

Spring 1972

Manumission of slaves in Fauquier County, Virginia, 1830-1860

Thomas C. Givens

Follow this and additional works at: <http://scholarship.richmond.edu/honors-theses>

Recommended Citation

Givens, Thomas C., "Manumission of slaves in Fauquier County, Virginia, 1830-1860" (1972). *Honors Theses*. Paper 298.

This Thesis is brought to you for free and open access by the Student Research at UR Scholarship Repository. It has been accepted for inclusion in Honors Theses by an authorized administrator of UR Scholarship Repository. For more information, please contact scholarshiprepository@richmond.edu.



Manumission of Slaves in Fauquier
County, Virginia--1830-1860

Honors Thesis

for

Dr. F. W. Gregory

In Partial Fulfillment of the Requirements of the Degree
Bachelor of Arts

Thomas C. Givens, Jr.

Dec 1971

[1972]

Preface

Fauquier County, located in the central portion of northern Virginia, has always been a predominantly rural county. However, conclusions reached for that county won't necessarily be true for the entire state. Hence, one must be careful to avoid generalizing from the local instance, though characteristics of manumission in Fauquier may in fact be found to describe other parts of the state as well.

Secondly, this writer has had serious difficulties in answering adequately some of the questions raised during the research. While some of the problems can no doubt be attributed to the lack of time and expertise on the part of the researcher, the non-existence and inaccessibility of desired evidence has presented substantial barriers. Apologizing for the unanswered questions, the writer hopes nonetheless to acquaint the reader with some of the factors affecting manumission of slaves.

Manumission of Slaves in Fauquier County,
Virginia--1830-1860

Efforts to free slaves in the United States legally took two paths--manumission of specific slaves by individual masters and emancipation of all slaves by legislative or constitutional act. During the Civil War, all slaves in belligerent states received their freedom through emancipation. Prior to that time, in spite of agitation by Abolitionists and other groups, attempts of general emancipation failed in the South. In 1831-32, the General Assembly of Virginia seriously considered the possibility of emancipation coupled with removal from the state of the black population, but the proposition failed because of the enormous practical difficulties which such an undertaking would have involved.¹

With the failure of general emancipation to make headway, citizens sympathizing with the plight of slaves often turned to the piecemeal solution of manumission. Though severely restricted in most states of the South, Virginia allowed manumission during most of her history.²

Three general methods were used in Virginia to liberate slaves: 1) special legislation, 2) deed, and 3) will. During the colonial period, a special act by the House of Burgesses or the Governor and his council provided the

only means of liberation.³ A law approved in 1782 authorized manumission by will or deed.⁴ Thereafter, almost all grants of freedom came as the result of clauses in these legal instruments drawn up by individual slaveowners. Therefore, little actual harm resulted from the adoption in 1860 of a constitutional amendment forbidding the General Assembly from passing any law freeing slaves or their descendants.⁵

Primarily because of her relatively generous manumission laws, Virginia's free black population grew to considerable size. In 1850, about ten per cent (53,906) of Virginia's total Negro population of 526,932 enjoyed freedom. Among the other states which eventually constituted the Confederacy, none had such a high percentage of free blacks. Altogether, in those ten states less than three per cent of the colored population were free. Hence, Virginia had more than forty-five per cent of the free Negro population but only fourteen per cent of the slaves in the eleven states which seceded.⁶

Census figures for Fauquier County indicate that manumission there was somewhat lower than the Virginia average, though still exceeding the averages of most other southern states. About 4.4 per cent of the county's colored population enjoyed freedom in 1830,⁷ compared to 4.7 per cent in 1850.⁸ Furthermore, from 1830 to 1840, migration to the Deep South, due to an agricultural depression in Virginia,

caused a reduction of 3155 in the white population and 1837 in the slave total; but the free black population meanwhile increased by sixty-seven.⁹ As well as can be determined from the county's Free Register, which officially registered each freedman, between 1830 and 1860 thirty-five deeds manumitted forty-six slaves and thirty-one wills freed another one hundred eighty-five.¹⁰

Research of Fauquier County records revealed sixteen of these wills liberating one hundred thirty-two blacks and fourteen deeds granting freedom to twenty-five slaves.¹¹ Based on these documents, which form a large and somewhat representative sample, this paper shall first present certain characteristics of manumission and then delve into factors inhibiting and motivating liberations.

A deed usually gave freedom to only one slave, but a will often freed several blacks. Ten deeds each manumitted one slave and the remaining four deeds involved only sixteen freedmen. On the other hand, three-fourths of the wills studied each liberated more than one servant. One wealthy citizen, Thomas O. B. Carter manumitted all seventy-six of his slaves when he died.¹² All but five testators gave freedom to all their slaves.¹³ Hence, deeds of manumission appear generally to have been motivated by relationships between the master and individual slaves; whereas liberations by will seem frequently to have been based upon a slaveowner's feelings toward his slaves in general.

Another trait found often in deeds, though not in wills,

was a money payment to the master. Six out of fourteen deeds included such provisions, with the money involved ranging from one hundred to one thousand dollars. Twice, the manumittor had purchased from another slaveowner the Negroes being liberated.¹⁴ Though sometimes mentioning that other motivations existed, deeds tying manumission to payments indicate that economic considerations entered into some manumissions.

A different sort of pecuniary exchange characterized wills. In ten of the cases examined, the testator left freedmen some form of financial support or property out of the estate. Three bequeathed their former slaves articles of personal property, such as beds, tools, or watches. Several slaveholders directed their executors to supply funds for transportation of the free blacks out of the state.¹⁵ Some left even more substantial bequests. One assigned three thousand dollars to his three freedmen;¹⁶ another gave her entire estate to the slave whom she set free.¹⁷ For Thomas O. B. Carter's seventy-six slaves, the elderly and those with families to raise each received financial assistance for life, while the others each obtained one year's support.¹⁸ A fourth slaveowner disinherited his sons and gave eighty per cent of his estate to his former slaves.¹⁹ Such generosity enabled continued economic security for many freedmen.

The time at which manumission took place naturally

interested the blacks involved. As masters generally recorded their deeds in the courthouse soon after their composition and as all examined took effect immediately upon their filing, slaves freed by deed seldom had to wait long for their freedom.²⁰ In one exception, a slave received his liberty eight years after the deed was written because his master had died before recording the instrument.²¹

For wills, the time elapsing between decision and execution of the manumission varied widely. The authors of two-thirds of the wills researched signed them less than one year prior to probate, but the actual decision to manumit may have been made several years before composition of the last will. Even after probate of a will, provision for manumission in futuro sometimes delayed freedom. Thus, three testators specified that the blacks in question would be hired out for a certain length of time before the grant of liberty could take effect. Two other wills "loaned" slaves to relatives, after whose deaths manumission would occur. Therefore, a slave whose master had promised him freedom in a will might have to wait anywhere from a couple weeks to several decades.²²

Another trait common to most Fauquier County wills probably had more impact than any other, except the manumission itself. Ten wills included some provision regarding transportation of freedmen out of the state. Four of these required exile from the state; another four provided for removal

from the state if permission to remain were denied. One other provided three alternatives for the freedmen: they could stay in the state, leave it, or continue in slavery with a constant option of freedom.²³ The last will permitted only the two choices of departure from the country or continued slavery.²⁴ As stated earlier, several of these documents included provisions for financial assistance in transporting former slaves to their new homes. Often requiring large expenditures by estates and causing substantial hardships for Negroes involved, wills such as the ten just described must have had strong motivations behind them.

Largely though not totally explaining the phenomenon, an act passed by the General Assembly in 1806 restricted the right of free blacks to live in Virginia. By this statute, freedmen were required to leave the state unless they obtained lawful permission to remain. Courts could grant such permission but could also revoke it for any reason. No free blacks who left the state could be granted permission to return.²⁵ Commissioners of Revenue would annually prepare lists of free Negroes and whether or not they could legally remain in Virginia. Violators could be sold into slavery.²⁶

Authorities seldom enforced the law, but its occasional implementation somewhat endangered any free Negroes living

in Virginia without the necessary permission. Commissioners of Revenue ignored their duty, as lists of free blacks were submitted from only twenty-eight counties in 1833, five in 1834, five in 1835, and three in 1836. Apparently no county obtained the information again before the Civil War. At no time after 1830 did Fauquier County submit a list.²⁷ In only one instance, that of Peter Beson in 1850, did I find a free Negro sold into slavery for illegally staying in Fauquier County.²⁸ Furthermore, an estimated one-fourth to one third of the state's free colored population didn't have the required permission.²⁹ Altogether, officials so infrequently enforced the Law of 1806 and testators so diligently provided for removal of freedmen from Virginia that additional factors apparently motivated manumitters.

As past administration of the law scarcely constituted a major threat, fear of more rigid enforcement in the future largely caused masters to take great care in providing transportation out of Virginia for freedmen. Hardship might occur at any time if a particularly conscientious or Negro-hating official decided to exercise his power to expell the free Negroes or sell them into bondage. A second consideration made the future more precarious than the past--the General Assembly might strengthen the law. Particularly during the 1830's, residents of several counties petitioned the legislature to enact even harsher laws. A typical petition, signed by one hundred forty-four Fauquier County residents, asked for

passage of an act ". . . compelling all free persons of colour to remove from the state by a given period or subjecting them to sale for the benefit of the Literary Fund."³⁰ With the possibility of rigid enforcement of the Law of 1806 and the battle for an even tougher law, one can understand why testators arranged transportation for their freedmen if permission to remain in the state couldn't be obtained. In addition, one can only guess the number of masters who refused to liberate their slaves because of the hardships to any freedmen having to leave the commonwealth.

Ramifications of the law present only a partial explanation of why so many freed blacks were exiled. As explained earlier, the Law of 1806 enabled free Negroes to obtain court permission to stay in Virginia. Courts didn't grant the privilege to every colored person who sought it, as indicated by the necessity of certain Negroes to petition the General Assembly for special acts providing the permission.³¹ However, one scholar states that former slaves living in Petersburg almost always successfully obtained the required privilege from the court.³² Another authority estimates that between two-thirds and three-fourths of Virginia's free colored population could legally remain in the state.³³ If court leniency was as widespread as this indicates, one can reach the modest conclusion that a black could possibly

receive from the Fauquier County court the privilege to continue residence in Virginia.

As such court permission was possible, why did five testators require their freedmen to go to another state or country?³⁴ These masters could easily have stated, as others did, that the Negroes would leave the commonwealth if not allowed to live in Virginia. Since these slaveowners dismissed this possibility for their blacks, one can only assume that these masters genuinely favored removal of free Negroes, even when not required to do so by law.

A large portion of the white population fervently believed that the free colored population endangered the commonwealth. Petitions, bills, and speeches in the General Assembly repeatedly denounced the evils of the free Negro. The following speech, delivered by William H. Browne before the House of Delegates, serves as a typical example.

Hence it is, that they [free Negroes] are found among us sometimes the secret yet efficient emissaries of Northern abolitionism--poisoning the mind of the slave, as well by precept as example--inciting him, by unhallowed counsel, to insubordination and rebellion--seducing him, if possible, from allegiance to his master, and instilling, as far as practicable, into his mind false and fallacious notions of liberty and equality, wholly incompatible with the relations of master and slave.³⁵

Petitions sent to the legislature by aroused citizens indicate the intensity and pervasiveness of anti-free black feeling. Residents of Fauquier County sent three of these documents

to the General Assembly during the 1830's. The first, signed by one hundred nineteen people in 1832, suggested the following measure:

The undersigned petitioners having long witnessed the corruption of the slaves by the free negroes of the commonwealth feel thoroughly convinced that the interest and perhaps the safety and peace of slaveholders if not the whole white population and the welfare of the slaves themselves, call loudly for the passage of a law excluding free persons of colour from the state (except such as may by a special act of assembly have been permitted to remain³⁶

A second petition, submitted in 1833 and bearing forty-two signatures, requested the legislature to give financial support to the program transporting free Negroes to Africa.³⁷ In 1837, one hundred forty-four citizens signed the final petition, which asked for a more effective law to reduce the free colored population.³⁸ In short, much of the white population vigorously added the power of social opinion to the sanctions of law in opposing the presence of a free black population. Probably, most of those manumitters who required their freedmen to leave the commonwealth shared, or at least followed, the prevailing social attitudes and shaped their manumissions accordingly. This desire to rid the state of the free Negroes reached its extreme in the wills of those who sent their slaves to Liberia.³⁹

Sympathy for individual blacks largely counteracted the effects of the Law of 1806 and the anti-freedmen attitude. Wanting to remain where they had always lived, Negroes viewed as disastrous any move from their familiar surroundings, friends, and relatives to an unknown, possibly hostile area.

After a law was passed enabling transportation of free Negroes by the state to Africa, many Commissioners of Revenue (though none from Fauquier County) asked the colored people of their counties if they would be willing to take advantage of the offer. From a county near Fauquier, reports declared that none of Culpepper County's Negroes would leave their homes.⁴⁰ The Commissioner of Prince William County, bordering Fauquier on the east, gave the following report:

I have diligently enquired of the free people of color of said County, whether they or any of them were disposed to accept the offer now made by the state to transport them to the Colony of Liberia free of expense, and provide for their maintenance there until they could get employment and become enabled to provide for themselves--the unvarying and unhesitating answer has been "NO."⁴¹

Furthermore, legislative petitions frequently and earnestly asked that special permission be given to certain free blacks to stay in Virginia. One such petitioner ". . . most earnestly and humbly prays that your Honorable body would pass an act authorizing him to remain in the state" ⁴²

One can easily understand why freedmen were so unwilling to leave their familiar surroundings and many of their friends and loved ones. In addition, they were often received with considerable hostility in free states, just as John Randolph's four hundred freedmen faced harrassment in Ohio.⁴³ Hence, most former slaves loathed exile from the commonwealth.

Some white people sympathized with this predicament

and therefore often exerted considerable effort to secure blacks the privilege of remaining in Virginia. One manumitter's will asked his friends and neighbors to permit his freedmen to continue living in Fauquier County.⁴⁴ Numerous legislative petitions requesting special permission to stay in the state bore the signatures of endorsement of several several score white residents. Eighty-eight citizens favored one such request as follows: ". . . although they consider that applications of this character ought to be granted with great caution, yet in this instance they feel assured that no possible injury would result to the public, should his petition be granted."⁴⁵ Sympathy with individual free Negroes, joined with the apparent lack of time, energy, and desire on the part of enforcement authorities, thwarted the hoary Law of 1806 from ever successfully expelling the free black population from Virginia. Nonetheless, the act and public sentiment caused provisions of wills to harm many freedmen by making them leave the commonwealth. Furthermore, an unknown number of masters declined to manumit slaves because of fear of the law and of public sentiment regarding free Negroes living in the state.

Besides the possibility of expulsion from the state, other hardships faced by freedmen discouraged manumission by masters concerned (or pretending to be concerned) about the welfare of their blacks. When certain Negroes illegally

held in bondage sued for the profits of their forced labor, Judge Briscoe G. Baldwin of the Supreme Court of Appeals issued the following opinion, which typified the widespread rosy opinions of slavery held by many white people.

While they [slaves] remain in what is here their original status, provided for as they are in infancy, old age, and infirmity, they are exempt from the cares and anxieties of a precarious subsistence, and the wretchedness of actual want; and those who are most familiar with the usually mild despotism to which they are subject, can best appreciate their sources of enjoyment from the humane indulgence, and kind regards of their masters. Compare this with the new condition into which they enter as free negroes or mulattoes, and there is no difficulty in believing that, in most instances, no practical injustice will be done them, by striking an even balance of profit and loss between them and their masters.⁴⁶

One difficulty for freedmen might occur in finding permanent employment, as a law passed in 1801 restricted intra-state migration by colored people.⁴⁷ Slaveowners also hesitated to liberate any but their most worthy slaves because less deserving Negroes might join " . . . the miserable set of vagabonds, drunken, vicious, worse than those who are retained in slavery."⁴⁸ Furthermore, freedmen assumed full responsibility for any problems they encountered with the law but possessed little if any knowledge of the law. However, lawful discriminations, such as restrictions on movement, and on ownership of firearms, dogs, and servants, and denial of political rights, could hardly have provided slaveowner's a valid excuse for keeping Negroes in slavery, as slaves enjoyed almost no rights.⁴⁹ Hence, masters justified keeping their workers in bondage by pointing to the advantages

of a slave's security over the uncertainties of a free black's life.

In addition to concern about the safety of the commonwealth and the welfare of slaves, masters sometimes refrained from manumission due to economic benefits of slaveholding. Beginning about 1830, manumission was hampered by the growing profitability to Virginia's slaveholders of selling slaves to planters of the Deep South.⁵⁰ This did indeed account for the decline in Fauquier County's slave population during the 1830's, according to Mr. Fairfax Harrison.⁵¹ However, danger exists of over-emphasizing economic determinism.⁵² Removal of freedmen from the state, social attitudes toward them, concern for their welfare, and economic interests of slave-owners each adversely affected manumission.

Having considered at length major obstacles and hardships of manumission, we shall now attempt to discover what conditions gave rise to manumission. Since decisions to free slaves were made by their owners, an understanding of characteristics of manumittors may reveal both immediate and underlying causes of liberation.

A slaveholder's age and health affected his likelihood to free slaves. As explained earlier, most manumissions were based upon provisions of wills, of which a majority were written less than one year before their authors' deaths.⁵³ A will enabled a master both to reap the economic benefits of slave ownership while he lived and to satisfy his desires

to perform a generous moral act upon his death.⁵⁴ Hence, impending death of a master often prompted him to manumit his slaves.

Sometimes, a master wanted both to provide economic security for his wife or children and to free his slaves. Both goals could be accomplished in his will by "lending" slaves to a relative, upon whose death manumission would occur.⁵⁵

The necessity to provide economic security for loved ones did not exist for a slaveholder whose wife or husband had died and who had no living children. Usually elderly and probably lonesome due to the deaths of their loved ones and friends, these masters might turn to their slaves for friendship and thereby mellow in attitudes toward them. Since wills would presumably have mentioned members of the immediate family if any had still been living, one is amazed to discover that the authors of eleven wills manumitting one hundred sixteen slaves had no living wives, husbands, mothers, fathers, or children.⁵⁶ Thus, sole survivorship in a family branch ranks as one of the foremost causes of manumission in Fauquier County.

Another trait of slaveowners who liberated blacks has escaped widespread notice--many were women. They freed slaves in nine of the wills and three of the deeds examined.⁵⁷ Possibly, greater sympathy for their bondsmen or a smaller appreciation of the economic benefits of slavery encouraged women to free slaves. Nonetheless, the phenomenon described

above explains at least six of these manumissions, for these were childless widows.⁵⁸

Sometimes, a free black owned slaves and provided for their freedom. In 1830, nine hundred fifty-two free Negroes living in Virginia held slaves, most of whom were members of the owner's immediate family.⁵⁹ One will and one deed among those studied involved manumission by black owners of their children.⁶⁰ However, laws passed in 1832 and 1858 tended to reduce this type of manumission by restricting Negroes' rights to own additional slaves.⁶¹ Furthermore, the Law of 1806, whose enforcement might separate a family, discouraged these manumissions. A sad instance of this problem occurred in the 1830's when a free black unsuccessfully petitioned the state legislature for permission for his daughter and her three children to remain in the state so that he might safely give them their liberty.⁶² Hence, particularly when a wife or child was the slave in question, a black slaveowner possessed strong motivations for manumission; but the law could present significant barriers.

A slightly different phenomenon, that of a white slaveowner who had fathered a slave, also produced reasons for manumission. Constituting only about eleven per cent of the total colored population but nearly thirty-six per cent of all free Negroes, mulattoes obviously benefitted from manumission to a greater degree than those Negroes not descended from white people.⁶³ Masters who freed their

offspring seldom admitted their miscegenation; but in Fauquier County at least one will, that of Richard Chichester, clearly implied the link. Chichester left less than one dollar to each of his sons, ten per cent of his estate to his "natural" daughter, and eighty per cent to seven manumitted slaves, each of whom was described in the Free Register as a "bright mulatto."⁶⁴ Whether from guilt or love, miscegenation induced manumission.

Who were the kind masters who liberated their slaves? At first, one might imagine such a master as a prosperous, middle-aged father of several children. Though such gentlemen did sometimes free slaves, a Fauquier County freedman more likely obtained his freedom by a provision of a will written by an elderly, childless, lonesome widow. Also, a master, white or black, who owned his own children or wife, was often more inclined than other slaveholders to engage in manumission.

Additional clues to understanding the motivations behind manumission may be found by examining slaves' feelings toward freedom and masters' understanding of these sentiments. A genuine wish of a slaveowner to gratify the desires of his loyal servants may have been the primary reason for many a manumission.

Negro attitudes towards freedom can only be deduced from meager, scattered evidence because slaves generally couldn't write and because observers so often prejudiced

their research to prove the northern or southern dogma concerning happiness of the slaves. However, the following remarks made by a slave indicated his opinion of freedom: "I'd rather be free! Oh, yes, sir, I'd like it better to be free; . . . if I was free, I'd have all my time to myself. I'd rather work for myself."⁶⁵ The small number of free Negroes who returned to slavery according to a law passed in 1856 tends to confirm the view that blacks wanted liberty.⁶⁶ Besides the increased status and self-respect accompanying manumission, economic independence made liberty attractive. Some free Negroes acquired property;⁶⁷ many obtained unskilled jobs in the cities, far from the labor on the farm.⁶⁸ Particularly prosperous and useful were those who became barbers,⁶⁹ such as one in Fauquier's county seat.⁷⁰ Hence, liberty to do what one liked at one's pleasure, increased status and self-esteem, and economic opportunity frequently induced slaves to cherish hopes of freedom.

Though not all slaveowners cared about their slaves' yearnings for liberty, those masters who granted freedom typically wanted to gratify their colored people's desires. Love and gratitude provided the basis for this willingness. While most deeds and wills contain only dry, legal jargon and description, instruments of manumission often included statements of the master's love and affection for his servants. For example, one deed freed slaves " . . . out

of my regard for, and earnest desire to improve the condition of my slave Maria . . . and her five children."⁷¹ A second granted freedom " . . . in consideration of the natural love and affection I bear"⁷² Humanitarian considerations clearly motivated one owner's liberation:

It having long been my firm opinion that all human beings have a right to their freedom (unless they have forfeited it by crimes), I cannot reconcile it to my conscience not to do something to ameliorate the condition of the slaves I possess.⁷³

Gratitude for faithful service could also motivate manumission.⁷⁴ Thus, other considerations described earlier made liberation possible; but affection, sympathy, and appreciation provided the immediate reason for most grants of freedom.

Masters could sometimes improve their own economic position by freeing slaves. In general, slavery brought profit to the owners; but certain individual slaves might cost more to feed and clothe than their production and worth justified. Undoubtedly, some masters might therefore give these Negroes freedom. However, a law passed in 1792 forbade manumission of indigent slaves.⁷⁵ As only about seven per cent of freedmen described in the Free Register were more than fifty-five years old, manumission of the less productive workers appears to have been a rather rare phenomenon.⁷⁶

The question of payments to slaveowners at the time of manumission has already received recognition in this paper as a cause, or at least an enabling factor, of some manumissions by deed. However, particularly as most masters who

freed slaves by will had no close relatives for whom manumission could yield advantage, genuine concern for the slaves must have motivated most liberations by will. Hence, pecuniary advantages occasionally promoted manumission; but other, more generous factors played a larger role.

This paper has examined various aspects of manumission in Fauquier County and reached certain conclusions. Wills and deeds provided the primary means of liberation, which affected a small percentage of slaves during the three decades prior to the Civil War.

Sporadic enforcement of a law restricting the right of free blacks to live in Virginia caused severe problems for freedmen who had to leave the state. Furthermore, concern for legal, moral, and economic hardships sometimes suffered by free Negroes also discouraged some slaveowners from granting freedom to their slaves. Widely-held fears that the free colored population threatened the tranquility of the commonwealth also tended to encourage their deportation from the state and to inhibit additional liberations. Finally, the growing profitability of the slave trade after 1830 played an important role in minimizing manumission.

On the other hand, some slaveholders continued to grant freedom to their slaves. Often these generous masters were elderly, childless, and lonely due to the deaths of close friends and relatives. Many women manumitted blacks. In addition, slaveholders, both white and black, occasionally owned their offspring as slaves and therefore liberated

them. Realizing that slaves generally preferred freedom to slavery, masters usually based their grants of liberty primarily on love and gratitude. However, economic considerations sometimes provided additional motivation, particularly in liberations by deed.

Altogether, manumission failed to affect the majority of slaves. Nonetheless, accounts of manumission generally present the most humane, generous aspect of the otherwise sad history of slavery.

FOOTNOTES

¹ James Curtis Ballagh, A History of Slavery in Virginia (Baltimore, 1902), 139.

² Barnett Hollander, Slavery in America, Its Legal History (London, 1962), 83.

³ John H. Russell, The Free Negro in Virginia, 1619-1865 (Baltimore, 1913), 43.

⁴ Commonwealth of Virginia, Code of Virginia, 1860, 511.

⁵ Ibid., 46.

⁶ Hollander, Slavery in America, 88.

⁷ "Population Schedules--Virginia," Fifth Census of the United States, 1830 (Washington, 1946), Roll 194; 485. In National Archives.

⁸ "Virginia," Population Schedules of the Seventh Census of the United States, 1850 (Washington, 1964), Roll 943; 655. In National Archives.

⁹ "Population and Other Statistics," Fauquier Historical Society, Bulletins, 1st series (1921-1924), 426-29.

¹⁰ Fauquier County, Free Register, 1830-1860.

¹¹ See Fauquier County Will Book, 7:340-42; 11:21; 65-66; 14:352; 15:400, 401-02; 17:80-81, 417; 18:68-69; 21:268; 24:125, 303; 25:26, 217-18; 26:293, 411. See also Fauquier County Deed Book, 36:406; 38:247, 391, 395; 39:204, 226, 282; 40:391; 43:134-35; 46:202; 50:127; 52:98; 56:192.

¹² 7-26, passim; 36-56, passim; "Will of Thomas O. B. Carter," Fauquier County, Will Book, 17:80.

¹³ See fn. 11.

¹⁴ See fn. 11; "Deed of Richard Payne," Fauquier County, Deed Book, 39:226; Also. "Deed of Samuel Chilton," Fauquier County, Deed Book, 50:127.

¹⁵ See fn. 11.

¹⁶ "Will of William Glascock," Fauquier County, Will Book, 26:411.

17 "Will of Betty Parker," Fauquier County, Will Book, 15: 400.

18 "Will of Thomas O. B. Carter," Fauquier County, Will Book, 17: 80.

19 "Will of Richard Chichester," Fauquier County, Will Book, 11: 165-66.

20 See fn. 11.

21 "Deed of William McNish," Fauquier County, Deed Book, 38: 395.

22 See fn. 11.

23 "Will of Maria Willis," Fauquier County, Will Book, 14: 352.

24 "Will of Dolly Farrow," Fauquier County, Will Book, 18: 68.

25 Virginia, Code, (1860), 520.

26 Ibid., 520-21.

27 "An Act for the Transportation of Free Negroes, 1833-1836, 1863," Auditor's Item, 153. In Manuscript Room of Virginia State Library: (Hereafter referred to as "Act for Transportation").

28 Fauquier County, Minute Book, 18: 241.

29 Russell, Free Negro, 156.

30 Legislative Petitions, Fauquier, January 7, 1837. In Manuscript Room of Virginia State Library.

31 See fn. 30; Petitions of December 16, 1836 and January 11, 1858.

32 Luther P. Jackson, "Manumission in Certain Virginia Cities," Journal of Negro History (July 1930), XV, 297-98.

33 Russell, Free Negro, 156.

34 See fn. 11.

35 William H. Browne, "Speech of Mr. Wm. H. Browne of King George and Stafford, in the House of Delegates of Virginia, on the Removal from the Commonwealth of the Free Colored Population, (Richmond, 1853), 4.

36 Legislative Petitions, Fauquier, February 20, 1832. In Manuscript Room of Virginia State Library.

- ³⁷See fn. 36, January 8, 1833.
- ³⁸See fn. 36, January 7, 1837.
- ³⁹"Will of Thomas Sherman," Fauquier County, Will Book, 25: 217.
- ⁴⁰"Act for Transportation," Auditor's Item, 153, August 13, 1833. In Manuscript Room of Virginia State Library.
- ⁴¹See fn. 40, August 28, 1833.
- ⁴²Legislative Petitions, Fauquier, December 16, 1836. In Manuscript Room of Virginia State Library.
- ⁴³"Transplanting Free Negroes to Ohio from 1815 to 1858," Journal of Negro History, (July 1916), I, 308.
- ⁴⁴"Will of John Pettit," Fauquier County, Will Book, 11: 21.
- ⁴⁵Legislative Petitions, Fauquier, December 16, 1836. In Manuscript Room of Virginia State Library.
- ⁴⁶Peter v. Hargrave, 5 Grattan 22 (1848).
- ⁴⁷Russell, Free Negro, 155-56.
- ⁴⁸Frederick Law Olmsted, The Cotton Kingdom, A Traveler's Observations on Cotton and Slavery in the American Slave States, (New York, 1853), 44.
- ⁴⁹Russell, Free Negro, 88-122.
- ⁵⁰Ibid., 79.
- ⁵¹"Population and Other Statistics," Fauquier Historical Society, Bulletins, 1st series (1921-24), 426.
- ⁵²Russell, Free Negro, 86.
- ⁵³See fn. 11.
- ⁵⁴Russell, Free Negro, 86.
- ⁵⁵"Will of John Pettit," Fauquier County, Will Book, 11: 21; "Will of Elizabeth Tebbs," Fauquier County, Will Book, 24: 125.

56 See fn. 11.

57 Ibid.

58 Ibid.

59 James Hugo Johnston, Race Relations in Virginia & Miscegenation in the South, 1776-1860, (Amherst, Massachusetts, 1970), 18.

60 "Will of Betty Parker," Fauquier County, Will Book, 15: 400; "Deed of Jeffrey Lynn," Fauquier County, Deed Book, 36: 406.

61 Virginia, Code (1860), 510.

62 Legislative Petitions, Fauquier, January 19, 1835. In Manuscript Room of Virginia State Library.

63 Johnston, Race Relations, 236.

64 "Will of Richard Chichester," Fauquier County, Will Book, 11, 165-66.

65 Olmsted, Cotton Kingdom, 264.

66 Russell, Free Negro, 109.

67 Johnston, Race Relations, 57.

68 Russell, Free Negro, 150.

69 Ibid., 151.

70 Legislative Petitions, Fauquier, January 19, 1835. In Manuscript Room of Virginia State Library.

71 "Deed of Frances Blackwell," Fauquier County, Deed Book, 38: 391.

72 "Deed of Jeffrey Lynn," Fauquier County, Deed Book 36: 406.

73 "Will of John Pettit," Fauquier County, Will Book, 11: 21.

74 "Will of Mildred Palmer," Fauquier County, Will Book, 26: 293.

75 Virginia, Code, (1860), 511.

76 Fauquier County, Free Register, (1830-1860).

BIBLIOGRAPHY

Primary Sources

"An Act for the Transportation of Free Negroes, 1833-1836, 1863," Auditor's Item, 153. In the Manuscript Room of the Virginia State Library.

These manuscripts consist mostly of reports of Commissioners of Revenue listing free blacks in their counties and describing the unwillingness of freedmen to leave the state.

Browne, William H., Speech of Mr. William H. Browne of King George and Stafford, in the House of Delegates of Virginia, on the Removal from the Commonwealth of the Free Colored Population. Richmond, 1853.

The speech expressed a typical, anti-freedmen attitude in marvelously biased rhetoric.

Commonwealth of Virginia, Code of Virginia, 1860. Richmond, 1860.

The Code included all laws in effect at that time. Most legislative interest concerning blacks in the 1850's tried to solve the problem of runaway slaves. Little legislation was passed after 1830 to inhibit manumission.

Fauquier County, Deed Book, 30-59, (1830-1860). On microfilm in the Manuscript Room of the Virginia State Library.

Deeds provided disappointingly little assistance because they seldom went into sufficient detail to provide clues regarding motivations for manumission, other than occasional mention of a payment of cash.

_____, Free Register, (1830-1860). In the Virginia Historical Society.

This record provided extremely valuable names of freedmen and usually gave the names of their former masters. Other valuable information included the ages, physical characteristics, and date of registration for most of the freedmen mentioned. However, those Negroes considering themselves free who had not officially been declared manumitted are not mentioned.

_____, Minute Book, 1849-51. On microfilm in the Manuscript Room of the Virginia State Library.

These records of the County Court usually gave insufficient detail for my purposes. Also, whereas the Free Register gave clues for finding deeds and wills, nothing provided cross-referencing for these numerous, gigantic volumes. Also, their indices provided little help unless I knew names and dates beforehand.

_____, Order Book, 1838-40. On microfilm in the Manuscript Room of the Virginia State Library.

During the 1840's, Order Book was changed in name only to Minute Book. Hence, the difficulties just described for Minute Book apply equally to Order Book.

_____, Will Book, 7 (1817-1820); 11-29 (1830-1860). On microfilm in the Manuscript Room of the Virginia State Library.

Wills, which granted most manumissions, often included much useful information regarding characteristics and motivations of those masters who freed their slaves.

Legislative Petitions, Fauquier County, 1830-1860. In the Manuscript Room of the Virginia State Library.

These documents provide some of the clearest insights into those matters which aroused widespread concern. These petitions reveal two somewhat contradictory desires among white citizens who wanted simultaneously to rid Virginia of the supposedly dangerous free Negro population and to secure certain individual freedmen permission to remain in the state.

Olmsted, Frederick Law, The Cotton Kingdom, A Traveler's Observations on Cotton and Slavery in the American Slave States. New York, 1853.

This respected work includes some description of attitudes of both whites and blacks regarding slavery and, to a lesser extent, manumission. However, as its scope extends throughout the South, it is only of limited use in appraising the local conditions in Fauquier County.

Peter v. Hargraves, 5 Grattan (1848).

In its decision, the Supreme Court of Appeals clearly enunciated the view held by many white Virginians that blacks received more benefits than harms from slavery.

"Population Schedule--Virginia," Fifth Census of the United States, 1830. Roll 194. (Microfilm copies of the originals available in the Manuscript Room of the Virginia State Library were used.)

These copies of the original door-to-door census data included a total population for Fauquier County.

"Virginia," Population Schedules of the Seventh Census of the United States, 1850. Roll 943. (Microfilm copies of the originals available in the Manuscript Room of the Virginia State Library were used.)

I doubt the accuracy of the totals given for this census since they show a decline in population from 21,897 in 1840 to 10,055 in 1850. Nowhere else did I detect such a catastrophic change.

Secondary Sources

Ballagh, James Curtis, A History of Slavery in Virginia.
Baltimore, 1902.

Catterall, Helen Tunnicliff, Judicial Cases Concerning
American Slavery and the Negro, I. New York, 1968.

"Population and Other Statistics," Fauquier Historical
Society, Bulletins, 1st series, (1921-1924), 426-34.

Hollander, Barnett. Slavery in America, Its Legal History.
London, 1962.

Jackson, Luther P., "Manumission in Certain Virginia Cities,"
Journal of Negro History, XV (July 1930), 278-314.

Based on years of research in records of Petersburg,
Jackson made valuable observations, some of which
could be applied to the situation in Fauquier County.

Johnston, James Hugo, Race Relations in Virginia &
Miscegenation in the South, 1776-1860. Amherst, Mass.,
1970.

Johnston's findings, based largely on examination
of legislative petitions, give proper stress to a
number of factors affecting manumission, at least in
Fauquier County.

Nye, Russel B. Nye, Fettered Freedom, Civil Liberties and
the Slavery Controversy--1830-1860. Ann Arbor, 1963.

Russell, John H., "Colored Freemen as Slave Owners in
Virginia," Journal of Negro History, I (July 1916),
233-42.

_____, The Free Negro in Virginia, 1619-1865. Baltimore,
1913.

Research of Fauquier County records tends to confirm
many of Russell's balanced conclusions regarding manumission
in Virginia.

Stamp, Kenneth M., The Peculiar Institution, Slavery in
the Ante-Bellum South. New York, 1956.

"Transplanting Free Negroes to Ohio from 1815 to 1858,"
Journal of Negro History, I (July 1916), 302-17.