasing debates is beyond the scope of this dissertation, I want to briefly emphasize how notions of slavery figured in the debates

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<sup>313</sup> Louisiana House of Representatives, *Journal of the House of Representatives, First Session, Sixteenth Legislature*, 1842; R.W. Newport, Chairman and Louisiana Legislature, “Report of the Standing Committee on the State Penitentiary, Made at the Second Session of the Sixteenth Legislature,” in *Journal of the House of Representatives*, 1844; *Message of Robert C. Wickliffe, Governor of the State of Louisiana. Together with an Appendix Containing the Report of the Penitentiary Agents for the Year 1856*, 8–9.

<sup>314</sup> Paul Hebert, *Message of Governor Paul O. Hebert to the Senate Vetoing the Penitentiary Bill* (New Orleans: Emile La Sere, State Printer, 1855).

<sup>315</sup> *Ibid.*

<sup>316</sup> *Ibid.*, 5.

<sup>317</sup> Louisiana House of Representatives, *Official Journal of the House of Representatives of the State of Louisiana. Third Legislature. Second Session.* (Baton Rouge: Daily Advocate, 1857).



between 1854-57 and also how the actual practices regarding the incarceration of enslaved people can be understood.<sup>318</sup> The terms of the debate about who was a better manager, the state or the lessee is covered in more detail elsewhere.<sup>319</sup> After the governor's veto, the debate between legislators lasted until March 16 of 1857, when the bill for re-leasing the penitentiary was passed over the governor's veto.<sup>320</sup> Discursively, enslaved people who actually lived within the walls of the penitentiary were absent from some debates; as instead, enslavement was used as a concept and practice to define the threat of incarceration to the humanity of white men.

During the debate, Representative Brice argued that all convict labor should be working in "the manufacturing of cotton goods" since the history of the country demonstrated that it was a "lucrative" business.<sup>321</sup> Compared to manufacturers in the North and Europe, the southern manufacturer had the advantage of "the raw material at his door."<sup>322</sup> Weighing the costs of transportation, commissions for merchants, agents and clerks, Northern and European manufacturers had an advantage. However, in terms of labor costs, "the Penitentiary it is almost nominal. The clothes of the convicts are made in the establishment, and are manufactured of the coarsest and cheapest materials; their food consists of coarse, substantial fare, and at little cost. For this

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<sup>318</sup> Elizabeth Wisner, *Public Welfare Administration in Louisiana*.

<sup>319</sup> *Ibid.*

<sup>320</sup> There were errors in the 1857 act, so it was re-promulgated in 1858, Act no 130 "An Act to provide for the administration of the Penitentiary, at Baton Rouge," Louisiana Legislature, *Acts Passed at the Fourth Session of the Legislature of the State of Louisiana, at Its First Session, Held and Begun in the City of Baton Rouge, on the 18th of January, 1858* (Baton Rouge: J.M. Taylor, State Printer, 1858), 222.

<sup>321</sup> Louisiana House of Representatives, *Official Journal of the House of Representatives of the State of Louisiana. Third Legislature. Second Session.*, 137.

<sup>322</sup> *Ibid.*

meager outlay the State has the labor of three hundred and fifty-six persons, all capable of being profitably employed in manufacturing cotton goods.<sup>323</sup> Rather than making “the lessees millionaires” as they wore out the new machinery by the end of the five year lease, Brice argued that the state needed to take over the new factory, and make it a profitable business.<sup>324</sup>

To Brice, turning the penitentiary over to the lessees was a threat to the inmates humanity. Quoting Hebert’s veto message, he argued “Do not make the convict a slave without hope, if you expect to reform him, but let him know that the State regards him, even within the walls of the prison, as a man.”<sup>325</sup> Brice argued that reformation of the criminal was what distinguished the state from the lessee. The criminals were not just to be punished, or restrained from further crime, but should also be prepared to reenter society. Books for reading should continue to be available, and accounts should be opened crediting prisoners as a “stimulus to labor and good behavior.” Brice claimed that prisoners were not “civilly dead” and thus should not be sold. He was critical of the current bill for implying that “\$100 worth of Sunday sermons” by “an invited parson” was adequate reform.<sup>326</sup>

There were concerns expressed by others about the constraints of incarceration limiting the ability to minister to prisoners, but also that there should be “some arrangement by which the ignorant white convicts might be instructed in the rudiments of learning” and that those capable of reading be given an hour or two each day to do

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<sup>323</sup> *Ibid.*

<sup>324</sup> *Ibid.*, 138.

<sup>325</sup> Brice citing Hebert, who was citing Gov. Wright of Indiana *ibid.*, 140.

<sup>326</sup> *Ibid.*, 140–141.

so.<sup>327</sup> While I have not found evidence that a teacher was ever hired to teach the illiterate white convicts, there were five chaplains hired under the 1857 lease, and over the years there was progress with regards to getting a broad collection of reading materials for those inmates that were literate. Periodicals like *Harper's Monthly*, *Scientific American*, *Arthur's Home Gazette*, *Illustrated Journal Universal* along with books in French, and German, and "light literature" rather than moral theology, served as an "auxiliary to prison discipline."<sup>328</sup> Books for the literate included *Notes on Virginia*, 4 vols., *Buckeye Abroad*, *Sea and Sailor*, *Rambles in Asia*, *Marshall's Washington*, *Shakespeare in his Times* and more.<sup>329</sup> I found no evidence that chaplains proposed teaching colored convicts or women to read.

Though they may have had access to reading materials, it is curious that some legislators seemed to think that if the state was in control the desire to make the convicts work "from morn til night, for the sole purpose of making money" would end, as

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<sup>327</sup> In 1856, the committee calculated that 43 white convicts could not read and 89 could not read and write, out of a total population of 237 white males. Minority Report of the Committee on the Penitentiary, JB Matthews, Chairman *Message of Robert C. Wickliffe, Governor of the State of Louisiana. Together with an Appendix Containing the Report of the Penitentiary Agents for the Year 1856*, 4; Chaplain's reports Josiah Kleinpeter et al., *Report of the Board of Control of the Louisiana Penitentiary [December]*, December (Baton Rouge: JM Taylor, State Printer, 1859), 64–66.

<sup>328</sup> Board of Directors, *Appendix Report of the Board of Directors of the Louisiana Penitentiary* (New Orleans: Emile La Sere, State Printer, 1854), 6; "Appendix. Report of the Board of Directors on the State Penitentiary," 6; Hiriart, President et al., *Annual Report of the Board of Directors, Clerk and Officers of the Louisiana Penitentiary, at Baton Rouge, for the Year Ending December 31, 1854*, 3.

<sup>329</sup> Receipt for April 1858, \$77.35. Reel 1, McHatton, Pike & Co., "McHatton, Pike & Co Record Books 1857-1860."

if there would no longer be a push for high profits.<sup>330</sup> Variations on this theme included notions that leasing was committing convicts to “the worst of slavery” and if the House was going to “make slaves of them” they should do so “boldly” and “get the highest price for them.”<sup>331</sup> Another opponent argued that the state “may have a right to the labor of the prisoner, but she cannot dispose of that labor.” “Let him be treated as a prisoner, not as a slave. Give him encouragement, lead him onward, still onward to reform.”<sup>332</sup> Other legislators argued that “it should be borne in mind that the [lessees] have none of the motives for treating the prisoners with humanity and forbearance, than the man has who works his negroes on a plantation.”<sup>333</sup>

Supporters of the bill were not swayed by concerns that the “lessee will have irresponsible power over the *white* convicts in the Penitentiary” since the point was to both punish the convicts and to get assistance with defraying their expenses.<sup>334</sup> It was in the best interest of “the State and society” to compel the “labor” to produce the best results without cruelty.<sup>335</sup> Others argued that there was no reason to treat “these convicts as gentlemen, *or even as we would treat a faithful negro.*” One legislator said: “Need I ask Southern men, if it is not their interest to feed and clothe their slaves, in order to get work out of them. So it is with these prisoners.” “The law sentences them to

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<sup>330</sup> Representative Matthews Louisiana House of Representatives, *Official Journal of the House of Representatives of the State of Louisiana. Third Legislature. Second Session.*, 127.

<sup>331</sup> Representative Hamilton from Natchitoches *ibid.*, 128.

<sup>332</sup> *Ibid.*, 141–2.

<sup>333</sup> Louisiana Senate, *Official Reports of the Senate of the State of Louisiana. Session of 1856.* (Baton Rouge, La: Advocate Steam Power Press Print, 1856), 63.

<sup>334</sup> Mr. Haynes Louisiana House of Representatives, *Official Journal of the House of Representatives of the State of Louisiana. Third Legislature. Second Session.*, 133.

<sup>335</sup> Haynes *ibid.*

hard labor, and hard labor they should perform.”<sup>336</sup> And lastly, it was argued that it would be in the interest of the lessees to treat the convicts well, just as it was in the interest of the planter to “*use his slaves well.*” “The planter who fed and clothed his negroes well and treated them with the becoming kindness and humanity, was he who profited most by their labor, so it would be with the lessees” even if there was no supervision by a Board of Control.<sup>337</sup>

Thus rather than comparing the condition of incarcerated white men to incarcerated slaves, plantation slaves stood in as the exemplar for enslavement. An exception was Senator Buffington of East Baton Rouge who represented the region where the penitentiary was located. It was Buffington who argued that the penitentiary system did not emerge in the U.S. to make “punishment a source of revenue to the State,” but instead to reform criminals with Christian philanthropy.<sup>338</sup> Buffington went on to make the usual claims about the need for manual labor for “physical health and moral improvement” and to teach “habits of industry and knowledge.”<sup>339</sup> Leasing the prisoners would in no way lead to moral improvement, but under state management “he is still an object of sympathy” and as he “labors cheerfully for the benefit of the State, he may still feel the pride of a freeman.” And, lastly, Buffington acknowledged the central presence of slaves in the penitentiary (see quote at beginning of the chapter).<sup>340</sup>

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<sup>336</sup> Mr. Semmes *ibid.*, 134.

<sup>337</sup> Louisiana Senate, *Official Reports of the Senate of the State of Louisiana. Session of 1856.*, 63–4.

<sup>338</sup> Louisiana Senate, *Official Reports of the Senate of Louisiana. Session of 1857. Third Legislature. Second Session.*, 36.

<sup>339</sup> *Ibid.*, 37.

<sup>340</sup> *Ibid.*, 36–39.

Even by recognizing the presence of enslaved people within the penitentiary, Buffington's statement still emphasized the difference between being an enslaved inmate owned by the state or an incarcerated white man with a chance at redemption. Whereas enslaved people formed a circuit of enslavement from plantation to penitentiary, for white men, there was the chance of breaking out of the cycle through redemptive machine labor.

By 1853, there were a number of slaves in the penitentiary "either as State prisoners or as property of the State."<sup>341</sup> The enslaved people who were state property were two men incarcerated by state engineers for being "incorrigible" runaways. (See Chapter Three.) The other twelve slaves, the "Williams Gang" were forfeited to the state in a lawsuit when William H. Williams violated an 1817 law forbidding convict slaves from being imported from other states. This group of enslaved people were serving time not only for their own crimes committed in other states, but for the violation of statutes by an enslaver when they were brought into the state.<sup>342</sup>

These enslaved persons in particular illuminate the complicated articulations of what it meant to be incarcerated slaves of the state, particularly in a context where legislators were debating the risks of treating white men as slaves. Though they were not mentioned during the leasing debates, from time to time over the years beginning as early as 1840, legislators tried to remove enslaved inmates from the penitentiary to labor on the chain gangs of New Orleans or on the state public works with engineers

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<sup>341</sup> *Appendix Report of the Joint Committee on the Penitentiary* (New Orleans: Emile La Sere, State Printer, 1854), 4.

<sup>342</sup> Davidson, Barbee, and Cooper, *Report of the Board of Directors of the Penitentiary of the State of Louisiana*.

(see Chapter Three). Legislators argued that imprisonment in the penitentiary was hardly punishment for slaves, “the doom of bodily labor though of the most humiliating nature, can scarcely be deemed matter of great terror to a slave.”<sup>343</sup> However, under the terms of the lease through 1854, none of the enslaved prisoners were allowed to “be removed and sold, or otherwise disposed of” suggesting that though the state held title to them, the lessees were truly renting their state-owned bodies.<sup>344</sup>

Thus in contrast to concerns legislators had about leasing white men’s labor, in the case of enslaved persons whose titles were turned over to the state when they were incarcerated, they could not “be withdrawn without the consent of the lessees until the termination of the lease.”<sup>345</sup> Thus not only were the titles of the incarcerated owned by the state when they were incarcerated, mingling the “condemned property,” with state-owned slaves from the public works, all of these enslaved people were then rented to the lessees, as prisoners and slaves of the state.<sup>346</sup> It is not surprising then that some legislators expressed consternation at the presence of slaves with bodies owned, rented, warehoused, and used by so many stakeholders, in spaces physically and symbolically meant to represent justice and reform for white criminals. The multiple stakeholders who owned, rented, used, and abused enslaved people resonates with the case of Lid, the

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<sup>343</sup> Louisiana House of Representatives, *Journal of the House of Representatives. Second Session, Fourteenth Legislature*, 111.

<sup>344</sup> *Appendix Report of the Joint Committee on the Penitentiary*, 4.

<sup>345</sup> *Ibid.*

<sup>346</sup> Board of Directors, *Appendix Report of the Board of Directors of the Louisiana Penitentiary*, 4; On the term condemned property, see Schafer, “‘Under the Present Mode of Trial, Improper Verdicts Are Very Often Given’: Criminal Procedure in the Trials of Slaves in Antebellum Louisiana.”

enslaved woman forced to wear an iron collar while laboring on the plantation of David Weeks' sister Rachel O'Connor (see Chapter One).

Imprisonment was supposedly so “agreeable” to enslaved people that a law was conveniently passed so that “any slave convicted of a vile crime” should be punished with death or imprisonment for life regardless of the sentence they received because planters did not want slaves back after they served time.<sup>347</sup> By restricting the movement of slave convicts to the penitentiary and forbidding their labor outside its walls, other than in the lucrative business of brickmaking, as well as forcing them to serve terms beyond their sentence, the differences between treating some white men like slaves and actually owning the bodies of enslaved blacks were amplified. This law also served to increase the number of enslaved laborers working in the profitable cotton and woolen factory.

The movement of the enslaved convicts was an issue between the lessees and the legislators as the lessees asked several times to be able to use convicts instead of “outside negro laborers” who hauled the coal, machinery, cotton and other goods transported to and from the prison.<sup>348</sup> The lessees complained of the “high wages” they had to pay outside laborers and wanted to save money by having the hauling done with convict labor. The lessees also believed that using enslaved convicts would cut down on

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<sup>347</sup> Louisiana Senate, *Official Reports of the Senate of Louisiana. Session of 1857. Third Legislature. Second Session.*, 48, 130–31; Schafer cites the act passed requiring slaves to remain incarcerated after their terms were up because slaveholders did not want them back Schafer, “‘Under the Present Mode of Trial, Improper Verdicts Are Very Often Given’: Criminal Procedure in the Trials of Slaves in Antebellum Louisiana.”

<sup>348</sup> *Message of Robert C. Wickliffe, Governor of the State of Louisiana. Together with an Appendix Containing the Report of the Penitentiary Agents for the Year 1856.*



the amount of contraband introduced to the penitentiary, such as whisky that was secreted in loads of cotton.<sup>349</sup> Instead, the lessees were “permitted to employ white convicts, who have been sentenced for a short term of a year” to haul goods to and from the river and “from warehouses” under guard. This would supposedly be “less injurious to prison discipline” since “colored laborers” would no longer come into “constant communication with the convicts.”<sup>350</sup>

Thus, like the selling of convict slave women’s children for the benefit of white children, the practices of the penitentiary reinforced distinctions between white men and enslaved inmates. Children born to enslaved women were sold when they reached the age of 10, in compliance with the Black Code and legislation “providing for the disposal of such slaves as are or may be born in the Penitentiary.”<sup>351</sup> Children like Joseph and Henrietta, born to incarcerated enslaved mothers, were sold when they reached the age of ten, and the “net proceeds” from their sales were paid to the State Treasurer for the school fund, presumably for the education of free white children of Louisiana.<sup>352</sup> The

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<sup>349</sup> Louisiana House of Representatives, *Official Journal of the House of Representatives of the State of Louisiana. Third Legislature. Second Session.*; J.M. Taylor et al., *Report of the Board of Control of the Louisiana Penitentiary* (Baton Rouge La.: Printed at the office of the Daily Advocate, 1858), 6–7, 11.

<sup>350</sup> Louisiana Legislature, *Report of the Committee on the Penitentiary* (Baton Rouge La.: JM Taylor, State Printer, 1858).

<sup>351</sup> Louisiana House of Representatives, *Journal of the House of Representatives, First Session, Second Legislature* (New Orleans: Office of the “Louisiana Courier,” 1848), 105, 114; Nobles, “Gazing upon the Invisible.”

<sup>352</sup> Board of Directors, *Appendix Report of the Board of Directors of the Louisiana Penitentiary*, 4; Hiriart, President et al., *Annual Report of the Board of Directors, Clerk and Officers of the Louisiana Penitentiary, at Baton Rouge, for the Year Ending December 31, 1854*, 6; Nobles, “Gazing upon the Invisible.”

selling of enslaved inmates' children serves as more evidence of the circuits of unfree labor as incarcerated enslaved women bred more profit for the state's coffers.

### **Prison-Plantation Industrial Complex**

By 1857, there was a convict population of 356. Most convicts worked in a factory operated by two steam engines, 18 cylinders each, and 4 boilers. These engines powered the 200 looms that were worked by 74 convict "attendants." There were 3 firemen and 3 engineers. Another 52 were assigned to the 44 felling and warp spinning frames of 5672 spindles; others attended to the cards, dressing frames; or worked in the pickery, press room, foundry, shoe and tailor shops, and other positions. 36 worked in the brickyard. All of the women were employed "exclusively" in washing and mending for all of the convicts.<sup>353</sup>

By 1860, there were 343 prisoners, of which 233 were white men, 3 white women, 11 men of color, 92 enslaved men, and 15 enslaved women. The prisoners occupied a portion of the 440 cells built in 1854 to accommodate future population increases. Five of the enslaved men had sentences shorter than life, the rest of the enslaved were serving life sentences for stabbings, attempted rape, murder, striking or wounding whites, insurrection, assault to kill and arson.<sup>354</sup> Thus, these were slaves who fought against the persons and conditions of slavery. Two free men of color and 57 whites, including one woman, were also serving life sentences for murder. It is likely that more

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<sup>353</sup> Taylor et al., *Report of the Board of Control of the Louisiana Penitentiary*, 5, 13–14.

<sup>354</sup> JT Nolan et al., *Report of the Board of Control of the Louisiana Penitentiary, to the General Assembly* (Baton Rouge: JM Taylor, state Printer, 1861), 59.

than 80 of the male slaves worked in the factory, rather than in auxiliary positions since the efficiency and profit of the penitentiary was a key concern of the state and lessees.

Not only was millwork dirty, dangerous and monotonous, it took dexterity and skill.<sup>355</sup> Those inmates imprisoned for life, who did not receive a pardon or manage to escape or die, would have been the most skilled and valuable workers. Though Louisiana statutes stipulated that, “all colored Convicts sentenced to hard labor, whether slaves or free persons, shall be worked separate and apart from the white Convicts,” the lessees deemed it impractical with the way that the workshops and yard were arranged.<sup>356</sup> The reliance on “convict negroes” is likely why the lessees were opposed to maintaining racially separated workforces, since they would have needed the most skilled convicts in different rooms: spinning, carding, dressing. Even maintaining segregation in the shoe, tailor, carpenter shops or brickyard would have been difficult. Though one newspaper article did describe the convicts’ meals as being racially separate, with white men sitting in one area of the yard and “blacks” in another, all “arranged” in order of their years of imprisonment, it is possible that this practice was only maintained on days that there were visitors.<sup>357</sup> Nevertheless, by the late 1850s this was a large factory, a far cry from the small workshops of the early to mid-1840s.

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<sup>355</sup> Randall M. Miller, “The Fabric of Control: Slavery in Antebellum Southern Textile Mills,” *The Business History Review* 55, no. 4 (December 1, 1981): 471–490.

<sup>356</sup> Hiriart, President et al., *Annual Report of the Board of Directors, Clerk and Officers of the Louisiana Penitentiary, at Baton Rouge, for the Year Ending December 31, 1854*, 23; Board of Directors, *Appendix Report of the Board of Directors of the Louisiana Penitentiary*, 4.

<sup>357</sup> The cellrooms and eating meals were segregated, *Baton Rouge Daily Gazette & Comet*, “The State Penitentiary.”

McHatton, Pike, and Company were the penitentiary lessees from mid-1857 through the end of 1860. During those three years, they spent \$550,295.41 on raw materials, with the gross profits from the factory totaling \$310,875.19.<sup>358</sup> By December of 1860, the engines and machines from Niles & Co. of Cincinnati, Putnam Machine Co. of Fitchburg, Mass, and Dean Manufacturing of Taunton, Massachusetts, were used by convicts to manufacture more than \$861,000 worth of cotton and woolen goods, with the proportion of cotton used significantly higher than wool. Wool purchases were 36,057 lbs. in 1859, whereas cotton was 2,130,887 lbs.<sup>359</sup> The total cost of the machinery, tools, fixtures and other associated components was \$152,867.95.<sup>360</sup> The Baton Rouge Daily Gazette & Comet claimed that the prison's cotton factory was "one of the largest and best appointed manufactures now in the union."<sup>361</sup> When compared to factories in other southern states, that certainly seems to be the case.<sup>362</sup> Unfortunately, there are no

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<sup>358</sup> Nolan et al., *Report of the Board of Control of the Louisiana Penitentiary, to the General Assembly.*

<sup>359</sup> Louisiana. Legislature. Senate. Committee on the Penitentiary. and A. L Tucker, *Report of the Committee on the Penitentiary to the Senate of the State of Louisiana* (Baton Rouge [La.]: J.M. Taylor, 1861); Defreese, State Treasurer, H. Peralta, Auditor, and Behuke, Commissioner, *Inventory and Appraisement of Materials and Provisions on Hand at the Louisiana Penitentiary, April 1, 1862, Delivered to S.M. Hart & Co., Agents for the State of Louisiana* (n.p., 1862).

<sup>360</sup> Defreese, State Treasurer, Peralta, Auditor, and Behuke, Commissioner, *Inventory and Appraisement of Materials and Provisions on Hand at the Louisiana Penitentiary, April 1, 1862, Delivered to S.M. Hart & Co., Agents for the State of Louisiana.*

<sup>361</sup> Baton Rouge Daily Gazette & Comet, "The State Penitentiary."

<sup>362</sup> In 1860, the Mississippi Manufacturing Company was capitalized at \$80,000, 45 males and 40 females were employed in the mill, with thirty of the women in the cotton mill and ten in the woolen mill. There were no slaves. The state-owned penitentiary was nearly as successful. By 1849, the mill was manufacturing 1700 osnaburgs, 300 yards of linseys, and 400 pounds of yarn weekly. The following year, the mill could produce 6000 yards of cotton cloth per week . In 1857, the penitentiary textile mill rebuilt after a fire was designed for a workforce of 150. Equipment included 2304 cotton spindles, 24

census figures for Louisiana manufacturing for 1860, so it is impossible to see how the factory compared to other Louisiana factories.

Considering that the penitentiary records show debits for January to December 1860 at \$1,138,258.05 and credits of \$1,135,559.56, one understands how significant the penitentiary was to the economy of Baton Rouge and elsewhere. Beyond the profits calculated for either the state or the lessees, or even the 1½ to 2½% commissions earned by the forwarding agents on the raw and finished materials circulating through the penitentiary, there was profit to be made on incarcerated labor.<sup>363</sup>

While legislators argued about the profits and losses to the lessees and the state, one thing remained the same, and that was the network of shop owners, cotton factors and forwarding agents, and others who were able to profit from the penitentiary being located in Baton Rouge, blocks from the capitol building and Main Street where prominent businesses were located adjacent to the Mississippi River. The penitentiary served as an engine of the local economy through the partnerships formed by the

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cotton carding machines, 76 looms for weaving osnaburgs, and 4 looms for cotton twills and machinery for making linseys and cotton batting. Used a sixty-horsepower steam engine manufactured in Jackson Moore, *The Emergence of the Cotton Kingdom in the Old Southwest*, 226; Huntsville Penitentiary cotton mill factory started in 1853, engine was imported from Boston. They built a two-story factory, 13,500 sq ft. at a cost of \$70,000. It took two years to build it. Completed in 1856, it was the largest factory in Texas. 40 looms produced 2000 yards of cotton and wool fabric a day, much of it coarse material for slave clothing. So this was “an economic circuit based entirely on unfree labor: slaves produced the raw materials, which convicts then converted to textiles, which then ingloriously covered same slaves toiling in the fields.” Perkinson, *Texas Tough*, 78. Louisiana State University Press. Baton Rouge. 1988.

<sup>363</sup> Louisiana. Legislature. Senate. Committee on the Penitentiary. and Tucker, *Report of the Committee on the Penitentiary to the Senate of the State of Louisiana*.

lessees, their families and associates, but also through the large and small local farmers and storeowners who sold or purchased goods through the penitentiary.

One of the lessees, James McHatton, owned sugar plantations and slaves, both individually and with others in corporate partnerships.<sup>364</sup> He also served as a “confidential commissioner” who bought slaves for the state engineers’ office for labor on public works, discussed further in the Chapter Three. William S. Pike, a partner in one of the leases with Samuel M. Hart, was the president of Southern Mutual Insurance Company from its incorporation in 1854.<sup>365</sup> The assets for the company were over \$276,000 in February of 1858-9 and rose to over \$356,586 by February 1861.<sup>366</sup> Prominent clients included Louisiana Governor Moore.<sup>367</sup> While I have not found evidence that the company insured slaves, they provided marine and fire insurance, and were the insurance company used by the lessees of the penitentiary, including McHatton and Pike from 1857 through 1861. Thus Pike served as a lessee of the penitentiary while also president of the insurance company that insured the thousands of bales of raw materials and finished cotton and woolen products while they were stored in warehouses and transported on steamboat packets that traveled between New

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<sup>364</sup> McHatton owned 107 slaves in the East Baton Rouge Parish. His real property was valued at \$100,000 and personal property at \$130,000. McHatton & Williams owned 93 slaves property value not listed. Both were primarily sugar plantations Joseph Karl Menn, *The Large Slaveholders of Louisiana-1860* (Pelican Publishing, 1998).

<sup>365</sup> “Southern Mutual Insurance Company,” *Daily Gazette & Comet*, July 2, 1859.

<sup>366</sup> “John H. Randolph Papers, 1834-1889,” MSS 355, 352, Microfilm Reels 14-15. Records of the Ante-Bellum Southern Plantations from the Revolution through the Civil War, Series I, Part 1, Selections from Louisiana State University, Baton Rouge.

<sup>367</sup> Insurance invoice for sugar and molasses valued at \$5700. “Thomas O. Moore Papers,” MSS 305,893,1094, Microfilm Reels 18-19. Records of the Ante-Bellum Southern Plantations from the Revolution through the Civil War, Series I, Part 2, Selections from Louisiana State University, Baton Rouge.

Orleans and points north, including Cincinnati and St. Louis. They also insured the molasses, corn, pork, and potatoes used to feed the inmates.<sup>368</sup>

William S. Pike also served as the cashier for the East Baton Rouge Branch of the Bank of Louisiana [Louisiana State Bank], which was one of the banks used by penitentiary lessees and the state to fund the purchasing of machinery.<sup>369</sup> John B. Kleinpeter was the president of the East Baton Rouge Branch of the Bank, and was a director of Southern Mutual Insurance. Kleinpeter was also one of the large slaveholders in Louisiana with 131 slaves and personal property valued at \$131,000.<sup>370</sup> Kleinpeter supplied the penitentiary with hogsheads of sugar and bales of cotton.<sup>371</sup>

John's son, Josiah Kleinpeter, was appointed to the penitentiary Board of Control in 1857.<sup>372</sup> Leon Bonnecaze served with Josiah Kleinpeter on the Board of Control and with John B. Kleinpeter as a director of the Southern Mutual Insurance Company. Bonnecaze was also a cotton factor with a store in Baton Rouge, and sold hundreds of bales of cotton, lumber, wool and other sundries to the penitentiary over the years, including when he was serving on the Board of Control.<sup>373</sup> As a board member,

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<sup>368</sup> They used marine policies to cover the large shipments of items sent by steamboats to cotton factors and other associates. They also used fire insurance to cover the store and warehouses. McHatton, Pike & Co., "McHatton, Pike & Co Record Books 1857-1860."

<sup>369</sup> *Message of Robert C. Wickliffe, Governor of the State of Louisiana. Together with an Appendix Containing the Report of the Penitentiary Agents for the Year 1856*, 21.

<sup>370</sup> Menn, *The Large Slaveholders of Louisiana-1860*.

<sup>371</sup> McHatton, Pike & Co., "McHatton, Pike & Co Record Books 1857-1860."

<sup>372</sup> Taylor et al., *Report of the Board of Control of the Louisiana Penitentiary*; Josiah Kleinpeter et al., *Report of the Board of Control of the Louisiana Penitentiary [January]*, January (Baton Rouge: J.M. Taylor, 1859).

<sup>373</sup> Reels 1-3 McHatton, Pike & Co., "McHatton, Pike & Co Record Books 1857-1860"; Newport, Chairman and Louisiana Legislature, "Report of the Standing Committee on

Bonnecaze was instrumental in recommending that new cotton machinery be purchased in order to create more cotton and woolen goods, thus benefitting himself as well as other cotton factors and planters in the area.<sup>374</sup> Bonnecaze was also related by marriage to Samuel M Hart who served as a lessee of the prison twice. SM Hart was a director of the Southern Mutual Insurance Company and had been in partnership with W.S. Pike (Pike, Hart, & Co), though it was dissolved in 1852 and the commission firm of SM Hart & Co was formed in Baton Rouge.<sup>375</sup> SM Hart & Pike were the lessees in 1856 and the early part of 1857, during the debates about leasing. Pike was responsible for procuring the new machinery purchased with the \$100,000 loan from the Louisiana State Bank, after a fire in June of 1856 engulfed the old pickery.<sup>376</sup>

SM Hart & Co. was a firm actively acting as cotton factor at the same time that McHatton & Pike were lessees. SM Hart & Co. also facilitated the movement of hundreds of bales of cotton for the penitentiary, with over 368 in the inventory at the end

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the State Penitentiary, Made at the Second Session of the Sixteenth Legislature”; Louisiana House of Representatives, *Journal of the House of Representatives, Fifteenth Legislature, First Session*.

<sup>374</sup> Taylor et al., *Report of the Board of Control of the Louisiana Penitentiary*.

<sup>375</sup> “Notice.,” *Daily Comet*, September 1, 1852; There are a lot of large checks in the tens of thousands of dollars from WS Pike made out to SM Hart in the record books. It is unclear if that is because he served as one of the merchants for the penitentiary. It is possible that they bought and sold goods from them, but unlike other commission merchants like Menard & Vignaud of New Orleans, or Tomlinson and Son, or Barbee and Benjamin, there are not receipts or invoices, just very large checks. McHatton, Pike & Co., “McHatton, Pike & Co Record Books 1857-1860.”

<sup>376</sup> *Message of Robert C. Wickliffe, Governor of the State of Louisiana. Together with an Appendix Containing the Report of the Penitentiary Agents for the Year 1856.*



of 1858.<sup>377</sup> During the first lease (McHatton & Ward), invoices for Pike & Hart and Pike & Babin show that both firms supplied the penitentiary with sundries.<sup>378</sup>

William Markham, a partner of John Hill<sup>379</sup> in a large Baton Rouge Foundry that included 19-21 slaves, was a company director of Southern Mutual Insurance Company.<sup>380</sup> So too was William F. Tunnard who had a large carriage, harness, and wagon store located on the corner of Church and Main streets. Hill & Markham and Tunnard not only sold a lot of goods and machine parts to the penitentiary, Tunnard was appointed by the Board of Control as one of the “mechanics” who appraised the penitentiary facilities for the Committee on the Penitentiary in December of 1857.<sup>381</sup> Though referred to as a mechanic, Tunnard was a director for the Southern Mutual Insurance Company and owned a store on the main street of Baton Rouge, where he sold carriages, harnesses, buggies, coaches, and barouches.<sup>382</sup> Both Hill and Tunnard served as committee members at a Baton Rouge mechanics meeting in 1852, one of

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<sup>377</sup> Kleinpeter et al., *Report of the Board of Control of the Louisiana Penitentiary [January]*.

<sup>378</sup> Louisiana Legislature, *Report on the Penitentiary, by a Joint Committee of the Senate and House of Representatives. J. Bernard Chairman*; Louisiana Senate, *Journal of the Senate of the State of Louisiana. Seventeenth Legislature – First Session*.

<sup>379</sup> Louisiana State University’s Hill Memorial Library is named for John Hill’s son who died before the senior Hill did.

<sup>380</sup> Draughon claimed that they had 19 slaves Ralph B. (Ralph Brown) Draughon and United States. Army. Corps of Engineers. New Orleans District, *Down by the River [electronic Resource]: A History of the Baton Rouge Riverfront / by Ralph Draughon, Jr, Preserving Louisiana’s Heritage ; 1 ([New Orleans, La.] : US Army Corps of Engineers, New Orleans District, 1998)*; Richter believed that they had 21 slaves Wm. L. Richter, “Slavery in Baton Rouge, 1820-1860,” *Louisiana History: The Journal of the Louisiana Historical Association* 10, no. 2 (April 1, 1969): 125–145.

<sup>381</sup> Taylor et al., *Report of the Board of Control of the Louisiana Penitentiary*; Louisiana Legislature, *Report of the Committee on the Penitentiary*.

<sup>382</sup> “WF Tunnard Wholesale and Retail Dealer in Carriages, Harness, & c,” *Daily Comet*, September 1, 1852.

the many times that local mechanics complained about competition from convict labor.<sup>383</sup> Local citizens were concerned about the production of ploughs, wagons, molasses barrels, bricks and other goods at the penitentiary.<sup>384</sup> They had cause for concern. Inventories of the penitentiary store showed the availability of items such as lambskins, slippers, “ladies bootees,” and a writing desk.<sup>385</sup> Though there was agitation through the years about convict competition and the penitentiary store in Baton Rouge, these prominent men, at least, likely did not fear competition to the extent that others did, since they seemed to have stable businesses and had long-term lucrative relationships with prison lessees.<sup>386</sup>

Stores and dealers that carried the manufactured cloths of the penitentiary ranged from Miltenberger & Co., one of the leading factors and commission houses in New Orleans, sold 461,384 yards of cloth from May through the end of December,

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<sup>383</sup> “Mechanics’ Meeting,” *Daily Gazette*, March 6, 1852; “Report on the Penitentiary,” *Daily Gazette*, March 5, 1842; P (Editor) Winfree, Jr., “Lessees and Ourselves,” *Daily Gazette*, July 3, 1852; An advertisement for the penitentiary store: “We have on hand, at the Louisiana Penitentiary, mixed, plain and twilled linseys of a superior quality to those manufactured at this establishment heretofore, and equal to any Linseys manufactured elsewhere... McHatton, Pike & Co., “Louisiana Penitentiary,” *Daily Gazette*, September 25, 1847; Stout, “Origin and Early History of the Louisiana Penitentiary”; For the dramatic change in attitude when the penitentiary was a major factory, , Baton Rouge *Daily Gazette & Comet*, “The State Penitentiary.”

<sup>384</sup> George Watterson, a member of the minority, called for the public meeting to address local citizens concerns Louisiana Legislature, *Journal and Official Documents of the Senate of the State of Louisiana. Fourth Legislature*, 1852.

<sup>385</sup> “Appendix. Report of the Board of Directors on the State Penitentiary.”

<sup>386</sup> McHatton, Pike & Co., “Louisiana Penitentiary”; McHatton, Pike & Co., “McHatton, Pike & Co Record Books 1857-1860.”

1855.<sup>387</sup> Cloth, negro shoes, and cash were traded for wool through Ward, Jones & Co., likely a firm of George W. Ward, one of the lessees.<sup>388</sup> Fabrics, bagging, and rope were sold through John Cocks & Co, another leading cotton factor in New Orleans in 1850.<sup>389</sup> New Orleans-based Menard & Vignaud, held most of the \$146,952.30 worth stock on hand for the penitentiary 1861.<sup>390</sup> Multiple statements of accounts are in the McHatton & Pike record books for this firm, such as a statement for September 27th, 1858 in the amount of \$70,798.74 forwarded.<sup>391</sup>

In Baton Rouge, Tomlinson (later called Tomlinson & Son) were commission and forwarding agents who provided hundreds of bales of cotton and other sundries to the penitentiary as early as 1843, and was a major supplier through 1860. H. Tomlinson

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<sup>387</sup> Louisiana House of Representatives, *Official Reports of the House of Representatives of the State of Louisiana. Session of 1857* (Baton Rouge: Daily Advocate, 1857), 126.

<sup>388</sup> McHatton, Pratt & Co, "McHatton, Pratt & Co, (Lessees of the Louisiana Penitentiary)," *The Daily Picayune*, March 29, 1845.

<sup>389</sup> John G Cocks & Co, "Plantation Goods," *The Daily Picayune*, April 1, 1850; John G Cocks & Co, "Negro Clothing, &c.," *The Daily Picayune* (March 29, 1851); JDB DeBow, "Department of Agriculture. Estimates of Cotton Crops 1850-1851," *Debow's Review, Agricultural, Commercial, Industrial Progress and Resources*. 10, no. 6 (June 1851): 667-677.

<sup>390</sup> Nolan et al., *Report of the Board of Control of the Louisiana Penitentiary, to the General Assembly*; Multiple statements of accounts include, September 27th, 1858 in the amount of \$70798.74 forwarded, Reel 1, McHatton, Pike & Co., "McHatton, Pike & Co Record Books 1857-1860"; 150 bales of Osnaburgs were in their warehouse at the end of 1858. Kleinpeter et al., *Report of the Board of Control of the Louisiana Penitentiary [December]*, 20; Menard and Vignaud had 214 bales of Osnaburgs. Kleinpeter et al., *Report of the Board of Control of the Louisiana Penitentiary [January]*, 15.

<sup>391</sup> McHatton, Pike & Co., "McHatton, Pike & Co Record Books 1857-1860."

also served as a member of the standing committee on the state penitentiary.<sup>392</sup> While early accounts with Tomlinson were for sundries in the hundreds of dollars, during the McHatton & Pike leasing term of 1857-1860, they were moving hundreds of bales of cotton to the penitentiary for thousands of dollars<sup>393</sup> A. Montan (also Montan & Matta) was a “foreign and domestic grocer” in Baton Rouge that helped feed the inmates by providing products such as 10 lbs. of tea, 15lbs of potatoes, 25 lbs. of sweet potatoes, 235 lbs of rice and 881 codfish in February and March of 1860.<sup>394</sup> Frank Huguet of Baton Rouge, also did business with the penitentiary, selling various sundries such as potash, hinges, Russian bristles, needles, Russia Sheet Iron, nails, brushes, pencils, and more.<sup>395</sup> HR Monteigh, whose store was on Main street near Harney House sold the penitentiary items such as blankets, dray collars, and bridles for their horses.<sup>396</sup> The penitentiary also consumed a large volume of medicines, which locally, at least seems to have been mostly provided by HT Waddill and Ed Bogel’s “druggist, chemist and apothecary” shop (later called Ed & Wm Bogel). Products included quinine, casks of potash, syrup squills, cod liver oil, arrow root, gum Arabic, leeches, morphine, eel, and Epsom salts.<sup>397</sup>

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<sup>392</sup> Newport, Chairman and Louisiana Legislature, “Report of the Standing Committee on the State Penitentiary, Made at the Second Session of the Sixteenth Legislature”; Reels 1-3 McHatton, Pike & Co., “McHatton, Pike & Co Record Books 1857-1860.”

<sup>393</sup> They forwarded 114 bales in March of 1858 alone, at over \$5900, Reel 1, McHatton, Pike & Co., “McHatton, Pike & Co Record Books 1857-1860.”

<sup>394</sup> Reel 3 *ibid.*

<sup>395</sup> Reel 2, *ibid.*

<sup>396</sup> Reel 3 *ibid.*

<sup>397</sup> Reels 1-3, *ibid.*

Other local and state business connections included the New Orleans watchmaker who fixed the “tell-tale clock,” the midwife who was paid \$10 to presumably deliver an inmate’s baby, the man who fixed the pistols of the penitentiary, the day laborers who hauled coal and other goods from the river to the penitentiary, or dug graves for convicts and captured escapees; to the guards – who were committed enough to their future salaries (likely because there was nothing else) that when the state was prostrate in terms of credit, they worked with no pay for more than a month.<sup>398</sup>

In addition to the thousands of dollars spent on prison maintenance, fine goods were also purchased for the penitentiary. Leon Pierre & Co on Chartres Street in New Orleans sold them linen and “quincy silk.” A range of goods were purchased from Baton Rouge merchants including the J. Simon & Co. Capitol Cheap Store which sold the penitentiary satin, thread, jeans, hats, silk, flax, bone buttons, dozens of white shirts and suits of coats and pants. A. Rosenfield of Baton Rouge supplied them with suits, shirts, coats, flannel, and spools of thread. Baton Rouge-based commission and forwarding agents Barbee & Benjamin, sold them thousands of dollars worth of bales of cotton, but also products like Jamaican coffee, vinegar, tobacco, cement, flour, oats, potatoes, and lime. Supplies were purchased frequently, and could be quite large such as 131 lbs. of pepper and 164 lbs. of coffee or 100 lbs. of molasses, with bills for

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<sup>398</sup> Others included a local midwife who was paid \$10 in cash for her services, Reel 3, Jan 2, 1860). T. Fay, MD earned \$20 for pulling 18 teeth in July 1859, Reel 3. Thomas R. Walters made \$600 for three days of labor making cartridges. Reel 1, November 15, 1858. Outside laborers were used for digging clay for bricks in November of 1858, Reel 1, and digging graves for the burial of convicts in September (\$3 “for digging grave for a dead convict” Orin Walker), September 6, Reel 3. S. Fournier, a clock and watchmaker at no. 72 Royal in New Orleans, earned \$100 for fixing “1 tell tale clock” November 1858, Reel 1, *ibid*.

sundries running into the thousands of dollars.<sup>399</sup> 67 yards of mosquito netting, straw hats, canton flannel, buttons, white shirts, and satinets were bought from N. Dalsheimer.<sup>400</sup>

Though prisoners were provided with a suit of clothing upon their release, it seems unlikely that it would have been suit clothes or white shirts purchased from stores. Instead, it seems likely that the women convicts would have made their clothing for release, since they certainly made their daily clothing. These materials may have been for the “finer” items sold at the penitentiary store, but products like Jamaican coffee and silk may have been for guards and other penitentiary employees who had company store accounts that deducted sundries from their pay.<sup>401</sup>

Much of the pork, corn, potatoes, flour that was not locally produced was shipped on steamboats along the Mississippi that often came from or were going to St. Louis. EB Kimball & Co. (later Kimball & Senter) facilitated the movement of large volumes of raw and manufactured goods for the penitentiary as a cotton factor.<sup>402</sup> They sold thousands of dollars worth of finished linseys, jeans, osnaburgs, and batting to buyers as far away

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<sup>399</sup> Based on the invoices, Barbee & Benjamin may have been the largest supplier of provisions, other than EB Kimball of St. Louis, Reels 1-3, *ibid.*

<sup>400</sup> Reels 1-3, *ibid.*; Kleinpeter et al., *Report of the Board of Control of the Louisiana Penitentiary [January]*.

<sup>401</sup> McHatton, Pike & Co., “McHatton, Pike & Co Record Books 1857-1860.”

<sup>402</sup> Kimball sold goods to the penitentiary, such as pork flour and beans (over \$ 4,000 worth in March of 1858 Reel 1.), and they even sold them potash, oats, hay and potatoes (Reel 3, April 4, 1860. ) They also sold bales of osnaburgs and batting. In April of 1859, buyers included Davis & Co and Pomeroy Benton & Co. Reel 2. In another case, bales of Osnaburgs were shipped to Kimball & Co in St. Louis, then 49 were sent back down the Mississippi River to Crutcher and McRaven in Vicksburg, who also sold bales for the penitentiary lessees, Reel 2. Kimball also sold 26 bags of “Mexican fine wool” along with the usual produce of 300 sacks of corn, 25 sacks of rye, 50 lbs of potatoes, and so forth, Reel 3, September 1860. *Ibid.*

as Galena and Chicago, Illinois.<sup>403</sup> Much of Kimball's business seemed to be with other firms in St. Louis or points north, such as when they sold over 600 bales of batting to firms such as Cabot & Co, Durfee & Crozier, Pomeroy & Benton, in April 1858. Kimball forwarded a lot of corn, potatoes, beans, and flour to the penitentiary, like a shipment of 255 sacks of corn for \$4835.<sup>404</sup> EB Kimball was the President of the Southern Bank of St. Louis, and in 1864 became the President and one of the Directors of the newly organized Third National Bank of St. Louis.<sup>405</sup>

Other commission and forwarding agents who networked with both Menard & Vignaud of New Orleans and EB Kimball of St. Louis included Slimmon & Co in New York and Crutcher and McRaven in Natchez, Mississippi. Invoices for Crutcher and McRaven included one for close to \$6,000 worth of Lowells and osnaburgs for March-June 1859; another for Dec 7, 1859 is for over \$5000.<sup>406</sup> When sales were slow, warehouses in St. Louis and New Orleans held large inventories until they were sold.<sup>407</sup> While machine parts could be purchased locally, such as FF Folger, items were also purchased for the machinery, such as sperm and whale oil, from S. Thomas & Co in

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<sup>403</sup> Ibid.; 144 bales of osnaburgs and batting were reported in stock at the end of 1857 Taylor et al., *Report of the Board of Control of the Louisiana Penitentiary*, 28.

<sup>404</sup> Reel 1, McHatton, Pike & Co., "McHatton, Pike & Co Record Books 1857-1860."

<sup>405</sup> *St. Louis Directory* (R.V. Kennedy & Company, 1857); *The Bankers' Magazine, and Statistical Register* (Wm. Crosby and H.P. Nicholes, 1860); Missouri General Assembly Senate, *Journal of the Senate of the State of Missouri*, 1860; *Banker's Almanac and Register and Legal Directory ...*, 1861; Southern Bank became a national bank with the reorganization and had a cash capital of one million dollars John Thomas Scharf, *History of Saint Louis City and County: From the Earliest Periods to the Present Day: Including Biographical Sketches of Representative Men* (L. H. Everts & Company, 1883).

<sup>406</sup> Reel 2, McHatton, Pike & Co., "McHatton, Pike & Co Record Books 1857-1860."

<sup>407</sup> Taylor et al., *Report of the Board of Control of the Louisiana Penitentiary*; Kleinpeter et al., *Report of the Board of Control of the Louisiana Penitentiary [December]*; Kleinpeter et al., *Report of the Board of Control of the Louisiana Penitentiary [January]*.

New Bedford, Massachusetts and Paraffine Lubricating Oil from DC Green in New York.<sup>408</sup>

One of the striking things about the accounts for the penitentiary is how much the lessees relied upon small businesses and individuals in Baton Rouge to sell them small and large quantities of bales of cotton, wool, and cords of wood. The accounts are filled with hundreds of handwritten receipts, in addition to the long invoices for stores and cotton factors. Part of the network of people who were responsible for supplying and buying goods and services to or from the penitentiary, were the other individuals who contributed to the huge volume of cotton for the factory, and the large volume of wood burned in the making of bricks.<sup>409</sup> An example is the period of April of 1857 through December of 1860, when the penitentiary consumed 10,879 bales of cotton and 111,621 pounds of wool at a cost of \$550, 295. While some of this came from suppliers in St. Louis and New Orleans, much of it was local too. During the same period of time,

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<sup>408</sup> Reels 2-3, McHatton, Pike & Co., "McHatton, Pike & Co Record Books 1857-1860."

<sup>409</sup> Small purchases included 4 bales of cotton from William Thomas for \$123.97 on February 2, 1858. 6 bales of cotton were purchased from M. Burgess for \$249.50 on February 26 and 1 bale of cotton from George Raney for \$45.15. 4 bales of cotton from P. Verbois and 8 bales of cotton from Dickson. Other examples include a payment of \$301.43 to Mrs. Evers for 6 bales of cotton and \$52.69 to Brown for 81 lbs. of pork and 1 bale of cotton. Small and large amounts of wood were purchased from sellers such as 8 cords from James Murphy, 14 rods of wood from Jos. J. Denham, 15 cords wood from E.A. Hooper, 120 cords from Charles McHatton, a penitentiary lessee, and over 1000 cords from GD Gordon. They even purchased 126 lbs. of "clean wool" from Governor Wickliffe and 339 lbs. of unwashed wool, from H. Williams and 5 bales of wool, from EJ Bignon. Ibid.



the penitentiary paid \$24,715 for 6,929 cords of wood nearly all from local supplies to produce \$64,048 bricks.<sup>410</sup>

The penitentiary accounts show a thriving business in bricks and other goods, with prominent local businessmen and others including Joshua Beal, Montan & Matta, Tomlinson & Son, Pike, Hart, Huguet, Nelson Potts, Kleinpeter, not to mention carpentry work done for Charles McHatton, Mr. H. Slosson (one of the prison chaplains), the Baton Rouge Corporation, and Daniel Searles of the Board of Control. Ed Bogel bought 55,916 bricks in November of 1859, perhaps to build a new store. The quality of the bricks likely improved over time, since McHatton, Pratt and Company were one of the contractors for the new capitol building erected in 1847-1849. The firm sent the architect, J.H. Dakin, “soft bricks” for the building. Dakin apparently was so irate about the situation that he hit Pratt and they fought. Dakin later wrote a letter of condemnation to the firm ordering them to stop sending bricks of “objectionable and improper quality.”<sup>411</sup> Convict labor was later used to produce bricks for the state Institute for the Deaf and Dumb Asylum, completed in 1858.<sup>412</sup> William S. Pike, one of the penitentiary lessees, was the Institute’s secretary and treasurer.<sup>413</sup> The Deaf and Dumb Asylum is where the “faithful” yet “old and infirm” state-owned slaves who labored for years on public works were sent when they were no longer of use to the state engineer (See Chapter Three).

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<sup>410</sup> Nolan et al., *Report of the Board of Control of the Louisiana Penitentiary, to the General Assembly*.

<sup>411</sup> Meriel LeBrane Douglas, “Some Aspects of the Social History of Baton Rouge from 1830 to 1850,” 1936, 15–17, Master’s Thesis, Louisiana State University.

<sup>412</sup> *Message of Robert C. Wickliffe, Governor of the State of Louisiana. Together with an Appendix Containing the Report of the Penitentiary Agents for the Year 1856.*

<sup>413</sup> Frederick Stuart Allen, “A Social and Economic History of Baton Rouge, 1850-1860,” 1936, Master’s Thesis, Louisiana State University.

Thus, not only was there a circularity to the experiences of the enslaved, as they were used as sources of profit through a range of state and private institutions, the profits to the lessees and the community at large came at a high cost for the all of the inmates. By treating the inmates like the machines and the commodities circulated through its doors as raw materials of innovation and advancement, they were transformed into vital components in service to the plantation complex. More broadly, this treatment, as critics charged, likely reinforced the feelings of alienation of all of the inmates, enslaved, and “free” alike.

As MS Slosson, one of the five chaplain’s who ministered to the inmates characterized it:

The history of society.....amply demonstrates the proposition, that *locks, and iron bolts, and bars, and dungeon cells, and massive walls*, do not diminish crime, nor lessen the number of\_criminals. Where every object, *frowns*, every movement punishes, every duty *degrades*, and every moment of the day and night breathes but the spirit of vindictiveness, should it be a matter of wonder and astonishment that the convict (in the majority of instances) is returned to society after years of *such* experiences, crushed, in spirit, hardened, and self-abandoned? Let it not be presumed that the majesty of law can only be maintained by such appliances as these, operating in their most rigorous and forbidding forms. Whilst they are deemed the proper penalty of crime, and must be employed as the best sanction of the law, let there be mingled with them all-wise and beneficent reformatory measures.<sup>414</sup>

Slosson argued that without grated doors for circulation in the cells, bedsteads to lift the mattresses they slept on from the ground, lights to read at night, a clean chapel, and access to religious worship, the inmates were not being reformed. In short, he argued that the prisoners should be treated with dignity before they were returned to

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<sup>414</sup> Taylor et al., *Report of the Board of Control of the Louisiana Penitentiary*, 81–2.

society. In a similar vein, J. Gierlow, Rector of St. James Church, argued that the chapel was “unsuitable” and stated that he was aware that vast “means” had already been “expended on this Institution; but the charitable man must not fold his arms and say, my plans are perfect. Much as art has done, through your instrumentality, to relieve the physical toil and ameliorate the sad condition of the convicts *yet no labor-saving machinery will ever be invented to purify the human mind and convert the sinful heart...*”<sup>415</sup> Treating inmates solely with “power and punitive vengeance,” led to the reproduction of criminal classes that would continue to affect society.<sup>416</sup>

These chaplains’ comments not only amplified the dominance of machinery in framing how legislators, lessees, and others understood the symbolic and material function of the penitentiary, but also how the contradictions of the penitentiary were literally built into its very buildings and machines, in spite of the rhetoric about “physical health and moral improvement” of inmates through reformatory labor.<sup>417</sup> Thus the machines of reformation became technologies of domination for whites, people of color and the enslaved, in spite of rhetoric about uplift and reform.

This circularity to the relationships of exploitation and domination that reinforced the availability of “criminal classes” to work within the penitentiary factory is connected to Buffington’s statement at the beginning of the chapter. A Republican institution of

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<sup>415</sup> Nolan et al., *Report of the Board of Control of the Louisiana Penitentiary, to the General Assembly*, 68.

<sup>416</sup> Kleinpeter et al., *Report of the Board of Control of the Louisiana Penitentiary [December]*, 70; Taylor et al., *Report of the Board of Control of the Louisiana Penitentiary*, 81; Kleinpeter et al., *Report of the Board of Control of the Louisiana Penitentiary [January]*, 67.

<sup>417</sup> Louisiana Senate, *Official Reports of the Senate of Louisiana. Session of 1857. Third Legislature. Second Session.*, 37.

reform was transformed into a machine of slavery, by merging enslaved people rhetorically and materially across different institutions of the South, in order to wrest the most profit from enslaved bodies across spaces of incarceration and enslavement without pretense of reform. Situating the Louisiana state penitentiary within the network of local and national social, economic, and political relationships, challenges us to consider how the leasing of pre-Civil War prison populations included profit for wealthy and prominent lessees but also broader communities who profited from the incarceration of criminals, rebels, and other malefactors.

Even if enslaved people were not incarcerated in the modern penitentiary laboring at textile machines, the dominating frame of the capitalist slave economy made it impossible for the penitentiary to be anything other than embedded within it. Similar to the rhetorical commitment to reforming the white laboring masses or white male convicts as they were disciplined with machine labor and religion, in this context, whether enslaved people were in iron collars on the plantations producing the cotton and corn to feed the inmates and machines, incarcerated in the penitentiary manufacturing finished cloth, or clearing the navigational routes of the state for the circulation of the raw and finished commodities, their lives were all interwoven into the fabric of slavery.

## CHAPTER 3

### ENGINEERING SLAVERY

#### **Hard Labor**

A few years after the Louisiana penitentiary opened in 1836, several legislators voiced their opposition to the presence of convict slaves. In 1840, the legislative committee on the penitentiary made a statement addressing what they called an “intervention on the issue of slaves in the penitentiary.” Legislators argued that imprisonment in the penitentiary was hardly punishment for slaves, “the doom of bodily labor though of the most humiliating nature, can scarcely be deemed matter of great terror to a slave.”<sup>418</sup> The committee argued that there was no reason to build a separate penitentiary.<sup>419</sup> Instead, they proposed that slave convicts “be sentenced to work in the chain-gang of the city of New Orleans, with the corporation of which a permanent arrangement to this effect might be made.”<sup>420</sup> In the next legislative session, the committee appointed by the Board of Inspectors of the Penitentiary reported:

[confining] slaves with white convicts has a bad moral tendency, and is repugnant to the spirit of southern institutions, and would therefore recommend the passage of a law to remove the slaves at present confined in the penitentiary, to the prison of New Orleans, there to serve the remainder of

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<sup>418</sup> Louisiana House of Representatives, *Journal of the House of Representatives. Second Session, Fourteenth Legislature*, 111.

<sup>419</sup> As Marianne Fisher-Giorlando has shown, in 1840 18.4% of the prisoners in the penitentiary were black men; in 1854 they were 34.3% and in 1860, they were 31.2%. In 1840, 4.6% of the prisoners were black women; 6.4% in 1854 and 5.2% in 1860. Some years all of the incarcerated women were slaves. Fisher-Giorlando, “Women in the Walls: The Imprisonment of Women at the Baton Rouge Penitentiary, 1835-1862.”

<sup>420</sup> Louisiana House of Representatives, *Journal of the House of Representatives. Second Session, Fourteenth Legislature*, 111.

their time in the chain gang, and that hereafter all slaves sentenced to hard labor, in lieu of being sent to the Penitentiary may be put to said prison.<sup>421</sup>

Instead, the legislature approved an act in 1842 requiring all male slave convicts, a small group of female slave convicts and free men of color to labor on the public works under the direction of state engineers.<sup>422</sup> In total, fifty men and women were sent to serve their terms of hard labor by joining the state-owned slaves on state public works.

In this chapter, I explain the interrelated nature of the punishment of black bodies at hard labor, particularly the enslaved, in the building and maintenance of New Orleans and the State of Louisiana. Since a comprehensive analysis is not possible, instead, this will be done through some of the institutions used to provide labor: jails, chain gangs, the state penitentiary and the office of the state engineer and board of public works. The struggle to control, punish, and keep slaves productive was intertwined with the need to develop New Orleans and “reclaim” land for agriculture, as well as facilitate the movement of people and goods on the waterways linking communities throughout the state.

Both city and state engineering projects relied upon the voracious need for labor – and much of that labor was slaves who whose lives were shaped by acts of freedom and resistance. From 1805, when city records mention the first use of chain gangs by the Territory of New Orleans through 1862, when the State Board of Public Works was

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<sup>421</sup> Louisiana House of Representatives, *Journal of the House of Representatives, Fifteenth Legislature, First Session*, 4.

<sup>422</sup> Louisiana Legislature, “Act No. 171. An Act Providing for the Manner of Employing the Colored Male Convicts in the Penitentiary, and for Other Purposes.” in *Acts Passed at the Second Session of the Fifteenth Legislature of the State of Louisiana, Begun and Held in the City of New Orleans, December 13, 1841* (New Orleans: J.C. De St. Romes, State Printer, 1842), 171; Louisiana House of Representatives, *Journal of the House of Representatives, Fifteenth Legislature, Second Session*, 1842.

dissolved on the eve of the US Civil War, enslaved people were captured, contained, bought and borrowed in order to provide the crucial labor force necessary to build state infrastructure. Captured runaway slaves, slaves sent to jail for punishment by slaveholders, and slaves serving criminal sentences were put on chain gangs and labored on municipal public works under the direction of city surveyors and overseers (1805-1850s). Slaves who were purchased by the city and state, as well as convicts from the state penitentiary and rural jails, also labored on public works. Unclaimed runaway slaves forfeited to the state were sent from the slave depots at rural and city jails to labor on the public works under the direction of the State engineers, and so on. Through these spaces of punishment and labor, slaves lives intersected with the state's needs for internal improvements. Thus, the bodies of slaves, who were either privately or publicly owned, were used as tools by the municipality of New Orleans and the State of Louisiana, reframing how we should think about the use of enslaved labor at the intersections of institutions of punishment, profit, and infrastructure.

### **Working on the New Orleans Chain Gang**

From 1719, the city of New Orleans relied upon slave labor to clear, ditch, and drain the land, build and maintain levees, as well as construct and maintain buildings and roads.<sup>423</sup> Africans were imported by the thousands and provided much of the “muscle”

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<sup>423</sup> Richard Campanella, *Bienville's Dilemma: A Historical Geography of New Orleans* (Lafayette: Center for Louisiana Studies University of Louisiana at Lafayette, 2008); Hall, *Africans in Colonial Louisiana*.

necessary for imposing order on the landscape.<sup>424</sup> It was slave labor that made it possible, in Morris's words, to "transcend the environment."<sup>425</sup>

In 1805, slaves on the New Orleans chain gang, composed of captured runaway slaves and slaves "guilty of offences or crimes" were used as one of the sources of labor to help build and maintain the infrastructure of the city.<sup>426</sup> Male slaves who were not claimed by their masters within eight days of being arrested were put on the chain gang.<sup>427</sup> By 1808, captured male runaways were immediately put on the chain gang and owners who sent their slaves to the chain gang for punishment were responsible for clothing their slaves, and if they did not, the cost of clothing would come out of the payment that they received for renting out their slaves for punishment and municipal use.<sup>428</sup>

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<sup>424</sup> Campanella, *Bienville's Dilemma*, 125; Richard C Wade, *Slavery in the Cities: The South, 1820-1860* (London: Oxford U.P., 1967), 44–45; Elizabeth Fussell, "Constructing New Orleans, Constructing Race: A Population History of New Orleans," *The Journal of American History* 94, no. 3 (December 2007): 846–855; Craig Colten, *An Unnatural Metropolis: Wrestling New Orleans from Nature* (Baton Rouge: Louisiana State University Press, 2005).

<sup>425</sup> Christopher Morris, "Impenetrable but Easy. The French Transformation of the Lower Mississippi Valley and the Founding of New Orleans," in *Transforming New Orleans and Its Environs: Centuries of Change*, ed. Craig Colten (Pittsburgh: University of Pittsburgh Press, 2000), 33.

<sup>426</sup> Territory of Orleans created in October 1804 after the Louisiana Purchase; Louisiana became a state in 1812.

<sup>427</sup> New Orleans (La.) Conseil de Ville, "Official Proceedings (translations), 1803-1829" (New Orleans, La, May 16, 1805), 29–30, mf roll #90-218, New Orleans Public Library Louisiana Division & City Archives.

<sup>428</sup> New Orleans (La.) Conseil de Ville, "Official Proceedings (translations), 1803-1829" (New Orleans, 1808), mf roll #90-219, New Orleans Public Library Louisiana Division & City Archives; Adam Rothman, *Slave Country: American Expansion and the Origins of the Deep South* (Cambridge, Mass: Harvard University Press, 2005); J. Mayor Roffignac, "Mandat de Payement Due by the City of New Orleans to Honore Landreaux for the Labor of His Slave Sambo" (New Orleans, La., October 10, 1821), MSS 44 Slavery in Louisiana Folder 71, Historic New Orleans Collection William Research Center; For an example of a receipt for a slave women's labor see, Second Municipality,



Through the 1850's, the chain gang served as a means to discipline ("for correction") slaves who had committed no crimes, but were sent by their masters; to contain the runaway slave population; and to punish slaves who were guilty of offences or crimes.<sup>429</sup> Thus both jails and chain gangs served as "instruments of discipline."<sup>430</sup> The chain gang was so popular, that the mayor proposed in 1812 that as the numbers of slaves increased, the "negroes" hired by the city should be discharged "as fast as others shall be put on the chain gang."<sup>431</sup> Though numbers of slaves available for public works labor varied over the years, influenced by the availability of chains as well as bodies, they were supposedly cheaper than hired labor (slaves, free men of color, or whites).

Historically, the chain gang was used to humiliate convicts while also wresting a public profit from them both materially and symbolically, as they labored for "the people."<sup>432</sup> In New Orleans, the chain gangs were obviously for more than convicts, but their vital role in humiliation was emphasized in May of 1813 when the Mayor Girod argued that it was not in the city's best interests "to allow the negro women who are assigned to the police jail...to lie around idle and lazy." Mayor Girod noted that these slaves were "being imprisoned for

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"To Eliza Farrell, To Labor in the Chain Gang, Performed by the Slave Rose. 8 Days, at 18 3/4 Cents per Day" (New Orleans, La., September 4, 1843), MSS 44 Slavery in Louisiana Folder 78, Historic New Orleans Collection William Research Center.

<sup>429</sup> For an early discussion of jails and workhouses for slaves see Wood, "Prisons, Workhouses, and the Control of Slave Labour in Low Country Georgia, 1763-1815"; Birch and Buchanan, "The Penalty of a Tyrant's Law."

<sup>430</sup> Rothman argues that jails were not instruments of discipline, but of course he is considering a different context David J Rothman, *The Discovery of the Asylum: Social Order and Disorder in the New Republic*, Rev. ed (Boston: Little, Brown, 1990).

<sup>431</sup> New Orleans (La.) Conseil de Ville, "Official Proceedings (translations), 1803-1829" (New Orleans, November 2, 1812), 265, mf roll #90-220, New Orleans Public Library Louisiana Division & City Archives.

<sup>432</sup> Foucault, *Discipline and Punish*.

correction, the shame and humiliation they would experience in seeing themselves led to those laborious duties, would serve as a greater punishment, more keenly felt than even the prison or the lash....<sup>433</sup> Officially, slave women were only put on the public works if their masters sent them to jail specifically for that purpose; and they were only to clean gutters and markets.<sup>434</sup> However, given the periods of labor shortages discussed below, it seems unlikely that runaway plantation female slaves used to ditching and draining land, building levees and the like were not put to work alongside the men.<sup>435</sup> Furthermore, there is evidence that slaves who were put in jail “for safe keeping” were put to work on the chain

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<sup>433</sup> N. Girod, “Messages from the Mayor, 1805-1836” (New Orleans, La, May 8, 1813), mf roll #85-17, New Orleans Public Library Louisiana Division & City Archives; Rothman, *Slave Country*, 99; Though not an extensive discussion of the chain gangs, Gould discusses them within the context of women’s labor, Virginia Meacham Gould, “If I Can’t Have My Rights, I Can Have My Pleasures, and If They Won’t Give Me Wages, I Can Take Them’ Gender and Slave Labor in Antebellum New Orleans,” in *Discovering the Women in Slavery: Emancipating Perspectives on the American Past*, ed. Patricia Morton (Athens: University of Georgia Press, 1996), 179–201.

<sup>434</sup> D. Prieur, “Messages from the Mayor, 1805-1836” (New Orleans, La, July 6, 1832), mf roll #85-19, New Orleans Public Library Louisiana Division & City Archives; D. Prieur, “Messages from the Mayor, 1805-1836” (New Orleans, La, June 20, 1835), mf roll #85-19, New Orleans Public Library Louisiana Division & City Archives.

<sup>435</sup> Louisiana Legislature, “Act No. 31, An Act Relative to Roads and Levees,” in *Acts Passed at the First Session of the Ninth Legislature of the State of Louisiana* (New Orleans: John Gibson, State Printer, 1829); Louisiana Legislature, “Act No. 164. An Act to Repeal an Act Entitled ‘an Act Concerning Roads and Levees in the Parish of Concordia, and to Confirm Certain Proceedings of the Police Jury of the Same Parish,” in *Acts Passed at the Second Session of the Fifteenth Legislature of the State of Louisiana, Begun and Held in the City of New Orleans, December 13, 1841* (New Orleans, La: J.C. De St. Romes, State Printer, 1842); Louisiana Legislature, “Act. No. 204, An Act Relative to the Roads and Levees in the Parish of Tensas,” in *Acts of the Second Session of the First Legislature of the State of Louisiana* (New Orleans: W. Van Benthuysen, State Printer, 1847); Taylor, *Negro Slavery in Louisiana*; Castellanos, *New Orleans as It Was*.

gangs as late as 1855 without the “knowledge, participation or consent” of their owners.<sup>436</sup>

The surveyor’s reports that I have read to date do not regularly say which projects were specifically carried out by enslaved people referred to as the negres de chains, negres au noirs, negresses or condammes on the public works.<sup>437</sup>

In 1820, “negro women and mulatresses” were employed on the public works “only if their masters do not request that they be chained for this purpose.”<sup>438</sup> A later resolution to put women in chains in order to prevent them from running away failed. Though it is unclear if the restriction on women publicly working on the streets in chains was followed once implemented, since by ordinance the slaves had to be “secured,” the colored woman Nina was offered as a “gift” to the city by Mr. George Roussel, “on condition that she be put in chains and made to work on public works for the rest of her life.” Mayor Macarty assumed that the Council would “not object to this donation.”<sup>439</sup>

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<sup>436</sup> Supreme Court of Louisiana, New Orleans, Mrs. Clague et al. v. The City of New Orleans, 13 La. Ann. 275 (Supreme Court of Louisiana 1858) Louisiana Supreme Court Historical Archives, University of New Orleans .

<sup>437</sup> Folder 8 1831 Aug. 2 Report by G[ilbert] J[oseph] Pilié, Surveyor, to the Mayor, on work done for the City by hired, enslaved or convicted Negroes. DS, 1 p., French. 1 item. L’attacher de la ville de compose au faurd hui de 29 negres au noirs, 63 negres de chaines, 28 negresses & 30 condammes, employes a nettoyer les rues, les marches, e la levee; aider les charpentiers, les forgerous e le paveur; creuser les forgers due faubourg Treme, plaer des proteaug des reverberes au paste pour le transport des maladies....Historic New Orleans Collection, Williams Research Center.

<sup>438</sup> New Orleans (La.) Conseil de Ville, “Official Proceedings (translations), 1803-1829” (New Orleans, La, June 1820), mf roll 90-222, New Orleans Public Library Louisiana Division & City Archives.

<sup>439</sup> Augustin Francois de Macarty, “Messages from the Mayor, 1805-1836” (New Orleans, September 30, 1815), mf roll #85-17, New Orleans Public Library Louisiana Division & City Archives; F.R. Southmayd, “Digest of the Ordinances and Resolutions of the Second Municipality; and of the General Council of the City of New Orleans, Applicable Thereto.” (WM. H. Toy, January 1848), Historic New Orleans Collection William Research Center.

The ex-slave William Anderson was jailed in the New Orleans and was forced to labor alongside other men with “a chain locked to my leg” and reported seeing “women wearing hobbles and an iron collar around the neck, with long horns of iron attached to the same.”<sup>440</sup> A lithograph by the Marquis de Saint-Aulaire Felix-Achille de Beaupoil (1821) of a woman in an iron collar with three branches alongside two men cleaning gutters, supports Anderson’s claims about seeing women wearing iron collars laboring in the streets.<sup>441</sup> Though the police jail and parish prison were separate facilities, those slaves “condemned to the galleys by the Superior Court” likely included slaves sentenced to labor in irons under the Louisiana Black Code.<sup>442</sup> Thus women from the New Orleans Parish Prison who were serving their sentences of labor in iron collars were likely working on the streets alongside the other groups of laboring enslaved people from the jails, chained or not, as a way of consolidating not only the labor of the prisoners, but the overseers and guards as well.<sup>443</sup> The “Corporation of New Orleans” was actually responsible for housing state prisoners until a separate facility was erected in the city (different from the penitentiary), so there was a lot of crowding and “villainy” occurring amongst the prisoners.<sup>444</sup>

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<sup>440</sup> Anderson, “Life and Narrative of William J. Anderson,” 21.

<sup>441</sup> Felix-Achille de Beaupoil, marquis de Saint-Aulaire, “Vue d’une rue du Faubourg Ste. Marie,” 1821, Historic New Orleans Collection William Research Center.

<sup>442</sup> James Pitot, “Messages from the Mayor, 1805-1836” (New Orleans, La, June 14, 1805), mf roll #85-16, New Orleans Public Library Louisiana Division & City Archives.

<sup>443</sup> In the case *State v. Peggy*, Peggy was sentenced to 39 lashes and to work three years with a ball and chain. I have not read the case, so I am unsure if that was at the Parish Prison or elsewhere.

<sup>444</sup> Louisiana House of Representatives, *Journal of the House of Representatives, during the Second Session of the Sixth Legislature of the State of Louisiana* (New Orleans: Peter K. Wagner, State Printer, 1824).

Some enslaved people, as discussed in Chapter One, were sentenced to wear iron collars and forced to labor for a specified number of years for their owners, or on the New Orleans chain gang instead of hard labor in the penitentiary. An example is a slave woman who assaulted a white girl and was sentenced to receive 50 lashes, two weeks solitary confinement “and to wear a three-pronged iron collar for ninety days.”<sup>445</sup> Or, the slave Charles, who was sentenced to wear an iron collar that weighed no less than five pounds for six months, in addition to solitary confinement and 25 lashes per week for three weeks.<sup>446</sup> There were even slaves specifically sentenced to the chain gang, such as, “a negro belonging to Madame Mallere” who “was found guilty of an attempt to excite the slaves to insurrection,” and received a sentence of “twenty-one years of hard labor in the chain gang of New Orleans.”<sup>447</sup> Thus, as the bodies were articulated between and across these spaces of control and confinement, the material and symbolic practices were as well, adding to an iconography of indistinguishable laboring blacks in chains and collars.

New Orleans chain gangs (called chain gang negroes, or negroes of the chain, and chain gang negresses) labored on public works under the direction of the City Surveyor, but they also served a range of other functions. On the public works, they built and maintained levees and bridges; they “graded, paved and cleaned streets.”<sup>448</sup> They dug new sewage drains and canals and cleaned the old ones. They killed dogs and removed their corpses. They were gravediggers when hired laborers were in short supply, particularly during

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<sup>445</sup> “City Intelligence,” *New Orleans Picayune*, July 3, 1851.

<sup>446</sup> Picayune, “City Intelligence. Before Judge Bright,” *New Orleans Picayune*, October 26, 1849.

<sup>447</sup> New Orleans Picayune, “Just Punishment,” *New Orleans Picayune*, February 17, 1843.

<sup>448</sup> Wade, *Slavery in the Cities*.

disease epidemics.<sup>449</sup> They performed “urgent works” alongside hired slaves when the river waters were rising, and helped close levee breaks.<sup>450</sup>

While an accounting of the city’s profits from the chain gangs is beyond the scope of this dissertation, in 1841, the First Municipality paid “over \$30,000 annually for this labor” indicating that chain gangs and hired slaves were essential to maintaining infrastructure.<sup>451</sup> In the months covering 1858-1859, 913 runaways were apprehended, and one month after the report was made, an additional 69 were picked up, not including those who “claimed to be free,” a refrain the police reported they often heard from captured runaways.<sup>452</sup>

In addition to using slaves owned by others, the city also purchased their own. Mayor Macarty sold the slave Bartelet in 1815 after he was purchased a few months earlier from a planter near the Bayou Sara, because he was “entirely unable to work due to illness.”<sup>453</sup> Incidentally, he was not the only slave purchased by the city. The carpenter Cyrus described as strong and “of good character and free from the redhibiting vices and diseases” was

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<sup>449</sup> New Orleans (La.) Conseil de Ville, “Official Proceedings (translations), 1803-1829” (New Orleans, September 1817), mf roll #90-221, New Orleans Public Library Louisiana Division & City Archives; Ari Kelman, *A River and Its City: The Nature of Landscape in New Orleans* (Berkeley: University of California Press, 2003).

<sup>450</sup> New Orleans (La.) Conseil de Ville, “Official Proceedings (translations), 1803-1829” (New Orleans, La, June 3, 1826), mf roll #223, New Orleans Public Library Louisiana Division & City Archives; W. Freret, “Messages from the Mayor, 1805-1836” (New Orleans, La, May 14, 1840), mf roll #85-19, New Orleans Public Library Louisiana Division & City Archives; Wade, *Slavery in the Cities*, 45.

<sup>451</sup> Council of the First Municipality of the City of New Orleans, Journal, March 22, 1841. Wade, *Slavery in the Cities*, 45.

<sup>452</sup> G. Stith, Message of the Mayor to the Common Council, October 11, 1859 and New Orleans Daily Delta, August 3, 1859. Ibid., 219; On this topic see, *Pretends to Be Free*.

<sup>453</sup> Augustin Francois de Macarty, “Messages from the Mayor, 1805-1836” (New Orleans, November 18, 1815), mf roll #85-17, New Orleans Public Library Louisiana Division & City Archives.

purchased for \$1500, presumably to labor in the “City workshop.”<sup>454</sup> Thus contrary to only using others’ slaves, and accepting donations of unwanted slaves, the city had a direct stake in cultivating its own living property, to supplement its other forms of unfree labor owned by others and rented by the city. This practice of buying select slaves is noticeable for its parallels to the state public works, which rarely made note of the skills of the slaves purchased, other than blacksmiths and carpenters, the latter of which, were purchased for the state by James McHatton, a penitentiary lessee.<sup>455</sup> (See Chapter Two)

Both hired and enslaved chain gang blacks worked the drainage pumps of the city and even the architect Benjamin Henry Latrobe was granted the use of “chain gang negroes” to assist in his waterworks engineering project to bring Mississippi water into the city. The entire “City workshop,” which Latrobe referred to in his letter of request as the “public slaves,” was put at his disposal in 1819 to move a large steam engine from the New Orleans Levee to the building where it was to be installed. Latrobe made a request in 1820 for twenty to thirty “chained negroes” to dig the ditches in order “to lay the pipe intended to bring the river water to the water-works,” but was only granted ten enslaved chain gang people.<sup>456</sup>

Latrobe’s use of slaves seems at odds with his comments published in his diary and

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<sup>454</sup> New Orleans (La.), “Ordinances and Resolutions, 1805-1835” (New Orleans, July 18, 1820), 80, mf roll #90-210, New Orleans Public Library Louisiana Division & City Archives.

<sup>455</sup> George T. Dunbar, *Annual Report of the State Engineer to the Legislature of the State of Louisiana* (New Orleans: Printed at the Commercial Bulletin Office, 1843); Louisiana Senate, *Journal of the Senate of the State of Louisiana. Session of 1848* (New Orleans: Louisiana Courier, 1848).

<sup>456</sup> New Orleans (La.) Conseil de Ville, “Official Proceedings (translations), 1803-1829,” September 1817, 49; New Orleans (La.) Conseil de Ville, “Official Proceedings (translations), 1803-1829” (New Orleans, August 1820), 98, 105, mf roll #90-222, New Orleans Public Library Louisiana Division & City Archives.

“impressions” of New Orleans. There, Latrobe stated that the chain gangs seemed to work “at their leisure,” while “the clanking of their chains, which being fixed round the ankle are brought up along the leg and fastened to the waist, is a distressing sound,” as they worked in groups as large as 100 under the whips of overseers.<sup>457</sup> Latrobe claimed he was “excessively annoyed” by sound of the whip and screams at the jail for an hour, pointing to the complicated understandings of the experience of slavery, not to mention the range of uses to which black suffering were made. Latrobe was perfectly comfortable using the labor of the chain gangs to carry a heavy steam engine and lay pipe, but somehow interpreted their experience as leisurely lives lived under the whip.<sup>458</sup>

Others throughout New Orleans also made use of the chain gangs. In 1811, a group of eight “chain gang negroes” were placed “at the disposal of the Principal of the College for two weeks and under the surveillance of the Overseer of the City” in order to “level the yard of said College, and to do some other work.”<sup>459</sup> Chained blacks were sent to labor at the “disposal of the administrators of the Charity Hospital” on Sundays they were needed, so long as the hospital paid their expenses. A resolution to loan chain gang blacks to the male orphan asylum (Hospice for Male Children) was met with debate and attempts to supply money instead, because the City Surveyor “would not tolerate the removal of any negroes.” The city had no money, so the chained slaves were sent anyway. Slaves “bearing a less evil

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<sup>457</sup> Benjamin Henry Boneval Latrobe, *Impressions Respecting New Orleans Diary & Sketches, 1818-1820.*, ed. Samuel Wilson (New York: Columbia University Press, 1951), 57.

<sup>458</sup> Latrobe, *Impressions Respecting New Orleans Diary & Sketches, 1818-1820.*

<sup>459</sup> New Orleans (La.) Conseil de Ville, “Official Proceedings (translations), 1803-1829” (New Orleans, July 10, 1811), 91, mf roll #90-220, New Orleans Public Library Louisiana Division & City Archives.



character” were selected from amongst the chained, for “drawing the fire-engines, carrying the water buckets and other similar utensils.” However, the Mayor stipulated that the city would no longer be held financially liable should any run away when they were supposed to be distinguishing fires.<sup>460</sup> The labor and use of the enslaved blacks of the chain gang was even exchanged with an attorney, Mr. Godefroy when he agreed to “abandon” some of his property to the city for the road and promenade on Rampart Street. The slaves were to “make changes in the fences and other things which would become necessary in the circumstances” of widening the street.<sup>461</sup>

The New Orleans jails served a multiplicity of functions. They were obviously the organizing component for the chain gangs – the chained slaves were put into separate rooms within the jails from other slaves and whites, and were worked separately from unchained prisoners, though on the same projects, as reports from the city surveyor suggest.<sup>462</sup> In addition to serving as a site of “safe keeping” on behalf of owners and their

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<sup>460</sup> New Orleans (La.) Conseil de Ville, “Official Proceedings (translations), 1803-1829” (New Orleans, June 19, 1824), 11, mf roll #90-223, New Orleans Public Library Louisiana Division City Archives; New Orleans (La.) Conseil de Ville, “Official Proceedings (translations), 1803-1829” (New Orleans, December 17, 1825), 39, mf roll #90-223, New Orleans Public Library Louisiana Division & City Archives; New Orleans (La.) Conseil de Ville, “Official Proceedings (translations), 1803-1829” (New Orleans, January 14, 1826), 72–3, mf roll #90-223, New Orleans Public Library Louisiana Division & City Archives; New Orleans (La.) Conseil de Ville, “Official Proceedings (translations), 1803-1829” (New Orleans, November 4, 1826), 280, mf roll #90-223, New Orleans Public Library Louisiana Division & City Archives.

<sup>461</sup> New Orleans (La.), “Ordinances and Resolutions, 1805-1835” (New Orleans, July 30, 1810), mf roll #90-210, New Orleans Public Library Louisiana Division & City Archives.

<sup>462</sup> G.J. Pilié, “Report by G[ilbert] J[oseph] Pilié, Surveyor of the Town, to the Mayor, on work done for the City by hired, enslaved, and convicted Negroes.” (New Orleans [La.], February 11, 1830), MSS 44 Slavery in Louisiana Folder 7, Historic New Orleans Collection William Research Center Also see, Folder 8, August 2, 1831 and Folder 9, December 24, 1831, Historic New Orleans Collection William Research Center.

agents or renters, they served as sites of containment for slaves who were apprehended by the guards for not having written passes from their owners, and thus presumably runaways. They were also for slaves out past the ringing of the evening bell, signaling the citywide curfew.<sup>463</sup>

Jails were also sites where slaveholders—both urban and rural—would send their slaves to be punished by whipping and to be worked on the New Orleans chain gang. For enslavers interested in getting their slaves whipped, there was a \$.025 charge for each slave; and according to an ordinance the jailor was not allowed to “inflict” more than twenty-five lashes at a time, more than twice a week, for these slaves sent by their masters for that sort of “correction.”<sup>464</sup> While the “chamber of discipline,” what former slave William Anderson called the “whipping room” was as a site for “chastising” city slaves, or those sentenced to proscribed lashes, it may be less well known that planters from parishes quite far from New Orleans sent their slaves there too.<sup>465</sup> In November of 1839, Bennett Barrow, a cotton planter in West Feliciana Parish (closer to Baton Rouge) considered sending a slave to labor for several months on the “Ball & Chain in N.O.,” but decided instead to build a plantation jail for slaves as part of his punishment regime. No stranger to regularly whipping his slaves for the slightest infraction, Barrow certainly did not consider sending a slave there because he

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<sup>463</sup> Southmayd, “Digest of the Ordinances and Resolutions of the Second Municipality; and of the General Council of the City of New Orleans, Applicable Thereto.”

<sup>464</sup> New Orleans (La.), “Ordinances and Resolutions, 1805-1835” (New Orleans, September 26, 1830), mf roll #90-214, New Orleans Public Library Louisiana Division & City Archives; Southmayd, “Digest of the Ordinances and Resolutions of the Second Municipality; and of the General Council of the City of New Orleans, Applicable Thereto.”

<sup>465</sup> New Orleans (La.), “Ordinances and Resolutions, 1805-1835” (New Orleans, September 1, 1821), mf roll #90-212, New Orleans Public Library Louisiana Division & City Archives.

lived in close urban quarters and was concerned about his reputation.<sup>466</sup> Instead, the enslaved man Dennis was not only confined to the jail that Barrow built on his plantation, but also exhibited “during Christmas on the scaffold in the middle of the Quarter & with a red Flannel Cap on.”<sup>467</sup> A neighbor of Rachel O’Connor (See Chapter One), also living in West Feliciana, sent one of his slaves “to N. Orleans to be put to the ball and chain,” after he was captured for running away.<sup>468</sup> Thus the chain gangs served even rural planters as an instrument of discipline that removed slaves from their friends and families, while subjecting them to profitable ritualistic public punishment.

Jails and chain gangs thus served multiple functions for rural and urban slaveholders, by instrumentalizing and punishing runaways slaves through humiliating productive labor in the service of infrastructure. These practices overlapped with the treatment that enslaved people were subjected to on plantations, serving as another example of the interchangeability of the sites of labor and punishment, whether under the direction of private owners or municipal employees. Bennet Barrow engaged in range of humiliating punishments, including the practice of making male slaves wear dresses when they labored in the fields. The plantation jail he built was used to punish male and female slaves who engaged in behavior that he deemed problematic such as running away or getting into fights

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<sup>466</sup> Wade, *Slavery in the Cities*; Ingersoll, *Mammon and Manon in Early New Orleans*.

<sup>467</sup> Bennet Barrow, “Bennet H. Barrow, Plantation Journal, 1833-1846.” Records of the Ante-Bellum Southern Plantations from the Revolution through the Civil War, Reel 19, Robert Ruffin Barrow Papers, 1749-1865, Terrebone and West Feliciana Parishes, Louisiana; also North Carolina Collection #654-A, (Howard Tilton Memorial Library, Tulane University).

<sup>468</sup> Webb, *Mistress of Evergreen Plantation*, 99.

with other slaves.<sup>469</sup> Barrow used the jails for containing slaves in the evening, and then worked them during the day. Thus jails could serve public and private functions, since they were used in conjunction with iron collars and the chain gang to ensure that slaves remained productive, and were not a loss financially to either their owners or municipalities.

In addition to jails as sites of containment, obviously the lives of the slaves were shaped by the use of chains. In New Orleans, chains were maintained for the city by the blacksmith, who was even “given a chain gang negro to blow the bellows of his blacksmith shop.”<sup>470</sup> Chains were not only used for the chain gangs, but also for the syndics who were responsible for transporting slaves to the city after they were captured in rural areas outside New Orleans. The chains were used to chain the enslaved people in the syndics’ homes before they were taken to New Orleans magistrates.<sup>471</sup>

Though some runaway slaves were taken immediately to jail after they were apprehended, many would have been “arrested” by sheriffs, patrols, or private citizens and chained in their homes or worked on their plantations until they were taken to a parish judge, magistrate, or justice of the peace. So though jails were mentioned in runaway advertisements as a means of “safekeeping,” the use of slaves bodies and labor until their owners could retrieve them and pay jail fees seems to have increased over time (at least in my reading of the *Daily Picayune*). However, for those enslavers wary about their slaves

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<sup>469</sup> Barrow, “Bennet H. Barrow, Plantation Journal, 1833-1846.”

<sup>470</sup> New Orleans (La.) Conseil de Ville, “Official Proceedings (translations), 1803-1829” (New Orleans, October 13, 1827), mf roll #90-224, New Orleans Public Library Louisiana Division & City Archives.

<sup>471</sup> New Orleans (La.), “Ordinances and Resolutions, 1805-1835” (New Orleans, January 7, 1823), mf roll #90-212, New Orleans Public Library Louisiana Division & City Archives.

being jailed, they would specifically request that slave catchers deliver the slave-property directly to their home. This practice suggests that many runaway slaves would have been chained in people's homes until their owners made arrangements to for their delivery or retrieval, depending on the distance. Options ranged of course, depending on where the slaves were found. A slave captured in the city could be delivered to a someone's doorstep without much trouble, but in other cases, like rural slaves captured in the city, the distance itself would add to the slave catchers desire to put the slave to work until arrangements could be made for the slave-property's return to the slaveholder.<sup>472</sup>

The use of chains was also related to changes in work patterns. Chain gang slaves were sent by barge to work on a levee that was two and one half miles from the jail, because it was deemed impractical to have them walk that distance with "a chain around their ankle" and then to do hard work.<sup>473</sup> When there was a shortage of chains, city officials complained that as many as 60 blacks were languishing in the jails instead of working city streets. Thus the chains materially and symbolically, were considered a vital component to the use of (male, at least) slave bodies building and repairing levees and digging vital drainage canals. Thus chains served to capture and shape the articulations of movement of bought, borrowed, and loaned laboring bodies for a range of public and private individuals and institutions.

Yet, for all their significance, slaves broke the chains. Just as slaves ran away from the harsh living and labor conditions of plantations and urban households, they ran away

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<sup>472</sup> J Martin, *Palfrey v. Rivas*, 7 Mart (o.s.) 371 (Supreme Court of the State of Louisiana, Eastern District 1820) Historic Archives of the Louisiana Supreme Court, University of New Orleans.

<sup>473</sup> Augustin Francois de Macarty, "Messages from the Mayor, 1805-1836" (New Orleans, La, April 22, 1820), mf, New Orleans Public Library Louisiana Division & City Archives.

from the chain gangs. The slave Peter managed to escape “from the city guards while working on the streets.” The chain gang of fifty-eight men were laboring in “ball and chain” on public works as “they were attended by six keepers” when he made his escape. Interestingly, Peter was sent to jail not by his owner, but instead by Callender & Deblois (storeowners) who sold Peter to Captain William H. Chase, who then “allowed” Peter to remain at the store from which he ran. Upon his apprehension, Deblois had him sent to “jail for safe keeping” and it was then that he made his run for freedom.<sup>474</sup>

The “habitual runaway” Stephen, described as a “very light mulatto, with blue eyes and brownish hair” managed to escape from the First Municipality chain gang in February 1852. A.L. Bingaman of Natchez, Mississippi placed an advertisement in the paper for Stephen’s capture months later (October!), and requested that he be apprehended and jailed so Bingaman could retrieve him. In his ad, Bingaman mentioned that Stephen had been shot “in the ankle while endeavoring to escape from the Baton Rouge jail.”<sup>475</sup> A “habitual” runaway from slavery and imprisonment, indeed. Other slaves also ran away while on the chain gangs, or their time on the chain gang became part of their narrative descriptions in runaway ads, as additional indicators of their character and behavior.<sup>476</sup>

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<sup>474</sup> Chase vs. Mayor et al, 9 La. 343 (Supreme Court of Louisiana, Eastern District 1836) Supreme Court of Louisiana Historical Archives, University of New Orleans.

<sup>475</sup> A.L. Bingaman, “Twenty-Five Dollars Reward,” *New Orleans Picayune*, December 26, 1852.

<sup>476</sup> “Ran Away from Mr. Olive,” *New Orleans Picayune*, May 21, 1847; Jos. H. Pugh & Co, “Ten Dollars Reward,” *New Orleans Picayune*, January 13, 1857; George Sidgreaves, “Twenty Dollars Reward,” *New Orleans Picayune*, July 4, 1852; “Twenty Dollars Reward,” *New Orleans Picayune*, March 16, 1854; On this topic, see for example, David Waldstreicher, “Reading the Runaways: Self-Fashioning, Print Culture, and Confidence in Slavery in the Eighteenth-Century Mid-Atlantic,” *The William and Mary Quarterly* 56, no. 2, Third Series (April 1999): 243–272; Lorenzo J. Greene, “The

Some owners included the common refrain to not allow these runaway slaves onboard steamboats, and in one case, specifically mentioned that the police should “be on their watch,” since the “nearly white” William, had been on the chain gang the year before.<sup>477</sup>

Just as the use of jails and chain gangs were intertwined in the lives of rural and urban slaves, iron collars were too. Two slaves who claimed to have entirely different owners were apprehended and jailed in St. James Parish (this was upriver from New Orleans), though both were wearing iron collars – one of them with two branches. Both men were wearing iron rings at the feet attached to iron chains at their waists. Thus both men were chained in a similar fashion as enslaved people who worked on the chain gangs. Iron collars were also used in conjunction with plantation jails, like the collar discovered just after the Civil War on the Mississippi plantation of Jefferson Davis with “a band of iron, four inches wide and half an inch thick, with a heavy chain attached.” The enslaved people on Davis’ plantation worked in the fields during the day with the collars on, and at night, “a padlock secured it to a staple in the wall of the jail.”<sup>478</sup>

This repeating pattern of chains, collars, and jails is yet another reminder of the symbolic and physical dimensions to these instruments in the material iconography of the South. Slaves lives were regularly shaped by practices linking plantations, slave coffles (See Chapter One), the penitentiary (See Chapter Two), and municipal chain gangs.<sup>479</sup>

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New England Negro as Seen in Advertisements for Runaway Slaves,” *The Journal of Negro History* 29, no. 2 (April 1944): 125–146.

<sup>477</sup> “Twenty Dollars Reward.”

<sup>478</sup> Johan Sellin, *Slavery and the Penal System* (New York: Elsevier, 1976), 136 Citing Whitelaw Reid, *After the War, A Tour of the Southern States, 1865-6* [New York: Harper and Row, 1965; reprint of 1866 ed.], 283 .

<sup>479</sup> Cerisay, Sheriff, “Detained in the Parish Jail of St. James.”

There were, of course, whites and free men of color laboring on the public works. The city of New Orleans gave a “preference in hiring whites over colored people on public works” due to “the large number of poor white persons coming into the city and asking to work for the Corporation.”<sup>480</sup> Yet they still had labor shortages, and it was in the 1820’s, before the penitentiary opened, that the “Corporation” briefly used white convicts sentenced to hard labor on various public works projects. In 1824, Governor Robertson authorized the use of thirty “condemned men” sentenced to hard labor on the public works, twelve of which were “free negroes.” The men were “chained two by two, and matched by three armed guards” in groups of ten, other than the colored convicts who would have been chained separately, since the convicts were racially segregated as they labored on the three main sewers of the city (Girod, St. Bernard, and Canal Street). Though they were supposed to be dressed separately by race, I only found descriptions of “vests and pants of a reddish hue” and red caps with “a tin plaque, bearing each said criminal’s number.”

In July of 1827, Governor Johnson authorized the Mayor J. Roffignac to employ as many of the convicts sentenced to “forced labor” as he could for digging and cleaning canals. The convicts had their hair shaved and wore balls and chains, until the Mayor was authorized to have the balls removed in December of that year, likely because they got in the way of the public works projects. However, their “keepers” were to “nail or rivet their chains to the wheelbarrows they use in their work.”<sup>481</sup> Due to the shortages of captured and

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<sup>480</sup> New Orleans (La.) Conseil de Ville, “Official Proceedings (translations), 1803-1829” (New Orleans, November 23, 1822), mf roll #222, New Orleans Public Library Louisiana Division & City Archives.

<sup>481</sup> Louis Philippe de Roffignac, “Messages from the Mayor, 1805-1836” (New Orleans, April 10, 1824), mf roll #85-18, New Orleans Public Library Louisiana Division & City



jailed blacks available to labor on chain gangs, Mayor J. Roffignac requested the use of the “negro” convicts for a month longer because they had finished laying the shells on the levee and were undertaking critical projects like draining ditches and canals in the rear of the city. Roffignac made this request in spite of three convicts escaping and their having to be recaptured.<sup>482</sup> Their escape attempt is likely why the commissioned officer in command of the guardsmen was “authorized to employ violent means to compel” the men to work when they were later forced to fill in a levee.

This use of public convict labor was a source of complaint not only in the community but also the legislature. Successive committees of the legislature visited the city prison and complained of the “sad spectacle” created by the indiscriminate mixing together of slaves with white men and women of all races housed together, but particularly of the unfortunate debtors sharing the “filthy couch” of the murderer.<sup>483</sup> In 1832, Governor Roman argued that a penitentiary to separate people convicted of crimes from others awaiting trials was necessary, but also pointed out that since it was the city of New Orleans that was benefiting from the labor of the criminals working in the city’s streets, the state was receiving no compensation from “a species of slavery” that critics objected to, precisely because it was

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Archives; Louis Philippe de Roffignac, “Messages from the Mayor, 1805-1836” (New Orleans, June 18, 1825), mf roll #85-18, New Orleans Public Library Louisiana Division & City Archives; New Orleans (La.) Conseil de Ville, “Official Proceedings (translations), 1803-1829” (New Orleans, July 14, 1827), mf roll #90-224, New Orleans Public Library Louisiana Division & City Archives.

<sup>482</sup> Louis Philippe de Roffignac, “Messages from the Mayor, 1805-1836” (New Orleans, February 2, 1828), mf roll #85-18, New Orleans Public Library Louisiana Division & City Archives.

<sup>483</sup> Louisiana House of Representatives, *Journal of the House of Representatives during the Second Session of the Fifth Legislature of the State of Louisiana*.

public punishment of “men loaded with chains.”<sup>484</sup> The joint committee on the penitentiary concurred and argued that “Working in chains on the public streets, must too, certainly tend to destroy all pride and blunt whatever, of feeling the convict may have possessed on entering prison, to leave any hope of reformation.” Instead, they should be hidden from public view, like the criminals sentenced to hard labor in the Auburn penitentiary in New York. That same year, the penitentiary was ordered for Baton Rouge, and the men condemned to hard labor participated in its erection, no longer on the streets with the “negroes of the chain.”<sup>485</sup>

Once it was open in 1836, whites and free men of color sentenced to one year at hard labor were sent to the penitentiary. Those with shorter sentences likely would have been at the New Orleans parish prison, but it is unclear from the records that I have seen if they were put out on the streets to labor with the chain gangs and other men who were held in contravention of Louisiana’s laws against the free movement of foreign blacks and free men of color.

In short, working in chains on the public works of New Orleans was shaped and defined by the presence of black laboring bodies loaded with the chains of slavery. Thus, when an “intervention” was made on the presence of slaves in the penitentiary just a few short years after it opened, it makes sense that the New Orleans chain gang would have been considered as a good solution for “hard labor” at punishment for men of color and the

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<sup>484</sup> Louisiana Senate, *Journal of the Senate of the State of Louisiana. Third Session of the Tenth Legislature of the State of Louisiana, Begun and Held in the City of New Orleans.*

<sup>485</sup> *Ibid.*, 7, 36–7.

burden of Virginia convict slaves. Instead, however, the black convicts joined the state-owned slaves of the state.

### **Engineering Louisiana**<sup>486</sup>

In 1832 and 1833 respectively, the Office of the Civil Engineer and the Board of Public Works were created to render navigable and unite by canals the principal bodies of water and public highways throughout the state of Louisiana. This responsibility included the removal of obstructions from rivers and bayous and the building of levees and roads. Communities depended on levees, roads, and clear navigation channels to thrive. When rivers were filled with logs and tree stumps it was not only dangerous for steamboat pilots, but in some cases, made navigation impossible for miles, thus greatly impacting river commerce.<sup>487</sup> State engineers consistently reported on their efforts to

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<sup>486</sup> Though state officials responsible for public works from 1833-1861 were either in the Board of Public Works or the Office of the Civil Engineer (often referred to as the State Engineer, especially after the dissolution of the Board of Public Works) I do not examine other internal improvements such as railroads. The engineers' reports were informed, particularly in later years, by the need to connect waterways to railroads.

<sup>487</sup> Louisiana Legislature, "An Act Providing for the Appointment of a Civil Engineer, and for Other Purposes," in *Acts Passed at the Third Session of the Tenth Legislature of the State of Louisiana. Begun and Held in the City of New Orleans on Monday the Second Day of January in the Year of Our Lord, One Thousand Eight Hundred and Thirty-Two* (New Orleans: Stroud & Pew, State Printers, 1832), 154; Louisiana Legislature, "An Act. To Incorporate a Board of Public Works, and to Create a Fund for Internal Improvement," in *Acts Passed at the First Session of the 11th Legislature of La Begun and Held in the City of New Orleans, the Seventh Day of January, Eighteen Hundred and Thirty Three* (New Orleans: Jerome Bayon, State Printer, 1833), 36–41; Martin Reuss, *Designing the Bayous: The Control of Water in the Atchafalaya Basin: 1800-1995* (Alexandria Va.: Office of History U.S. Army Corps of Engineers, 1998); Robert H. Gudmestad, *Steamboats and the Rise of the Cotton Kingdom*; Carl Brasseaux and Keith Fontenot, *Steamboats on Louisiana's Bayous: A History and Directory* (Baton Rouge: Louisiana

make water routes navigable for the steamboats carrying what by 1853 was a quarter of the world's importable sugar and 1860 close to 2 million bales of cotton on its way to New Orleans.<sup>488</sup>

On the recommendation of Governor Roman, in 1834 the Louisiana legislature granted the president of the Board of Public Works the powers to “purchase for the use of the State any number of slaves not exceeding one hundred fifty,” and to begin “works of public improvement” by acquiring steamboats and other tools necessary to clear and remove logs from rivers and to transport the slaves. They also hired assistant engineers who served as superintendents to oversee the slaves and provide for their support and maintenance.<sup>489</sup>

In 1834, the first set of slaves were put to work in boats, and of the 57, only 44 survived bouts of cholera, fever, and dysentery amongst their ranks. In spite of so many deaths and illness, the slaves still managed to make impressive gains in clearing obstructions, even without the aid of proper snag boats or dredging machines. For example, on the West Pearl River, the slaves cleared cypress trees and knees (likely using only hand saws and axes since they were without snag boats) from the water, leading to an opening to the Mississippi and thus to New Orleans. Assistant engineer Buisson pointed to its opening as quite significant for not only linking the region to the

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State University Press, 2004); Louis Hunter, *Steamboats on the Western Rivers: An Economic and Technological History* (Cambridge: Harvard University Press, 1949).

<sup>488</sup> Follett, *The Sugar Masters*; Buchanan, *Black Life on the Mississippi*.

<sup>489</sup> Louisiana House of Representatives, *Journal of the House of Representatives. Eleventh Legislature. Second Session, 1834*, 106, 107.

capital of the state, but also for making possible the movement “to market” of “more than 100,000 bales of cotton.”<sup>490</sup>

Another early project of note was the clearing of river rafts (miles of logs) in 1834-5, typical obstructions that plagued the entire state, because they returned on a regular basis.<sup>491</sup> As reported in the *Iberville Gazette*, thirty of the “State negroes” managed to remove the obstructions thus preparing the way to straighten a channel of a bayou in four weeks to the surprise of the local community.<sup>492</sup> Four to five years earlier, the labor would have taken a year because the department of internal improvement, predecessor to the Board of Public Works, hired contractors that relied on free white immigrants. The long project completion times was cited as a reason by Governor Roman and later engineers in support of using slave labor instead. Though initially hailed for their effectiveness, over time, the lack of clear coordination and surveying before projects were undertaken by the state, particularly with increased demands on their time and resources in the 1840s-1850s, fewer politicians and communities were happy with the state’s slave labor.<sup>493</sup>

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<sup>490</sup> *Report of the Board of Public Works of the State of Louisiana, Transmitted by the Governor to the Legislature* (New Orleans: Jerome Bayou, State Printer, 1835), 11.

<sup>491</sup> Some engineers blamed planters in part for this phenomenon. When slaves cleared land for agriculture they seemed to fell logs into waterways.

<sup>492</sup> The Daily Picayune, “The Clearing of the Bayous,” *The Daily Picayune*, October 8, 1838.

<sup>493</sup> State engineer Morse pointed out that from 1847 to 1854, the state engineers were required to respond to 132 different Acts to do jobs on streams. This amount of work was something that their force could not do. As other engineers (and some of their critics) mentioned, a lot of their time was spent moving from different points around the state in order to get projects accomplished. George W. Morse, *Appendix. Report of the State Engineer* (New Orleans: Emile La Sere, State Printer, 1854), 9; P.O. Hebert, a former state engineer, in his speech to the Louisiana Legislature argued that the state

Nevertheless, even with labor and laboring bodies lost due to illness and deaths in 1834, the department could point to early successes. The board was authorized to hire out the slaves “for the benefit of the fund of internal improvement” and as Assistant Engineer Harford proposed, when the slaves were not clearing the rivers of obstructions, they could be hired out to help defray the “contingent expenses during the working season.” Harford argued that hired laborers could not be “employed every moment” and that resulted in a loss in labor investment. In contrast, while a slave may have been “idle” for 5 months of the year; “he is a source of revenue and not an expense” by being hired out to “support himself during the remaining 7.” Furthermore, enslaved men could be “placed under a proper discipline, a proper system established and persevered in” and with “competent” managers the “employment of slave labor” could be successfully used to improve Louisiana. Harford argued that after their use, both the steamboats and slaves could be disposed of at a “price below prime cost, and improvements.”<sup>494</sup> The plan therefore, was to keep state-owned slaves in a state of constant labor when high water or other conditions rendered work in rivers and bayous impossible. Options

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forces were order to do so many works without a preliminary survey by an engineer and forced to move from bayou to bayou without any sense of how important the projects were. There was declining support for the fund because some lived in districts where no work had been done and had no investment in protecting it. Louisiana House of Representatives, *Official Report of the House of Representatives of the State of Louisiana, Second Legislature -- First Session* (New Orleans: Emile La Sere, State Printer, 1854), 6.

<sup>494</sup> Louisiana Legislature, “An Act. Granting Further Powers to the Board of Public Works, and for Other Purposes. Approved March 10, 1834,” in *Acts Passed during the Second Session of the 11th Legislature of Louisiana, Begun and Held in the City of New Orleans, the Ninth Day of December, Eighteen Hundred and Thirty-Three*. (New Orleans: Jerome Bayon, 1834); *Report of the Board of Public Works of the State of Louisiana, Transmitted by the Governor to the Legislature*, 12.

included hiring slaves out and using them on state projects to build “roads leading to and from market.” This practice of continuous labor was continued through the life of the department until the tools, boats, and slaves were sold at auction.<sup>495</sup>

Taken together, the rhetoric about the successful use of slave labor in spite of illness and the successful removal of obstructions in order to get produce and people to market contributed to the economy of using slaves instead of hired labor. Unlike private contractors, the state never invested in expensive snag or dredge boats, but instead used only retrofitted steamboats. Two early boats included one with small saws for cutting roots, logs or stumps in order to clear navigational channels, and the other had dredging buckets in order to canal through swamps and deepen the bars at the mouths of rivers.<sup>496</sup> The slaves were organized into work gangs that usually had about 18-22 “able-bodied negroes” each, depending on the size of the overall force, the condition of the boats, and the projects that needed attention.<sup>497</sup>

By an act of 1834, the governor was authorized to get a loan of seventy-five thousand dollars to purchase 93 more slaves.<sup>498</sup> “Confidential commissioners,” including

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<sup>495</sup> Louisiana House of Representatives, *Journal of the House of Representatives. Second Session, Fourteenth Legislature, 72*; J.K. Duncan, *Annual Report of the Chief Engineer of the Board of Public Works, for the Year Ending December 31, 1860, to the Legislature of the State of Louisiana* (Baton Rouge: J.M. Taylor, State Printer, 1861).

<sup>496</sup> Civil engineer George Long directed the retrofit of the two boats, Eugene Rousseau, Secretary, *Annual Report of the Board of Public Works, to the Legislature of the State of Louisiana* (New Orleans, 1837); At the dissolution of the department, Duncan called the condition of the remaining boats a disgrace because none of them had modern machinery. Duncan, *Annual Report of the Chief Engineer of the Board of Public Works, for the Year Ending December 31, 1860, to the Legislature of the State of Louisiana*.

<sup>497</sup> *Report of the Board of Public Works of the State of Louisiana, Transmitted by the Governor to the Legislature*.

<sup>498</sup> *Ibid.*, 4.

James McHatton, a penitentiary lessee, purchased the original force of slaves and their replacements at slave markets for the State. (See Chapter Two.) These buyers were tasked with selecting “able-bodied negro men” no older than thirty years of age, “of good character, and healthy” and “acclimated” to the conditions of the state, meaning they had been living there for approximately one year, at least.<sup>499</sup> Though young “acclimated slaves” were purchased, the state public works continued to be plagued with problems since slaves continued to catch diseases and fall ill, run away, or die. By 1837 there were 80 slaves; by 1840 there were 69; and after 10 more were purchased in 1841, there were only 78. It was in this context of having a small slave labor force responsible for clearing the obstructions from important navigational routes (Red River, Mississippi River, Atchafalaya Basin and others) throughout the State that the incarcerated slaves and men of color were removed from the state penitentiary and put out to labor under the direction of state engineers.<sup>500</sup>

Given the problems with maintaining a healthy slave force, it is not surprising that in 1841, Governor Roman offered the convict slaves for use with the state-owned slaves on the public works. Not only would it get them out of the penitentiary, where they were a “burden” on the state, they could work for their upkeep and to benefit the public works.

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<sup>499</sup> Louisiana Legislature, “An Act to Provide for the Purchase of an Additional Number of Negroes for the Use of the State, to Be Employed on Objects of Internal Improvements and for Other purposes. Approved April 1, 1835,” in *Acts Passed at the First Session of the Twelfth Legislature of the State of Louisiana, Began and Held in the City of New Orleans, the Fifth Day of January, Eighteen Hundred and Thirty Five* (New Orleans: Jerome Bayon, 1835).

<sup>500</sup> For more on the intricacies of the way that slaves were presented as “sound” and “fit” see, Johnson, *Soul by Soul*; For more on the inefficiencies of using such a small labor force see, Reuss, *Designing the Bayous*; Also see, Brasseaux and Fontenot, *Steamboats on Louisiana’s Bayous*.



That year, a group of twelve convict slaves from the state of Virginia forfeited to the state as part of a lawsuit against William H. Williams and known as the “Williams Gang,” were sent to work under the direction of the superintendent Mayo, of the state engineer’s office.<sup>501</sup> Mayo found it difficult to work the convict slaves separately from those owned by the state, as required, and after two weeks they were returned to the penitentiary in Baton Rouge.<sup>502</sup>

In spite of this short-lived experiment, the governor proposed in late 1841 that all colored convicts be put to work on the public works.<sup>503</sup> The governor argued that not only should all of the 24 convict slaves from Virginia be placed under the direction of the Board of Public Works, but so too should “The men of colour condemned to hard labor, the mixing of whom with the white convicts in the Penitentiary seems to me, as I have already observed to you, in opposition to our institutions, could also during the term of

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<sup>501</sup> The “Williams Gang” were forfeited to the state when William H. Williams was convicted in 1840 of violating an 1817 law prohibiting the importation of slaves convicted of insurrection, arson, murder, rape and other serious crimes. Williams was transporting the slaves through the state on his way to Texas. The surviving slaves were not released into Williams’ custody until 1857. They were alternately referred to in penitentiary reports as “forfeited,” “confiscated,” or “Williams Gang.” The slaves who survived to be listed in the penitentiary records were: The four women were: Melinda, 25, Jane 24, Nancy 24, and Charlotte 21. The men included: Ned 35, Phil Harris 28, John Johnson 26, James Judy 28, King 38, Tom 30, Hanson 24, Jack Johnson 35. Davidson, Barbee, and Cooper, *Report of the Board of Directors of the Penitentiary of the State of Louisiana*.

<sup>502</sup> Thos. W. Chinn, *Annual Report of the Board of Public Works to the Legislature of the State of Louisiana* (New Orleans: Printed at the Commercial Bulletin Office, 1842), 12.

<sup>503</sup> Louisiana Legislature, “Act No. 171. An Act Providing for the Manner of Employing the Colored Male Convicts in the Penitentiary, and for Other Purposes.” Approved March 26, 1842; Louisiana Legislature, “Act No. 100. An Act Amendatory of the Several Acts Relative to the Penitentiary,” in *Acts Passed at the First Session of the Sixteenth Legislature of the State of Louisiana, Begun and Held in the City of New Orleans, on the 2d Day of January, 1843* (New Orleans: Alexander C. Bullitt, 1843) Approved March 27, 1843.

their sentence be advantageously transferred to our public works.”<sup>504</sup> The economy of collapsing distinctions between slaves and free men of color imprisoned in the penitentiary and convict slaves illegally imported was reinforced through the rhetoric and implementation of this legislation. Legislators agreed with the Governor and noted that so long as they were incarcerated, “these negroes were an expense to the State, especially those from Virginia” and instead they may be “profitably employed on the public works.”<sup>505</sup> Legislators noted that putting chained convicts on public works was,

not without its difficulties. The negroes if placed to work in boats on Bayous, would have to be freed of their chains, which would require (especially in remote places) a strong guard, the expense of which might exceed the net profit of their labour. If made to work on roads and levees, the chains might be left on them: and as this work would have generally to be performed in the midst of population, there might be no need of a very strong guard.<sup>506</sup>

While the legislators were interested in finding suitable punishing labor for the negro convicts while similarly keeping them separate from white convicts in the penitentiary; they also required that the convicts be worked separately from the state-owned slaves “whom they might corrupt by their contact”.<sup>507</sup> The costs of the guards, housing and the use of chains became an issue of economy and pliability on the public works. Thus similar to the chain gangs and the use of black bodies in New Orleans, chains shaped how decisions were made regarding the use of convict labor.

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<sup>504</sup> Louisiana House of Representatives, *Journal of the House of Representatives, Fifteenth Legislature, Second Session*, 5.

<sup>505</sup> Louisiana House of Representatives, *Journal of the House of Representatives, First Session, Sixteenth Legislature*, 42–3.

<sup>506</sup> Ibid.

<sup>507</sup> Ibid.

In 1842, the Williams Gang of 24 slaves along with sixteen other convicts comprised of male slaves and men of color were transferred from the state penitentiary to labor for the state. After the initial 40 convicts were transferred, in 1843 there were 6 more, and in 1844, another 4, for a total of 50 over the length of the department.<sup>508</sup> Representative of the convicts in general, the slaves were serving life terms for murder, assault and wounding white men and the free men of color larceny, burglary, and “for being an emigrant.” They ranged in age from sixteen to fifty. Similar to what happened with the initial purchase of slaves for the public works, nearly half of the Williams Gang, along with several of the free men of color and other convict slaves from the penitentiary soon died. State Engineer George Dunbar reported that there were convict deaths in 1842 from small pox and congestive fever and deaths from dysentery among the state slaves. The following year, state engineer Martin Penn reported that three convict slaves and six of the free colored convicts died, and one of the colored convicts escaped.

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<sup>508</sup> In 1843, men transferred to the public works included Jos. Siddons, a slave from Maryland who was sentenced to life for murder; Jos. Spomer, a free man of color from the West Indies, serving a one year term for being an emigrant, as was Simon Brown, a free man of color from the District of Columbia. Also transferred, was Lachaise, a free man of color from Louisiana, sentenced to fourteen years for burglary and Jas. Howard, a slave from Kentucky, sentenced to a life term for “wounding a white man.” Newport, Chairman and Louisiana Legislature, “Report of the Standing Committee on the State Penitentiary, Made at the Second Session of the Sixteenth Legislature”; In 1844 transferred to the public works were: Jaques Charlot, a free man of color from Louisiana sentenced to serve a two-year term for larceny; Lewis Obey, a slave born in Jamaica, sentenced to life for “assaulting a white man” and Leroi Gowin, a sixteen-year-old free man of color from Louisiana, serving a one-year sentence for larceny. Louisiana Legislature, *Report on the Penitentiary, by a Joint Committee of the Senate and House of Representatives. J. Bernard Chairman, Appendix X .*

In his report discussing the use of the convict service in 1842, George Dunbar casually mentioned the shooting of two convict slaves, both from Louisiana, one of them sentenced to life imprisonment in the very parish the convicts were working. Dunbar claimed that:

Receiving numerous applications from the citizens of Point Coupee, and [West Baton] Rouge, in relation to the stopping up of the upper mouth of Fausse Rivière... As soon as the necessary arrangements for the lodgment and security of the convicts could be made, they were placed upon the work.

The embankment closing the upper mouth, stretches through from the levee on the Miss. River, to the levee along Fausse river, a distance of 1367 feet—five hundred feet of which is heavy work. ... A great advantage is gained in building a levee of sufficient size to admit of the road-way being made upon it, as by continual travel it becomes more solid, and is consequently more easily kept in repair, and less liable to damage.

Notwithstanding its being the first work upon which the convicts were engaged, and the great amount of sickness among them, this fine and heavy work, was put up by the average of forty-five working hands, in about forty working days...I regret to state that it was found necessary to shoot two of the convicts on this work. Frank, a slave sentenced from the parish of Pointe Coupee, made his escape on the morning of the 13<sup>th</sup> October, during a very heavy fog. Every means was taken to recover him without avail. On the 13<sup>th</sup> November, information was given to some of the inhabitants that he was in a negro quarter in the neighbourhood. Four persons repaired to the spot armed with guns; one of them entered, presented his gun and called upon the negro to surrender. He replied that he would not, knocked the man down, and ran from the cabin, when he was shot down by the persons stationed on the outside. Phil, a slave sentenced from the Attakapas, was shot by one of the guards upon the work, on the 2d November, for mutiny, and attempt to kill the guard. Since this event two of the convicts escaped, one of whom was captured on the same day, the other still remains at large...<sup>509</sup>

After describing this chilling scene—the only scene of violence depicted in any of the engineers or public works reports from 1835 through 1861, Dunbar proceeded to

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<sup>509</sup> Dunbar, *Annual Report of the State Engineer to the Legislature of the State of Louisiana*, 16–17.

report about the convict force labor repairing a breach on a levee. He also reported that the work of the convicts, though not easily estimated, could be linked to the reclamation of over 125,000 acres of valuable lands and noted that the convict service was more economical than paying for labor by contract.<sup>510</sup>

Dunbar's description is striking in large part because of the structure of the reports. Particularly in the later years, engineers reported that slaves drowned, and that there were accidents and so forth, but details were not provided about what transpired. Though there was no direct response to this report that mentioned the shooting deaths of slave convicts in any of the official correspondence that I have seen (e.g., House or Senate Journals), I wonder how much later engineers' reports were deliberately vague on the details of slave deaths other than those from illness precisely because of how much this report revealed about the treatment of the convicts.

Since they were segregated, as the state-owned slaves worked on steamboats to clear navigational routes of logs, stumps and snags, the convicts built roads and levees to facilitate traffic between bayous and the Mississippi. In 1843, 15 to 25 of the 44 convicts building the road from Baton Rouge to Clinton were ill, and thus required "the service of a large portion of those that were in good health to attend to the sick."<sup>511</sup> Given the heavy expenses to the state and the parish of East Baton Rouge, the work was stopped. The convicts were sent to West Baton Rouge, to work with another engineer who would make "the most of a force encumbered with chains, and enfeebled

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<sup>510</sup> Ibid., 6, 8, 16, 18, 21–22.

<sup>511</sup> Martin Penn, "Report of the State Engineer," in *Documents of the Second Session of the Sixteenth Legislature of the State of Louisiana* (New Orleans, 1844), II.

by sickness.”<sup>512</sup> Later, the male convicts, completed a fifteen-mile road, and marked out additional routes in the area of Bayou Grosse Tete.<sup>513</sup>

In spite of their laboring while ill, the state engineer Penn reported to the legislature that the convicts were a disappointment to the public since they were “hands encumbered...with chains” that were too costly given “the expenses necessary to direct their labor.”<sup>514</sup> Thus Penn unlike his predecessor Dunbar, did not believe that physically constrained convicts were an economical investment of state resources in addressing the expansive needs of state internal improvements, even when these chained hands and bodies were restricted to land. Penn suggested that the legislature make other arrangements for the colored convicts since there was too much trouble and expense involved in moving them from one location to another. He found the constant need to build quarters and hire competent guards rendered it “impossible to work them to any advantage unless contiguous to permanent quarters.”<sup>515</sup>

Initially, Penn suggested that either the lessees of the penitentiary or the different municipalities of the city of New Orleans would make better use of the chained convicts. Interestingly, the mayor New Orleans, W. Freret, wanted to “take advantage of the problems” that the state engineer was having, believing that since New Orleans had “organized means of surveillance” and the “facility offered by its prisons” to house the

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<sup>512</sup> Ibid., II–III.

<sup>513</sup> Martin Penn, Report of the State Engineer, in Louisiana House of Representatives, *Journal of the House of Representatives, of the State of Louisiana. Seventeenth Legislature – First Session*, 24–26.

<sup>514</sup> Penn, 1844, II-III.

<sup>515</sup> Louisiana House of Representatives, *Journal of the House of Representatives, of the State of Louisiana. Seventeenth Legislature – First Session*.

condemned they “might derive incontestable benefits from their help” since many projects remained undone throughout the city.<sup>516</sup> Thus in contrast to the state which found guards and chains too restrictive for their mobile and water-based enslaved labor force, officials in New Orleans could make use of chained enslaved bodies to meet range of labor needs.

In 1845, state engineer Martin Penn argued that the surviving convicts should be returned to the penitentiary. By then, only 33 of the 50 were left. Penn wanted to keep the 8 men and 4 women of the Williams Gang for the state engineers’ use, since they were “managed without the least difficulty, and would doubtless prove beneficial to the public.”<sup>517</sup> The legislators did not agree, and the Williams Gang along with the other convicts, were returned to the penitentiary, to work under the new lessee McHatton and Pratt, leaving a state public works force of only 68 slaves.<sup>518</sup> The men returned to work “separate and apart from white convicts” and to “become skilled in the manufacture of bagging and rope free of any expense,” as the women returned to washing and mending clothing.<sup>519</sup>

Penn’s assessment of the utility of black labor – since the convicts included both slave and free people – relied upon the pliability of hands that could be worked to affect

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<sup>516</sup> Freret, “Messages from the Mayor, 1805-1836.”

<sup>517</sup> Louisiana House of Representatives, *Journal of the House of Representatives, of the State of Louisiana. Seventeenth Legislature – First Session.*

<sup>518</sup> Louisiana Legislature, “Act No. 55. An Act to Provide for the Return of the Colored Convicts to the Penitentiary, and for Other Purposes,” in *Acts Passed at the First Session of the Seventeenth Legislature of the State of Louisiana, Began and Held in the City of New Orleans, on the 6th Day of January 1845* (New Orleans: Magne & Weisse, 1845), 28–9.

<sup>519</sup> Louisiana Legislature, *Report on the Penitentiary, by a Joint Committee of the Senate and House of Representatives. J. Bernard Chairman*, 3, 5.

internal improvements. The engineers' desire for "usable" hands, unencumbered by chains, or hands that could not walk away from unbearable working conditions, informed the state engineers arguments over the decades when they expressed a preference for slaves. Though engineers often provided exhaustive economic calculations of the "savings" associated with slave labor, particularly since they were a capital investment, there were other benefits as well, and what seemed most important to them was their ability to control labor and labor conditions.

Distinct from private canal companies, the state never directly purchased women who could have been used both on the public works as laborers and to breed "company slaves."<sup>520</sup> The Baratavia and Lafourche Company for example, included nine children who were sold along with the men and women in 1847 to settle the company's debts. I suspect that Martin Penn wanted to retain the "Williams Gang" in part because the women not only assisted in the building of roads and levees, they could also be used for sex and potentially breed more state property. Precisely because of the sort of labor engaged in by the state slaves, moving from river to bayou, and working in areas populated primarily by small towns and plantations, there certainly would have been good use for women. As mentioned earlier, the slaves were hired to work for planters when not working on other projects, thus putting them in the proximity of slave cabins.

<sup>521</sup> Insight into engineers' concerns with the mobility of slaves in plantation areas can be

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<sup>520</sup> Marrs, *Railroads in the Old South*.

<sup>521</sup> Report of the Assistant State Engineer Bayley and State Engineer AD Woolridge, Louisiana Legislature, *Journal and Official Documents of the Senate of the State of Louisiana. Fourth Legislature*.



seen in the following scenario when a group of state-owned slaves were seized and jailed. In 1855, state engineer George Morse reported the following incident:

Some time in the month of June a report became current in the Campté settlement that a servile insurrection was to occur on the 4<sup>th</sup> of July, and though the State hands were some eighteen or twenty miles above, they were considered in dangerous proximity. Therefore, a party of men who seemed to have been more alarmed than the urgency of the case warranted, joined themselves into a company, went up to the place where the State hands were at work, and without the authority of law, arrested and sent them down to jail in Natchitoches, with a letter to the Sheriff to retain them until they themselves should arrive, and prove up their charges. I was immediately notified by one of my friends, through the agency of the telegraph, and without delay sent an agent to enquire into the affair, with instructions to examine minutely into the case, and if he had good reason to believe any of the negroes in fault to punish them, although perfectly legal testimony might not have been found against them.

Upon his arrival at Natchitoches, the Sheriff was about to turn the negroes out of jail, not having any commitment for them, and no charges having been made against them, except some reports that they could not always be kept in camp at night, and would run about in the quarters of the adjoining plantations. This report, even, was not proved, and although the persons who forcibly made the arrest, had with them a magistrate at the time, he refused to make out a commitment. I, however, have no doubt of the truth of this report, and notwithstanding our strict orders on the subject, do not believe it possible to confine so many hale hearty men in the vicinity of negro quarters and prevent them from visiting at night, without chains made of the best iron .... It appears that not the slightest blame could be attached to the negroes... I requested the District Attorney for the Judicial District to institute suit against the parties who had thus, without a shadow of law or justice, interfered with the State works, and had forcibly taken possession of the State hands. I instructed him to bring suit for false imprisonment, and for damages to the amount of ten thousand dollars. I laid the damages at this amount, partly in consequence of the sickness of many of the men, who had contracted disease, being huddled together in close quarters of the jail.<sup>522</sup>

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<sup>522</sup> George W. Morse, *Annual Report of the State Engineer, to the Legislature of the State of Louisiana* (New Orleans: Emile La Sere, State Printer, 1855), 7–8.

This passage suggests that contrary to assertions that the city of New Orleans had better organized surveillance, when communities in which the state slaves were working were unfamiliar with them, the response could be swift.<sup>523</sup> The incarceration of the slaves is yet another example of how jails served a myriad of uses in rural areas, and not surprisingly did not contain the healthiest people. Most striking perhaps is that Morse had no doubt that those unchained slaves, those “hearty men,” would be active near the slave quarters of adjoining plantations, suggesting of course that this was tolerated behavior in order to maintain the slave force. And lastly, that the state engineer would instruct a district attorney to file a suit for damages to state property is an example of the extraordinary manner in which state power was exercised to protect state property.

It was during the tenure of state engineer HT Williams in 1848 that state slave force reached 129, the highest number to be achieved over the twenty-seven years of the boards of public works and departments of state engineer.<sup>524</sup> However, Williams “lost” five of those slaves, two drowned, two were “accidentally killed” and one died from a chronic illness. Since accidental deaths were investigated by parish authorities Williams reported, without going into any detail, that there was no blame attached to

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<sup>523</sup> Harvey Wish, “The Slave Insurrection Panic of 1856,” *The Journal of Southern History* 5, no. 2 (May 1, 1939): 206–222.

<sup>524</sup> HT Williams, *Annual Report of the State Engineer, to the Legislature of the State of Louisiana* (New Orleans, La: T. Rea’s Power Press Office, 58 Magazine Street, 1848); A.D. Wooldridge, State Engineer, *Appendix, Report of the Internal Improvements of Louisiana*, 1850.

those “in charge,” and that accidents were bound to happen in “our work.”<sup>525</sup> Slaves were “lost” in other ways as well.

State work for those “in charge” included managing the capture of slaves who were lost because they ran away. By December of 1840, of the four slaves employed at the mouth of the Lafourche who “absconded”, two of them were jailed in St. John the Baptist, the third in New Orleans. The location of the fourth slave was still unknown in early 1841, but “proper steps” were being taken to “insure his recovery.”<sup>526</sup>

Advertisements with varying descriptions of runaway slaves who ran away were placed in newspapers. Two of the slaves who ran away in 1840 were apprehended after a \$100 reward was offered and they were immediately “put to work.”<sup>527</sup> State engineers placed ads for runaways, such as Hannibal Williams, John Dugas, and Wilson – all of whom ran in 1842, and William Bradley in 1845 and Pompey Williams in 1846.<sup>528</sup>

Similar to slaveholders, the engineers relied upon jails throughout the state to act as sites of containment for the “boys”, who could then be delivered to the engineer. In one

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<sup>525</sup> Williams, *Annual Report of the State Engineer, to the Legislature of the State of Louisiana*, 9.

<sup>526</sup> J Bernard and George T. Dunbar, Civil Engineer, *Annual Report of the Board of Public Works, to the Legislature of the State of Louisiana* (New Orleans: J.L. Sollee Exchange Alley, 1841), 16.

<sup>527</sup> Ibid.

<sup>528</sup> George T Dunbar, Jr., State Engineer, “Engineer’s Office, New Orleans, Oct. 28, 1842. Forty Dollars Reward,” *The Daily Picayune*, November 1, 1842; George T Dunbar, Jr., State Engineer, “Engineer’s Office, New Orleans, Oct. 28, 1842. Thirty Dollars Reward,” *The Daily Picayune*, November 1, 1842; “\$10 Reward,” *The Daily Picayune*, May 22, 1845; “\$25 Reward,” *The Daily Picayune*, July 2, 1846.

of state engineer Dunbar's report, the list of expenses included "jail fees" alongside printing, advertising and medical attendance.<sup>529</sup>

By the end of 1854, there were just 97 slaves left. In the previous year, four died of cholera, two drowned, two died of old chronic diseases, and ten to fifteen were too old for "active or hard service."<sup>530</sup> The state engineer George Morse argued in favor of purchasing more slaves in light of discussions about "the propriety of employing white instead of slave labor" on some of the larger and difficult projects, such as clearing obstructions and building a levee on the Atchafalaya River, for which appointed commissioners were having trouble finding willing contractors. Morse argued that rather than trying to contract white men's labor at a cost of \$35/month (including provisions), instead slaves could be used at a cost of \$1200/each and an interest at six per cent "on stock for one year" as well as a loss from deaths of four percent. He argued in part,

There is, however, one item not taken into the account, and this is the fact that negroes in this climate will, for the year round, perform much more labor than an equal number of white men; I think the difference is about two or three, or that twenty negroes will perform as much hard labor as thirty white men, which would increase the difference in favor of slave labor from \$23,422 to \$37,475 per year. This last difference is not alone owing to the fact that the negroes can work on during the sickly season, while many of the white laborers fail, but to the fact that they are better able more generally, and in my opinion, do actually perform one-third more work. The cost of superintending white and slave labor must necessarily be about the same. Another disadvantage attending the employment of white laborers is the fact that they are more difficult to control than the negro, and when they know you are most dependent on them, they will either demand higher wages or leave you.<sup>531</sup>

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<sup>529</sup> Bernard and Dunbar, Civil Engineer, *Annual Report of the Board of Public Works, to the Legislature of the State of Louisiana*, 18.

<sup>530</sup> Morse, *Annual Report of the State Engineer, to the Legislature of the State of Louisiana*, 23.

<sup>531</sup> *Ibid.*, 22–23.

Morse's accounting is striking for his confidence in the ability of slaves to do more work during the "sickly season" without recognizing it was precisely because they could not demand higher wages nor successfully run away. Doing so would put them at risk of being captured, incarcerated, and returned to the public works. In short, Morse was romanticizing the harsh labor conditions indicated by his own numbers regarding illness and deaths, not to mention others. Morse also ignored the circumstances of the Yellow Fever outbreak of 1853, assuming he knew about it, during which slaves on plantations were affected in vast numbers, thus challenging assumptions about their racial robustness providing them more immunity than others.<sup>532</sup> Some years later, Morse's claims were challenged, though it was by the last state civil engineer for the public works, J.K. Duncan, who argued that "even admitting that the white laborer can perform as much hard service in this climate as the negro, still he is more difficult to control."<sup>533</sup>

Control was a the key factor for the state engineers, even when their arguments were pitched in terms of the benefits of the capital investment and interest earned on slaves. Due to the harsh labor conditions and the inability of the state to replenish their numbers, the state never managed to reach a slave force of 150, as originally legislated. Interestingly, Morse argued that the slave force should be increased to 400 in order to

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<sup>532</sup> Tidyman, M.D., "Art. VI. A Sketch of the Most Remarkable Diseases of the Negroes of the Southern States, with an Account of the Method of Treating Them, Accompanied by Physiological Observations"; Jo Ann Carrigan, *The Saffron Scourge: A History of Yellow Fever in Louisiana, 1796-1905* (Lafayette, La: Center for Louisiana Studies, University of Southwestern Louisiana, 1994).

<sup>533</sup> Duncan, *Annual Report of the Chief Engineer of the Board of Public Works, for the Year Ending December 31, 1860, to the Legislature of the State of Louisiana*, 13–14.

effectively complete state projects.<sup>534</sup> It is worth noting that slaves did “leave” the force when they ran away, but of course the advantage of property running instead of people is that state property can be subjected to a particular form of State power.

Slaves who resisted state control made up some of the losses calculated by state engineers over the years. State owned could be sold if recaptured, or incarcerated in the state penitentiary as state property along with convicted criminals.<sup>535</sup> In 1857, Dick Glover was released from the Baton Rouge Penitentiary after 12 years of incarceration. Glover had committed no crime, nor had he been sentenced under the Black Code. Instead, he was “state property” who tried to escape the arduous labor of clearing obstructions from the rivers and bayous of Louisiana.<sup>536</sup> This “incorrigible runaway” as he was called, was incarcerated for “safekeeping” until he was released into the custody of the state engineer, Louis Hébert.<sup>537</sup> Hébert, who at the time lacked a sufficient labor force, wanted to sell Glover, along with the “aged and infirm” slaves who were “of little service”, in order to purchase “able” replacements.<sup>538</sup> Instead he had to rely on what

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<sup>534</sup> George W. Morse, *Appendix. Report of the State Engineer* (New Orleans, La: Emile La Sere, State Printer, 1853).

<sup>535</sup> Rousseau, Secretary, *Annual Report of the Board of Public Works, to the Legislature of the State of Louisiana*; Bernard and Dunbar, Civil Engineer, *Annual Report of the Board of Public Works, to the Legislature of the State of Louisiana*.

<sup>536</sup> Louis Hebert, *Annual Report of the State Engineer, To the Legislature of the State of Louisiana* (Baton Rouge: J.M. Taylor, 1859); see also, Board of Directors of the Louisiana Penitentiary, “Appendix Report.”

<sup>537</sup> Williams, *Annual Report of the State Engineer, to the Legislature of the State of Louisiana*, 41; Louis Hebert, *Annual Report of the State Engineer, To the Legislature of the State of Louisiana* (New Orleans, La: Emile La Sere, State Printer, 1856), 6.

<sup>538</sup> Hebert, *Annual Report of the State Engineer, To the Legislature of the State of Louisiana*, 1856, 9; Louis Hebert, *Annual Report of the State Engineer, To the Legislature of the State of Louisiana* (New Orleans: John Claiborne, State Printer, 1857), 7–8; State engineer H.T. Williams proposed that both Wil Morel and Dick Glover, who

was available, which was a slave force of 94, including 21 he deemed too old and infirm to work, since there was no “light duty” on the public works.<sup>539</sup>

Louis Hébert’s decision to use Dick Glover, the labor at hand, is particularly striking since his cousin, P.O. Hébert in 1847, reported to the legislature that he would “advise selling [Glover and Morel] to the lessees.” Upon his release, Dick Glover was put back into service in April of 1857, and “absconded” from a surveying party in July.<sup>540</sup> He was never heard from again. Though Dick escaped, Hébert retrieved another unnamed slave from the State Depot at the Baton Rouge Parish Jail. This “confirmed runaway” ran away again, was recaptured and confined in the State Depot (again!) and was “made to work for his maintenance,” until “after a long confinement,” the following year, he was “put to work” with the other state-owned slaves.<sup>541</sup> Expecting this state-owned slave to work for his maintenance is a striking parallel to the penitentiary, parish jails, and the New Orleans Chain Gangs.

Hébert’s use of jails and other institutions to manage the labor force did not stop there. Even the old and “crippled” slaves needed to work for their maintenance.<sup>542</sup>

Hébert made several suggestions to the legislature, one being to build a refuge for the

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were “state property” be sold in 1848. It is unclear what happened to Morel. Williams, *Annual Report of the State Engineer, to the Legislature of the State of Louisiana*, 41.

<sup>539</sup> Hébert, *Annual Report of the State Engineer, To the Legislature of the State of Louisiana*, 1856; Louis Hébert, *Annual Report of the State Engineer, To the Legislature of the State of Louisiana* (New Orleans: John Claiborne, State Printer, 1857).

<sup>540</sup> Hébert, *Annual Report of the State Engineer, To the Legislature of the State of Louisiana*, 1859, 8.

<sup>541</sup> Louis Hébert, *Annual Report of the State Engineer, To the Legislature of the State of Louisiana* (New Orleans: John Claiborne, 1858), 8; Hébert, *Annual Report of the State Engineer, To the Legislature of the State of Louisiana*, 1859, 8.

<sup>542</sup> Hébert, *Annual Report of the State Engineer, To the Legislature of the State of Louisiana*, 1857.

long-time “faithful” slaves, and another to sell them. The refuge he considered “more just and humane” and potentially “profitable to a certain extent.”<sup>543</sup> So in a sense, not only was Hébert suggesting strategies to warehouse the old, since the refuge would be in Baton Rouge, the refuge would be adjacent to where the machinery and tools were warehoused, and a garden, which would cut down on the costs of provisions that had to be purchased from plantations, stores, and elsewhere. Importantly, Hébert argued that keeping slaves who were “worn out by hard work, exposure, wounds or diseases” was “a mere burden to the department, eating away its means and adding nothing to the labor performed. They are not only a burden to the department, but they are objects of much suffering.”<sup>544</sup> The cost to the service, was likely not only that they were a financial burden, but also that they were a drain on morale as well – for slaves who worked together enough to be worn out by hard work, for those still healthy and able to see their future, it may have been demoralizing to have them around.

Instead of selling them, the legislature approved a resolution in 1859, “requiring the state engineer to deliver the aged and infirm negroes belonging to the State to the Superintendent of the Deaf and Dumb Asylum” in Baton Rouge. Of course, this was the Asylum built with the bricks made at the state penitentiary, serving as yet another example of the circuits of unfree labor used in the construction of state infrastructure. Following Hébert’s suggestion, the slaves were used as “servants in the said Asylum” in exchange for food and clothing. Additionally, again in line with the advice of the state engineer, the useless were rendered of some use since, “in case any of said negroes

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<sup>543</sup> *Ibid.*, 9.

<sup>544</sup> *Ibid.*, 7.



should be needed in working the Capitol grounds and keeping them in order, the said Superintendent shall send, from time to time, as many as shall be deemed necessary by the keeper of the Capitol grounds.”<sup>545</sup>

After getting rid of the “burden” of the “faithful” old and infirm slaves, Hébert still needed “able” bodies. It was under Hébert’s tenure that the state passed legislation requiring parishes to turn over unclaimed slaves to the state engineer. Thus these “depot slaves” as they were called, were forfeited to the state after being jailed and worked on parish projects. Since the legislature did not provide adequate funding for new slaves, the legislature passed resolutions in 1855 and 1857 that required slave depots at jails in New Orleans and Baton Rouge to send runaway slaves who were unclaimed after twelve months to the state internal improvement department. In April and August of 1856, Hébert received three runaway slaves from the State Depot at Baton Rouge.<sup>546</sup> One of the “depot slaves” ran away from the state, was captured and

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<sup>545</sup> Louisiana Legislature, “Joint Resolution No. 242. Requiring the State Engineer to Deliver the Aged and Infirm Negroes Belonging to the State and to the Superintendent of the Deaf and Dumb Asylum.,” in *Acts Passed by the Fourth Legislature of the State of Louisiana at Its Second Session, Held and Begun in the City of Baton Rouge, on the 17th of January, 1859* (Baton Rouge: J.M. Taylor, 1859), 189; Louis Hébert, *Annual Report of the State Engineer to the Legislature of the State of Louisiana* (Baton Rouge La.: JM Taylor, State Printer, 1860), 7.

<sup>546</sup> Louisiana Legislature, “Act No. 308 An Act Relative to Slaves and Free Colored Persons,” in *Acts Passed at the Second Legislature of the State of Louisiana, at the Second Session Begun and Held in the City of Baton Rouge, the 15th Day of January, 1855* (Baton Rouge La.: Emile La Sere, State Printer, 1855), 377–391; Louisiana Legislature, “Act No. 181 “An Act Providing for Runaway Slaves and Establishing a General Depot of the Same,” in *Acts Passed by the Third Legislature of the State of LA at Its Second Session, Held and Begun in the Town of Baton Rouge, on the 19th of January, 1857* (John Claiborne, State Printer, 1857), 172.

jailed, then returned to work. Of the ninety-five slaves in the possession of the state, ninety-one were state property and four of them were depot slaves.

Hébert did not find that the laws or slaves solved his labor problems. In his report of 1859, he argued that both of the depots in Baton Rouge and New Orleans should have had more slaves for him than they did, suggesting of course, that they were using these unclaimed runaways for themselves, rather than turning them over to the state.<sup>547</sup> Though it is unlikely that Hébert's complaints had much impact, by 1861 there were actually fourteen slaves on the state auditor's list of unclaimed runaways to be sent to the state.<sup>548</sup> Though the engineer's department had been liquidated by that point (see below), it is interesting that once the wheels were (slowly and inefficiently) set in motion, these runaways were still captured labor in accordance with state laws.

Most interesting was Hébert's inability to successfully capture more labor by using the same system of confinement and "safe-keeping" used for state-owned and forfeited slaves, now extended to runaways previously used by parishes, including Orleans. It seems plausible that cities and parishes that relied upon the labor of unclaimed runaways would be reluctant to turn over this cheap labor to the state

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<sup>547</sup> Hébert, *Annual Report of the State Engineer, To the Legislature of the State of Louisiana*, 1859, 24.

<sup>548</sup> State Auditor, *Annual Report of the Auditor of Public Accounts, to the Legislature of the State of Louisiana* (New Orleans: John Claiborne, State Printer, 1858); State Auditor, *Annual Report of the Auditor of Public Accounts, to the General Assembly of the State of Louisiana* (Baton Rouge La.: JM Taylor, State Printer, 1859); State Auditor, *Annual Report of the Auditor of Public Accounts, to the Legislature of the State of Louisiana* (Baton Rouge La.: J.M. Taylor, State Printer, 1860); State Auditor, *Annual Report of the Auditor of Public Accounts, to the Legislature of the State of Louisiana* (Baton Rouge La.: JM Taylor, State Printer, 1861).

engineer.<sup>549</sup> Though it is possible that given more time, this could have turned into a lucrative means for capturing more state labor, the legislature decided in March of 1859, after many years of debate, to abolish the office of the state of Engineer.<sup>550</sup>

By his final report issued before the office of the State Engineer was abolished in January of 1860, Hébert had received ten slaves total from the state depot.<sup>551</sup> Seven of those slaves, along with 73 other slaves were sold at auction in New Orleans in May of 1860. By Act no. 235, approved March 15 of 1860: “all the slaves belonging to the Internal Improvement Department” except for four who were chosen by the chief engineer and sent to the newly created Board of Public Works were “sold at public auction to the highest bidder for cash, and to appropriate the proceeds to the payment of the indebtedness of said department, and the surplus to be placed to the credit of the

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<sup>549</sup> Louisiana Legislature, “An Act to Regulate the Police of Jails and Public Prisons within the Several Parishes of This State,” in *Acts Passed at the Second Session of the Second Legislature of the State of Louisiana* (New Orleans: Peter K. Wagner, State Printer, 1816); Louisiana Legislature, “An Act in Relation to Runaway Slaves in the State,” in *Acts Passed at the Second Session of the Seventh Legislature of the State of Louisiana* (New Orleans: James M. Bradford, State Printer, 1826); Louisiana Legislature, “Act. No. 102. Establishing the Jail at Plaquemines, in Its Parish of Iberville, a Depot for Runaway Slaves,” in *Acts of the Second Session of the First Legislature of the State of Louisiana* (New Orleans: W. Van Benthuyssen, State Printer, 1847), 79; Louisiana Legislature, “Act No. 308 An Act Relative to Slaves and Free Colored Persons”; Louisiana Legislature, “Act No. 181 “An Act Providing for Runaway Slaves and Establishing a General Depot of the Same.”

<sup>550</sup> Louisiana Legislature, “An Act No. 279, To Organize a Board of Public Works,” in *Acts Passed by the Fourth Legislature of the State of Louisiana at Its Second Session, Held and Begun in the City of Baton Rouge, on the 17th of January, 1859* (Baton Rouge La.: JM Taylor, State Printer, 1859), 232–3.

<sup>551</sup> Hébert, *Annual Report of the State Engineer, To the Legislature of the State of Louisiana*, 1859; Hébert, *Annual Report of the State Engineer to the Legislature of the State of Louisiana*.

Internal Improvement Fund.”<sup>552</sup> The slaves sold at auction in New Orleans for \$23,871.53.<sup>553</sup>

In 1860, the chief engineer of the Board of Public Works suggested that the State either purchase adequate boats and modern machinery along with new slaves or abolish the department completely. The legislature decided on the latter. The department was dismantled and the remaining slaves, boats, and other supplies were sold in 1861.<sup>554</sup> Similar to the logic used to sell young enslaved children incarcerated in the Louisiana Penitentiary to support the education fund for free white children; the state’s slaves, including the men sent to work at the Deaf and Dumb Asylum, were sold to settle the state’s debts, embodying the very practices of slavery.

Legislative attempts to use internal improvements as a site of hard labor for free and enslaved colored convicts, framed public works as a unique form of punishment suitable to blacks. These strategies to use different laboring spaces—both inside and outside the penitentiary—fit with slaveholders’ and legislator’s strategies to use labor as

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<sup>552</sup> Louisiana Legislature, “Act No. 235, An Act Providing for the Sale of the Slaves Belonging to the Internal Improvement Department of the State,” in *Acts Passed by the Fifth Legislature of the State of Louisiana, at Its First Session, Held and Begun in the City of Baton Rouge, on the 16th Day of January, 1860*, 1860, 177 Approved March 16, 1860.

<sup>553</sup> State Auditor, *Annual Report of the Auditor of Public Accounts, to the Legislature of the State of Louisiana*, 1861, 4; Taylor noted that a planter (Pugh) recorded in his diary that the slaves brought high prices in spite of their age and the fact that they were not guaranteed. Taylor, *Negro Slavery in Louisiana*, 91 Citing, Pugh Plantation Diary, June 9, 1860, Pugh Collection, Louisiana State University.

<sup>554</sup> Louisiana Legislature, “Act No. 147, An Act to Provide for the Sale of the Remaining Slaves Belonging to the Internal Improvement Department of the State, and Also All the Steamboats, Barges, Engines, Boilers, Etc., Belonging to Said Department,” in *Acts Passed by the Sixth Legislature of the State of Louisiana, at Its Second Session, Held and Begun in the City of Baton Rouge, on the 21st of January, 1861* (Baton Rouge La.: JM Taylor, State Printer, 1861), 109 Approved March 15, 1861.

punishment. Thus, when enslaved persons were sent to labor in the fields, with or without iron collars and jailed at night; or slaves sentenced to imprisonment at hard labor were sent to the New Orleans chain gangs or the state engineers; a common strategy for upholding “Southern institutions” relied on slaves lives embodying hard labor in the service of individual and public profit.

## CONCLUSION

The buying of human chattels [in 1859] to be used in the construction of roads and levees by the parochial authorities of Iberville, unauthorized and extraordinary as it was, was regarded as a good financial scheme, and slaves were purchased for that Parish to the amount of \$30,450. How the remainder of the \$35,000 appropriated in that year was expended the record does not disclose. It may, however, be inferred that it was spent for the payment of overseers and drivers, the purchase of stocks, iron collars, and other such natural and necessary appendages of the 'peculiar institution.' The speculation had its risks, both on the part of the vendors and purchaser of the slaves, and emancipation, then only a remote contingency, was one of those risks. Emancipation came, and the vendors of human beings, to whom the price of human blood was due, lost their price forever.<sup>555</sup>

--*Emile L. Breaux*

This quote from a Louisiana Supreme Court case involving the purchase of enslaved laborers signifies the ideological and practical entanglements of using iron collars, overseers, drivers, engineers, surveyors, jails, and the state penitentiary within a sociotechnical system deemed natural and necessary for infrastructure building. The discursive focus of state engineers, overseers, medical practitioners, and enslavers on the physical and moral care of enslaved people combined with a range of disciplinary techniques that justified enslavement and rendered it necessary to building and maintaining the infrastructure of Louisiana for the production and distribution of commodities. Thus, similar to parish, private, municipal, and state investments in the flesh and labor of enslaved people, was the rhetorical and ideological commitment across institutions in the disciplining, correcting, curing, confining, and punishing of

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<sup>555</sup> Emile L. Breaux v. The Parish of Iberville, 2 La. Ann. 232, 2 (Supreme Court of Louisiana 1871) Historical Archives of the Supreme Court of Louisiana, University of New Orleans.

blacks in the “habit” of trying to escape service in the local, state, national, and international economies.

Though the Louisiana State engineers did not use iron collars that I know of, they did not need to. The State of Louisiana could implement laws in order to utilize parish jails and the penitentiary to serve as the State’s own “natural and necessary” appendages in forcing enslaved laborers to participate in the engineering of the state. Thus, in addition to the state-owned people who ran away from the state engineers and were captured, imprisoned and returned to service; were other enslaved people who were unwillingly confined by the circuits of containment that defined the larger state project of keeping the capital and commodities circulating. Similar to the Parish of Iberville’s officials’ desire to purchase slaves to build levees to protect their community and agriculture, was the long history of privately owned slaves being used to drain swamps, build roads and levees, and in general make a very inhospitable “natural” environment fit for humans, animals, and cultivated agriculture. In short, they formed a sociotechnical system shaped by and dependent on humans, objects, and machines.<sup>556</sup>

Whereas the State used engineers and superintendents, rather than drivers and overseers as the “natural and necessary” appendages to force slaves to labor on the states’ public works, in the city of New Orleans, overseers and guards were employed

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<sup>556</sup> Wajcman, *TechnoFeminism*; Campanella, *Bienville’s Dilemma*; Fussell, “Constructing New Orleans, Constructing Race: A Population History of New Orleans”; Kelman, *A River and Its City*; Craig Colten, ed., *Transforming New Orleans and Its Environs: Centuries of Change* (Pittsburgh: University of Pittsburgh Press, 2000); Jeffrey Alan Owens, “Holding Back the Waters: Land Development and the Origins of Levees on the Mississippi, 1720-1845” (Dissertation, Louisiana State University and Agricultural & Mechanical College, 1999).

along with chains and iron collars to build and maintain infrastructure. In this context, enslaved people were cycled through circuits of punishment that collapsed distinctions between the public and private, as “correcting” slaves was directly linked to the city’s need for essential labor to support the millions of bales of cotton and hogsheads of sugar shipped by steamboats that traveled up and down the Mississippi River and docked on the New Orleans Levee.<sup>557</sup>

Thomas Buchanan called steamboats technologies that underlay the accumulation of capital because of their role in facilitating the movement of slaves, cotton, sugar, corn and other produce.<sup>558</sup> I propose that iron collars on the bodies of enslaved people, particularly when combined with the use of overseers, engineers, city surveyors, and chains, were as significant to the accumulation of capital as other technologies. Judy Wajcman argued that “the common neglect of the power exercised by objects is not surprising given that when technical systems are completely integrated into the social fabric, they become ‘naturalized’, disappearing into the landscape.”<sup>559</sup> The naturalizing of the use of iron collars, similar to chain gangs or labor on public works is suggested by looking at these technologies on tortured bodies at work. Whereas the iron collars and the chain gangs could provide visible spectacular brutality, by their everyday use, they could also fade into the background.

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<sup>557</sup> On essential aspects of slave labor see, Wade, *Slavery in the Cities*; Follett, *The Sugar Masters*; Buchanan, *Black Life on the Mississippi*; Brasseaux and Fontenot, *Steamboats on Louisiana’s Bayous*.

<sup>558</sup> Buchanan, *Black Life on the Mississippi*.

<sup>559</sup> Wajcman, *TechnoFeminism*, 40.



This dual nature of their use is also evident in the historiography. It seems that the use of iron collars was “natural” in their own historical and geographic context. In certain respects, they have been represented as a spectacular display of brutality, not only through what Marcus Wood called the “theatre of cruelty” produced by abolitionist literature, but also through the interpretations of historians.<sup>560</sup> There is much to be gained from looking at the individual experiences of the enslaved, but we also need to consider the rationalized everyday use of technologies such as iron collars on people, particularly in relation to other technologies. The modern uses of iron collars points to their simultaneous amplification and disappearance into the landscape as technologies that were deemed as natural and essential as steamboats and cotton gins to the production and distribution of commodities.

For historians of slavery, focusing solely on the cruelty or barbarity of enslavement, the immaterial technological components of the use of iron collars on the enslaved within the context of building and maintaining the infrastructure of slavery can disappear. For historians of technology, focusing on the invention and innovation of machines can disguise the sheer violence and brutality that was part of their use in different historical contexts. An example is seen in the lives of slaves and convicts on the state public works. In both cases, by *solely* focusing on machines or “pain-based incentives,” the *systemic use* of tortured bodies at work can be rendered invisible by the engineers’ own depictions of enslavement.<sup>561</sup> Enslaved people were most visible to the engineers when they were “useless” as their numbers dwindled due to death, disease,

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<sup>560</sup> Wood, *Blind Memory*.

<sup>561</sup> Foucault, *Discipline and Punish*; Follett, *The Sugar Masters*.

successfully running away, incarceration, injury, and finally “old” age. Thus, through the very discursive and physical practices of engineering, violence and suffering was intertwined with the use of enslaved people.

Foucault argued that the invention of penitentiaries, which he called, “coercive technologies of behavior,” was as significant to modernity as steam engines.<sup>562</sup> Walter Johnson argued that steamboats were technologies of “domination and resource extraction.”<sup>563</sup> Together, these perspectives inform, I think, how iron collars, jails, the Louisiana State Penitentiary, and labor on public works operated as technologies of power and domination. These technologies formed the technological infrastructure that was interwoven into capitalist accumulation and the distribution of commodities. Through their uses, these technologies demonstrated a technological range beyond simply punishment of criminals or “safekeeping” enslaved people. Instead, they were enrolled in the service of shaping not only the suffering productivity of enslaved people forced to endure them, but also served as material threats and warnings to others. Merging the certainty of physical punishment and, or, imprisonment, the carceral landscapes of slavery were interspersed and dependent not only on steamboats, but also on using both mobile and immobile spaces of confinement –iron collars, chain gangs, plantation, parish and city jails, and the penitentiary to shape enslaved bodies into tools of public-private, municipal and agricultural productivity.

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<sup>562</sup> Foucault, *Discipline and Punish*.

<sup>563</sup> Johnson, *River of Dark Dreams*.

The material economy of slavery was derived from the bodies or goods produced by enslaved people, but also by the state penitentiary.<sup>564</sup> The circulation of iron collars, chains, and shackles through, on, and with, the bodies of slaves on chain gangs, slave coffles and on plantations is perhaps unsurprising, with the important assistance and facilitation of blacksmiths. However, there is also the role of the lessees using the state penitentiary as a successful business enterprise that showcased not only the most advanced textile machinery, but also circulated the materials of incarceration: linseys, jeans, and other cotton and woolen goods that were exported in exchange for the corn, molasses, and coffee to feed the prisoners. Thus the technologies of incarceration – like a penitentiary – which reformers hoped would be a “technology of reformation,” were instead transformed into a technology *of* capital accumulation, commodity production, and distribution for local and national economies.<sup>565</sup>

Within this technology of incarceration were the textile machines, normally identified as technological icons of reformation and economic transformation for the incarcerated and white poor.<sup>566</sup> However, in the context of rhetoric and practices of incarceration in Louisiana, the ultimate technological icons were enslaved black males operating textile machines. These enslaved and unreformable inmates were confined to daily hard labor at machines, in the service of producing profit for lessees, the state, and the community that circulated commodities through its doors and stores. Here, again, is a space, place, and idea where the intersections of the technologies of power,

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<sup>564</sup> Johnson, *Soul by Soul*; McDonald, *The Economy and Material Culture of Slaves*.

<sup>565</sup> D. Taylor, “From Slavery to Prison: Benjamin Rush, Harriet Jacobs, and the Ideology of Reformatory Incarceration,” *Genre* 35, no. 3–4 (January 1, 2002): 429–447.

<sup>566</sup> Downey, *Planting a Capitalist South*.

domination, and commodity production and distribution reveal the sociotechnological nature of the people, objects, machines, organizations, and ideologies invested in the control and containment of enslaved people for the pain-based capitalist economy.

I began this dissertation by asserting that by treating iron collars as technologies, I am contributing a different perspective to what it meant to use collars, chains, jails, and penitentiaries, and the technical language of expert disciplinary investments in producing (tortured) disciplined bodies. I argue that there was a historical and practical knowledge that informed the everyday use, design, and deployment of iron collars, jails, chain gangs, and forced public works labor for enslaved people. The use of iron collars with horns, prongs, branches and bells were intertwined in the nineteenth century with the need to control the labor and capital (enslaved bodies) of the South, as widely acknowledged across all of the sites examined in this dissertation.

I argue that through their meanings and uses, iron collars were as natural and necessary to enslavement as the use of steamboats, saws and axes, shovels, hoes, cotton gins, and steam mills.<sup>567</sup> Though iron collars were originally imported to the Americas from Europe, and used on different laboring bodies in colonial America, it was their rationalized use on a daily basis combined with their technological range across different institutions to materially punish, contain, and torture different deviant bodies; and their standardization, particularly in legal sentencing (three branches, five pounds) that suggests a level of organization beyond individual blacksmith craftsmen in the

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<sup>567</sup> Marrs, *Railroads in the Old South*; Follett, *The Sugar Masters*; Buchanan, *Black Life on the Mississippi*; Lakwete, *Inventing the Cotton Gin*; Judith Ann Carney, *Black Rice: The African Origins of Rice Cultivation in the Americas* (Cambridge, Mass: Harvard University Press, 2001); Chaplin, *An Anxious Pursuit*.

nineteenth century. It is important to emphasize the modern everyday uses of iron collars, precisely because the language often used to describe them suggests that their use in a different geographical and historical context *explains* their use as im/mobile confinement to force productivity from enslaved bodies across the different spaces of US enslavement. In short, combining ancient and modern technologies of control, confinement, coercion, and commodity production and distribution, were the people and institutions invested in shaping, modifying, and capturing the bodies and minds of enslaved people as they struggled to be free.

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