

“Party or Parties Unknown”: Lawrence Brown, Lynching, and Collective Liability in Jim Crow South Carolina, 1897

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Abstract. On 6 January 1897 Lawrence Brown, a young Black laborer in Orangeburg County, South Carolina, was found dead, hanging from a railroad danger signal after he had been arrested, released, and then killed by unidentified men. This article asks what happened to legal responsibility when a lynching could be established but the lynchers could not. It reconstructs Brown's arrest, death, coroner's inquest, family litigation, and the constitutional and statutory regime that made counties civilly liable for lynching. The case reached the South Carolina Supreme Court in 1899, where the court treated county liability as a means of enlisting taxpayers against mob violence. Yet local juries repeatedly returned verdicts for Orangeburg County after remand. Reading the killing and litigation together, the article argues that South Carolina created a form of collective public liability that translated an anonymous act of racial violence into a pecuniary obligation of the political community. The Brown litigation also exposes the limits of that legal strategy: appellate doctrine could assign responsibility to the county, while local juries could obstruct its conversion into damages. The result was a revealing struggle over who would bear the fiscal cost of racial violence at the moment when Jim Crow government was consolidating white political rule.

Keywords: lynching; South Carolina; civil liability; county government; racial violence.

I. INTRODUCTION

By the 1890s lynching had become a recurrent instrument of racial domination across the post-Reconstruction South, although its incidence and social organization varied sharply from place to place. The sociologists Stewart E. Tolnay and E. M. Beck (1995) link the geography of southern lynching to economic and status conflict in the decades after emancipation. The historian Terence Finnegan (2013) places South Carolina within this wider landscape while stressing the social tensions produced by emancipation and the reordering of labor and political relations. Orangeburg County, in the agricultural interior of South Carolina, was a particularly revealing setting: Black labor sustained a cotton-centered rural economy while white political authority was being consolidated under Jim Crow. The historian William C. Hine (2018) records ten Black men and one white man lynched in Orangeburg County between 1880 and 1924. The historian John Hammond Moore (2006) likewise treats the 1880-1920 period as one in which lynching formed part of a broader culture of lethal violence in the state.

However, early on 6 January 1897, the body of Lawrence Brown, a Black laborer approaching his twenty-second birthday, was found dead, suspended from a railroad danger signal near Stilton, a few miles outside the town of Orangeburg, South Carolina. A contemporary report in *The Manning Times* described Brown as having been hanged and shot repeatedly, while a notice fastened near the body announced that "Judge Lynch's court" had convened for the protection of "our property" (*The Manning Times*, 1897a, p. 1). The coroner's jury reached a finding at once definitive and evasive: Brown had died by violent means at the hands of a "party or parties unknown to the jury" (*The Manning Times*, 1897a, p. 1). The killing was therefore legally recognizable as violence, while its perpetrators remained institutionally unidentified.

That conjunction produced the central problem examined here: what happened to legal responsibility when a lynching could be established but the lynchers could not? South Carolina had recently adopted a constitutional provision making the county where a fatal lynching occurred liable in exemplary damages (South Carolina Constitutional Convention, 1895). The General

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Assembly implemented that constitutional command through an 1896 statute entitled "An Act to Prevent Lynching in This State" (South Carolina General Assembly, 1896, Act No. 94). The statute made county liability operate "without regard to the conduct of the officers" and set a floor of two thousand dollars for damages (South Carolina General Assembly, 1896, Act No. 94, § 2). It also allowed the county, after judgment, to recover from those who had participated in the lynching (South Carolina General Assembly, 1896, Act No. 94, § 2). The legal design thus placed a public debtor between the victim's representatives and individual perpetrators.

The scholarship on American lynching has explained mob violence through popular justice, racial domination, political competition, economic pressure, spectacle, and the making of white collective identity. The sociologists Stewart Tolnay and E. M. Beck (1995) connected southern lynching to economic and status pressures. The historian W. Fitzhugh Brundage (1993) emphasized regional variation and the social organization of mob violence. The historian Michael J. Pfeifer (2004) placed lynching within competing traditions of formal criminal justice and extra-legal punishment. The historian Amy Louise Wood (2009) examined the performative and cultural work of lynching spectacles. The sociologist Mattias Smångs (2016) has further shown how public lynching could reinforce racial group boundaries and political identities. These approaches explain why lynching could become socially legible and politically useful, but they leave room for closer study of the fiscal instruments through which states tried to discipline communities that tolerated mob violence.

Legal scholarship recognized municipal or county liability as one such instrument. Legal scholar James Harmon Chadbourne (1933) devoted a chapter of his lynching study to municipal liability. Sociologist Arthur Franklin Raper (1933) treated legal enforcement as part of the wider institutional struggle against lynching. Earlier, sociologist James Elbert Cutler (1905) used Brown's case as evidence that state anti-lynching measures could create causes of action against counties. Brown has therefore never been absent from the academic literature. Historian Bruce E. Baker (2008) situates the litigation brought by Isaac Brown, Lawrence Brown's father and the administrator of his estate, within the broader history of lynching and anti-lynching responses in the Carolinas, while historian John W. Wertheimer (2023) reconstructs the origins and operation of South Carolina's county-liability provision in substantial detail and follows the Brown litigation through its appellate and post-remand history. The case, then, is not an unknown episode awaiting recovery.

The contribution of this article lies elsewhere. By reconnecting Lawrence Brown's killing, the property language displayed beside his body, the structure of county liability, and the uncertain fiscal outcome of the litigation pursued by his father, it places the case within the history of public finance and state formation. It distinguishes the creation of legal liability from its conversion into a plaintiff's verdict and, ultimately, into the actual transfer of public money. It also treats the county not merely as a defendant but as a fiscal institution through which the state attempted to redistribute the costs of anonymous racial violence. Read in this way, the Brown case becomes a microhistory of the relationship among property, taxation, racial violence, and the uneven construction of governmental authority in Jim Crow South Carolina.

This article reconstructs that chain from South Carolina newspapers, the journal of the 1895 Constitutional Convention, the 1896 legislative acts, judicial opinions, probate indexing, gubernatorial messages, congressional debates, and later legal materials. Newspaper testimony is treated according to its evidentiary status. Statements attributed to witnesses before the coroner are distinguished from unattributed reportage, rumor, and retrospective editorial commentary. The distinction matters because the record repeatedly moves between established facts and claims framed by white newspapers seeking to explain Brown's death.

The argument is that South Carolina fashioned a form of collective public liability that converted an unidentified act of racial violence into a monetary obligation of the county. The mechanism was neither a substitute for criminal guilt nor a finding that every taxpayer had participated in the killing. It was a fiscal strategy designed to make a political community bear costs when individual criminal accountability failed. Contemporary commentary understood the purpose in precisely those terms: after one county paid, the *Savannah Weekly News* predicted, its "tax-payers" would generate a strong sentiment against future lynchings (*Savannah Weekly News*, 1895, p. 4). Four years later, the South Carolina Supreme Court described the same logic as an effort to secure the "co-operation of the tax-payers" in preventing mob violence (*Yorkville Enquirer*, 1899, p. 4). Brown's case reveals both the ambition and the fragility of that strategy.

II. PROPERTY, ARSON, AND THE KILLING OF LAWRENCE BROWN

Lawrence Brown entered the surviving record through an accusation of arson. *The Manning Times*, reporting from Orangeburg, stated that a barn belonging to R. E. Wannamaker, a local white property holder, had burned and that Brown was arrested as a suspect (*The Manning Times*, 1897a, p. 1). Brown was not carried from jail by a mob. Charles P. Brunson, the local magistrate who handled the matter, testified at the inquest that no preliminary hearing had been held and that the prosecuting witness asked that the charge be withdrawn (*The Manning Times*, 1897a, p. 1). The newspaper reported that authorities hoped Brown might serve as a decoy while they investigated other suspects (*The Manning Times*, 1897a, p. 1). Whatever the reasoning, the ordinary criminal process had released him before the killing.

The distinction became central to the later lawsuit. A conventional anti-lynching measure directed only at prisoners taken from official custody might not cover a man already discharged by a magistrate. Brown's death therefore tested whether South

Carolina's new constitutional language attached liability to the act of lynching itself or only to official failure to protect a prisoner. The question was embedded in the sequence of Brown's final days: accusation, arrest, release, disappearance, killing.

The inquest also preserves fragments of Brown's family and work life. Isaac Brown, Lawrence Brown's father and later the administrator of his son's estate, testified that Lawrence had been working for Albert Bennett, a local employer, and had returned home around Christmas with presents (*The Manning Times*, 1897a, p. 1). As administrator, Isaac later used that legal capacity to bring the civil action against Orangeburg County on behalf of Lawrence's estate. Isham Brown, Lawrence's brother and an inquest witness, helped locate him within a household network that the later case reports largely erased (*The Manning Times*, 1897a, p. 1). The Orangeburg probate index independently identifies "Brown, Lawrence" with "Brown, Isaac" as administrator and gives the estate file reference 100-6 (Orangeburg County South Carolina Genealogical Society, n.d.). The index establishes the administration of the estate but does not by itself disclose its assets or the contents of the probate file.

The newspaper also circulated a more uncertain story about land. It reported that the Brown family had once lived on property that later came into the hands of the Wannamaker family and attributed to Lawrence a hostile remark about the transfer (*The Manning Times*, 1897a, p. 1). Yet the report introduced the point with qualifying language such as "it is said" and "it is alleged" (*The Manning Times*, 1897a, p. 1). No deed or land record located for this study confirms the transfer or establishes a direct property dispute between Brown and R. E. Wannamaker. The report can therefore be used as evidence that property conflict formed part of the explanatory narrative surrounding the lynching, but not as proof that Brown committed arson or that land loss caused the killing.

Property nevertheless appeared in a far less ambiguous place: the message displayed with Brown's body. According to the contemporary report, the killers presented the mob as a court convened to defend homes and property (*The Manning Times*, 1897a, p. 1). The language presented the mob as a jurisdiction. It claimed authority to decide guilt and to protect a proprietary order after the magistrate's process had released Brown. In this sense the killing was represented by its perpetrators as a rival form of adjudication, one that claimed to correct the perceived insufficiency of formal law.

That self-description belongs to the history of popular justice traced by the historian Michael J. Pfeifer (2004) across nineteenth-century America. The historian William D. Carrigan (2004) has likewise shown how extra-legal violence could acquire communal legitimacy in local settings. In a separate study, Pfeifer (2011) locates the longer origins of lynching within changing traditions of communal authority and state justice. The historian Grace Elizabeth Hale (1998) places racial violence within the construction of a segregated white identity after emancipation. Brown's case adds a distinctive fiscal and proprietary dimension to these interpretations. The mob declared that it acted to protect "our property," while the state was constructing a rule that placed county revenues, and therefore the resources of local taxpayers, behind the costs of the killing (*The Manning Times*, 1897a, p. 1). The juxtaposition is central to the article's argument: private racial violence claimed legitimacy through property, and public law answered by making the territorial community financially answerable for that violence. The state did not recover control by identifying the killers. It attempted to redirect the material consequences of their anonymity toward a political body that could be named, sued, and taxed.

The physical evidence recorded at the inquest gave that claimed jurisdiction a corporeal form. Thomas A. Jeffords, the physician who examined Brown's body, testified to a broken neck and multiple gunshot wounds (*The Manning Times*, 1897a, p. 1). The same report described the body as riddled with bullets and shot (*The Manning Times*, 1897a, p. 1). Because the killers had announced themselves as a court protecting property, the violence done to Brown's body functioned as the enforcement of a sentence the mob claimed authority to pronounce. Hanging and repeated gunfire thus communicated more than the fact of death; they made the body the material proof of an alternative jurisdiction. The historian Amy Louise Wood (2009) shows how witnessing and lynching spectacle could communicate racial power even when the surviving account does not describe a large ceremonial crowd.

The coroner's verdict transformed this physical certainty into institutional uncertainty. Brown had been killed by violent means, but the killers remained unidentified (*The Manning Times*, 1897a, p. 1). That formula had a long afterlife in the history of lynching because local investigations often recognized a homicide without producing prosecutable defendants. The historian Philip Dray (2002) uses the recurrent phrase "persons unknown" to capture the protective anonymity surrounding mobs. In Orangeburg, the anonymity was not peripheral to the later civil case. It was the condition that made county liability consequential. If individual perpetrators could not be identified, the county became the only readily identifiable defendant created by the new law.

The National Association for the Advancement of Colored People, the civil-rights organization that later compiled a national lynching record, listed Lawrence Brown in its 1919 survey under Orangeburg County and recorded suspected arson as the allegation associated with his death (NAACP, 1919). The wider Orangeburg setting also matters. The historian Stephen Kantrowitz (2000) has shown how Benjamin Tillman, South Carolina's former governor and a leading white-supremacist politician, tied political reform to white male rule and racial exclusion. Brown's death occurred within that new order, not outside it. The state that narrowed Black citizenship could also oppose mob violence because disfranchisement and anti-lynching regulation addressed different dimensions of power. The first determined who would participate in government; the second asserted that punishment, even within a white-supremacist order, should remain under institutions recognized by the

state. County liability therefore joined racial hierarchy to a project of governmental consolidation rather than standing outside Jim Crow politics. The next section shows how the 1895 convention translated that concern with institutional control into a fiscal obligation that could operate even without proof of officer misconduct.

III. MAKING A COUNTY PAY

South Carolina's county-liability rule grew out of the Constitutional Convention that met in Columbia in 1895. The official journal records a convention dominated by white Democrats and presided over by political leaders committed to restructuring suffrage (South Carolina Constitutional Convention, 1895). The historian Damon L. Fordham (2022) emphasizes the resistance of Black delegates within a body whose broader constitutional project restricted Black political power. The anti-lynching provision emerged inside this wider constitutional transformation.

The first important initiative came from Isaiah Reed, a Black delegate from Beaufort County who sought constitutional protection against mob violence. Contemporary reporting in September 1895 recorded Reed's proposal concerning officials who permitted prisoners in their custody to be taken and harmed (*The People's Journal*, 1895, p. 4). This origin complicates any account that treats the provision as the creation of white reformers alone. Black political participation, constrained as it was at the convention, helped force lynching into the constitution-making process.

Debate then turned to the responsibility of sheriffs and other officers. A convention delegate identified in the press as Rogers argued against punishment where an officer was "absolutely powerless to prevent" a mob from taking a prisoner (*The News and Herald*, 1895, p. 1). Benjamin Tillman, by then a United States senator-elect and the convention's most powerful white political figure, defended the anti-lynching provision (*The News and Herald*, 1895, p. 1). The dispute concerned a familiar legal problem: whether responsibility should follow official fault. If an officer had resisted or lacked sufficient force, should the law still impose consequences?

Tillman then pushed the convention toward a different model. *The Ledger* reported that he offered language making the county liable in exemplary damages in "all cases of lynching" and doing so "without regard to the conduct of the officer" (*The Ledger*, 1895, p. 1). His proposal initially set the minimum recovery at one thousand dollars (*The Ledger*, 1895, p. 1). Subsequent convention reporting recorded the increase of that minimum to two thousand dollars (*Edgefield Advertiser*, 1895, p. 2). The final constitutional language carried the two-thousand-dollar floor into the provision adopted by the convention (*The Manning Times*, 1895, p. 4). This second form of liability did not ask whether the sheriff had behaved properly. It assigned pecuniary responsibility to the territorial government where the lynching occurred.

The 1896 General Assembly translated the constitutional command into Act No. 94, "An Act to Prevent Lynching in This State" (South Carolina General Assembly, 1896). The Senate journal recorded the formal ratification of the measure (South Carolina Senate, 1896). Section 2 declared that whenever death ensued from lynching, the county would be liable in exemplary damages of at least two thousand dollars, recoverable by the victim's legal representatives (South Carolina General Assembly, 1896, Act No. 94, § 2). The same section granted the county a right of recovery against the persons engaged in the lynching after a judgment had been paid (South Carolina General Assembly, 1896, Act No. 94, § 2). The design created a two-stage structure of liability. The family could proceed against an institution that could be named and sued; the county could later pursue identified perpetrators.

That structure addressed a recurring enforcement failure. Individual criminal responsibility required identification, arrest, prosecution, and conviction. County liability required proof that a lynching had occurred within a jurisdiction. The law therefore shifted part of the enforcement burden from a difficult search for individual guilt to a geographically defined public obligation. The legal scholar James Harmon Chadbourn (1933) later described municipal-liability provisions as one component of the legal attack on lynching, alongside criminal statutes, removal of officers, venue rules, militia powers, and other measures. Brown's death presented an unusually clear test because the coroner's jury had already declared the killers unknown.

Contemporary observers understood the provision as fiscal deterrence. The *Savannah Weekly News* argued in November 1895 that once a county had paid a penalty, its "tax-payers" would act to prevent recurrence and create a stronger local sentiment against lynching (*Savannah Weekly News*, 1895, p. 4). The newspaper's language is valuable because it preceded Brown's litigation and therefore did not arise as a rationalization of the later judicial outcome. It shows that contemporaries could understand the levy on the county as a way to reorganize local incentives before the first major test case reached the courts.

This fiscal strategy sat uneasily beside the politics of the convention. Tillman was not an egalitarian reformer. The historian Stephen Kantrowitz (2000) reconstructs his politics as a program of white male supremacy that combined attacks on Black voting with claims to disciplined white governance. The county-liability clause can therefore be read as part of a state-building project in which white political supremacy and restraints on unauthorized white violence developed together. The state could defend a racially hierarchical order while denying mobs an unrestricted power to decide when and how lethal punishment would occur.

The distinction also helps place South Carolina in a wider legal geography. The historian Vann R. Newkirk (2008) shows that North Carolina's 1893 anti-lynching law made a county liable when officials failed to protect a prisoner in jail, although

weak local support hindered enforcement. The sociologist James Elbert Cutler (1905) recorded that Ohio adopted a broader damages statute in 1896, including fixed recoveries for death or serious injury caused by a mob. South Carolina differed from North Carolina by imposing liability "without regard to the conduct of the officers," while Ohio supplied another model for converting mob violence into county damages. County liability was therefore part of a broader search for institutional leverage where criminal prosecution repeatedly failed.

The South Carolina provision also survived far beyond the 1890s. The current state code continues to state that a county is liable for a fatal lynching "without regard to the conduct of the officers" and preserves the county's right to recover from participating lynchers (S.C. Code Ann. § 15-51-210). The continuity should not be mistaken for evidence of continuous practical use. It shows, however, how deeply the 1896 mechanism entered the state's statutory architecture. Brown's case supplied its first major judicial construction.

The architecture of the law also reveals why the word exemplary mattered. A fixed minimum of two thousand dollars did not attempt to calculate Brown's lost earnings, household contribution, or the emotional injury suffered by his kin. It established a floor below which the public sanction could not fall (South Carolina General Assembly, 1896, Act No. 94, § 2). That choice placed the remedy closer to a civil penalty distributed through private litigation than to an ordinary wrongful-death award. Chadbourn (1933) later treated municipal liability in this regulatory context, as a device for forcing local institutions to confront mob violence when criminal prosecutions were weak or absent.

The county's statutory right of recourse sharpened the distinction. If perpetrators were identified after the county paid a judgment, public authorities could seek reimbursement from them (South Carolina General Assembly, 1896, Act No. 94, § 2). Where perpetrators remained unknown, however, the fiscal burden could stay with the county. Brown's inquest therefore exposed the operational logic of the statute with unusual clarity: anonymity blocked individualized recovery while leaving the public defendant visible. The legal system did not solve the evidentiary problem of who killed Brown; it changed the level at which a monetary consequence could attach. The next question was whether Isaac Brown, Lawrence Brown's father and the administrator of his estate, could turn that public obligation into an enforceable judgment against Orangeburg County.

IV. FROM UNKNOWN LYNCHERS TO ORANGEBURG COUNTY

Isaac Brown, Lawrence Brown's father and the administrator of his son's estate, used that legal capacity to bring the civil action against Orangeburg County on behalf of Lawrence's estate. In March 1898 the *Savannah Morning News* reported that the action sought ten thousand dollars under the new anti-lynching regime (*Savannah Morning News*, 1898, p. 9). The amount exceeded the statutory minimum and framed Lawrence's death as a claim against the county treasury rather than against unidentified killers.

The first trial exposed an immediate interpretive dispute. According to *The Manning Times*, counsel for the estate introduced evidence of the killing, including the notice left near Brown's body (*The Manning Times*, 1898, p. 4). Orangeburg County presented no witnesses and instead argued that the constitutional and statutory provisions did not cover Brown because he had not been a prisoner in official custody when killed (*The Manning Times*, 1898, p. 4). James F. Aldrich, the state circuit judge who presided over the case, accepted that argument and directed a verdict for the county (*The Manning Times*, 1898, p. 4). In his reading, the anti-lynching scheme centered on protection of prisoners and official responsibility.

The legal issue was therefore narrower than the historical circumstances but broader in consequence. Brown had been arrested and discharged. If county liability followed only when a mob seized someone from an officer, then the timing of the release defeated recovery. If the phrase "all cases of lynching" created an independent public obligation, Brown's freedom from custody did not matter. The case asked the courts to decide whether the new law regulated official negligence or lynching as a category of collective violence.

Isaac Brown appealed. On 20 April 1899 the South Carolina Supreme Court reversed the directed verdict in *Brown v. Orangeburg County*, reported at 55 S.C. 45 and 32 S.E. 764 (*Brown v. Orangeburg County*, 1899). Eugene B. Gary, the associate justice who wrote the opinion, interpreted the constitution as employing two distinct means against lynching. One addressed officers and prisoners; the other imposed county liability regardless of official conduct (*Yorkville Enquirer*, 1899, p. 4). That structural reading gave independent meaning to the county-liability language.

Gary also offered the clearest contemporary statement of the provision's political economy. The purpose, he wrote, included inducing the "co-operation of the tax-payers" to prevent lynching so that their county would not have to pay exemplary damages (*Yorkville Enquirer*, 1899, p. 4). He further relied on the proposition that community-liability statutes imposed a "penalty on the community" and could render communities law-abiding (*Yorkville Enquirer*, 1899, p. 4). The court therefore treated damages less as individualized compensation measured by loss than as a public penalty allocated to the victim's legal representatives.

That reasoning gave doctrinal form to the concept of collective public liability. The county was not declared morally identical to the mob, and taxpayers were not adjudged individual perpetrators. Liability attached because the law selected the county as the public unit that would internalize the cost of lynching. The right of recourse against actual lynchers preserved the conceptual distinction between public and individual responsibility (South Carolina General Assembly, 1896, Act No. 94, § 2).

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Yet when the perpetrators remained unknown, recourse became largely theoretical, and the county could be left bearing the judgment.

The logic parallels broader arguments in the scholarship about the relationship between lynching and state authority. The historian Christopher Waldrep (2006) has emphasized that definitions of lynching shifted across time and legal settings. The historian Michael J. Pfeifer (2004) shows that formal criminal justice expanded partly through conflict with traditions of popular punishment. Brown adds a fiscal dimension to that transition: state law tried to strengthen formal authority by making a local government pay for violence carried out in the name of an alternative popular court.

Victory in the Supreme Court did not settle the controversy. After remand, a local jury again returned a verdict for Orangeburg County in 1899. A contemporary South Carolina report stated that James F. Gage, the state circuit judge then presiding, set aside the verdict and ordered another trial (*The Barnwell People*, 1899, p. 2). The procedural pattern is striking. The state's highest court had rejected the county's narrow legal interpretation, yet a local jury still declined to impose damages.

A third trial produced another verdict for the county in 1900. The *Savannah Morning News* reported that O. W. Buchanan, another state circuit judge, set aside that verdict as contrary to law and evidence (*Savannah Morning News*, 1900, p. 4). Contemporary commentary described an emerging deadlock: lawyers predicted that local juries would not find for the plaintiff, while judges would not allow defense verdicts to stand under the governing law (*Savannah Morning News*, 1900, p. 4). A separate South Carolina report likewise noted the renewed defeat of Brown's claim before a jury (*Keowee Courier*, 1900, p. 2).

This sequence is central to the historical meaning of the case. At the appellate level, the state had created a rule capable of assigning responsibility where perpetrators were unknown. At the trial level, local juries could resist the monetization of that responsibility. The friction was not between law and lawlessness in the abstract. It was between different state institutions, each embedded in the racial and political order of the county and state.

The available record does not establish that Isaac Brown ultimately collected damages. No fourth-trial report, settlement, county payment record, or final judgment located for this study closes the case. That absence should remain visible rather than be repaired by inference. Later retrospective claims that a South Carolina county paid under the anti-lynching law cannot securely be identified with Brown without additional evidence (U.S. Congress, 1938). The strongest conclusion is narrower: Brown established county liability as doctrine, while successive Orangeburg juries resisted recovery after remand.

The gap between doctrinal liability and local enforcement also qualifies accounts that treat legislation as a direct measure of state capacity. David Garland (2005), a sociologist of punishment, has argued that lynching operated as a distinctive institution with political and cultural functions rather than as a formless eruption of violence. Brown suggests that anti-lynching law likewise needs institutional disaggregation. A legislature could create liability, an appellate court could interpret it broadly, a circuit judge could enforce that interpretation, and a local jury could still refuse to translate the rule into a plaintiff's verdict.

V. FISCAL GOVERNMENT, RACIAL ORDER, AND THE AFTERLIFE OF BROWN

The Brown litigation survived because it supplied later lawyers and lawmakers with a concise proposition: a county could be charged for a lynching even when the victim was not in official custody. The sociologist James Elbert Cutler (1905) summarized the Supreme Court's reversal as evidence that South Carolina's provision reached beyond prisoners taken from officers. The legal afterlife soon became more durable than the personal history of Lawrence Brown.

In *Best v. Barnwell County* in 1920, the South Carolina Supreme Court again quoted the principle that community-liability statutes were valid because their main purpose was to impose a penalty on the community and promote protection of human life (*Best v. Barnwell County*, 1920). The later case cited Brown directly. By then, the reasoning first applied to Lawrence Brown had become part of the state's general doctrine of lynching liability. A later South Carolina decision, *Green v. Greenville County*, continued to treat Brown as an authoritative point of reference for county liability (*Green v. Greenville County*, 1935).

The case also entered national debates over federal anti-lynching legislation. Congressional discussions in the early twentieth century repeatedly compared state remedies and asked whether local or federal institutions could overcome community protection of mobs (U.S. Congress, 1904). During federal anti-lynching debates in the 1920s, *Brown* appeared as authority for the constitutionality of imposing liability on a political community (U.S. Congress, 1922). The historian Robert L. Zangrando (1980) has shown how the NAACP's federal campaign turned on the demonstrated inability or unwillingness of states to punish mob violence. Brown offered advocates a state precedent for collective financial sanctions, even as the history of its local trials exposed the weakness of enforcement.

The fiscal logic of the South Carolina law deserves attention because it targeted a political constituency rather than a perpetrator alone. Taxation distributed the cost of mob violence across county finances. In theory, this arrangement gave residents with property and political influence a reason to oppose future lynchings even if they felt little solidarity with a Black victim. The *Savannah Weekly News* stated the mechanism openly when it predicted that taxpayers would act after a county had paid (*Savannah Weekly News*, 1895, p. 4). The Supreme Court repeated the same incentive theory when Justice Gary spoke of taxpayer cooperation (*Yorkville Enquirer*, 1899, p. 4).

The formulation reveals a stark feature of late nineteenth-century governance. The state did not premise deterrence on racial equality. It sought to alter the calculations of a white-dominated local polity by attaching financial consequences to mob action. The historian Grace Elizabeth Hale (1998) locates such governance within the making of a segregated racial order. The historian Stephen Kantrowitz (2000) reconstructs Tillman's political project as one grounded in white supremacy and disciplined white rule. Anti-lynching governance could therefore coexist with disfranchisement because the two projects answered different questions: who would rule, and which institutions would control legitimate coercion.

This interpretation also sharpens the meaning of the message left with Brown's body. The killers claimed authority to defend a proprietary community (*The Manning Times*, 1897a, p. 1). The constitutional regime answered by exposing county property and tax revenues to legal claims. One form of collective action asserted a proprietary community through violence; the other attempted to make the territorial community absorb the monetary cost of that violence. The symmetry is not exact, but it is historically revealing. Property served both as a language of mob legitimacy and as a lever of state deterrence.

Brown's case therefore belongs in discussions of state formation as well as histories of lynching. The historian Gema Kloppe-Santamaría (2020) has demonstrated in postrevolutionary Mexico how lynching can be studied in relation to state-making rather than treated only as the state's absence. The South Carolina evidence points in a related direction. The state did not confront a zone devoid of government. Magistrates, coroners, sheriffs, juries, county treasuries, circuit judges, legislators, and appellate judges all participated in defining what responsibility would mean after a mob killing.

The case also places pressure on a binary distinction between criminal justice and civil compensation. County liability did not identify Brown's killers or punish them through imprisonment. Nor was the damages action structured solely as compensation for provable economic loss. The statute used exemplary damages, assigned a minimum recovery, and granted the county recourse against perpetrators (South Carolina General Assembly, 1896, Act No. 94, § 2). The Supreme Court described the purpose in penal and regulatory terms (*Yorkville Enquirer*, 1899, p. 4). The remedy therefore occupied a hybrid field of compensation, penalty, deterrence, and public finance.

The sociologist Amy Kate Bailey and the historical demographer Stewart Tolnay (2015) argue for recovering lynching victims as people rather than reducing them to entries in aggregate datasets. Brown's surviving record remains fragmentary, but it permits more than a name and alleged offense. He was a young worker with a father and brothers, had returned home at Christmas, and had been arrested and discharged (*The Manning Times*, 1897a, p. 1). His father subsequently administered the estate and pursued the civil action (Orangeburg County South Carolina Genealogical Society, n.d.). These details matter because legal doctrine transformed a family loss into the abstract category of county liability.

At the same time, the sources retain asymmetries typical of lynching records. Brown left no known statement in his own hand. White newspapers mediated the allegations against him and the testimony concerning the killing. The alleged land conflict remains unverified. The litigation records preserve the arguments of judges more fully than the motives of jurors. Such limits do not prevent analysis, but they require a distinction between what the sources establish and what they merely suggest.

The political response to lynching continued beyond Brown. William H. Ellerbe, South Carolina's governor in 1899, warned the General Assembly of an increasing disposition to right real or supposed wrongs through lynching and described that practice as a threat to the regular administration of justice (*The Union Times*, 1899, p. 1). His official message placed lynching within a problem of social order and governmental authority (Ellerbe, 1899). Black South Carolinians also petitioned state leaders against mob violence, demonstrating that pressure for enforcement came from communities subjected to the threat rather than only from white officials (*The Manning Times*, 1897b, p. 1).

The long legal life of the provision contrasts sharply with uncertainty about the outcome for Brown's family. South Carolina's modern code still contains the county-liability language created in 1896 (S.C. Code Ann. § 15-51-210). Yet the surviving record located for this study does not establish a final payment to Isaac Brown, Lawrence Brown's father and the administrator who pursued the claim on the estate's behalf. The contrast is analytically productive: an enduring legal rule can coexist with an unresolved microhistory of the claimant whose case gave the rule authoritative meaning.

The distinction between a rule on the books and a recovery in court is especially important for assessing state capacity. Tolnay and Beck's (1995) statistical account connects lynching to broad economic and status pressures. Brundage's (1993) comparative work shows how local social organization shaped the incidence and form of mob violence. Brown demonstrates that local organization also shaped the reception of anti-lynching remedies. The same county that could be made legally liable by an appellate court could produce juries unwilling to return a plaintiff's verdict. The struggle over lynching thus ran through the internal structure of government rather than along a clean boundary between government and mob.

VI. CONCLUSION

Lawrence Brown's lynching posed a problem that criminal law in Orangeburg did not solve. The coroner's jury could establish that a violent killing had occurred, but it could not identify the perpetrators (*The Manning Times*, 1897a, p. 1). South Carolina's new constitutional order supplied a different answer to responsibility. It designated the county as a defendant and attached exemplary damages to the occurrence of lynching itself (South Carolina General Assembly, 1896, Act No. 94, § 2). In

Brown v. Orangeburg County, the state Supreme Court confirmed that this liability did not depend on the victim's being a prisoner or on misconduct by an officer (*Brown v. Orangeburg County*, 1899).

The resulting mechanism can be understood as collective public liability. Its object was not to declare every resident culpable. Its object was to make a political community financially answerable when individualized responsibility could not be secured. Contemporary commentary expected fiscal exposure to enlist taxpayers in preventing mob violence (*Savannah Weekly News*, 1895, p. 4). The South Carolina Supreme Court adopted the same incentive logic in 1899 when it described the desired "co-operation of the tax-payers" (*Yorkville Enquirer*, 1899, p. 4). The law therefore converted anonymous violence into a claim against a territorially defined public body.

Brown's litigation also demonstrates how incomplete that conversion could be. A post-remand Orangeburg jury again found for the county in 1899, after which the state circuit judge set the verdict aside (*The Barnwell People*, 1899, p. 2). Another county verdict followed in 1900 and was likewise overturned by the presiding circuit judge (*Savannah Morning News*, 1900, p. 4). The surviving record does not prove that Brown's estate ever received damages. The case therefore marks both an expansion of state legal capacity and a local resistance to its enforcement. Assigning liability in doctrine was easier than compelling a white county jury to impose a monetary cost for the lynching of a Black man.

Several research paths follow from this microhistory. First, Orangeburg County fiscal records, read together with probate file 100-6, may clarify whether Brown's estate eventually received a judgment, settlement, or county payment. Second, deed books and tax records could test the reported connection between the Brown family and land later held by the Wannamakers, allowing the property narrative surrounding the arson accusation to be separated from rumor. Third, comparison with North Carolina and Ohio would place South Carolina's rule within three distinct 1890s models of county liability: North Carolina tied damages to official failure to protect a jailed prisoner; South Carolina imposed liability regardless of officer conduct; Ohio created scheduled county recoveries for several forms of mob injury (Newkirk, 2008). Cutler's (1905) contemporary survey provides a basis for extending that comparison to other states that adopted community-liability measures. Fourth, later South Carolina cases such as *Best v. Barnwell County* can be traced alongside county budgets and claims records to determine whether doctrine altered local policing, taxation, or political behavior (*Best v. Barnwell County*, 1920).

The broader significance of Brown lies in the relationship between violence and public finance. The men who killed him claimed to act as a court defending property. South Carolina answered, however unevenly, by placing county property and tax revenues at risk. In that movement from an unidentified mob to a named public debtor, the state sought to govern racial violence through money when criminal responsibility could not be made to attach to persons. The unresolved fate of the claim pursued by Isaac Brown, Lawrence Brown's father and estate administrator, reminds us that legal responsibility could be created at the level of doctrine while remaining contested in the institutions charged with turning doctrine into payment.

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