

Contributed by Joey Gainey
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As early as 1758 the General Assembly was concerned with vagrants and their affect on the colony. On May 19, 1758, an act "Empowering Magistrates to Enlist Vagrants in the South Carolina Regiment" Evidently, they had quite a few vagrants at the time for the regiment was to consist of 700 men who were "burthensome and injurious to industrious inhabitants" of the colony.

A vagrant was defined as "all idle, lewd, disorderly men, who have no habitations or settled place of abode, or no visible way or means of maintaining themselves, all sturdy beggars, and all strolling or stragglng persons. . . ."

Since these were troublesome persons, one didn't have to be a justice of the peace or member of the army to arrest him. If you had the means, it was your duty to apprehend him and take him to the nearest justice of the peace to be dealt with according to the provisions of this act.

Immediately after receiving the prisoner, the JP was to summon two neighboring freeholders "who are hereby required to attend such justice forthwith" to hear the case. A majority of two could convict the accused. If convicted, the man was taken to Charles town, the case was reviewed by any two justices and he, if they agreed with the initial verdict, was "in the Army now."

Early in the American Revolution, vagrants were inducted into Continental service to meet the state's service. So, if you have in an ancestor in the Revolution, he may not have been a patriot. He may have been a vagrant. The act that instituted this slightly changed the procedure taken. The jury was enlarged to include 6 freeholders & the magistrate.

In October 1778, another act was passed which once again amend the procedure and made it more difficult to bring a person to trial. It stated that "all persons tried by the nearest acting magistrate to the place of such person's usual residence, or in case he has no settled habitation, by the nearest magistrate to the place where he was taken; and that no person be brought to such trial but on information, on oath being made to some one magistrate within the district [of residence], or on the knowledge of the magistrate.

In the chaos following the Revolution in March 1787 a more stringent act "for the promotion of industry, and for the suppression of vagrants and other idle disorderly persons" was passed. It greatly expanded the definition of vagrants

to include actors, "all fortune tellers for fee or reward", all unlicensed peddlers, those who knowingly harbour fugitives, and "all suspicious persons" especially those who swapped horses or traded with slaves. Court size modified to five freeholders. Could be whipped or receive jail time for being a vagrant. If you were in a trade and were unable to sell your services, you could receive 10 to 39 lashes & be force to leave the district. My favorite portion of this act is Sec. VII which reads as follows:

". . . every person of suspicious character coming to settle in any county or parish within this State, shall be deemed a vagrant, unless he produces a certificate from the justices of the county court of the county, or three justices of the peace of the peace of the parish, in which he last resided, setting forth that he is a person of a fair character, and not an idle or disorderly person; or unless he obtain within the space of five days sufficient security for his good behaviour for twelve months ensuing."

Several acts were passed in December 1836 to further regulate vagrants were passed. One stated that a person suspected of being "found wandering" in a district or "part of the country to which they do not belong" in order to evade militia duty was to be considered a vagrant and treated accordingly. Another act passed on the very same day classed vagrants with those who "keep any house as a bawdyhouse, or house of prostitution, . . . or shall keep any faro-bank, or other device for gaming . . . either with cards or by ant other game or device". They were to be quickly dealt with especially if he is in Richland Co. within 10 miles of South Carolina College. For the latter you could get one year and \$1,000.00.

This set of records is a very good example of archival training gone amuck. These records are extremely valuable both as historical and genealogical source material.

No order

CASE 1

Personally came before me Sarah Harris and made oath that Isaac Cantrell was a man from appearance an able bodied man, and never done any thing towards the maintenance of his family for two years, but continually run From one tipling shop to another, and lived a disorderly life and his family suffering

during, the time, and has never seen his family since the second of last August sworn to before me this 6th April 1823. James Foster J. P. Sarah / Harris

Personally came Edmund Cooly before me and made Oath that on the Spartanburg 23rd of June last that by the Authority of a warrant from James Foster Esqr he arrested Isaac Cantrell of the District aforesaid, as a Vagrant, and conveyed him [to] Henry Turner Esq^r and delivered him with the Warrant to the Said Henry Turner Esq^r and that the Said [Henry] Turner Esq^r after reading the law relating to Vagrants; he then dismissed the prisoner and Said that he generally made a law of his Own, & that nobody made no butt against it and that he asked no favours of Judge or Jury;,(sic.) ~~and that if they find him,~~ he and this deponiat told at the same time that if he dismiss him he done so at his own risk

Sworn and Subscribed the 7th day of April 1823

before me Edmund x Cooly (his mark)

W. Burnett JP

CASE 2

The State vs Marvel Littlefield Vagrancy

Personally Came Benjamine Gilbert before me and made oath that Marvel Littlefield is to the best of his knowledge a Vagrant and liable to the penalties of law sworn to and subscribed before me this 22nd day of Febraury 1841

Henry Dodd JP Benjamin Gilbert

Since Elizabth Gilbert is Littlefield's mother-in-law, I would argue he is Mrs. Littlefields father or step-father or perhaps a brother

State vs Marvel Littlefield)

February 27th 1841 Henry Dodd JP

(Gabriel Cannon)

(Luk S Davis)

Freeholders (Phillip C Rudicil)

(Robert M^cMillin)

Benjamin Gilbert (A L M^cMillin)

Enoch Cantrell Sworn

has past Littlefields 100 times never saw him at work for the support of his family to the amount of one day

believes his family have suffered

Witness had taken a bag with corn and got other Neighbours to give some corn he took it to mill for Littlefield's family

he thought his family in suffering circumstances and must be assisted

he lived near Littlefield about one mile

Littlefields wife came to his house said they had nothing to eat but some peas

never saw him get a fire of wood but makes his small children Get wood

Avarilla Bishop Says she lives about 2½ miles from Littlefields has been frequently at the house of Littlefield believes his wife has to get the highth(*sic.*) of their support saw him come home drunk and kick over the Vituals his wife had prepared thinks they do not have enough to live comefortably upon thinks Littlefield as able to work as common people Says Littlefields wife came to her house about last wednes- day week & said he had abused her and the rest of the family Struck at hir with a chair and she took hir children and came down to hir house breaking churn and destroying Lard

Hugh Bishop lives near Littlefields knows that he spends a good part of his time running about & drinking

doesn't provides support for his family & witness thinks the family suffers

Littlefied is an able bodied man

was unwell last summer but did not provide neither before nor since as he ought

family borrowed meal at his house till his wife refused to lend

Aaron Bishop Sworn lives about one mile from Littlefields he has no farm or apparant means of support does not know of his working any land nor does he recollect of his working out for support

John Taylor sworn has know Littlefield 14 or 15 years thinks he is a man able to work he lived about one mile from him a few years ago his family were in a bad situation when they lived near him says he does not think his family had a comfortable Support did not have any farm said he rented land but made nothing hardly (This theme of constant moving from place to place reappears several times. Probably did so to beat the rent.)

Sarah Owens sworn ... Says she was at Littlefields last summer he and his wife [were] both sick thinks the neighbours gave them Support for they had not any of their own lives about one mile off has heard him going by her house along the road hollowing as one drinking borrowed her horse to go to mill several times

Peter Cantrell sworn Littlefield maintains his family in a way he knows not of he lives near two miles does not know of his working or following any business gave him some assistance in time of sickness

Mother-in-law Elizabeth Gilbert sworn thinks his wife gits nearly all or a great part of the Support has had to Stay and nurse his wife in her sickness which she thinks came from his abuse to her thinks his family has suffered both by his abuse and for want of provision has lived at Littlefields part of three summers one time report says Littlefield beat his wife till she was not able to walk work or do her business while this witness lived at his house the second summer she never knew or heard of his working but one day and that was fixing a bridge when she went to the house she found Littlefields wife lying in bed crying and he littlefield in the other bed his family had nothing to eat. Benjamine Gilbert came and brought some meal and ordered the witness not to let Littlefield have a mouthfull of it heard private conversation in the night betwean Littlefield and his wife she said to him You know what took sutch a night and she never had seen a well ~~day~~ hour since she said she expected to die and in a few days he would have some other woman over her children

David Gilbert Sworn lives 6 or 7 miles from littlefields and has eaten there and got plenty Saw a piece of bacon got 2 bushels [of] corn from John Gilbert since christmass Says Littlefield has no farm saw some corn planted but it was not tended says Littlefield was down sick several months last Summerwas at Littlefields and his wife told him that Littlefield had whiped her when drinking he saw a churn broken a table split and heard Littlefield had burnt a chair and

wasted the lard all done while drinking drinks too much too often last Spring witness worked out some with Littlefield one day at turners in pay for work at J. Nolands

John Gilbert sold Littlefield 2 bushels the middle of January last told by David Gilbert

Joseph Hughe being recaled Says Littlefield rode 2 or 3 days for the Sherriff last fall at \$1.50 as Littlefield told him Saw Littlefield have \$2.00 Sold him some whisky and gave him some change

William Morris Sworn Says he has not been acquainted with Littlefields situation for the last two years

Edmond Cooly Says Littlefield waited on the court as constable in fall of 1839 and Spring 1840 first court the money went to A. C. Bomar and a part of the last also.

James Morris Sworn Says he lives about $\frac{3}{4}$ th of a mile from Littlefields thinks he does not provide plenti- fully for his family thinks the[y] live from hand to mouth does not know of his making any crop or following any trade or occupation has seen him do a little at the constables business

Balaam Gilbert Sworn Says he lives about 4 miles from Littlefields has known him ever since he was born that he knew him about ten years ago to part with his wife and left her with hir Father he visited Littlefield one time last summer he and his wife both afflicted saw plenty to eat that day but looked like they were in a bad fix thinks the neighbours supported them

William Parris Sworn Says he took Littlefield family provisions in time of their sickness

Robert Belcher Sworn Says he did live last summer about one mile from Littlefields did not know of his working or carrying on any trade or occupation

End of witnesses in behalf of the State
Witnesses in behalf of Littlefield [his drinking buddies?]

Lanceford Cantrell Sworn Says Littlefield has worked some for him made 800 boards and wanted to hire again but cannot say whether he supports his family or not Littlefield has done some business asconstable two crops ago Saw some Grain growing ever [even?] upwards of 3 miles off

Jerod Peephuff Sworn Says he has been about Littlefields house frequently and has eaten there several times always saw plenty he sold him 48^{lbs} of beef himself has heard of the neighbours giving them some provisions when they were sick lives about one mile Says littlefield has no farm nor follows any regular occupation he helped Littlefield plant near a day he planted one or two acres in corn but was taken sick in may and did not tend the corn has known of his hiring and heard of his wanting to hire and got 2 bushels of corn from Richard willises last fall

Nathan Cantrell Sworn he had Littlefield hired he worked one day and two pieces of days and was at work at the time he was taken with the Vagrant warrent one days work for corn and the ballance for whisky he wanted to hire three months

Joseph Hughe Sworn has lived in sight of Littlefield 2 years ago has sold him some meat say one half of a hog at a time and bacon several times also some co[r]n fatted a hog for Littlefield which he kiled for theyouse of his family has seen him going to mill several times knew of his getting \$3.00 worth of corn from Soesbeehe knew Littlefield 4 or 5 years ago thinks he lived plentifully at that time but does not know his situation now went to see him last summer found Littlefield not able to work

John Taylor Called again Says littlefield told him he sold a hog for 3 bushels [of] corn last fall heard Soesbeesay the same he came from the mill and brought some meal for Littlefield

John Nolen Sworn Littlefield has done some work for him amounting to nearly \$5.00 in the two last years paid him some meat some whisky and several little things thinks Littlefield has a wife and four children Littlefield has a cow that he calls his own does not believe Littlefield has any farm or other occupation for support says he thinks 40 bushels of corn would bread his family one year & 300^{lbs} of pork would do says Littlefield was ~~not~~ down not able to work part of last summer has made application for work several times to him

Mitchel Willis for the last 2 years lived about 1½ miles from Littlefield sold him 4 bushels [of] corn and two bushels [of] wheat and about 20^{lbs} bacon last year Littlefield paid it in work and money loaned Littlefield his mare to carry the corn to mill worked last summer was a year for Richard Willis for 2 bushels [of] corn

Verdict

The Jury after examining all the witnesses both against and for the defendant he is adjudged to be a vagrant and liable to the penalties prescribed by Law

Feb. 27th 1841 Henry Dodd JP

Tells us a lot about Marvel

Alcoholic

Can't keep a steady job

Spouse abuse