

## SLAVERY IN JEFFERSON'S VIRGINIA

ROBERT MCCOLLEY

Quite understandably, historians have been most interested in American Negro slavery during the stormy era of King Cotton and States' Rights, the period in which slave labor became an explosive and divisive political issue. No one writing about the South in the 1850's dares to ignore slavery, but there has been a tendency to keep it well in the background before the cotton era. This is because of a prevailing notion that slavery was moribund until revived by the relentless pressure of cotton cultivation, which in turn was caused by the harsh and impersonal agency of the Industrial Revolution.

Slavery was especially moribund in Virginia, according to this theory, until cotton created a valuable domestic market in which otherwise useless and superfluous slaves could be sold at ever increasing prices. Revolutionary and Jeffersonian Virginia, say between 1780 and 1812, was too aroused by the principles of the Declaration of Independence to approve of the enslavement of man. Every eminent Virginian favored emancipation, and several of them carefully worked out schemes for its accomplishment.<sup>1</sup> A promising beginning was the act of 1872 which permitted the emancipation of slaves within the Commonwealth.<sup>2</sup> Another Revolutionary act forbade the importation of slaves.<sup>3</sup> Virginia statesmen voted to exclude slavery from our western territories at the Continental Congress; they argued against the slave trade at the constitutional convention of 1787; they always voted against the trade in the national congress thereafter.

Slavery was freely condemned because there was no temptation of easy riches to seduce men from their ideals. Quite the opposite: the economy of Virginia was declining in a spiral of worn-out land, overproduction, depressed prices and general inefficiency. The slave was an ignorant and inept worker to begin with; deprived of normal incentives to improve, he remained fit only for simple one-crop production. In Virginia this crop must be tobacco, which exhausted the soil as much as ever, yet continued to fall in price.

All of which makes a fair summary of the usual treatment of slavery in histories of this period. Such an attitude is especially helpful for the considerable party of historians who admire Thomas Jefferson and his followers as founders and patron saints of our democratic liberalism. The Vir-

ginia leadership of the Republican party may have been slaveholding, but it escapes taint by having hated slavery.

This conventional view of slavery in Virginia is not repugnant to available evidence, but is quaintly apologetic in selective use of it. For instance, we often hear of Jefferson's jeremiad against slavery in his Notes on Virginia:<sup>4</sup>

. . . with what execration should the statesman be loaded, who permitting one half the citizens thus to trample on the rights of the other, transform those into despots, and these into enemies, destroys the morals of the one part, and the amor patriae of the other. . . . Indeed, I tremble for my country when I reflect that God is just: that his justice cannot sleep forever . . . .

However, Jefferson's hostility to slavery on moral grounds was but part of a complex equation, in which the timeless inferiority of Negroes and their certain hatred of their enslavers cancelled all arguments for simple emancipation. Here are some of his less famous conclusions:<sup>5</sup>

Are not the fine mixtures of red and white, the expressions of every passion by greater or lesser suffusions of colour in the one, preferable to that eternal monotony . . . that immoveable veil of black which covers all the emotions of the other race? . . . The circumstance of superior beauty, is thought worthy of attention in our horses, dogs, and other domestic animals; why not in that of man? . . . it appears to me, that in memory they are equal to the whites; in reason much inferior, as I think one could scarcely be found capable of tracing and comprehending the investigations of Euclid; and that in imagination they are dull, tasteless and anomalous . . . .

If emancipated Negroes do not slaughter their former masters, a possibility which Jefferson considers elsewhere in the Notes, they will intermarry with them and ruin the breed! This is the classic position of the Southern racist, and Jefferson was one of the earliest to elaborate it in the scientific manner.

Did racist fear prevent slaveholders from freeing their chattels and from enjoying the greater efficiency of free labor? Unfortunately, it is just as easy to argue that racism offered an excuse to retain human property which could be quite valuable. If slave prices were at "rock-bottom" during these years, so were land and commodity prices, and this was true of many areas where no slaves were kept. In Virginia \$300 remained a standard price for a healthy field hand. Compare this with some other prices of the times: whiskey at twenty-five cents the quart, \$1.25 for a pair of dress shoes (coarse shoes for slaves were three pairs for a dollar), beef at ten cents a pound, and homespun at four cents a yard. Land values ranged between a dollar an acre in the sandy hills and twenty dollars an acre along

the favored rivers. One could build a simple house for the cost of one slave, a gracious house for the cost of two. Many owners rented their slaves for fifty to one hundred dollars per annum, which would normally be enough to pay a full year's taxes for a man owning thirty slaves and several hundred acres of land.<sup>6</sup>

---

Excerpts from an inventory of the Estate of Charles Moorman, deceased in 1798, from Campbell County Will Book No. 1, a copy of which is in the Virginia State Library at Richmond.

Waggon	\$ 10.	2 scythes and cradles	\$ 2.50
3 guns	10.		
4 hoes	1.		
Moses	400.	Doll and Fanny her child	333.34
Peter	300.	Jack, Sam and Dick	500.
Sarah	200.		
Rachel	100.		

The entire personal property of the deceased was valued at \$4856, of which \$3267 was in slaves.

---

European travelers in Virginia often observed idle white men of all classes; the Negroes they saw were almost always at work. Slaves manned boats along the rivers, worked in rope factories, tanneries, forges and mines. They dug canals, cleared roads and built bridges. Most, of course, worked on the plantation, clearing land and cultivating the major crops of wheat, corn and tobacco. Around larger plantations, slaves served as millers, sawyers, carpenters, blacksmiths and coopers. Were these slaves valuable? Those tidewater planters whose slaves were carried off by the British considered themselves ruined by the loss. When the withdrawing British violated the peace treaty by carrying off a few thousand runaways to whom they had promised freedom, their recovery became a major aim of American diplomacy, so strong was the pressure from Virginia.

Most Virginians, given a sufficient number of slaves, preferred not to manage their labor, but rather hired an overseer to do it for them. If they were sociably inclined, they spent their liberated days in visiting, hunting and racing, thereby increasing the fame of their country for hospitality and horsemanship. More ambitious men branched out into trade and the professions, and many dedicated themselves to politics. This was not a system to make the most efficient use of all human and natural resources in Virginia. Men of broad views could see that with slavery replaced by competitive free labor the total wealth of the state might greatly increase. However, most of

the slaveholders themselves would be very much worse off without slaves; if the system was inefficient it still gave any planter with ten or more slaves a comfortable living, all the leisure he might want, and freedom to pursue an attractive career. Bankruptcy came often to planters, but they usually invited it by living beyond their means and speculating heavily in land. Most deserving of pity were those men, otherwise sound managers, who were ruined by countersigning too many notes for imprudent neighbors. Still, bankruptcy was a relatively mild catastrophe in most cases. Younger men could escape it by moving West and growing with the new country, and older men could usually rely on the generosity of relatives and friends. Furthermore, the laws and customs of Virginia protected debtors amazingly. For many years after the Revolution a law forbade the courts to seize land in judgment of debts.

---

"Account of Sales of Thirty-one slaves the Property Colonel Wilson C. Nichols at Warren Friday the 20th December 1793." This is from the Wilson Cary Nicholas papers in the Library of the University of Virginia. The prices are reckoned, as most prices were in Virginia before the War of 1812, in pounds, which may be translated into the dollars of the times by multiplying by from three to three and one-third. This sale was probably forced on Nicholas, a grandly unsuccessful land speculator, in judgment for debts. It is interesting to see how many slaves were evidently sold in family units, obviating one of the harshest cruelties of the chattel slave system.

Joe	£ 49.15	Hannah and two	
Lewis	65.	children	£ 147.
Francis, younger	70.2	Cambridge, Moll	
Rippin and		and Esther	112.
Camelia	102.	Anthony, Lett and	
Francis, elder	50.	Rippin	125.
Dise and three		Jack, Aggey and	
children	150.4	Two children	231.
James, Peggy		Eve	60.
and child	160.10	Luce	60.
Tab	71.	Biddy	47.10
Dick	70.		

---

If anyone suffered from this system, it was the slave himself. The intelligent gentry must have realized this, and been troubled. What they really wanted was a thrifty, industrious and stable peasantry like that of England,

which would support them on modest rents. Unfortunately the ideal of squiredom could not be realized on a continent where the thrifty and industrious might easily become planters themselves. So the Virginian was left with his slaves: he deplored slavery, but he could not do without it. A thorough agrarian, he could envision no finer order of life than the rustic elegance of a rich plantation.

So slavery caused him repeated misgivings. Direct self-doubt was foreign to the Virginia character, as was fear openly expressed. The Virginian of this era was a successful revolutionary, or the son of one, and held as an article of political faith that man might--indeed, should--fight against oppression. He was therefore haunted by the fear that his Negroes would do just that. The fear increased significantly in the wake of the Santo Domingo massacres of 1791. Fear was justified in 1800 when the slave Gabriel was barely deterred from destroying Richmond and its white inhabitants by a conspiracy ingenious in plan, so far as it was discovered, and vast in membership, so far as it could be traced.<sup>7</sup>

The laws of Virginia reflected fear of insurrection: slaves were not to assemble except under the supervision of their masters. Free Negroes were not to possess more than one firearm. Slaves were strictly forbidden from peddling or hiring themselves out even when their masters desired that they do so, for a slave at large might organize a plot. If a single slave fled into the swamps or hills, his master must use his personal resources for recovering his property, but where two or more slaves were known to be hiding out together the state required a posse to capture the potential conspirators. Planters maintained an effective militia far from any frontier; it was a defense against the internal enemy. Law required that each militia company supply nightly patrols to make sure that slaves were behaving.<sup>8</sup>

The main influences on Virginia's attitude toward slavery have now been mentioned. Self-conscious champions of liberalism, the Virginians must criticize slavery in principle. However, as thoroughgoing agrarians dependent on their captive labor supply, they were in fact chained to the institution. Convinced of Negro inferiority, and fearful of Negro vengeance, they could see no alternative to the status quo other than the fantastic one of removing a quarter of a million souls and replacing them with amiable European immigrants. Even improving the talent of slaves was a doubtful practice: skilled and literate Negroes might be more productive, but they were also far more resourceful about escaping to the North.<sup>9</sup>

Keeping all this in mind permits one to make some sense of the perplexing behavior of Virginia statesmen on the national scene. Whenever an issue touching slavery came before Congress, Virginians were likely to deplore the existence of the institution, usually blaming a malign England for fastening it upon them. Yet they were firm and clear in maintaining that the question of emancipation could not possibly be discussed in Congress because the Constitution failed to authorize the federal legislature to consider the topic.

Discussion could only be pernicious: "The mention of such a thing in the House had," according to James Madison, "a very bad effect on that species of property."<sup>10</sup> The bad effect anticipated, rather strangely it seems, was that any public talk of emancipation would echo down around the plantations, causing slaves to become restless. This would in turn require their masters to check them with a more severe discipline. Thus agitation could result in nothing but making the lot of the slave more difficult than ever. Still, while Virginia representatives were firm in keeping unconstitutional matters off the agenda, they did not join Georgia and South Carolina in their truculent hostility to any mention of slavery whatever.

Virginians, in fact, spoke and voted consistently against the international slave trade. In 1778 they had outlawed the further importation of Negroes into their own state, and one of the favorite arguments of Virginia anti-federalists in 1788 was that the proposed Constitution guaranteed the iniquitous trade for at least twenty more years.<sup>11</sup> But here it must be insisted that a desire to end the slave trade is not nearly the same thing as wishing to end slavery. Virginia already had enough slaves; many thought she had too many. Slaves made up almost half of the population, and more than half in the easternmost counties. Blacks might eventually crush their white masters by mere overwhelming numbers; all agreed that they bred more rapidly than whites. It would be folly to further invite disaster by permitting unlimited importation. If gentlemen wished to buy slaves they could find in Virginia an ample supply, fairly priced, and fairly educated to the language and laws of the country. It should be most carefully noticed that Virginian attacks on the slave trade usually acknowledged the evil of slavery, but attacked the deliberate expansion of that evil, carefully avoiding any suggestion that something immediate might be done to end the considerable slavery already extant. South Carolinians cynically pointed out that if their African supply were cut off they should have to buy slaves in Virginia at ever-increasing prices. There was never any law against exporting slaves from Virginia.

Virginians were far less agreed on the question of slavery in the territories than one might assume from the tradition. In 1784 Thomas Jefferson advocated that slavery be prohibited from all western territories, North and South. However, his compatriots at the Continental Congress, Samuel Hardy and John Francis Mercer, felt otherwise, so that the unit vote of the Virginia delegation was against the measure.<sup>12</sup> In 1787 Virginia voted in favor of keeping slavery out of the Northwest Territory.<sup>13</sup> But a different rule was applied for the Southwest in 1798 when William Branch Giles and John Nicholas rose in the House to argue against prohibiting slavery in the Mississippi Territory. Giles urged that<sup>14</sup>

if the slaves of the Southern States were permitted to go into this Western Country, by lessening the number in those States and spreading them over a large surface of country, there would be a greater probability of ameli-

orating their condition, which could never be done whilst they were crowded together as they now are in the Southern States.

Again, in 1803 William Henry Harrison, son of the famous war governor Benjamin Harrison, and soon to be more famous himself, led a number of Virginia emigrants who urged Congress to reverse the prohibition north of the Ohio. Yet another Virginian, John Randolph, replied to the advocates of slavery as chairman of the House Committee on public lands:<sup>15</sup>

In the salutary operation of this sagacious and benevolent restraint, it is believed that the inhabitants of Indiana will at no very distant date find ample remuneration for a temporary privation of labor and emigration.

Randolph, who owned plantations in southern Virginia, could disinterestedly consider the long-range advantage of Indiana, while Harrison, the Virginian who actually wanted to settle there, wanted slaves to settle with him.

Another example of the split between ideals and practice may be seen in the Virginian position on fugitive slave legislation. If slavery were an inherited curse, that man should consider himself fortunate whose slaves ran far away from him. Yet the laws of Virginia contained immensely elaborate devices to prevent runaways. Appropriately, in the national legislature, Virginia always supported vigorous laws. In 1802 all fourteen Virginia representatives voted for an act which would require anyone employing a Negro without a legal certificate to pay a fine of \$500; and this was to apply not only to the South, where such laws were already in effect, but to the "middle and eastern states" as well. The bill was narrowly defeated.<sup>16</sup>

Having challenged the view that Virginia leadership was truly hostile to slavery, we must account for the freeing of some 10,000 slaves between 1782 and 1790. This was less than five per cent of the total, but still represented a huge increase in the number of freedmen. Most of the credit should go to the Methodists and Quakers. The former denomination had a leadership acutely hostile to slavery--for awhile. The latter, after much troubling of conscience, decided that it could not abide slavery at all. Two Virginia Quakers, Warner Mifflin and Robert Pleasants, were genuine abolitionists.<sup>17</sup> In 1790 Pleasants sent a petition against the slave trade to James Madison, requesting that he submit it to Congress. Madison replied that he did not feel "at liberty" to introduce such an item:<sup>18</sup>

Animadversions such as it contains, and which the authorized object of the petitioners did not require, on the slavery existing in our country, are supposed by the holder of that species of property to lessen the value by weakening the tenure of it. Those from whom I derive my public station are known by me to be greatly interested in that species of property, and to view the matter in that light. It would seem that I might be chargeable at least with want

of candour, if not of fidelity, were I to make a situation in which their confidence has placed me to become a volunteer in giving a public wound, as they would deem it, to an interest on which they set so great a value . . . .

For evidence that slavery was considered a burden and a curse we must rely on the statements of a few eminent Virginians. Here is Madison, showing no "want of candour," suggesting that most Virginia slaveholders set great value in their slave property and would feel "wounded" were their representatives to criticize the holding of "that species of property." If we are still discussing the struggle between human rights and property rights as a major theme of American civilization, then here, in the wake of the American Revolution, is a most tragic example of the triumph of the latter over the former. Jeffersonian statesmen knew that slavery was wrong, and they had some support in that opinion, especially among the aroused evangelical sects. Yet they complained of helplessness, hinted of mass slaughters and miscegenation, and bravely hoped that the future might accomplish what they themselves feared to undertake. The Virginian who hated slavery and always acted in such a way as to preserve and defend it was no hypocrite: the charm of the hypocrite lies in his knowing full well that he is misrepresenting something. The proud Virginian could not tolerate hypocrisy. He seems successfully to have hidden from himself, and from others after him, that he detested slavery while remaining passionately devoted to a way of life which, without slavery, must perish.

#### Footnotes:

This essay presents some of the conclusions to which research on a doctoral dissertation has led me. The statements on the relatively high value of slaves depend on material found in private bills of sale, tax lists, merchants' accounts and will books in the Library of the University of Virginia and the Virginia State Library at Richmond.

<sup>1</sup> The most elaborate of these was by St. George Tucker in his Dissertation on Slavery (Philadelphia, 1796). Tucker tried to submit his plan to the Virginia House of Delegates, which refused to consider it; cf. W. S. Jenkins, Pro-Slavery Thought in the Old South (Chapel Hill, 1935), 53.

<sup>2</sup> W. W. Hening, The Statutes at Large . . . xi (Richmond, 1822), 39-40.

<sup>3</sup> Hening, Statutes, ix (Richmond, 1821), 471-2.

<sup>4</sup> Notes on the State of Virginia (London: John Stockdale, 1787), 271.

<sup>5</sup> Ibid., 232.

<sup>6</sup> Commodity prices are also noted in several travel books, the most thorough of which is LaRocheffoucauld-Liancourt, Voyage dans les E'tats-Unis d'Amerique (Paris, 1799), vols. iv and v. Others are listed in Thomas D. Clark, Travels in the Old South (Norman, 1956), ii.



<sup>7</sup> The best account of the Gabriel rebellion is in Herbert Aptheker, American Negro Slave Revolts (Columbia University Studies in History, Economics and Public Law, No. 501; New York, 1943).

<sup>8</sup> The Virginia legislature gathered and condensed all laws concerning Negroes and mulattoes into an omnibus bill enacted 17 December, 1792. See Samuel Shepherd, The Statues at Large in Virginia, 1792-1806 (Richmond, 1835), i, 122-129.

<sup>9</sup> Several remarkable runaways are described in "Eighteenth Century Slaves as Advertised by their Masters," Journal of Negro History, i (1916), 163-216.

<sup>10</sup> Annals of the Third Congress, 1040.

<sup>11</sup> Cf. especially George Mason's speech in Jonathan Elliott, The Debates . . . on the Adoption of the Constitution (Philadelphia, 1896), iii, 269. Mason argues that the Constitution is wicked because, 1. it fails to end the slave trade, and, 2. it fails to guarantee the property rights of Southerners in slaves!

<sup>12</sup> Journal of the Continental Congress, xxvi, 247.

<sup>13</sup> Ibid., xxxii, 343.

<sup>14</sup> Annals of the Fifth Congress, ii, 1309.

<sup>15</sup> W. C. Bruce, John Randolph of Roanoke (New York; 1922), ii, 245.

<sup>16</sup> Annals of the Seventh Congress, First Session, 423.

<sup>17</sup> Mary S. Locke, Anti-Slavery in America (Boston, 1901), 37 ff.; Thomas E. Drake, Quakers and Slavery in America (New Haven, 1950), 83.

<sup>18</sup> Writings, i, 542.