

# National Register of Historic Places Registration Form

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in National Register Bulletin, *How to Complete the National Register of Historic Places Registration Form*. If any item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions. **Place additional certification comments, entries, and narrative items on continuation sheets if needed (NPS Form 10-900a).**

## 1. Name of Property

historic name Bedenbaugh, Jacob House

other names/site number \_\_\_\_\_

## 2. Location

street & number 1185 South Carolina Highway 773

not for publication

city or town Prosperity

vicinity

state South Carolina code \_\_\_\_\_ county Newberry code \_\_\_\_\_ zip code \_\_\_\_\_

## 3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act, as amended,

I hereby certify that this X nomination \_\_\_ request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60.

In my opinion, the property X meets \_\_\_ does not meet the National Register Criteria. I recommend that this property be considered significant at the following level(s) of significance:

\_\_\_ national \_\_\_ statewide X local

Signature of certifying official/Title \_\_\_\_\_ Date \_\_\_\_\_

Elizabeth M. Johnson, Deputy State Historic Preservation Officer, S.C. Department of Archives and History, Columbia, S.C.

In my opinion, the property \_\_\_ meets \_\_\_ does not meet the National Register criteria.

Signature of commenting official \_\_\_\_\_ Date \_\_\_\_\_

Title \_\_\_\_\_ State or Federal agency/bureau or Tribal Government \_\_\_\_\_

#### 4. National Park Service Certification

I hereby certify that this property is:

entered in the National Register

determined eligible for the National Register

determined not eligible for the National Register

removed from the National Register

other (explain: \_\_\_\_\_)

Signature of the Keeper

Date of Action

#### 5. Classification

##### Ownership of Property

(Check as many boxes as apply.)

- |                                     |                  |
|-------------------------------------|------------------|
| <input checked="" type="checkbox"/> | private          |
| <input type="checkbox"/>            | public - Local   |
| <input type="checkbox"/>            | public - State   |
| <input type="checkbox"/>            | public - Federal |

##### Category of Property

(Check only **one** box.)

- |                                     |             |
|-------------------------------------|-------------|
| <input checked="" type="checkbox"/> | building(s) |
| <input type="checkbox"/>            | district    |
| <input type="checkbox"/>            | site        |
| <input type="checkbox"/>            | structure   |
| <input type="checkbox"/>            | object      |

##### Number of Resources within Property

(Do not include previously listed resources in the count.)

Contributing	Noncontributing	
2		buildings
		sites
		structures
		objects
2	0	<b>Total</b>

##### Name of related multiple property listing

(Enter "N/A" if property is not part of a multiple property listing)

N/A

##### Number of contributing resources previously listed in the National Register

0

#### 6. Function or Use

##### Historic Functions

(Enter categories from instructions.)

Domestic/single dwelling

##### Current Functions

(Enter categories from instructions.)

Domestic/single dwelling

#### 7. Description

##### Architectural Classification

(Enter categories from instructions.)

Other: I-house

##### Materials

(Enter categories from instructions.)

foundation: Brick

walls: Aluminum

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roof: Asphalt

other: \_\_\_\_\_

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### **Narrative Description**

(Describe the historic and current physical appearance of the property. Explain contributing and noncontributing resources if necessary. Begin with a **summary paragraph** that briefly describes the general characteristics of the property, such as its location, setting, size, and significant features.)

#### **Summary Paragraph**

The Jacob Bedenbaugh House is a detached two-story traditional “I” house with a modified L-shaped plan, a shed roofed front porch, and a shed roof form off the rear of the house. Built circa 1860, the walls are now finished in aluminum siding, while the roof is finished with tin. The interior layout of the original section of the house reflects the I-house form, which is two rooms wide and one room deep.<sup>1</sup> The house sits on a parcel of land that includes seven largely undeveloped, wooded acres in Prosperity, South Carolina. The house fronts east on South Carolina Highway 773 and is set behind an overgrown lawn, which slopes downward towards the street. Directly behind the house sits a significantly smaller two-room front L-shaped house with walls that are covered in weatherboard and board and batten. Like the front house, the back house has a tin roof. While the property has been altered since its construction, it remains in good condition and clearly embodies the architecturally significant form of a traditional I-house.

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### **Narrative Description**

The Jacob Bedenbaugh House is set upon a brick foundation, which extends to the L-shaped addition. Now covered in white aluminum siding that was probably added during the 1950s, the house was previously finished in German siding. Prior to the addition of German siding, the exterior of the home was an unpainted wood. The current façade features a first story with two individual front doors that are flanked by a window on either side. The eastern window is a single one-over-one, while the western window resembles a Chicago window, allowing for a greater amount of light to enter the interior of the home.<sup>2</sup> The front doors, which both serve as main entrances to the house, feature two panels on the lower portion combined with a rectangular glass on the upper section. Asymmetric with the first story windows, the second story features two single one-over-one windows. A shed roofed porch enclosed in screening protrudes from the front of the house. The porch foundation is constructed from cement block and the porch features a knee wall. The brick porch supports resemble a typical bungalow style.

Each side elevation features two one-over-one windows on each story that are symmetrical with one another. Located on the eastern elevation is an exterior end-wall chimney that displays a five-to-one common bond. While there appears to be evidence of some water infiltration towards the upper part of the chimney, the main block is in decent shape nearly to the shouldering. Protruding from each side elevation towards the rear of the house is a shed roof form. While this form now encloses rooms on the back of the house, it may have originally served to cover a back porch. In the rear of the house sits the L-shaped addition, which is also finished in aluminum siding. The addition includes an interior chimney, which features a Victorian era chimney cap. This back addition was most likely added during the 1890s, although further additions may have been made until the

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<sup>1</sup> Virginia and Lee McAlester, *A Field Guide to American Houses* (New York: Alfred A. Knopf, 1984), 96.

<sup>2</sup> Herbert Gottfried and Jan Jennings, *American Vernacular Design: 1870-1940* (Ames, IA: Iowa State University Press, 1988), 104.

1920s. The roof, which is a 5V-crimp tin, extends from the original section of the home to the addition. This roof was most likely added with the new addition or soon after. The roof on the original portion of the house forms a lateral gable.

The interior of the house reflects the numerous additions made over the years. The original hardwood floors have been retained, as have all of the interior doors that feature two long panels over one wide panel. The original wood trim and fireplace mantels remain as well. With the exception of the Chicago window in the east parlor, the other windows are one-over-one. The first floor plan is made up of four rooms: two parlor rooms and two small bedrooms. A back hallway connects the two bedrooms, and the door in this corridor would have originally led to a back porch. Both the parlors are accessed by matched front doors, as well as an interior connecting door. The west parlor features a large fireplace with simple wooden mantel that reflects the Federal period. There are three windows in this room. Simple, knee-high wainscoting can be found on all the walls of this room, as well the adjacent parlor and bedrooms. The bedroom off of the west parlor features one window and a shed room addition that contains the bathroom. The original porcelain fixtures are still present, and there are two wide windows. This bedroom connects to the back corridor. Across this hall is a second small bedroom that contains fireplace and one window. The mantel is crude in its styling. The walls of this room are covered in wallpaper, but a few strips have fallen off to reveal the original wide planked walls. A separate door connects this room to the east parlor, which contains a staircase that leads to the upper story of the home. The banister and balusters are simple and unadorned. The second story of the home contains two rooms which date to the original construction. The staircase leads directly into the east bedroom. There were three windows originally, but the window on the north wall was covered up when the back addition was constructed. Some of the planks have fallen away, revealing the attic of the addition. A door on the west wall leads into the second bedroom, which contains three windows.

The previously mentioned back hall leads to the large rectangular addition that was constructed in the 1890s. A bank of jalousie windows lines the west side of the corridor and door leading outside is at the end. The addition contains a dining room and a kitchen. The dining room features a fireplace with a rough hewn mantel, a built-in china cabinet with glass paned doors, and a wall cupboard. An interior door connects to the kitchen, which contains mid-century metal cabinets. The kitchen is also accessible from the corridor.

The contributing resource on the property is a three-room house that sits directly behind the main house. Now serving as a storage shed, this house was the original kitchen before a kitchen was added to the main house. This building contained two rooms and was most likely moved further back from the house from its original location. At that time a one-room lateral gable section was added to create additional living space. The interior walls are finished in wood weatherboard siding. The addition to the kitchen forms a front-gabled L-shape with an engaged porch roof. This addition is sheathed in board and batten siding. The house has no real foundation, as the floor is exposed soil. Like the main house, this smaller house is covered with tin roofing.

The Jacob Bedenbaugh House is an excellent example of a two-story I-house. Originally two rooms wide and two rooms deep with a shed roofed back porch, this house reflects a common architectural form popular throughout the South in the mid-1800s.<sup>3</sup> Rearward extensions and porches, like the additions to the Bedenbaugh home, are very common features of traditional I-houses as families were continually adding more living space to their homes.<sup>4</sup>

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<sup>3</sup> McAlester, *A Field Guide to American Houses*, 96.

<sup>4</sup> McAlester, *A Field Guide to American Houses*, 96.

The property reflects its period of significance as it was constructed around 1860 and most alterations and additions to the house were completed by the 1920s. While the aforementioned additions made in the 1950s do transcend that date, the Jacob Bedenbaugh House is still easily recognized for its embodiment of traditional I-house architecture and maintains its essential features. The modifications that have been made are largely reversible and such additions are actually very typical of I-house homes.

**8. Statement of Significance**

**Applicable National Register Criteria**

(Mark "x" in one or more boxes for the criteria qualifying the property for National Register listing.)

- A Property is associated with events that have made a significant contribution to the broad patterns of our history.
- B Property is associated with the lives of persons significant in our past.
- C Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- D Property has yielded, or is likely to yield, information important in prehistory or history.

**Criteria Considerations**

(Mark "x" in all the boxes that apply.)

Property is:

- A Owned by a religious institution or used for religious purposes.
- B removed from its original location.
- C a birthplace or grave.
- D a cemetery.
- E a reconstructed building, object, or structure.
- F a commemorative property.
- G less than 50 years old or achieving significance within the past 50 years.

**Areas of Significance**

(Enter categories from instructions.)

Social History

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**Period of Significance**

1858-1936

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**Significant Dates**

N/A

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**Significant Person**

(Complete only if Criterion B is marked above.)

N/A

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**Cultural Affiliation**

Undefined

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**Architect/Builder**

N/A

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### **Period of Significance (justification)**

Jacob Bedenbaugh purchased the property in 1858 and the house was constructed shortly thereafter. Sometime between 1860 and 1864, Jacob Bedenbaugh entered into a relationship with a mulatto woman named Sarah. The couple never married, although Sarah took the Bedenbaugh name. They remained together for approximately 42 years and produced eight children. Jacob died in 1915 and Sarah died in 1936. Additionally, most of the home's major alterations were completed by 1936.

### **Criteria Considerations (explanation, if necessary)**

**Statement of Significance Summary Paragraph** (Provide a summary paragraph that includes level of significance and applicable criteria.)

This property is being nominated at the state level of significance as a home occupied by an interracial couple during the Civil War, Reconstruction, and Jim Crow eras. This couple lived in defiance of the prevailing social mores, as interracial relationships were considered “unnatural” in this period of history. While the couple may have been able to marry during the Civil War and Reconstruction periods, finding someone who was willing to conduct the ceremony would have been difficult. Following the adoption of 1895 South Carolina state constitution, the couple was forever barred from marrying. While participating in an interracial relationship was not specifically against the law, the couple was indicted and tried for fornication in July 1890. The prosecution of the couple reflects the extent to which South Carolina courts went to keep interracial couples from being together in a time when the black population was being continually disenfranchised.

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**Narrative Statement of Significance** (Provide at least **one** paragraph for each area of significance.)

The Jacob Bedenbaugh House, located off of South Carolina Highway 773 in Prosperity, South Carolina, was built circa 1860 and has evolved as a home that has been continuously owned by the same family since its original construction. This house is significant under Criterion A for events that have made a significant contribution to the broad patterns on our history due to the original owners being an interracial couple who weathered the prejudices of a society that was bent on keeping whites and blacks as separate as possible.

The land on which the Jacob Bedenbaugh House is located was purchased by Jacob Belton Bedenbaugh in 1858.<sup>5</sup> A son of Adam Bedenbaugh, Jr., Jacob and his siblings each inherited \$6,674.14 when their father died in August of 1856.<sup>6</sup> It is likely that Jacob, a farmer who was about 25 years of age when he purchased the land, used his inheritance to buy the 274 acre piece of property for a purchasing price of \$2,059.39.<sup>7</sup> The land was purchased by Jacob Bedenbaugh from his brother, William Bedenbaugh, and his brother-in-law, Josiah Stewart.<sup>8</sup> The I-house that stands today was most likely constructed on this land soon after Jacob purchased the property.

After purchasing the property, Jacob utilized some of his land for farming. As large amounts of bounteous land were available during this time in Newberry County, Prosperity was an ideal place for a farmer to purchase land and establish a home. An 1870 agricultural schedule indicates that Jacob was using about 75 of his 274 acres for

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<sup>5</sup> Deed Book HH, p. 68, Newberry County Clerk of Court, Newberry County Courthouse, Newberry, South Carolina.

<sup>6</sup> Will of Adam Bedenbaugh, Box 98, Estate 3, Newberry County Probate Office, Newberry, South Carolina.

<sup>7</sup> Deed Book HH, 68-69, Newberry County Clerk of Court.

<sup>8</sup> Deed Book HH, 68-69, Newberry County Clerk of Court.

farming, while 199 acres were listed as woodland and unimproved acres.<sup>9</sup> The schedule records that Jacob used his farmland for livestock and to grow several crops, including wheat, corn, cotton, beans, and potatoes.<sup>10</sup>

Jacob was not the only resident in the house. Sometime after the census of 1860, a young black woman named Sarah came to live with him. Sarah first appears in the census of 1870 as “Sarah Bedenbaugh” a mulatto woman of approximately 22 years of age. Her birthplace was listed as Virginia.<sup>11</sup> Given that Sarah was listed as a mulatto in subsequent censuses, it can be reasonably assumed that she was of mixed blood. It is apparent that Sarah did not speak of her early life. When her son, Joseph Cleopheous Bedenbaugh reported her death in 1936, he apparently did not have any details regarding his mother’s parentage as question marks were put in the blanks beside the father and mother’s names. It can reasonably be assumed that Sarah was the child of a white man and black slave woman.

How Sarah came to be in South Carolina or how Jacob Bedenbaugh met her may never be known. Family oral history indicates that Jacob purchased Sarah as a wife. However, it is unlikely that Jacob would have purchased a slave to serve as his wife due to the prevailing social restrictions. Most likely Sarah was purchased as a housekeeper (since she was listed as such in the 1870 census) and the couple developed feelings for each other.

Another theory could be that Sarah was a freed slave who voluntarily entered into a relationship with Jacob. If Sarah had been the product of a relationship between a white man and a black slave, the law dictated that she herself was slave. After the Emancipation Proclamation was put in effect in January 1863, Sarah would have been legally free. Given Sarah and Jacob’s first child was born in October 1864. The conception date would have been sometime in early 1864. Therefore, there was ample time for the couple to meet after Sarah was emancipated.

Regardless of how their relationship was initiated, there are no documents to indicate that the couple ever married. Until the South Carolina Constitution of 1895 was adopted, the laws outlawing interracial marriages were predominantly aimed at keeping white women from marrying black men. There are records from the time period that indicate that marriages between white men and black women were in existence. It would have been possible for Jacob and Sarah to take formal vows; given the prejudices that existed, there might have not been any one in the community willing to marry them. In fact, while many other southern states outlawed interracial marriage, South Carolina’s laws were convoluted at best and often changed with the presiding government. Additionally, South Carolina lawmakers never defined whiteness or blackness, which made it difficult to prosecute anyone who chose to marry across the color line. Instead, the individual judges and courts throughout the state had to deal with the quagmire of legalities when it came to interracial marriages and the children produced from these relationships.<sup>12</sup>

Although the laws against interracial marriage in South Carolina were often not enforced, mixed raced couplings were rare. South Carolina lawmakers relied on the vast social gulf that existed between whites and blacks to curtail interracial marriages. The social repercussions of marrying outside of one’s race must have deterred many couples, but it appears that Jacob and Sarah ignored any consequences arising from their

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<sup>9</sup> 1870 United States Census, Agricultural Schedule: Newberry County, South Carolina Department of Archives and History, Columbia, South Carolina.

<sup>10</sup> 1870 United States Census, Agricultural Schedule: Newberry County, South Carolina Department of Archives and History, Columbia, South Carolina.

<sup>11</sup> 1870 United States Census, [www.ancestry.com](http://www.ancestry.com), accessed at South Carolina Department of Archives and History, 8301 Parklane Road, Columbia, South Carolina.

<sup>12</sup> Peter Bardaglio, “Shamefull Matches: Regulation of Interracial Sex and Marriages,” in *Sex, Love, Race: Crossing Boundaries in North American History*, ed. Martha Elizabeth Hodes. (New York: New York University Press, 1999,) 119.

relationship. By the 1870 census, the couple had three children ranging in age from two to five. It is known from the Bedenbaugh family bible that their first child, a daughter was born in October of 1864. Two sons followed in 1866 and 1868. Altogether, Jacob and Sarah Bedenbaugh conceived a total of eight mulatto children from 1864-1885.<sup>13</sup> Six of these children survived to adulthood: Willie, John Pinkney, Neal, Mary, Ojetta (Jettie), and Cleophus.

Jacob and Sarah continued to live together until Jacob's death in 1915. But this unusual relationship was not conducted without incident. In November of 1889, Jacob and Sarah were reported to the local authorities for living together unlawfully. In July of the following year, they were tried for fornication in the court of general sessions of Newberry County. The local newspaper, the *Newberry Observer*, reported on the proceedings, stating that the case against Jacob and Sarah was "continued." After that mention, there is no other information on the outcome of the trial. Sadly, the official court documents have been lost, and so it will never be known if Jacob and Sarah were convicted and punished.

Despite the unknowns of Jacob and Sarah's case, an interesting development in the Bedenbaugh household may point to what occurred as a result of the trial. By the census of 1900, the couple had divided into two separate households. Jacob was listed as the head and only member of his household. Sarah was listed as head of a separate household with five of their children living with her: Willie, Neal, Mary, Jettie, and Cleophus.<sup>14</sup> Willie, Neal, and Mary were already in their teens, while Jettie and Cleophus were still school age. For the first time, Sarah and the children were listed on the census as being black; previous records always denoted them as mulatto. Jacob may have referred to them as share croppers or tenant farmers in order to protect him and Sarah from further prosecution.

Given that the only other residence on the property was the former kitchen house, it is believed that Sarah and the children lived there. This separate dwelling was a result of modifications made to the original I-house in the 1890s. An L-shaped addition forming a dining room and kitchen were added to the rear of the main house during this time. German siding was likely added to the exterior as well. The original kitchen, which became Sarah's house, was moved several yards back from its original location to make room for the addition to the main house. It seems that the original kitchen was never used as a kitchen again, as there is no evidence of a chimney at the new location. Instead, a room was added on to this smaller house and became Sarah's official place of residence.<sup>15</sup> Regardless of these improvements, the home would have been very small—maybe too small to house Sarah and the five, nearly grown children. Since the census of 1890 was destroyed, we will never know if the splitting of the household was a result of the trial, or if the rising radicalism against the black race was the impetus.

The disenfranchisement of blacks reached a fever pitch when the South Carolina Legislature met at the Constitutional Convention of 1895. The change in laws regarding interracial marriages occurred when the South Carolina Legislature took up a debate on the definition of blackness. Initially lawmakers sought to bar marriage between whites and people with "any" African ancestry. But George Tillman, former state legislator, Congressman, and brother of Governor Ben Tillman, argued during the convention that no one could claim to be wholly free of African blood. In fact he stated that at least one hundred families in his district could not claim to be completely Caucasian.<sup>16</sup> The convention decided upon the 1/8 rule—meaning that anyone with a black great grandparent was considered black.

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<sup>13</sup> Jacob Bedenbaugh Family Bible.

<sup>14</sup> 1900 United States Census, Richland County Public Library, Columbia, South Carolina.

<sup>15</sup> Michael Bedenbaugh, Personal Interview by Katherine Murphy, October 21, 2009.

<sup>16</sup> Daniel Sharfstein, "Passing Fancy," *Legal Affairs Magazine* Sept/Oct 2003.



The law was entered into the constitution in Article 3, Section 33 and stated that: “The marriage of a white person with a negro, or mulatto, or person who shall have one-eighth or more negro blood, shall be unlawful and void.”<sup>17</sup> Had Jacob and Sarah been married prior to 1895, their marriage would have been voided at this time. As a result, they would have been, once again, guilty of fornication.

There is no mention of Jacob and Sarah’s relationship in the years that followed. General mentions of Jacob bringing cotton to harvest can be found in the local paper, and it appears that Sarah was well known for her sewing skills as she won a prize at the Colored State Fair in 1891.<sup>18</sup> The remaining years of their relationship must have been conducted without incident. In fact, by the time that the 1910 census was taken, the couple was once again listed as living under the same roof, along with their two youngest children, Jettie and Cleophus. While Sarah and the children were listed as servants, they were back to being listed as mulattoes. Perhaps this signifies a slight relaxation in the anti-black sentiment of the turn of the century. Additionally, it can be inferred that the memory Jacob and Sarah’s trial had faded, and it was once again safe for the couple to cohabitate.

Upon Jacob’s death in April 1915, his savings were equally distributed among Sarah and the six surviving Bedenbaugh children.<sup>19</sup> Born in 1885, Joseph Cleopheous Bedenbaugh, or “Clee”, was the youngest son of Jacob and Sarah.<sup>20</sup> In 1907 Jacob had deeded 75 acres of his land, including the tract that contained the house and contributing resource, to Clee.<sup>21</sup> Following Jacob’s death, Clee lived in the house with his mother, his sister Ojetta, and her young son. Clee eventually married a teacher named Eunice, and they lived in the house for the remainder of their lives. They were responsible for the more recent additions to the property, which include aluminum siding, a bathroom, and a screened front porch. As all of these additions occurred in the 1950s or earlier, there has been no significant modification made to the house since this time.

Upon Eunice’s death in the 1990s, the property was left to relatives, who continue their ownership today.<sup>22</sup> The house is being nominated under Criterion A for social history as Jacob and Sarah Bedenbaugh managed to conduct a relationship that was contrary to the established social structure. While their unusual liaison was not undertaken without consequences, they remained together for over forty years, a testament to the few couples who chose to challenge society’s prejudices.

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#### **Developmental history/additional historic context information** (if appropriate)

The history of interracial relationships is as long as the history of our nation. From the very first, whites and blacks were conducting sexual liaisons, and the colonies, later states, sought to regulate these relationships. The earliest documented accounts of interracial relationships reach back to the 1600s.<sup>23</sup> In reaction to these interactions, and the children born from them, many of the colonies rushed to outlaw marriage between the races.<sup>24</sup> However, these laws did very little to discourage interracial couples from marrying. Records seem to indicate the opinion of society did more to discourage such unions; the prevailing idea was that interracial sex was unnatural.<sup>25</sup> Before the Civil War, the main purpose to anti-miscegenation laws was to keep white women

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<sup>17</sup> Hugh Wilson, Compiler, “Constitution of the state of South Carolina: Ratified in Convention December 4, 1895,” 1900.

<sup>18</sup> *Newberry Observer*, December 12, 1891.

<sup>19</sup> Will of Jacob Bedenbaugh, Box 195, Estate 3, Newberry County Probate Office, Newberry, South Carolina.

<sup>20</sup> Jacob Bedenbaugh Family Bible.

<sup>21</sup> Deed Book 15, p. 249, Newberry County Clerk of Court.

<sup>22</sup> Will of Joseph Bedenbaugh, Box 387, Estate 120, Newberry County Probate Office, Newberry, South Carolina.

<sup>23</sup> Stephen Tally, *Mulatto America: At the Crossroads of Black and White Culture: A Social History*, (New York: Harper Collins, 2003), 53.

<sup>24</sup> Tally, 53.

<sup>25</sup> Bardaglio, 112.

from establishing relationships with black men.<sup>26</sup> The punishments for such transgressions were harsh whether they were dealt out by the law or by society.

In the early 1700s in Maryland, an indentured servant named Nell sought to marry Charles, a black slave. Nell's owner, Lord Baltimore, sought to convince her to not go through with the marriage. At that time, white women were in short supply in the Colonies, and Baltimore knew that when Nell's indenture was up, she would make a wife for a white colonist. Nell persisted in her plan to marry Charles. As dictated by law, Nell was officially a slave for the rest of her life following her marriage.<sup>27</sup>

Another example occurred in the 1840s in North Carolina. A young white girl named Tempie fell in love with her family's coachman, Squire James. Of course, her family was not pleased about this turn of events, and when they could not convince her to sever the connection, Tempie's father sold James away. Tempie tracked James down, bought him, and freed him. They married whereupon Tempie took a few drops of James's blood mixed in whiskey and drank it so that she could claim to be a negro. Surprisingly, the local officials agreed to register the marriage and in the next census, Tempie was listed as a mulatto. Even though her family disinherited her, Tempie stayed with James and eventually bore him fifteen children.<sup>28</sup>

So while white women were severely discouraged and often punished for choosing black men, white men were rarely censured for dallying with black women. There were many cases of slave holding white men who found it difficult to keep their liaisons with black women platonic. These relationships were long lasting and filled with genuine affection.<sup>29</sup> But as the south began to become populated with the mulatto offspring of these interracial liaisons, southern lawmakers declared these children "black" and if their mother was a slave, then they were as well.<sup>30</sup>

The reason white men experienced no repercussions for their relationships with black women had to do with the institution of slavery. For the most part, those states that had a higher population of freed slaves had more stringent laws against interracial relationships; whereas the states that had a long established history of slavery were often more lenient.<sup>31</sup> As long as a man did not publicly flaunt his liaison or seek to pass his black mistress off as his legal spouse, society and the law did not comment.<sup>32</sup>

But while many states rushed to impose laws against those who would cross the sexual color line, enforcement and punishment varied from state to state. Alabama had the most stringent of laws governing interracial relationships. She was one of the first states to define "blackness," stating that a nonwhite person was someone with a black great grandparent.<sup>33</sup> Those who married across the color line were subject to prosecution, with maximum penalties ranging from two to seven years in prison for both members of the couple. Additionally, any probate judge knowingly issuing a marriage license to an interracial couple was subject to fines, as was a justice of a peace or minister performing a ceremony.<sup>34</sup> Interestingly enough, an interracial couple convicted of

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<sup>26</sup> Ibid, 113.

<sup>27</sup> Tally, 56.

<sup>28</sup> Ibid, 57.

<sup>29</sup> Bardaglio, 117.

<sup>30</sup> Peter Wallenstein, *Tell the Court I love My Wife: Race, Marriage, and Law – An American History*, (New York: Palgrave Macmillan, 2002), 53.

<sup>31</sup> Charles F. Robinson, *Dangerous Liaisons: Sex and Love in the Segregated South*, (Fayetteville: University of Arkansas Press, 2003), 11.

<sup>32</sup> Robinson, 15.

<sup>33</sup> Ibid, 72.

<sup>34</sup> Wallenstein, 70.

fornication was punished less severely. In general, a couple would have to pay a \$100 fine or serve up to six months of hard labor in prison. A second conviction would result in higher fines and sentences.

South Carolina was one of the states that took a more relaxed view towards interracial relationships. She was one of the last colonies to outlaw interracial marriage, waiting until 1717. Of course this applied to the marriage of white women to black men. In the years before the Civil War, South Carolina escalated this law by stating that a white woman could not have a sexual relationship with a black man when children were produced.<sup>35</sup>

South Carolina was unique in that the legislature allowed the individual courts to make the decisions involving cases of interracial marriage between white men and black women.<sup>36</sup> These cases would involve emancipated black women, as slaves were not legally allowed to wed.<sup>37</sup> In 1842, a South Carolina court heard a dispute involving the property of a freed black woman and a white man. The children of the couple were seeking title to a tract of land left to their mother by her former owner. The lawyer for the children asserted that the marriage was valid although it was considered, “revolting, and justly regarded as offensive to public decency” but “not contrary to existing laws.” The jury sidestepped the question of whether or the marriage was legal, and ruled against the children since the property was left expressly to the mother. However two judges later dissented, saying that there was no cause to believe that the marriage was not valid, thus the children could act as legal heirs.<sup>38</sup>

When an interracial couple was not married, and the mother was a slave, the children were also slaves and unable to inherit. Some men, however, sought to free their offspring posthumously. In the South Carolina court case *Fable v. Brown* (1835), a man sought to leave his estate to his children by his black mistress. Due to the fact that he acknowledged the children in his will, and stipulated that they were to be freed, the children were able to inherit.<sup>39</sup>

With the advent of the Civil War, and then the Reconstruction, the old legal foundation that kept whites and blacks apart began to crumble. More than ever, it was important to keep the races from intermarrying. The War had exacted a terrible toll on white men; thus white women began treating black men as marriageable material. And so the white elite sought to keep black men from marrying white women.<sup>40</sup> Southern states began passing the Black Codes, and while this set of laws legitimized slave marriages, in South Carolina they formally banned interracial marriages between all sexes and races.<sup>41</sup> South Carolina repealed the Codes in 1866 and in 1868, legislators further abrogated its interracial marriage law by adopting a constitutional amendment that stated that “distinctions on account of race or color in any case whatever, shall be prohibited, and all classes of citizens shall enjoy equally all common, public, legal, and political privileges.”<sup>42</sup>

This mistake was taken advantage of by interracial couples. *The Charleston Daily News* reported on April 23, 1869 that a white woman and a black man were married by a white magistrate in Timmonsville. The members of the town were so indignant that they passed resolutions condemning the marriage as “contrary to the laws of

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<sup>35</sup> Robinson, 11.

<sup>36</sup> Bardaglio, 119.

<sup>37</sup> Robinson, 11.

<sup>38</sup> Bardaglio, 120.

<sup>39</sup> Robinson, 18.

<sup>40</sup> Wallenstein, 61-63.

<sup>41</sup> Bardaglio, 122.

<sup>42</sup> Robinson, 29.

God and civil society.” The magistrate was censured for performing the ceremony, while the black official who refused to wed the couple was highly praised.<sup>43</sup>

Once again, South Carolina fell back on society’s disapproval to keep couples from marrying. And legislators never revoked the laws that regulated sexual relationships between all races. Cohabiting and fornication were both prosecutable offenses, and courts were not shy about indicting couples of all races on these offenses. In a November 1890 edition of the *Newberry Observer*, the legal organ of Newberry, South Carolina, two couples were reported as living together unlawfully. One couple was white, while the other was “Jacob B. Bedenbaugh, white, and Sarah Bedenbaugh, colored.” While the result of either trial is unknown, it is clear that couples were being charged with fornication.

In 1895, the South Carolina Constitutional Convention convened and they decided to no longer depend on the laws against fornication and cohabitation. The result was Article 3, Section 33 of the South Carolina Constitution: “The marriage of a white person with a negro, or mulatto, or person who shall have one-eighth or more negro blood, shall be unlawful and void.”<sup>44</sup>

Following this, the anti-miscegenation law did not change for over fifty years. In 1967, the Supreme Court ruled on the case of Richard and Mildred Loving. They had been charged in Virginia for violating that state’s anti-miscegenation law. *Loving v. Virginia* was a landmark case, resulting in the overturning of anti-miscegenation laws in sixteen states, including South Carolina.<sup>45</sup>

Although some states did not amend their constitutions until years later, the laws that had prevented interracial couples for marrying were now null and void. For the first time in three hundred years, blacks and whites were able to legally marry and not be penalized for it.

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## 9. Major Bibliographical References

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**Bibliography** (Cite the books, articles, and other sources used in preparing this form.)

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<sup>43</sup> Ibid, 34.

<sup>44</sup> Hugh Wilson, compiler, *Constitution of the state of South Carolina: Ratified in Convention December 4, 1895* (Abbeville, South Carolina, 1900).

<sup>45</sup>“American Anti-Miscegenation (Anti-Mixed Marriage) Law,” Last Modified September 18, 2009, [http://www.class.uidaho.edu/engl\\_258/Lecture\\_Notes/american\\_antimiscegenation](http://www.class.uidaho.edu/engl_258/Lecture_Notes/american_antimiscegenation).

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**Previous documentation on file (NPS):**

preliminary determination of individual listing (36 CFR 67 has been requested)  
 previously listed in the National Register  
 previously determined eligible by the National Register

**Primary location of additional data:**

State Historic Preservation Office  
 Other State agency  
 Federal agency  
 Local government

\_\_\_\_\_ designated a National Historic Landmark  
\_\_\_\_\_ recorded by Historic American Buildings Survey # \_\_\_\_\_  
\_\_\_\_\_ recorded by Historic American Engineering Record # \_\_\_\_\_  
\_\_\_\_\_ recorded by Historic American Landscape Survey # \_\_\_\_\_

\_\_\_\_\_ University  
\_\_\_\_\_ Other  
Name of repository: S.C. Department of Archives and History

Historic Resources Survey Number (if assigned): \_\_\_\_\_

## 10. Geographical Data

**Acreage of Property** Less than one acre  
(Do not include previously listed resource acreage.)

### UTM References

(Place additional UTM references on a continuation sheet.)

1	<u>17</u> Zone	<u>456744</u> Easting	<u>3787575</u> Northing	3	<u>          </u> Zone	<u>          </u> Easting	<u>          </u> Northing
2	<u>          </u> Zone	<u>          </u> Easting	<u>          </u> Northing	4	<u>          </u> Zone	<u>          </u> Easting	<u>          </u> Northing

**Verbal Boundary Description** (Describe the boundaries of the property.)

The boundary of the nominated property is shown as the black line on the accompanying map, showing a portion of Newberry County Tax Parcel 576-2, labeled "Jacob Bedenbaugh House," drawn at a scale of 1" = 125'.

**Boundary Justification** (Explain why the boundaries were selected.)

The nominated property is restricted to the historic house and outbuilding, and their immediate setting.

## 11. Form Prepared By

name/title Caroline Wilson, with assistance from Katherine Murphy, Hickory, N.C.  
organization \_\_\_\_\_ date August 19, 2011  
street & number 1576 Highway 357 telephone (864) 266-8350  
city or town Lyman state SC/NC zip code 29365  
e-mail [carolinewilson@rocketmail.com](mailto:carolinewilson@rocketmail.com)

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**Additional Documentation**

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Submit the following items with the completed form:

- **Maps:** A **USGS map** (7.5 or 15 minute series) indicating the property's location.  
A **Sketch map** for historic districts and properties having large acreage or numerous resources. Key all photographs to this map.
- **Continuation Sheets**
- **Additional items:** (Check with the SHPO or FPO for any additional items.)

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**Photographs:**

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Submit clear and descriptive photographs. The size of each image must be 1600x1200 pixels at 300 ppi (pixels per inch) or larger. Key all photographs to the sketch map.

Name of Property: Bedenbaugh, Jacob, House

City or Vicinity: Prosperity vicinity

County: Newberry

State: South Carolina

Photographer: J. Tracy Power

Date Photographed: 8 August 2011

Description of Photograph(s) and number:

- |          |   |
|----------|---|
| 1 of 21  | Front elevation, showing the 20 <sup>th</sup> century additions of bungalow style porch pillars and screening |
| 2 of 21  | West elevation, showing the original four room configuration of the home                                      |
| 3 of 21  | West and rear elevations and, showing the late 19 <sup>th</sup> century additions                             |
| 4 of 21  | Rear addition with mid-19 <sup>th</sup> century jalousie windows  |
| 5 of 21  | East elevation  |
| 6 of 21  | Rear dependency (former kitchen house)  |
| 7 of 21  | Front entrance into the east parlor   |
| 8 of 21  | Interior at east parlor, looking towards front entrance   |
| 9 of 21  | East parlor staircase   |
| 10 of 21 | West parlor   |
| 11 of 21 | East bedroom (downstairs) looking towards back hall   |

- 12 of 21 West bedroom (downstairs, shown from the west parlor)
- 13 of 21 Bathroom shed addition, shown from west bedroom (downstairs)
- 14 of 21 East bedroom (upstairs), showing door into west bedroom (upstairs)
- 15 of 21 East bedroom window from the original house configuration, looking into the attic of the rear addition
- 16 of 21 West bedroom (upstairs) facing southeast
- 17 of 21 Back hallway (downstairs) looking into the rear addition interior hall
- 18 of 21 Dining room, in the rear of the house
- 19 of 21 Kitchen in the rear addition
- 20 of 21 Rear dependency, late 19<sup>th</sup> century addition
- 21 of 21 Rear dependency addition room, looking into the secondary main room of the original building configuration

**Property Owner:**

(Complete this item at the request of the SHPO or FPO.)

name Sarah Sullivan c/o Ojetta Rogeriee Thompson

street & number 159 Wheeler Avenue telephone (401) 451-1885

city or town Cranston state RI zip code 02905-2709

**Paperwork Reduction Act Statement:** This information is being collected for applications to the National Register of Historic Places to nominate properties for listing or determine eligibility for listing, to list properties, and to amend existing listings. Response to this request is required to obtain a benefit in accordance with the National Historic Preservation Act, as amended (16 U.S.C.460 et seq.).

**Estimated Burden Statement:** Public reporting burden for this form is estimated to average 18 hours per response including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding this burden estimate or any aspect of this form to the Office of Planning and Performance Management, U.S. Dept. of the Interior, 1849 C. Street, NW, Washington, DC.