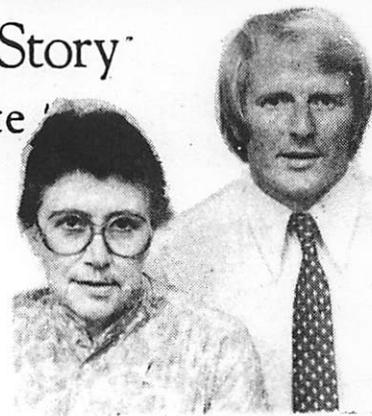


# South Carolina's Story

## The making of a state

### First Codes Were Harsh

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South Carolina was the first of American colony to adopt the British statute law dealing with criminal behavior. The South Carolina statutes were put in place by Nicholas Trott, who was named the colony's first attorney-general by the proprietors. Trott is credited with being the first professionally trained lawyer in the colony. His harsh code remained in place until after the Civil War.

Looking back, we can see that colonial South Carolina was a stable society. The British did not need to garrison an army in order to keep law and order — only to keep out the Spanish and restrain the Indians.

There were many laws on the books which called for the death penalty. Nevertheless, the records show that in the decade before the Revolutionary War there were less than one execution in the colony each year.

The records further show that most colonial crimes were cases of assault and battery. Crimes against property — larceny, fraud, embezzlement, etc. — were relatively infrequent. In fact, if we can trust the statistics available, it appears that modern-day South Carolinians are 2½ times as likely to commit violence on another person and 20 times as likely to commit crimes against property.

There was a separate code to deal with slaves. As time went on, the slave population increased and so did the harshness of the slave code. Between 1690 and 1835 there were 552 acts passed to deal with slavery alone. 25 of these acts dealt with the issuance of tickets, or passes, governing the slaves' movements while not under the immediate supervision of their masters.

Indians who were slaves were under the same code as blacks, but dealing with the free Indians was difficult for the whites who could never quite understand the Indians' concept of justice. Englishmen were concerned with locating and punishing the guilty party. Indians shared guilt with the clan. A relative might be substituted for the guilty party if he were not available. Retribution — an eye for an eye — was the basis of the Indians' code.

Many crimes were never dealt with in court, especially after 1750 when the backcountry was being filled in and the only criminal courts were in Charles Town.

Members of the lower class often settled their differences with eye-gougings (some bullies were said to have grown special fingernails.) The upper class created the duel, an elaborate, and extralegal, code of honor to settle their differences.

Highwaymen, when caught, were often lynched on the spot. Incendiaries, who were more plentiful then than now, suffered the same fate. There is a significant gap between the number of vigilante-style executions and the number officially recorded by the courts.

Tarring and feathering of criminals was common in the early years. After the Revolution the number of such cases was reduced but there was a recorded court-ordered tarring and feathering as late as 1835. Branding, ear-notching, and lip and nose-splitting were not unknown.

Imprisonment for debt was not forbidden until the Constitution of 1868.

Petty criminals were often placed in pillory, a wooden framework with holes for the head and hands. Anderson and Union counties maintained pillories beside their courthouses until the late 19th century.

The most frequent candidates for pillorying were drunks who remained there until sobered. Occasionally, a woman who offended local mores was exposed to the ridicule and public scorn of the pillory.

The typical execution was by hanging, often in view of a large crowd attracted to the carnival-like atmosphere of public hangings. After the Civil War, the firing squad — usually local militia officers — was used. Gradually, the public was discouraged from viewing the executions.

There are still severe laws on the State's statute books. In spite of this, last year only five states in the United States had a higher rate of violent crime than South Carolina.