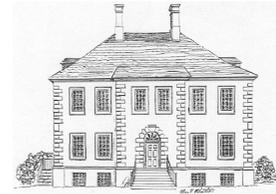




Carlyle House Docent Dispatch



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Northern Virginia Regional Park Authority

Slavery and Manumission Laws in Virginia

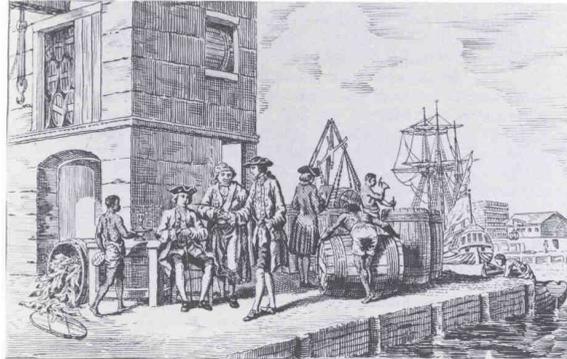
by Terry K. Dunn

Slavery played an integral part of life in eighteenth century Virginia. By the time of the American Revolution, Virginia's population had grown to about a half million persons, of which forty per cent – or about 200,000 people – in the largest and wealthiest colony were enslaved. Today, visitors to historic gentry homes and plantation sites often ask about slavery. Frequently, they want to know, "Did the slave master free any of his slaves?"

Many know that George Washington, near neighbor, friend, and associate of John Carlyle, freed more than one hundred of his slaves in his will. Robert Carter of Nomini Hall on the Rappahannock River, one of Virginia's largest slave holders, manumitted 500 slaves. The option for these men and many others who manumitted slaves came only after the American Revolution, however. For more than half of the eighteenth century – from 1723 until 1782 – Virginia law prohibited an individual slave owner from freeing his slaves.

When the first Africans arrived along the James River in 1619, English laws did not define or recognize slavery in the newly established Virginia colony. The "twenty and odd Negroes" who arrived that year and those who arrived after them, initially fell under a legal system that pertained to indentured servants. Just as indentured servants worked off a contract of time for their labor, some African "immigrants" also managed to negotiate freedom after time served. One Negro man, Anthony Johnson, obtained his freedom, owned land, and ultimately willed it to his sons. Ironically, Johnson also became a slave owner.

Thus, the first decades of settlement in Virginia allowed for a time of "flexibility," in part because there were few Africans arriving on its shores. Indentured servants from England were actively recruited and many came because of overpopulation and limited economic opportunity in the mother country. But by 1660, England's rural population declined, subsequent job opportunities rose, and fewer men (and women) chose to immigrate. Virginia's rapidly developing tobacco culture, however, desperately needed labor to sustain it. Where could land owners turn to find an adequate labor supply for its lucrative crop?



1751 drawing shows enslaved people loading tobacco in Virginia

The Virginia planters turned to the Atlantic slave trade. The ancient system of slavery took on a new face with the discovery of the New World. Transatlantic slavery quickly grew and developed in the sixteenth century by providing African slave laborers to South America and the Caribbean for sugar, coffee, and cocoa plantations. Virginians now began to utilize this labor source for their tobacco plantations in ever increasing numbers.

With the rise in black slave laborers, owners encountered unforeseen problems. Legislators, generally large slave holders themselves, began writing new laws to control issues as they crept up. Runaway

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servants, always a problem for the courts, were now frequently punished according to their color; whites had extra years added to their indenture, but blacks were given “servitude for life.” When Africans argued that Christianity provided grounds for freedom, a 1667 law was enacted stating that “the conferring of baptism doth not alter the condition of the person as to his bondage or freedom.”

During this period, a mulatto woman named Elizabeth Key sued for her freedom on the grounds that her white father had promised her freedom when she reached adulthood. Elizabeth won her case and became a free woman, but a law was quickly adopted to clarify how the child of a mixed black and white relationship would be defined in the future. It stated that the status of a child would follow the “condition of the mother.” In other words, if a woman was free, her child would be free; but if the mother was enslaved, her child was a slave also. This law designated the status for black women’s children, as white women did not serve indentures “for life.” One by one, laws written from the 1660s through the 1690s closed loopholes to possible freedom for the African born “servants” and defined a system of racial slavery in Virginia. Manumission – or freedom – was still a prerogative of the slave master, however. But to restrain use of the law, newly freed slaves were to be transported out of the colony (at the slave owners expense) within six months.

In 1699, Virginia moved its capitol from Jamestown to the newly established city of Williamsburg and in 1705, the elected members of the House of Burgesses reviewed and recodified the laws of the colony. The laws of the last decades of the sixteenth century remained firmly in place. As the numbers of slaves grew dramatically in the early eighteenth century, Virginia society developed a clear slave caste system and imposed harsh restraints on the small, but worrisome, free black population. Manumission, although rarely granted, did remain legal.

The fear of slave insurrection always remained a threat. Colonists argued that free blacks were a danger and encouraged the possibilities of slave uprisings. Consequently, colonial legislators under Governor Drysdale, passed a law in 1723 that allowed for manumission only through a petition to the Governor and his Council. More importantly, manumission would be granted only if the slave had performed some sort of proven “meritorious service.” The passage of this law effectively closed the last loophole for

freedom. Virginia’s establishment of a “slave society” was thus complete.

The idealism of the Revolutionary period grew as Americans sought their independence from British “enslavement” from Parliamentary taxation. This idealism also highlighted the disturbing conflict of black slavery in a society demanding freedom from England. The paradox was not lost on the Virginia leaders. At the close of the War, Virginia’s new state legislature passed laws making changes in the institution of slavery. In 1778, they closed the slave trade into Virginia. In 1782, they allowed individual slave holders to once again manumit slaves through a will or deed. Many took advantage of the law and thousands of slaves were freed. John Carlyle died in 1780 before the enactment of that law. Would he have perhaps manumitted any of his slaves had he had the chance?

But Virginia’s idealism after the American Revolution faded before the abolition of slavery could be accomplished. In 1800, the slave uprising known as Gabriel’s Rebellion in Richmond, struck fear into the hearts of slave owners and Virginia’s lawmakers tightened the reigns once again. In 1806, manumission laws were modified and restrained; freed slaves now were required to leave the state within a year. If they did not, they could be enslaved again.

In the early decades of colonial Virginia, legal definitions of servitude allowed for the possibility of freedom for some Africans who arrived on its shores. Those who obtained a free status clung to it tenuously. After 1723, however, Virginia became a strict slave society allowing almost no manumission for six decades. Even when the promise of idealism re-opened the doors to freedom for some, the time came again all too soon when those doors closed. They remained closed until the Civil War and the passage of the Thirteenth Amendment.

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Terry holds a B.S. in Zoology from Penn State and an M.A. in History from George Mason University. She is currently a doctoral student in American History at George Mason University. Terry lives in Williamsburg, VA with her husband, Keith, and has two grown children.