

The Underside of Slavery: The Internal Economy, Self-Hire, and Quasi-Freedom in Virginia, 1780-1865

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From the beginning of the twentieth century, scholars have shown an keen interest in various aspects of black life in Virginia. In 1902, J. C. Ballagh published *A History of Slavery in Virginia* in Johns Hopkins Press series on race and slavery; and between 1902 and 1930, Beverley Munford, Charles Ambler, John Russell, and Theodore Whitfield wrote on such subjects as the anti-slavery movement, the origin and legal status of free blacks, and the political crises following the publication of David Walker's *Appeal* and Nat Turner's slave revolt. During the 1930s and 1940s, black scholars Luther Porter Jackson and James. Hugo Johnston analyzed the economic, religious, social, and cultural condition of slaves and free Negroes in the state. Jackson's study, *Free Free Negro Labor and Property Holding in Virginia, 1830-1860*, culminated more than twenty years of research.¹ In the past quarter-century, historians have explored such topics as slave rebelliousness, industrial slavery, free black slave owners, emigration, and the criminal justice system, among others.²

Despite this extensive scholarship, what might be termed the underside of slavery — a clandestine economy, self-hire, and the emergence of a group of virtually free slaves (those who were legally enslaved but lived autonomous lives) — has received scant attention in the literature.³ This is not surprising, since slaveholders were reluctant to admit, much less advertise these aspects of slavery, and blacks who participated in such activities often employed subterfuge, or at the very least secured a tacit, illegal agreement with white slave owners. Yet, to understand the institution in Virginia, as well as the values of blacks at the time of emancipation, these features of slavery are at least as important as the wide range of other topics that have attracted the attention of scholars.

This essay seeks to analyse the underside of Virginia's 'peculiar institution' by examining how and when these activities originated, how they changed over time, how they differed in different sections of the state, and how, why, and to what extent whites — both non-slaveholders and slaveholders — were involved in the system. It examines the effects these illegal or extra-legal activities had on different groups of blacks — plantation slaves, skilled artisans, city dwellers — as well as on various groups of whites. What do such activities tell us about slave behaviour and slave attitudes? About white behaviour and attitudes? About the legal codes governing slaves? Indeed, about the very nature of slavery itself? Furthermore, to comprehend the motives and activities of these slaves it will be necessary to examine the condition of free people of colour:

What was their relationship with these slaves? How were they involved in this underground system?

It should be noted at the outset that the nature of this inquiry requires a considerable reliance on two bodies of evidence: the legal codes governing slaves and free blacks, and petitions to the General Assembly showing how these laws worked in practice. Both, of course, are from a 'white perspective', but used in tandem the statutes and petitions reveal a startling picture of the contradictory nature of the 'peculiar institution': how slaveholders struggled to create an efficient, skilled and productive work force while simultaneously seeking to curtail slave initiative and self-direction; how they sought to enact laws to control blacks while allowing bondsmen and women special privileges; and how they looked upon their charges as chattel property but also as human beings. To argue, as did some contemporaries, that the laws regulating blacks were simply 'dead letters' would perhaps be too strong. But as the petitions reveal, *it would be accurate* to say that the legal codes were more a reflection of how a majority of slave owners wished the system to operate than how it actually functioned.⁴

The origins of the underside of slavery stretched back to the mid- seventeenth century. As early as 1656 one colonist noted that there were very few masters who did not allow 'his Servants a parcell of *clear* ground to plant some Tobacco for himself' which he could 'husband at those idle times he had allowed him'. The size of the 'parcel!' could range from one to several acres, and sometimes servants planted vegetable gardens rather than a cash crop, but in subsequent years this 'privilege' became firmly established in the plantation system. In addition, slaves sometimes raised cattle, hogs, sheep, goats, poultry, or kept horses. In either case, they traded, bought, sold their crops and livestock with fellow slaves, free blacks, and whites.

Similarly, the practice of hiring slaves out began during the early colonial period. As it developed, slaves with special skills as artisans, or stock raisers, or those living in settlements or towns, were most often hired out; and those who were especially talented and industrious were sometimes allowed to contact employers and hire their own time. This practice, too, grew and expanded, especially during the mid- to late eighteenth century as the number of Africans imported into the colony declined, and the number of skilled, creole (native born) bondpeople rose. In 1782, one group of Henrico County planters observed that 'Man' Persons have suffr'd their Slaves to go about to hire themselves and pay their Masters for their hire[,] and others under pretence of puting them free set them out to live for themselves.' Thus, by the 1770s and 1780s the customs and institutions allowing slaves various privileges, including partial freedom, had been firmly established for many generations.⁵

During the 1790s, however, events in the Caribbean prompted slave owners to seek more effective regulations of these activities. In 1792-93, following the successful slave revolt led by Toussaint L'Ouverture in Dominque, the General Assembly passed a law stipulating that NO persons whatsoever shall buy, sell, or receive of, to, or from a slave, any commodity whatsoever,' without the leave or consent of the master, owner, or overseer of such slave'. The Assembly also enacted new laws prohibiting slaves from leaving the plantation without a pass, transporting certain types of livestock on boats, trading 'as a freeman' with whites or free blacks, or seeking employment through self-hire. Anyone forging a pass to give slaves permission to engage in these illicit activities was subject to a \$200 fine and a one year prison term. At the same time, the

Assembly placed new restrictions free blacks, forbidding them from leaving their home county, forcing them to register at a local court house, prohibiting them from hiring themselves out without permission (i.e. proper registration), and remanding those without proper identification, or freedom papers, to slavery.⁶

In later years, following the discovery of the Gabriel Prosser slave conspiracy in 1800, and rumours of subsequent insurrection plots, slave owners instituted even harsher codes to regulate blacks. Any slave emancipated after 1 May 1806, who remained in the commonwealth more than twelve months, one statute proclaimed, was to be seized and sold back into slavery. Any 'waterman of colour' found 'strolling from his boat above the banks of the river' was to be arrested and whipped; any boatman found with articles not specifically listed in a manifest was to be arrested and fined; and slaves convicted of 'simple larceny, of any money, bank note, goods, chattels, or other thing, of the value of twenty dollars or less', or receiving stolen goods, or buying and selling liquor, were to receive thirty-nine lashes. The punishment for free blacks convicted of sealing 'goods or chattels' worth at least \$10 was 'stripes, sale, transportation and banishment'; and those who failed to register with local authorities were subject to a jail term of up to ten years. In short, by the time of the famous Nat Turner revolt in 1831, the laws designed to control blacks in Virginia seemed virtually foolproof.⁷

Yet, even as these extensive legal codes were being enacted the changing character of the black population and the liberal attitudes among some whites made enforcement extremely difficult if not virtually impossible. With the closing of the African slave trade in 1808, the vast majority of the state's blacks, both slave and free, were native born, and a significant proportion among them could point to longer heritage in the state than their white owners. As they became assimilated — learning skills, speaking English, embracing Christianity — they became more self-confident, resourceful and independent. At the same time, a significant minority of whites entertained serious reservations about the future of slavery in Virginia. As early as 1796, St. George Tucker, a law professor at William Mary College, published *A Dissertation on Slavery, with a Proposal for the Gradual Abolition of It in the State of Virginia*; later, other Virginians, particularly those living in western sections, and Quakers, voiced their opposition to slavery or supported plans for gradual emancipation. This came to a head during the great debate over slavery in the 1831-32 General Assembly, when the legislators seriously considered proposal for the eventual 'return' of blacks to West Africa. Whatever their motives, the debate symbolized slavery's 'tenuous status' in Virginia, the state with the largest slave population in America.⁸

The acculturation of blacks and the 'tenuous status' of slavery allowed for a degree of flexibility within the system that might not have been otherwise possible. It was true that most of the anti-slavery sentiment came from areas where the proportion of blacks remained small, but some slaveowners in other regions also entertained misgivings about the institution. Even after the publication of Thomas Dew's proslavery pamphlet, and the growing acceptance of the 'positive good' theory among Tidewater planters, the personal and individual nature of master-slave relations tended to mitigate against any rigid ideological considerations when dealing with slaves. In any event, by the 1830s and 1840s it had become virtually impossible to bring the customs and institutions that had evolved over so many generations into conformity with the extensive legal codes and newly evolving pro-slavery doctrines.⁹

Despite laws prohibiting slaves from trading 'any commodity whatsoever' without the master's permission, an illegal domestic slave economy flourished during the nineteenth century. Slaves traded among themselves, with free blacks and with whites. They bought and sold various commodities from one another, traded or sold them to itinerant cartmen, or to local merchants and store owners. Some of this trade involved the **fruits** and vegetables slaves raised on their 'garden plots' to supplement their meagre diets — potatoes, okra, eggplant, corn, beans, collards, peas, turnips, tomatoes — but the trade also included pigs, horses, mules and cash crops. In Accomac County, slaves stole bushels of grain from their master's storage bins and sold them to free Negroes who in turn sold them to local merchants. 'Country stores are in the habit of receiving grain from free negroes', a group of planters noted, 'who are not the producers of a single bushel of gain of any kind.' In his vicinity, one plantation slave explained, there were 'plenty of *poor white folks*, as we contemptuously called them', who were eager to carry on a 'a regular traffic' with blacks in grain and tobacco at the masters' expense.¹⁰

The 'regular traffic' also included items from the master's storehouse, chicken coop, pig pen, and slaughter house. A Russell County slave- holder accused one of his father's slaves of conducting 'a Continental traffic' in stolen goods. The slave, named Moses, along with his son, purloined 'poultry and other things', sold them, and pocketed the cash. As a consequence, Moses had 'plenty of Money', perhaps as much as \$1,000. In Richmond County, a group planters said in 1843 that the 'secret pilfering trade' had reached astonishing proportions: slaves took bushels of grain from their masters storage bins, sold them as well as 'other articles' to free blacks who in turn retailed the goods to local merchants. As a result, a number of free Negroes in the county received compensation for crops 'greatly beyond what is raised by their own industry'. In Matthews County, blacks ran the same type of operation. They kept packs of dogs, a group of farmers complained, 'destroying our most valuable stock, such as sheep, hogs, Cattle &c.', then selling the mutton, pork, and beef. Such activities became so prevalent in Accomac and Richmond counties that the legislature passed a special law requiring that free Negroes in the area obtain a written permit from 'a respectable white person' to 'sell or barter, or offer to sell or barter' any agricultural product.¹¹

In the Chesapeake region, the internal slave economy took on an added dimension. In 1818, more than 175 planters in Accomac and Northampton counties petitioned the General Assembly to give them some relief from 'outside oystermen' who not only illegally hired their slaves in the middle of the night — as consequence 'they neglect their labours in the day, and in the course of a short time are laid up with broken constitutions' — but paid them for poultry, grain, wood, fence railings, timber, and other items heisted from local plantations. Despite strenuous efforts to halt this practice, more than a decade later slave- holders in the same vicinity made virtually the same complaint. The only new development was that free blacks were now involved in 'plundering' the oyster beds and selling stolen goods to 'unscrupulous whites from other states'. In 1843, coastal residents again sought legislative relief; but now, in addition to plantation slaves, free blacks, and 'unscrupulous whites', the trading network included fugitive slaves 'from the interior' who bought, sold, bartered, and dealt in stolen goods.¹²

In other sections, slaves used their positions as skilled workers to establish economic networks. A group of Charles City County farmers explained that most of the millers in the southeastern portion of Virginia were slaves who maintained close ties with free blacks in their communities.

These millers served as 'a sort of link of communication' between plantation slaves and free persons of colour; slaves took stolen goods to the millers who traded or sold them to free blacks who sold them to local store owners. Consequently, 'squads of free negroes' were sustained 'almost entirely' by slave millers who also profited from the trade at the expense of local landholders and planters. On Eppes Island, on the lower James River, a slave carpenter and a slave cook established a large scale fencing operation. With easy access to their owner's house, and having travelled to neighbouring plantations, they passed on information to a group of slaves who sneaked out at night in boats and broke into planters' store houses.¹³

The close proximity of Fairfax, Prince William, Loudoun, and Fauquier counties to the District of Columbia gave rise to another facet of the internal economy. Blacks would steal various commodities from their owners and sell them to free Negroes or whites from the District who were passing through as itinerant peddlers. The commodities included 'articles for marketing of various sorts, & of every kind' and the trade flourished despite strenuous attempts to curtail it. Many of the tradesmen were ostensibly selling cakes, 'candies &c', a group of plantation owners observed, but their real purpose was to buy and sell from plantation slaves who had previously 'plundered the property of their owners'. In 1838, a group of Loudoun County slaveholders contended that a day did not pass when some form of this 'Species of Traffic' was not carried on. It involved slaves, free mulattoes, and 'a depraved class of white persons'. The latter two groups drove carts and 'eight waggons', purchasing 'various sorts of live and dead provisions'. Moreover, even when some of the culprits were caught red handed it was difficult to prosecute them since the testimony of slaves was not admissible in court against white persons.¹⁴

Although local conditions often dictated how the internal economy would develop, one facet of the trade existed nearly everywhere — the illegal sale and distribution of 'ardent spirits'. It appears that slaves had little trouble obtaining rum, whiskey, beer, and other 'ardent spirits'. To acquire these beverages they traded various items with white hucksters, free Negroes, and fellow slaves, or simply bought a drink or a bottle of liquor at a local tipling house or eatery. The Richmond tavern (called a 'cook shop') owned by free black Clinton James catered to city slaves, at least prior to its closing by the mayor during the 1850s. The residents of Farmville noted that in their community liquor dealers were more than willing to sell intoxicants to blacks. The same was true in other towns and cities, where saloon and store owners rarely asked slave customers for permission slips before selling them liquor. One group of whites noted the frequent 'violations' of the law prohibiting the sale of ardent spirits to blacks 'without the consent of the owner'. Another group said that slaves frequently purchased liquor without permission but it was virtually impossible to catch them in the act; especially, yet another group of petitioners added, when some of the most respected businessmen in the community were willing the break the law.¹⁵

Ironically, plantation owners bore a substantial degree of responsibility for the vitality of this domestic slave economy. While a comprehensive comparison of the task system (allowing blacks 'free time' after their daily work routine) with the gang system in the state awaits further study, a majority of planters probably employed both schemes during different seasons of the year. Consequently, many masters allowed slaves to raise their own crops, cut their own wood, plant their own gardens, and care for their own poultry and livestock. Some slaveholders permitted their blacks to trade or sell their cotton, tobacco, hay, fodder, and wood; encouraged

them to vend fruits and vegetables from roadside stands; or granted them permission to hawk potatoes, peas, eggs, chickens, and other items in nearby towns and cities. 'My pappy made extra tobacco fer hisself — sold hit an' use de money to buy us extra garmets from de store,' one former slave recalled. 'See, ef dey didn't have anything fer ya to do ya could do dis work fer yoself at night time ef ya wuz a smart fellow.'¹⁶

To allow slaves to sell commodities on the open market for a profit and use the profits to purchase merchandise was clearly counter to the intention of the law. One of the most celebrated cases involving the question of 'slave profits' involved the Last Will and Testament of William Walker, a slaveholder who had provided for the emancipation of his slaves following the payment of his outstanding debts. His heirs, however, fearing unforeseen 'british debts', kept Walker's blacks in bondage, but allowed them earn profits (by hiring out or earning wages) and put their profits into a 'fund'. In 1805, the slaves sued (in *forma pauperis*) alleging that they had 'raised out of the profits of their labor' sufficient monies to pay all the debts of the testator. The case eventually ended up in the state's highest court but when it was finally settled in 1833 (after the death of many of the slaves involved), the ruling was clear: the blacks were 'not entitled to the surplus of profits accruing while they were actually held in bondage'. 'I consider it the settled law of this country, that a person held in slavery, no matter how long and how unjustly,' Justice J. Cabell proclaimed, 'cannot recover damages in the form of profits.'¹⁷

Also contrary to the law was the extension of 'property rights' to slaves. The observation of more than one hundred planters in Charlotte County in 1810, echoed by others in subsequent years, however, showed that this law too was often ignored: 'many slaveholders,' they said, permit their slaves to 'own, possess and raise stocks of horses and hogs' and allowed them to exercise 'all the rights of ownership in such stock.' In addition to horses and pigs, slaves acquired cattle, mules, milk cows, clothing, watches, furniture, beehives, dogs, wagons, carts, cash, even firearms. On a few plantations blacks could actually earn spending money if they performed their tasks with extraordinary skill and dexterity. An early student of slavery in the state noted that most slave owners extended to their slaves the privilege of owning private property. It was not uncommon for slaves to grow truck, raise swine and fowls, and cultivate their 'own' plots of land. As a result, industrious slaves might earn enough to lay aside a competence' or even save enough to purchase their freedom. Legal restrictions, he concluded, had 'little effect' on the property owning rights enjoyed by slaves.¹⁸

By permitting 'property ownership' and 'slave profits', masters not only put themselves above the law, but were in effect encouraging economic activities that could, and often did, lead to various forms of clandestine marketing. Although some of the illicit slave activities reached surprising proportions — there were examples of slave 'factors', slave distributing agents, slaves who owned boats, wagons, and horses, slaves who kept catches of various items in hideaways, slaves who forged passes and sales slips and distributed their goods to adjacent counties, and at least one example of a state-wide slave horse stealing ring — in most cases the internal economy involved the buying, selling, and trading of relatively small amounts of goods and commodities.¹⁹ But the ubiquitous nature of these enterprises caused grave concern among some slave owners. Articulating the views of others, a group of Prince George County planters explained in 1859:

That the great & most operative cause of the corrupting of habits & morals of slaves, & of infusing into their minds discontent & the spirit of insubordination, & consequently, of producing discomfort & unhappiness to themselves, & loss to their masters & to all honest & law abiding citizens, are to be found in two existing and wide-spread evils — viz: 1st, the shops and other places for the unlicensed selling of intoxicating liquors to slaves, (1st carrying on with them other illegal traffic, including generally the receiving of stolen goods; & 2nd., the intercourse with slaves (& also with free negroes) of persons, whither vagrants or temporary sojourners, who, in many cases, are either voluntary agents OF hired emissaries of northern associations, or individuals laboring to destroy slavery in the southern states.²⁰

It seems doubtful that the internal economy produced 'discomfort & unhappiness' among slaves, nor that most whites who engaged in it were abolitionists. It is clear, however, that nearly everywhere in Virginia, slaves engaged in a wide range of illicit economic activities.

No less illegal but equally widespread was the practice of allowing slaves to hire their own time. With a tradition going back many generations, self-hire was closely connected with the legal practice of slave hiring. Blacks who were rented or leased by their masters sometimes fared poorly: they could be denied proper food and clothing, forced to work under dangerous conditions, sometimes whipped or beaten. Yet, such treatment benefited neither master nor employer. Consequently, slaves who were leased out for various periods (six months or a year) were often allowed to 'negotiate' for certain privileges— the type of labour they would perform, the hours they would work, the employer for whom they would toil, time off to visit family and friends, and the ability to retain for themselves wages earned by extra work. Hired blacks 'might by harder work and odd jobs add considerable earnings of their own to what they gained for their master, and their full right to this wage of labor was not disputed,' one student of the system noted. Indeed, they 'often stipulated with their masters for a certain return and had the full enjoyment of all they might earn above this'.²¹

In addition, some hired slaves were employed by companies and agencies located many miles distant from their owners. This was especially true in the canal building and gold mining during the 1820s and 1830s, and the tobacco, coal, and iron industries of the 1840s and 1850s, when slaves from the east were transported to the Piedmont and western counties. Similarly, skilled slave carpenters, blacksmiths, mechanics, draymen, shoemakers, and others, were often hired out in towns and cities some distance from their masters. Hired slaves who belonged to an estate or were turned over to hiring agents could find themselves working in adjacent counties or even farther away. Again, these conditions did not preclude harsh treatment, but employers as well as owners often discovered that inducements rather than punishments produced the best results. Thus, the 'incentive and reward system', as it was called, as well as the physical distance between master and slave, created opportunities for hired blacks to secure a degree of independence.²²

As a consequence, the gap between being hired out and the illegal practice of self-hire, especially among the most talented slaves, was not especially great. The remarkable vitality of this system was due in large measure to the fact that it offered benefits to both master and slave. Masters who allowed their blacks to contact a potential employer, make arrangements for wages and working conditions, and secure their own food and lodging could save the 5 to 8 per cent (of the

slave's purchase price) charged by hiring agents, or be spared the bothersome chore of making the arrangements themselves. Bondsmen and women who hired their own time could move about from place to place, earn their own wages, and secure a measure of control over their lives. Even though some employers were harsh, and the payments to owners could be burdensome, slaves viewed self-hire as 'a step toward freedom'. Indeed, they often referred to the payments they made to their masters as 'freedom dues'.²³

Despite our sketchy knowledge of this phenomenon in Virginia, it is apparent that by the late antebellum period conditions were extremely favourable for slaves to hire their own time. With improved roads and transportation systems, growth in tobacco and iron manufacturing, rising agricultural production, expansion of trade and commerce, a drain of slaves to the lower Mississippi River Valley, and a growing demand for skilled workers, slaves who hired their own time had little difficulty finding employment. In tobacco factories, they worked as twisters, cutters, and haulers; in iron manufacturing they worked as forge hands, 'heaters', and molders; in towns and cities such as Alexandria, Hampton, Norfolk, Petersburg, Richmond, Lynchburg, Staunton, Fredericksburg, and Williamsburg, they found employment as labourers, blacksmiths, shoemakers, barbers, draymen, boatmen, oystermen, and fishermen. Some slave women hired their own time as cooks, laundresses, seamstresses, and market stall operators. 'Richmond was at this time literally swarming with negroes,' one foreign visitor noted in 1855. 'The general system seems to be that the owners allow the slaves, male and female, to seek out masters for themselves.'²⁴

This observation was confirmed by the General Assembly, in 1855-56, when it passed a law to prohibit slave owners from allowing their slaves to hire out or reside in the District of Columbia unless 'in the service' of the owner; and when, four years later, the City Fathers of Richmond, despite the state law forbidding the practice, passed a local ordinance to halt self-hire. It was also confirmed by the recollections of former slaves: Virginia Hayes Shepherd, who had grown up near Hampton in Norfolk County, recalled that her owner John Granberry allowed a large number of his slaves (totalling apparently 250) their own time. 'He allowed them to hire themselves out and they come home got what he could out of them,' she said, 'No, he never bothered to collect their wages himself. In fact, our master allowed his slaves so much freedom that we were called free niggers by slaves on other plantations.' Although few plantation owners were as permissive as Granberry, other observers noted how some slaves were in the habit of *taking care of themselves*.²⁵

A few self-hired slaves actually managed small businesses. In Elizabeth City County, self-hired mulatto William Roscoe Da. 'the son of a Madagascar slave woman and a white sailor, operated a pleasure boat at Old Point Comfort. In Richmond, Albert Brooks operated a patronized livery stable for a decade before his emancipation, earning enough to purchase his wife and three small children out of bondage. Another resident in the city, Peter Strange, ran a blacksmith shop for many years prior to his emancipation during the early 1840s. One of his white customers said that he did not know of any black who had 'been more uniformly employed about his business'. In Charlottesville, Stephen Bias managed several livery stables, saving enough to buy his family. Former slave Lorenzo Ivy recalled how his father hired himself out as a shoemaker and opened his own shop, 'Yessuh!,' Ivy exclaimed; the master 'Let him make his own bargains.' In Powhatan County, bondsman ...Abraham Depp ran a blacksmithing establishment for a number

of years. His shop always had a large number of customers, one observer said, and when 'day did not allow' sufficient time to accomplish the work before him, the night supplied the deficiency', Slaves worked in all these areas, historian Luther Porter Jackson noted, as operators. of shops and livery stables, even as 'owners' of retail businesses.²⁶

Of course, even with the consent of the master, bondsmen and women could not legally own such businesses, but managing these enterprises gave self-hired slaves a feeling self-reliance and self-confidence. This was illustrated by the career Mary Ann Wyatt of King and Queen County, who rented herself and her five children from her master for \$45 a year while establishing a business retailing oysters to local residents. Eventually, she rented her own home and acquired considerable property. It was also revealed in the career of James L. Smith who was apprenticed at a young age in the shoemaking trade. Eventually Smith was given his own shop in the town of Heathsville. 'I ran the shop for one year, during which time my young master became jealous of me,' Smith said in his autobiography. 'He thought I was making more money for myself than from him.' This was not true, but even if it were Smith felt that 'What little I did earn for myself was justly my own'. Later, when his owner hired him out to a cruel master, Smith marked his time for an opportunity to make a break for freedom. In 1838, while still in his twenties, he ran away, eventually establishing a shoe shop in Norwich, Connecticut.²⁷

Most self-hired slaves, however, did not flee from Virginia. Indeed, some of them continued to pay their masters for the privilege of hiring their time over many years, and most of them felt that the risks of being caught as a runaway outweighed the difficulties they encountered with their owners. Moreover, some of them were in the process of purchasing themselves or family members out of bondage, while others felt that their earning power was probably as good in their home state as it would be in a free state. Alleghany County blacksmith Arthur Lee, a slave for forty years, made a 'contract' with his owner to pay an indemnity of \$1,200 merely for the privilege of purchasing himself and his family. He then bought himself for \$500 and his wife and child for an additional \$1,250. By 1850, as a free black, he had accumulated \$1,000 worth of real estate. It was highly unusual for a self-hired slave to achieve such economic success, but, like Lee, most of members of this group were bound by ties of family, kinship, and regional loyalty to their home communities.²⁸

Few expressed these sentiments better than the former slave Arthur, who, in 1848, petitioned the General Assembly to remain in Virginia:

The love of country, home, wife, children and friends is not contracted within the narrow limits of a particular class. The black man who has been properly reared by a Kind owner, feels an attachment for all these as strong as can his master. What is liberty to the white man if he, to enjoy it, is to be banished from his home, his wife, who has been his partner for the larger portion of his life, his children, as dear as his own life's blood, his fellows, with whom he has laboured day after day for half a century, his friends, who have stuck to him as close as a brother, to be driven into exile far from all he Knows & loves, to drag out a miserable existence in poverty & shame, without a single ray of hope to check his benighted path-way?²⁹

It will probably never be known exactly how many slaves in Virginia hired their own time in any given year. In 1860, the slave labour force, generally considered to be between ages 15 and 59,

included nearly a quarter of a million slaves (246,981). Among them, only approximately 25,000 were hired, and among hired slaves probably not more than 10 per cent were 'living out' or 'hiring their own time'. This general estimate is borne out by statistics for Elizabeth City County, where among 1000 hired slaves in 1860, approximately 100 hired their own time. Some of those living apart from their owners, despite their independence, did not negotiate their own contracts as did self-hired bondsmen and women. Nor does this percentage include blacks under age 15 or age 60 and over who occasionally worked for themselves while paying their masters agreed upon fees. Thus, only rough estimates can be made, but probably no more than 2,500 Virginia slaves, or 1 per cent of the slave labour force, hired their own time.³⁰

Some self-hired slaves became so independent that they achieved what contemporaries called virtual freedom. Even less is known about this group than slaves who hired their own time. This is not surprising since even the term seems incongruous: how could slaves be virtually free? In addition, since their livelihoods depended upon secrecy, or deception, or at the very least a tacit illegal agreement with a white slaveholder, it is difficult to identify, much less trace, the careers of these bondsmen and women. Yet, there were slaves who achieved a remarkable degree of independence. They found employment, moved about from place to place, rented and purchased homes, acquired property, and in some cases managed small businesses. In short, although still legally enslaved, these blacks lived and worked as free persons of colour.

Only glimpses of this remarkable group of blacks, often among the most skilled and artful slaves, are available, but the comments of slave-owners and contemporary observers clearly show that in a number of communities a few slaves had achieved quasi-free status. In Stafford County, local planters and farmers described a group of '*quasi-free*' blacks who were 'pursuing trades'. Among them was the Wharton family (William, Samuel, Barney, Nancy, and Lewis) who were 'entirely free from the control' of their owner. They lived 'as free persons' and exercised 'all the rights of free persons in the acquisition of property & otherwise without interruption'.³¹ In Accomac County, John Wise, from a distinguished Virginia family, noted that his neighbour, a slave named Jingo, had 'been considered and acted as a free man' for a number of years.³² The dining hall servant at Hampden—Sidney College, Billy Brown, was a slave who purchased his freedom and acquired some property but when he was denied the right to remain in the state with his family he became the nominal slave of a white gentleman.³³

Towns and cities offered the greatest attraction for quasi-free blacks. In urban areas they could avoid detection, mingle with free blacks and other slaves, attend black churches, join mutual benefit associations, occasionally send their children to school, and most importantly find employment. Engaging in the same types of work as did hired and self-hired slaves, virtually free blacks worked as labourers and skilled hands, as draymen, blacksmiths, barbers, and skilled artisans. That a number of semi-free blacks were skilled craftsmen was shown by an 1831 petition from 'the labouring class of the white population' in the town of Fairfax and surrounding Culpepper County. In an area where the white and slave populations were about evenly divided, 'the Mechanick trades and arts', the whites observed, 'are fast falling into the hands of the black population'. Indeed, it would not be long before slaves completely dominated 'the most common and useful trades.' Already the occupation of blacksmith was 'almost exclusively Carried on by Slaves' and it was not uncommon for hired and quasi-free slaves to work as stone masons,

plasterers, painters, bricklayers, millers, carpenters, coopers, tanners, curriers, shoe and boot makers.³⁴

The existence of nearly free slaves in Richmond, Petersburg, Winchester, Lynchburg, Fairfax, and other towns and cities was also acknowledged indirectly by local whites who served as census enumerators. Despite diligent efforts to identify the owners of slaves in their districts, they were unsuccessful. In the space provided for the owner's name, they wrote: 'hired', or belongs to 'an estate', or 'owner Unknown', or simply 'unknown'. In Lynchburg, a thirty-one-year-old slave worked for Sarah Ship, but had an 'Unknown owner'; a twenty-nine-year-old slave worked for J. P. Hughs, but had an 'Unknown owner'; a thirty-seven-year-old slave worked for D. Stratton, but had an 'Unknown owner'. In Richmond, a number of slaves between ages thirty and fifty were cited without their owner's name, under the name of an employer, or with the notation 'Owners names not known' or 'Owner not known'.³⁵ Such evidence, of course, is impressionistic, but if employers did not know the names of slave masters whose bondsmen and women were in their employ it would seem likely that the slaves, either through self-hire or virtual freedom, had drifted into the twilight zone between slavery and freedom.

As was the case for the internal economy, neither self-hire nor quasi-freedom would have survived without the acquiescence of whites. Some slaveholders allowed their slaves to go 'at large' as free men, enjoy the benefits of their labour, and work for themselves and retain their wages. Other masters granted their blacks what one observer called 'mesne profits', or permitted them to occupy an 'intermediate condition' between slavery and freedom. One slave, Richard Singleton, was allowed to 'go at large and act as a freeman, for the purpose of raising the funds necessary for the completion of his right to freedom'; another, James Gilbert, was given several acres of land on his master's plantation to 'enjoy the benefit of his labor'; a third bondsman 'worked for himself, and was treated as a free man by his employers, who paid him his earnings'; and a fourth not only owned his own wagon and horses, but kept the 'proceeds of his earnings by waggoning.' One judge went so far as to sanction 'an inchoate and imperfect right to freedom [by] a slave', a status in which the party is half free, half slave, with mingled rights of each state'. In short, he said, certain slaves (e.g., 'an emancipated female is held in unqualified slavery, yet is deemed capable of having freeborn issue' *sic*) could achieve 'a modified *quasi* state of freedom'.³⁶

The motives of slaveholders who condoned such quasi-freedom were complex. Some were fathers of children by slave women and allowed their mulatto offspring to live in virtual freedom. John Cooke, Sr., of Stafford County, for example, held as nominal slaves William and Samuel Wharton, who were 'white persons in complexion and in fact' although they were 'remotely descended on one side from a coloured person'.³⁷ Others rewarded slaves for long years of service, or special acts of devotion; still others believed that industrious or highly skilled blacks should be allowed to go free. The Quakers and other religious groups occasionally purchased blacks and then allowed them to go at large without signing formal emancipation papers. A few slaveholders, prior to emancipating their slaves, allowed them nearly free status so that they could become accustomed to supporting themselves; while others who had inherited slaves but did not want the responsibilities of ownership granted their bondsmen and women quasi-freedom.³⁸

Not only did slave owners permit these bondsmen and women to move out on their own, but they served as their 'protectors' and 'guardians'. The numerous petitions of whites to the state legislature (and local courts) seeking exemptions from the 1806 emigration law reveal the nature of this guardianship system. According to the law, emancipated slaves who remained in the state more than twelve months were to return to slavery, but many of the petitions indicated that the blacks in question, despite illegal residency, were living and acting as free persons of colour. Slaveholders defended them as having 'good habits and correct deportment', as possessing skills 'Much required [in the] Neighbourhood', and as being peaceable, orderly, industrious, sober, hard working, humble, and well behaved. In 1838, Catharine Coward, of Accomac County, said that her slave Patty had '*ever* sustained the character of a servant distinguished for peculiar and uncommon faithfulness — *always* the *confidant*, the *intimate*, the *nurse* and friend of her master, mistress, and their children, *never* maintaining the relation to them and theirs of an ordinary menial.' Among the twenty-two signatories testifying to the accuracy of this statement was Virginia Congressman Henry Alexander Wise. Similarly, in behalf of one nearly free slave in Prince Edward County, plantation owner Samuel C. Anderson wrote: 'This man has served his time in my neighbourhood, and has always maintained an excellent character. He is a good workman and an honest and industrious man.'³⁹

Not all nearly free slaves received such glowing recommendations from whites. Some blacks had run away from their owners, made their way to a town or city, and assumed the status of free people of colour. Others forged passes for themselves and journeyed to one of the few all black communities in the state. In King William County, local residents described one such community as the general resort of free negroes from all parts of the country' and the 'harbour for runaway slaves'. Whatever the particular circumstances, virtually free slaves and free blacks who remained in the state illegally (and by law should have been returned to slavery) constituted a significant population group. One perceptive student of Virginia history noted that by the late antebellum era fully one out of four, perhaps one out of three, free blacks in the state — between 14,000 and 19,000 — had been either emancipated following 1806 law, or were the children of those blacks, yet had never received legal permission to remain in Virginia. By law, they should have reverted back to bondage.⁴⁰

Thus, the underside of slavery reveals an institution more complex, contradictory, and evolutionary than most scholars have suggested. While the domestic economy did not reach the extent it did in the Caribbean, especially Jamaica, where slaves engaged freely in the market economy, it was nevertheless widespread in Virginia. Neither the extensive laws nor the individual restrictions of slave owners curtailed these activities. Indeed, with traditions stretching back many generations, slaves engaged in a wide range of extra-legal or illegal economic ventures, buying, selling, and trading various goods and commodities. Similarly, self-hire and virtual freedom were integral parts of the slave system, and, according to most contemporaries, these aspects of the peculiar institution' grew and *expanded in the decades prior to the Civil War*.

In these various ways; then, slaves sought to improve their condition, to secure a measure of independence, self-direction, and autonomy over their lives. If some failed, or were motivated by a determination to distance themselves from whites as well as the market economy, others subsumed the values and attitudes of their captors toward getting ahead, acquiring property, and maintaining their families. The success of this latter group was revealed in 1865, when a group

of black workers in Richmond complained that they had previously earned twice as much in wages before the war as hired and self-hired slaves!⁴¹

NOTES

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1. James Curtis Bathigh, *A History of Slavery in Virginia* (Baltimore: Johns Hopkins Press, 1902); Beverley B. Munford, *Virginia's Attitude toward Slavery and Secession* (Richmond, Vir.: L. H. Jenkins, 1909); Charles Ambler, *Sectionalism in Virginia From 1776 to 1861* (Chicago: University of Chicago Press, 1910); John H. Russell, *The Free Negro in Virginia, 1619-1865* (Baltimore: Johns Hopkins Press, 1913); Theodore M. Whitfield, *Slavery Agitation in Virginia, 1829-1832* (Baltimore: Johns Hopkins Press., 1930). In 1829, Boston free black David Walker published a tract urging slaves to rise up against their masters; in 1831, Southampton County slave Nat Turner led the largest slave revolt in United States history. Luther Porter Jackson, *Free Negro Labor and Property Holding in Virginia, 1830-1860* (Washington, D.C.: American Historical Association, 1942; reprint edition, New York: Antheneum, 1969), and 'Manumission in Certain Virginia Cities', *Journal of Negro History* 15 (July 1930), 278-314; 'The Virginia Free Negro Farmer and Property Owner, 1830-1860', *ibid.* 24 (October 1939), 390-489; James Hugo Johnston, *Race Relations in Virginia and Miscegenation in the South, 1776-1860* (Amherst: University of Massachusetts. Press, 1970). Johnston's study was a 1937 University of Chicago Ph.D. dissertation.
2. Gerald W. Mullin, *Flight and Rebellion: Slave Resistance in Eighteenth-Century Virginia* (New York: Oxford University Press, 1972); Charles Dew, 'David Ross and the Oxford Iron Works: A Study of Industrial Slavery in the Early Nineteenth-Century South', *William and Mary Quarterly*, 3d ser., 31 (April 1974), 189-224, and 'Disciplining Slave Iron Workers in the Antebellum South: Coercion, Conciliation, and Accommodation', *The American Historical Review* 79 (April 1974), 393-418; Philip J. Schwarz, 'Emancipators, Protectors, and Anomalies: Free Black Slaveowners in Virginia', *Virginia Magazine of History and Biography* 95 (July 1987), 317-38, and *Twice Condemned: Slaves and the Criminal Laws of Virginia, 1705-1865* (Baton Rouge:: Louisiana State University Press, 1988); Randall M. Miller, ed., *'Dear Master': Letters of a Slave Family* (Ithaca: Cornell University Press, 1978); Tom W. Shick, *Behold the Promised Land: A History of Afro-American Settler Society in Nineteenth-Century Liberia* (Baltimore: Johns Hopkins University Press, 1977); William Cohen, 'Thomas Jefferson and the Problem of Slavery', *Journal of American History* 56 (December 1969), 503-26; Thad W. Tate, Jr., *The Negro in Eighteenth Century Williamsburg* (Williamsburg, Va.: Colonial Williamsburg, 1965); Robert McColley, *Slavery and Jeffersonian Virginia* (Urbana: University of Illinois Press, 1964; second edition, 1973); Alison Goodyear Freehling, *Drift Toward Dissolution: the Virginia Slavery Debate of 1831-1832* (Baton Rouge: Louisiana State University Press, 1982); Marie Tyler-McGraw and Gregg D. Kimball, *In Bondage and Freedom: Antebellum Black Life in Richmond, Virginia* (Richmond: Valentine Museum, 1988); Lynda Morgan, 'Emancipation in the Virginia Tobacco Belt, 1850-1870', (Ph.D. dissertation,. University of Virginia, 1986).

3. Scholars have made progress in understanding these aspects of slavery in other slave societies - in South America, the Caribbean, and the Lower South. See: Ciro Flamarion S. Cardoso, 'The Peasant Breach in the Slave System; New Developments in Brazil', *Luso-Brazilian Review* 25 (Summer 1988), 49-57; David Barry Gaspar, 'Slavery, Amelioration, and Sunday Markets in Antigua, 1823-1831', *Slavery and Abolition: A Journal of Comparative Studies* 9 (May 1988), 1-28; Sidney W. Mintz, 'The Caribbean as a Socio-cultural Area', in *Peoples and Cultures of the Caribbean; An Anthropological Reader* (Garden City, N.Y.: Natural History Press, 1971), p.29; Philip D. Morgan, 'The Ownership of Property by Slaves in the Mid-Nineteenth-Century Low Country', *Journal of Southern History* 49 (August 1983), 399-420, and 'Work and Culture: The Task System and the World of Lowcountry Blacks, 1700-1880', *William and Mary Quarterly*, 3d ser., 35 (October 1982), 563-99; Lawrence T. McDonnell, 'Money Knows No Master: Market Relations and the American Slave Community', in *Developing Dixie: Modernization in a Traditional Society*, ed. Winfred B. Moore, Jr., et al. (Westport, Conn.: Greenwood Press, 1988), pp.31-44; John Hebron Moore, 'Simon Gray, Riverman: A Slave Who Was Almost Free', *Mississippi Valley Historical Review* 49 (December 1962), 472-84. Several historians have looked at these questions for states other than Virginia in the Upper South: John Hope Franklin, 'Slaves Virtually Free in Ante-Bellum North Carolina', *Journal of Negro History* 28 (July 1943), 284-310; Clement Eaton, 'Slave-Hiring in the Upper South: A Step toward Freedom', *Mississippi Valley Historical Review* 46 (March 1960), 663-78; Richard L. Morris, 'The Measure of Bondage in the Slave States', *ibid.* 41 (September 1954), 219-40; Loren Schweninger, 'The Free-Slave Phenomenon: James p. Thomas and the Black Community in Ante-Bellum Nashville', *Civil War History* 22 (December 1976), 293-307..
4. Although no scholar has used them to analyze the underside of slavery, students of Virginia history have long been aware of the value of petitions in unravelling the mysteries of black life. In his foreword to James Hugo Johnston's 1937 study *Race Relations in Virginia*, Winthrop Jordan writes: 'Professor Johnston examined thoroughly one of the best - and still least exploited - collections of manuscript materials pertaining to slavery: the petitions of ordinary citizens to the Virginia governors and legislatures from the late eighteenth century to the Civil War' (p. vi). See also: James Hugo Johnston, 'Anti-Slavery Petitions Presented to the Virginia State Legislature by Citizens of Various Counties', *Journal of Negro History* 12 (October 1927), 670-90; Raymond C. Bailey, 'The Right of Petition in Eighteenth Century Virginia', (Ph.D. dissertation, University of Georgia, 1976); Tommy Lee Bagger, 'The Slave and Free Black Community in Norfolk, 1775-1865,' (Ph.D. dissertation, University of Virginia, 1976), pp. 33,37-8,87,, 168-69; Russell, *The Free Negro in Virginia*, pp. 179-80. This essay relies on an analysis of approximately 425 petitions from blacks and whites to the Virginia General Assembly between the 1780s and 1850s.
5. John Hammond, *Leah and Rachel*, in *Tracts and Other Papers Relating to the Origin, Settlement, and Progress of the Colonies in North America*, ed. Peter Force, 4 vols. (New York: Peter Smith, 1947), vol. 3, no. 14, p.14; Edmund S. Morgan, *American Slavery American Freedom: The Ordeal of Colonial Virginia* (New York: W. W. Norton and Co., 1975), pp.154-55; Ira Berlin, 'Time, Space, and the Evolution of Afro-American Society on British Mainland North America', *The American Historical Review* 85 (February 1980), 69-77; Allan Kulikoff, 'The Origins of Afro-American Society in Tidewater Maryland and Virginia, 1700-1790', *William and Mary Quarterly*, 3d ser., 35 (April 1978), 245-46, and 'A "Prolifick" People: Black

- Population Growth in the Chesapeake Colonies, 1700-1790', *Southern Studies* 16 (Winter 1977), 391-414; Peter Joseph Albert, 'The Protean Institution: The Geography, Economy, and Ideology of Slavery in Post-Revolutionary Virginia', (Ph.D. dissertation, University of Maryland, 1976), pp.169-70; Legislative Records [hereafter LR], Petition of John Mayo, Jr., William Gathright, Hobson Owen, et al., to the Virginia General Assembly [hereafter VGA], Henrico Co., Vit' , 8 June 1782, Virginia State Library, Richmond, Virginia [hereafter VSL]; Sarah. S. Hughes, 'Slaves for Hire: The Allocation of Black Labor in Elizabeth City County, Virginia, 1782 to 1810', *William and Mary Quarterly*, 3d ser., 35 (April 1978), 284.
6. Winthrop D. Jordan, *White Over Black: American Attitudes Toward the Negro, 1550-1812* (Chapel Hill: University of North Carolina Press, 1968), pp.380-87, 391-93; *A Collection of All Such Acts of the General Assembly of Virginia, of a Public and Permanent Nature, as are Now in Force* (Richmond: Samuel Pleasants, 1803), pp. 137, 178, 187, 189, 191, 315.
 7. *A Collection of All Such Acts of the General Assembly of Virginia, of a Public and Permanent Nature as Have Passed Since the Session of 1801* (Richmond: Samuel Pleasants, Jr., 1808), p.97; *Supplement, Containing the Acts of the General Assembly of Virginia, of a Public and Generally Interesting Nature* (Richmond: Samuel Pleasants, 1812), pp. 95-6; *A Collection of All Such Acts of the General Assembly of Virginia, of a Public and Permanent Nature, as are Now in Force* (Richmond: Samuel Pleasants, 1814), p.263; *The Revised Code of the Laws of Virginia: Being a Collection of All Such Acts of the General Assembly, of a Public and Permanent Nature, as are Now in Force* Richmond Thomas Richie, 1819), pp. 422, 426, 434-b, 439-40, 442-43; *Supplement to the Revised Code of the Laws of Virginia.. Being a Collection of All the Acts of the General Assembly, of a Public and Permanent Nature, Passed Since the Year 1819* (Richmond; Samuel Shepherd and Co., 1833), pp.232, 238, 241-42, 244.
 8. Mullin, *Flight and Rebellion*, p.37; Peter Kolchin, 'Reevaluating the Antebellum Slave Community: A Comparative Perspective,' *Journal of American History* 70 (December 1983), 581; St George Tucker, *A Dissertation on Slavery: With a Proposal for the Gradual Abolition of It in the Site of Virginia* (Philadelphia; Mathew Carey, 1796; reprint ed., New York: n.p., 1861); Johnston, *Race Relations in Virginia*, chap. 5; Whitfield, *Slavery Agitation in Virginia*, p. 25; Freehling, *Drift Toward Dissolution*, pp. 148, 164, 167, 231-2.
 9. George M. Fredrickson, *The Black Image in the White Mind: The Debate on Afro- American Character and Destiny, 1817-1914* (New York: Harper and Row, 1971), pp.44-46; Freehling, *Drift Toward Dissolution*, pp. 203-15; John Hope Franklin, 'The Two Worlds of Race: A Historical View', in Franklin, *Race and History: Selected Essays, 1938-1988* (Baton Rouge: Louisiana State University Press, 1989), p.137.
 10. Charles L. Perdue, et al., eds., *Weevils in the Wheat: Interviews with Virginia Ex-Slaves* (Charlottesville: University Press of Virginia, 1976), p.210; 'A Slave's Story', *Putnam's Monthly, A Magazine of Literature, Science, and Art* 9 (June 1857), 617; LR, Petition of the Citizens of Accomac County to the VGA, January 11, 1843, VSL; Russell, *The Free Negro in Virginia*, p. 163.
 11. LR, Petition of Robert Dickinson to the VGA, Russell Co., 21 December 1825, VSL; Petition of Thomas W. Betts., James M. Stiff, William Webb, et al., to VGA, Richmond County, 18 February 1843, *ibid.*; Petition of the Citizens of Matthews County to the VGA, 10 January 1848, *ibid.*; Petition of the Residents of Middlesex County to the VGA, 9 December 1850, *ibid.*; *The Code of Virginia* (Richmond: William F. Ritchie, 1849), p.748. The law, reprinted in this volume, was passed at the 1842-43 session of the legislature. For slaves retailing bacon and coal,

- see Helen Catterall, ed., *Judicial Cases Concerning American Slavery and the Negro*, 5 vols. (Washington, D.C.: Carnegie Institution, 1926; reprint edition, New York: Octagon Books, 1968), 1:139, 220.
12. LR, Petition of the Inhabitants of Accomac and Northampton counties to the VGA, 23 December 1818, VSL; Petition of the Citizens of Northampton County to the VGA, 6 December 1831, *ibid.*; Petition of the Citizens of Nansemond County to the VGA, 1 March, 1843, *ibid.*
 13. LR, Petition of William F. Walker, John Minke, John W. Bradley, et al., to VGA. Charles City County, 27 December 1831, VSL; Schwarz, *Twice Condemned*, p.330.
 14. Russell, *The Free Negro in Virginia*, pp. 162-3, 162n; LR, Petition of the Citizens of Fauquier County to the VGA, 10 January 1860, VSL; Petition of H. B. Powell, Noble Beveridge, H. H. Hamilton, et al., to the VGA, Loudoun County, 19 January 1838, *ibid.*; see also Petition of William H. Woltz, James T. Logan, William Kyle, et al., to the VGA, Botecourt County, 8 January 1842, *ibid.*; 'Proceedings of a Meeting, of the Citizens of the County of Buckingham', 27 March 1852, in LR, Petitions, Buckingham County, *ibid.*; Petition of the Residents and Property Holders of Louisa County to the VGA, 21 December 1859, *ibid.*; Petition of James Wrenn, Benjamin Cross, Hugh Mitchell, et al., to the VGA, Fairfax County, 30 December 1836, *ibid.* The Fairfax County planters said that similar networks existed in other parts of the state.
 15. LR, Petition of W. C. Morton, John Rice, John M. McNutt., et al, to the VGA, Prince Edward County, 4 January 1841, VSL; Catterall, ed., *Judicial Cases*, 1:206, 233; Petition of the Citizens of Cumberland County to the VGA, 1 January 1851, *ibid.*; Petition of the Citizens of Culpepper County to the VGA. 26 January 1846, *ibid.*
 16. Lewis Gray, *History of Agriculture in the Southern United States to 1860*, 2 vols. (Washington, D.C.: Carnegie Institution, 1933; reprint ed., New York: Peter Smith, 1941), 1:554-55; Perdue, et al., eds., *Weevils in the Wheat*, p.210.
 17. Catterall, ed., *Judicial Cases*, 1:169-70.
 18. LR, Petition of James Hunsman, John Roach, James Davis, et al., to the VGA, Charlotte County, 20 December 1810, VSL; Jesse H. Turner, 'Management of Negroes', *South-Western Farmer* 1 (June 1842), pp.114-15, in *Advice among Masters: The Ideal in Slave Management in the Old South*, ed. James reeden (Westport, Conn.: Greenwood Publishing Co., 1980), pp.257-58; Ballagh, *A History of Slavery in Virginia*, pp.108-9. The problem of slaves owning, guns was addressed by the General Assembly in an 1839 law granting patrols the authority to search for 'firearms or other weapons' in slave cabins without the master's permission. *The Code of Virginia* (Richmond; William F. Ritchie, 1849), p.446.
 19. Schwarz, *Twice Condemned*, p. 226.
 20. LR, Petition of William H. Harrison, R. G. Dunn, Richard Harrison, R. F. Graves, Jr., P, C. Marks, et al., to the VGA, Prince George County, 13 December 1859, VSL. See also Petition of Residents and Property Holders of Louisa County to VGA, 21 December 1859, *ibid.*; Petition of Citizens of Isle of Wight County to the VGA, 9 December 1817, *ibid.*; Petition of the Citizens of Cumberland County to the VGA, 1 January 1851, *ibid.*
 21. Ballagh, *A History of Slavery in Virginia*, pp. 106-7; Catterall, ed., *Judicial Cases*, 1:128, 132, 182, 186-7. For various types of hiring agreements, see: Business Records, Ledger of Samuel **1-I** Bell, 1833, VSL; Samuel Bond to William Hendrick, 7 January 1830, *ibid.*; Memo Book, Bacon, Coleman, and Co., 1846, p.35, *ibid.*; Promissory Note. E. Fontaine to W. P. Perkins, 30 December 1852, *ibid.*; Hiring Contract. 13 December 1858, John E. Fletcher Papers, *ibid.*;

William Fletcher to Isaac and John E. Fletcher, 9 September 1860, *ibid.*; Ida Dulaney to Mr. Fletcher, 30 November 1860, *ibid.*

22. Eaton, 'Slave-Hiring in the Upper South', 669-70; Dew, 'Disciplining Slave Iron Workers', 399, 407, 410; Frederick Bancroft, *Slave Trading in the Old South*, intro. Allan Nevins (New York: Frederick Ungar Publishing Co., 1959; originally published in 1931), pp.147-48; Robert Starobin, *Industrial Slavery in the Old South* (New York: Oxford University Press, 1970), pp. 99-100; Richard C. Wade, *Slavery in the Cities: The South, 1820-1860* (New York: Oxford University Press, 1964), pp.46-47; Claudia Dale Goldin, *Urban Slavery in the American South, 1820-1860: A Quantitative History* (Chicago: University of Chicago Press, 1976), p.26; also see Phillip M. Rice, 'Internal Improvements in Virginia, 1775-1860', (Ph.D. dissertation, University of North Carolina, 1948).
23. Goldin, *Urban Slavery*, pp.38-40, 42; David R. Goldfield, 'Pursuing the American Dream: Cities in the Old South', in Blaine A. Brownell and David R. Goldfield, eds., *The City in Southern History: The Growth of Urban Civilization in the South* (Port Washington, N.Y.: Kennikat Press, 1977), p.66; For an eloquent statement on the meaning of self-hire (albeit by a Maryland slave) see: Frederick Douglass, *My Bondage and My Freedom* (New York: Miller, Orton and Milligan, 1855), pp. 328-29.
24. Dew, 'Disciplining Slave Ironworkers,' 410; Rodney D. Green, 'Urban Industry, Black Resistance, and Racial Restriction in the Antebellum South: A General Model and A Case Study in Urban Virginia', (Ph.D. dissertation, American University, 1980), p. 573; Robert Russell, *North. America, Its Agriculture and Climate, Containing Observations on the Agriculture and Climate of Canada, the United States, and the island of Cuba* (Edinburgh: Adam and Charles Black, 1857), p.151. While most scholars believe that the Late antebellum period witnessed a significant expansion of slave hiring, and by extension self-hire, in some areas of the state the proportion of slaves hired out was probably greater during the late eighteenth century. See Sarah Hughes's provocative study, 'Slaves for Hire', 265-66.
25. *Digest of the Laws of Virginia, of a Civil Nature, and of a Permanent Character and General Operation*, 2 vols. (Richmond: C. H. Wynne, 1857), 2:240; *The Charters and Ordinances of the City of Richmond with the Declaration of Rights and Constitution of Virginia* (Richmond: Ellyson's Steam Presses, 1859), p.196; Goldin, *Urban Slavery*, p. 39; Perdue, et al., eds., *Weevils in the Wheat*, p.255; Frederick Law Olmsted, *The Cotton Kingdom: A Traveller's Observations on Cotton and Slavery in the American Slave States*, ed. Arthur Schlesinger (New York: Alfred A. Knopf, 1953), p.40.
26. LR, Petition of Peter Strange to the VGA, Richmond, 25 January 1844, VSL; Testimonial, Walter D. 1; letter to VGA, 23 January 1844, with *ibid.*; Petition of Stephen Bias to the VGA, Charlottesville, 14 February 1839, *ibid.*; Perdue, et al., eds., *Weevils in the Wheat*, p.152; Petition of Abraham Depp to the VGA, Powhatan County, 20 December 1831, VSL; Testimonial, Elizabeth Depp to the VGA, 14 July 1831, in *ibid.*; Jackson, *Free Negro Labor and Property Holding*, p.77. For Wythe County confectioners 'Edwards & Carroway', slaves who 'hire their time', see Records of R. O. Dun and Company, Wythe County, Virginia, January 1853—December 1860, Baker Library, Harvard University Graduate School of Business Administration, Boston, Mass. For other Virginia slave entrepreneurs, see 1; Benjamin Drew, *A North-Side View of Slavery, The Refugee: or the Narratives of Fugitive Slaves in Canada, Related by Themselves* (Boston: John P. Jewett and Co., 1856, reprint in Robin W. Winks, et al., eds., *Four Fugitive Slave Narratives*, Reading, Mass.: Addison-Wesley Publishing Co., 1969),

- p.74; Carter G. Woodson, 'The Negroes of Cincinnati Prior to the Civil War', *Journal of Negro History* 1 (January 1916), p.21; Records of the Hustings Court, Lynchburg, Vir., *Hustings Court Order Book 1812-1817* (8 November 1816), p.232, in Museum of Early Southern Decorative Arts, Winston-Salem, North Carolina.
27. John Blassingame. ed., *Slave Testimony: Two Centuries of Letters, Speeches, Interviews, and Autobiographies* (Baton Rouge: Louisiana State University Press, 1977), pp.454-55; James L. Smith, *Autobiography of James L. Smith, including, Also, Reminiscences of Slave Life, Recollections of the War, Education of Freedmen, Causes of the Exodus, etc.* (Norwich, Conn.: The Bulletin Co., 1881; reprint ed., New York: Negro Universities Press, 1969), pp. 37, 68.
 28. Jackson, *Free Negro Labor and Property Holding*, pp.84-5; United States Manuscript Population Census, Alleghany Co., Vir., 1850, p. 6. By 1860, Lee had increased his real and personal property holdings to \$2,270. *ibid.*, 1860, p.75. In this and subsequent census citations, the page numbers cited, are in the upper-right-hand corner of the right- hand page; these numbers also refer to the un-numbered left-hand facing pages.
 29. LR, Petition of Arthur to the VGA, Chesterfield County, 15 February 1848, VSL.
 30. The slave labour force is calculated from *Population of the United States in 1860; Compiled from the Original Returns of the Eighth Census* (Washington, D.C.: Government Printing Office, 1864), pp.512-13. The estimate of Frederick Bancroft, also used by Kenneth Stampp, of 15,000 hired slaves in the state during any given year in the 1850s is surely too low. Bancroft's own evidence that at least 5,000 were hired annually in Richmond alone would suggest that the total estimate is below the actual number of hirelings. Other scholars have put the total number in the South at between two and three times Bancroft's estimate. I have, judging from a variety of sources, made what I believe to be a conservative estimate. Bancroft, *Slave Trading in the Old South*, p.405; Kenneth Stampp, *The Peculiar Institution: Slavery in the Ante-Bellum South* (New York: Vintage Books, 1956), pp. 67-8; see Goldin, *Urban Slavery*, pp. 36, 72-73; Robert Francis Engs, *Freedom's First Generation: Black Hampton, Virginia, 1861-1890* (Philadelphia: University of Pennsylvania Press, 1979), p.14; John Stevens Abbott, *South and North; or impressions Received during a Trip to Cuba and the South* (New York: Abbey and Abbot, 1860), p.202; John T. O'Brien, 'Factory, Church, and Community: Blacks in Antebellum Richmond', *Journal of Southern History* 46 (November 1978), 151; Robert Evans, Jr., 'The Economics of American Negro Slavery, 1830-1860', in *Aspects of Labor Economics: A Conference of the Universities- National Bureau for Economic Research* (Princeton: Princeton University Press, 1962), pp.192, 223; Eaton, 'Slave-Hiring in the Upper South', 676-77,
 31. LR, Petition of the Citizens of Stafford County to the VGA, 14 January 1833, VSL.
 32. LR, Petition of John Wise to the VGA, Accomac County, 1 December 1810, VSL; Petition of Jingo to the VGA, 8 December 1810, *ibid.*; John Cropper, Jr., to VSL, 29 November 1810, *ibid.*; John Finney to VGA, 7 January 1811, *ibid.*
 33. LR, Petitions of Billy Brown to the VGA, Prince Edward County, 18 December 1818, and 14 December 1825, *ibid.*; Testimonial of James Morton, James D. Wood, Samuel Carter, et al., to VGA, Prince Edward County, 23 December 1818, *ibid.*; Testimonial of George King, James Morton, William O. Morton, et al., to VGA, Prince Edward County, 10 January 1826, *ibid.*
 34. LR, Petition of William Walden, John. Peyton, Churchill Berry, et al., to VGA, 9 December 1831, Culpepper County, VSL.

35. United States Manuscript Slave Census, Campbell County, Vir., Lynchburg, 1860, p. 43; *ibid.*, Frederick County, Vir., Winchester, 1860, p.157; *ibid.*, Henrico County, Vir., Richmond, 1st Ward, 1860, pp.1, 2, 6; *ibid.*, 2nd Ward, pp.56-7. For page citations, see note #28.
36. Catterall, ed., *Judicial Cases*, 1:120, 123, 126, 152, 153, 158, 166, 170, 183-85, 207-8, 215, 232, 248. The half-freedom opinion was rendered in *Manns v. Givens*, July 1836. *ibid.*, pp. 183-5.
37. LR, Petition, of the Citizens of Stafford County to the VGA, 14 January 1833, VSL.
38. Morris, 'The Measure of Bondage', 2.34; LR, Petition of Joseph to the VGA, Accomac Co., 13 December 1815, VSL; Petition of Patty to the VGA, Accomac Co., 2 January 1838, *ibid.*; Petition of Fontaine Wells and other Citizens of the County of Albemarle to the VGA, Alberrnale Co., 31 January 1835, *ibid.*; Petition of James Monroe to the VGA, Albemarle Co., 15 December 1847, *ibid.*
39. LR, Petition of David Watts, Henry C. Holt, E. R . Allen, et al., to the VGA, Accomac Co., , 27 November 1837, VSL; Petition of David Beracouter, James H. White, Edmund G. Godwin, et al., to the VGA, Accomac Co., 29 November 1837, *ibid.*; Petition of John R. Drummond, Thomas Hurst, Jr., John. Hall, et al., to the VGA, Accomac Co., 6 January 1845, *ibid.*; Petition of Nathaniel Wolfe, Henry Benson, Charles Merriwether, et af., to the VGA, Albermale Co. , 11 December 1835, *ibid.*; Petition of Elvira Jones to the VGA, Richmond, 5 December 1823, *ibid.*; Testimonial of William J. Robertson, Charles J. Fox, Seymour Scott, et al., to the VGA, Richmond, 5 December 1823, *ibid.*; Petition of Judith Hope to the VGA, Henrico Co.. 14 December 1821, *ibid.*; Petition of Jesse Woodson to the VGA, Prince Edward Co., 7 February 1848. *ibid.*; Samuel Anderson to Benjamin W. Womack, 3 February 1848, Carter G. Woodson Papers, container 15, folder 182-7, Library of Congress; Walter D. Clair to VGA. 23 January 1844, in Petition of Peter Strange to the VGA, Richmond, 25 January 1844, VSL; Petition of Catherine Coward and Patty to the VGA, Aceomac Co., 2 January 1838, *ibid.*; Testimonial of Henry A. Wise, William R. Curtis, Edmond T. Bagly, et al., to VGA., Accomac Co., 29 August 1837, *ibid.*
40. LR, Petition of Citizens of King William County to the VGA, 24 January 1843, VSL; Johnston, *Race Relations*, pp.276-7; sec Perdue, et al., eds., *Weevils in the Wheat*, p, 53; Russell, *The Free Negro in Virginia*, p.156; Ira Berlin, *Slaves Without Masters: The Free Negro in the Antebellum South* (New York: Pantheon, 1974), p.136.
41. John T. Trowbridge, *A Picture of the Desolated States and the Work of Restoration* (Harford, Conn.: 1. Sterbins, 1888; originally published 1866), pp.230-31, quoted in Philip S. Foner and Ronald L. Lewis, eds., *The Black Worker to 1869* (Philadelphia. Temple University Press, 1978), p.144.