

2009

# Unlawful Assembly and the Fredericksburg Mayor's Court Order Books, 1821-1834

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May 1, 2009

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UNLAWFUL ASSEMBLY AND THE FREDERICKSBURG MAYOR'S COURT  
ORDER BOOKS, 1821-1834

A thesis submitted in partial fulfillment of the requirements for the degree of Master of  
Arts at Virginia Commonwealth University.

by

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## Acknowledgements

I am indebted to many for helping me complete this journey. At Virginia Commonwealth University; thank you to my amazing advisor Dr. Norrece T. Jones for his guidance, encouragement, and patience. Dr. John Kneebone offered priceless suggestions. Thank you to Dr. Katherine Bassard for being my third reader. Many thanks go to Dr. Bernard Moitt and his Caribbean Slavery graduate course that piqued my interest in slavery research. Dr. Wilma King, your guest lecture at VCU in 2004 greatly inspired this thesis. Thank you to Dr. Phillip Schwarz (referenced throughout this thesis as well), Dr. John Herman, Dr. Timothy Thurber, Wanda Clary, and Kathleen Murphy for helping me along. I gained great insights from my fellow graduate students; especially my dear friends Kay Peninger and Tricia Noel, who also assisted my work in her archivist position at the Library of Virginia. Thank you also to the VCU libraries staff for their assistance, especially with interlibrary loans.

In Fredericksburg, Virginia, thank you to the supportive, entertaining, and expert staff of the Fredericksburg Historic Court Records. Archivist Barry McGhee's generosity and willingness to share and assist my research and writing efforts went beyond expectation. Thanks also to the assistants, especially Roberta Kerr and Patricia McGhee. The preservation, organization, and accessibility of the Fredericksburg records are awe-inspiring. Thanks to Dr. Gary Stanton for sharing insights and his valuable Fredericksburg research databases. Thanks also to the staffs of the Central Rappahannock Regional Library, Spotsylvania Heritage Center & Library, and the Library of Virginia Staff,

especially Archivist Derek Gray. Thank you to the participants and organizers of the 2008 Virginia Forum held at the University of Mary Washington. Thanks also to Shelby L. Chandler II, Master Mason of Fredericksburg Lodge No.4.

Thank you to my supportive family and friends, especially Andrea Luker, Aliyah Luker, Amy Jeffreys, Mari Mick, Melody Harvey, Susan Moore, and Jason Hickman. A big thank you goes to my brother Leon Brown, III, for several book transports and photocopying sessions. Andy S. Nelson, you have also been quite the big brother, compass, and haven in my life thus far: thank you dorkie. Thank you to my dog Reesie for keeping me company during late nights. For my precious daughter Josephine: I am so honored to be your mom and I love you beyond measure. Lastly, to my dear husband Robert “Bob” Blunkosky, thanks for your patience and laughter that enliven my days and bring joy to my heart. I dedicate this to you, with lots of love and respect.

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## Abstract

UNLAWFUL ASSEMBLY AND THE FREDERICKSBURG MAYOR'S COURT

ORDER BOOKS, 1821-1834

By: Sarah K. Blunkosky, B.A.

A thesis submitted in partial fulfillment of the requirements for the degree of Master of Arts at Virginia Commonwealth University.

Virginia Commonwealth University, 2009

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Unlawful assembly accounts extracted from the Fredericksburg Mayor's Court Order Books from 1821-1834, reveal rare glimpses of unsupervised, alleged illegal interactions between free and enslaved individuals, many of whom do not appear in other records. Authorities enforced laws banning free blacks and persons of mixed race from interacting with enslaved persons and whites at unlawful assemblies to keep peace in the town, to prevent sexual relationships between white women and free and enslaved black men, and to prevent alliance building between individuals. The complex connections

necessary to arrange unlawful assemblies threatened the town's safety with insurrection if these individuals developed radical ideas opposing the existing social order, the foundation of which was slavery. Akin to residents of areas where natural disasters like volcanoes always pose a risk of dangerous eruptions, those living in Fredericksburg lived their lives within the town slave society and its potential threats. In an area, state, and region where insurrections occurred, unlawful assembly, whether frequent or infrequent, mattered.

## Introduction

All existing, documented unlawful assembly accounts in the Mayor's Court Order Books, known also as the MCOB throughout this work (not including loose papers which are catalogued separately and noted as such), from mid-1821 to the fall of 1834, are presented in the appendix of this thesis with most being discussed throughout its eight chapters.<sup>1</sup> Authorities kept the MCOB to document alleged illegal activities and property disputes. The Mayor's judgments, including punishments, fines, and additional court orders helped authorities monitor money collected and spent. The MCOB recorded names of individuals found guilty or suspected guilty of crimes for reference purposes and sentence recommendations if they returned to court for future offences. This research is based on the four existing books that have been catalogued along with thousands of loose court papers now preserved in the Fredericksburg Historic Court Records Archive. Not all loose papers have been recovered or processed, but according to the archivist as of 2008- these are thought to be the only existing unlawful assembly accounts for that time period.

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<sup>1</sup> The Mayor's Court Order Books have accounts that date to November 2, 1835, though none appear to be unlawful assembly accounts. MCOB accounts span until November 1835 but they abruptly change format in May 1835. From May to November, the accounts appear in short notes devoid of the details present in earlier MCOB years. It is unclear why the format changed and whether or not essential details and/or whole accounts were lost or missing. Out of caution, I abstained from 1835 and ended the study period at 1834.

Other books are assumed lost or destroyed.<sup>2</sup> The unlawful assembly and closely related MCOB accounts discussed in this thesis are accessible in the appendix in their entirety. MCOB accounts not closely related to unlawful assembly, but relevant to the overall study, are individually referenced in footnotes but absent from the appendix.

Scholars in the mid- late twentieth-century began to discuss southern rural, urban, and town landscapes to better understand the lives of slave society residents. Inspired by this trend, I sought what contemporary Fredericksburg unlawful assembly court record accounts would reveal with their rare glimpses of unsupervised, alleged illegal interactions between free and enslaved individuals, many of whom are named and identifiable in other local, contemporary records for my study. Once I identified all the individuals I could in the unlawful assembly accounts, I then sought to understand the town in which these individuals shared space. Fredericksburg's features, including its economy, racial and other population demographics, and authorities helped illuminate the brutal and intimate town slave society spaces that individuals occupied. I found that many individuals

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<sup>2</sup> Historians of Richmond, Virginia courts argue that many misdemeanor offenses such as unlawful assembly were likely processed outside of the Mayor's Court and at watch houses presided over by an official such as a magistrate in separate courts often referred as "Sunrise Courts." Rothman, *Notorious in the Neighborhood*, (Chapel Hill, North Carolina: University of North Carolina Press, 2003), 100; James M. Campbell, *Slavery on Trial: Race, Class, and Criminal Justice in Antebellum Richmond, Virginia*, (Gainesville: University Press of Florida, 2007) 23 I do not believe that this was the case in Fredericksburg. The MCOB accounts for 1821-1834, contain the very types of misdemeanor offences Rothman and Campbell argue that non-Mayor magistrates, such as a justice of the peace, processed. Most accounts such as: unlawful assembly, petty theft, insolent language, and speeding drays were supervised by Fredericksburg's Mayor. Fredericksburg, an incorporated town of Spotsylvania County, had a separate court from the county's and did not possess the larger population or jurisdictional territory of one such as Richmond's. Fredericksburg's MCOB unlawful assembly accounts were supervised by the Mayor. The few MCOB accounts for 1821-1834 that did cite a justice of the peace (J.P. abr.) magistrate did not involve unlawful assembly. In these accounts (about 10-13 est.), the justice of the peace served in more of a stipendiary capacity when he ordered warrants, administered oaths, and oversaw testimony in a few minor criminal and civil cases, likely in the Mayor's absence. For legal definitions, see: *Black's Law Dictionary*, Seventh Edition. Bryan Garner, Ed., (St. Paul, Minn.: West Group, 1999), 869, 962.

appeared identifiable at first, but later proved difficult to identify with absolute certainty. If there was a doubt, then I did not risk committing an error by making any assumption concerning such identities. Regretfully, not all individuals, especially enslaved women, were identifiable.

An 1820 Virginia law stated: “All meetings or assemblages of slaves, or free negroes, or mulattoes mixing or associating with slaves at any meeting house or houses, or any other place or places in the night, or at any school or schools for teaching them reading or writing, either in the day or night, under whatsoever pretext, shall be deemed and considered as an unlawful assembly.”<sup>3</sup> Unlawful assembly records identify persons of differing race, economic means, gender, and free status together on the basis of meeting to conduct some form of illegal activity, or to pay a fine for a slave person’s illegal activity. One advantage of my research, therefore, is to bring to the surface individuals not typically found and discussed in either public or private records. The discovery of elusive individuals in unlawful assembly records enables scholars to then examine these individuals in less traditional ways, such as by searching through other court records for links between individuals. These links can form groups based on similar connections with key individuals and reveal insights into the group dynamics of under-represented historic populations.

In the port town slave society of Fredericksburg, Virginia enslaved and free persons interacted within shared spaces such as alleys, roads, stores, homes, and the riverbank.

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<sup>3</sup> “An Act reducing into one the several acts concerning slaves, free blacks, and mulattoes,” Virginia General Assembly Laws, March 2, 1819. *Boston Recorder* (1817-1824), May 6, 1820; 5, 19. APS Online pg. 74.

Census estimates of the years 1820 and 1830 reveal that Fredericksburg was a large Southern town with an enslaved and free black population that nearly matched the white population, a trend less documented in Southern town histories and known more in Southern cities such as Petersburg or Richmond, Virginia.

Following the consensus of most twentieth- and twenty-first-century slavery historians, I found that Fredericksburg authorities created and enforced laws that valued and upheld the supremacy of whites and the owners of enslaved persons who were considered property. Authorities enforced laws banning free blacks and persons of mixed race from interacting with enslaved persons and whites at unlawful assemblies to preserve the peace and quiet of the town, to prevent sexual relationships between white women and free and enslaved black men, and to prevent alliance building between individuals. I argue that unlawful assembly records help illustrate alliance building between free and enslaved blacks, free and enslaved persons of mixed race, and white assembly attendees. The communication, organization, and connections necessary to arrange unlawful assemblies potentially risked the safety of the Corporation with insurrection if these individuals later chose violently to oppose authorities.

The infrequency of recorded unlawful assemblies in the Fredericksburg MCOB implies that these illegal meetings did not appear to threaten authorities, but only annoyed them, the position of most scholars. When scholars generally lump unlawful assembly in with 'minor offenses,' such as petty theft, giving each scant discussion, they imply that, in

general, unlawful assemblies were not threatening to the slave societies they examined, but mere petty offenses unworthy of significant attention.<sup>4</sup>

In Fredericksburg, unlawful assemblies did annoy authorities, but they also alarmed them with the additional threat the free black population posed. Unlike most rural areas and other small southern towns, Fredericksburg possessed a significant free black population that actively intermingled with the local enslaved population, as unlawful assembly records demonstrate. When authorities combined population estimates for free and enslaved blacks in town, they easily found those numbers nearly equaled Fredericksburg's white population. The history of previous insurrection threats, a small militia, and newspaper reports of insurrections, and the majority of law breaking in general, factored with unlawful assembly accounts, annoyed authorities but also roused suspicion and reminded them of their ultimate fear as residents in a slave society: slave insurrection. Like unlawful assemblies, insurrections were also infrequent occurrences that could and did happen, especially in the surrounding Fredericksburg area as I will demonstrate in a discussion of slave insurrections and plots in the Fredericksburg area from 1800 to 1821. Akin to residents of volcano zones who continued their routines in spite of the potential for disaster, Fredericksburg residents and authorities lived their lives within the town slave society and its potential threats.

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<sup>4</sup> Lisa Tolbert argued that a small Tennessee town's authorities' frustration with town slave movement derived from concern for reputation: "Imminent insurrection was not the issue; the town's reputation was." *Constructing Townscapes: Space and Society in Antebellum Tennessee*, (Chapel Hill: University of North Carolina Press, 1999) 215. The presence of such disturbances undermined a town's reputation to maintain white supremacist order by controlling its enslaved black population.

Like the Mayor's Court Order Books containing unlawful assembly accounts, Fredericksburg newspapers published articles describing major insurrectionary threats to slave societies. Some of these articles described events such as: the Denmark Vesey conspiracy of 1822 in South Carolina; the publishing and arrival from Boston of a mysterious work later identified as David Walker's famous *Appeal* in 1829; the Southampton, Virginia; slave insurrection led by the man called Nat Turner in 1831, and the Virginia anti-slavery debates of 1831-1832. Before these events, Fredericksburg residents learned of at least three local Virginia slave insurrections from the previous twenty years in newspapers: Gabriel's Rebellion in 1800 (whose conspiracy stretched from Richmond to Fredericksburg's neighboring county of Caroline); the Chatham slave revolt of 1805 (which occurred less than a mile from Fredericksburg); and George Boxley's Rebellion of 1815 (which started in Spotsylvania county and almost reached Fredericksburg). In an area where insurrections occurred, unlawful assembly, whether frequent or infrequent, mattered.

An examination of the Mayor's Court Order Books reveals rare accounts of individuals charged with assembling illegally. Names, locations, and punishments are often listed in these accounts. Alleged interactions between individuals insinuate or reveal illegal social connections and places of convergence. When individuals are found among other contemporary records, more insights are available. Gambling, drinking, dancing, fighting, cock fighting, keeping a disorderly house, and attending an illegal school for free blacks and slaves are activities found or types of unlawful assemblies presented in this study. None of the unlawful assemblies found in my research alleged individuals were

illegally meeting for religious gatherings and/or rituals. For that reason, religious gatherings involving free and enslaved individuals will not be discussed.<sup>5</sup>

It is important to make note that individuals may have been guilty or innocent of the charges brought forth against them. Accounts could also have been filled with partially inaccurate information as well, or be something entirely different than what the court thought they appeared to be. On the surface, an account described by the court as an illegal dance might have been a dance or not a dance at all. The unlawful assembly might have actually been a secret meeting disguised as a dance to elude authorities in case of discovery. Unlawful assembly records attest that if free and enslaved individuals of differing races inside and outside of town were able to communicate and organize what appeared as social entertainment events to white authorities, then some of these same individuals would possess agency to utilize the same, or similar communication networks to meet for alternate purposes in which it was also illegal to participate. The complexity of unlawful assembly and related records found in the MCOB strongly suggest that accounts might not reveal the whole truth. What appeared to patrollers as a gambling party, for example, might have been an actual party where a few persons met together for drinks and entertainment. But, potentially, the gambling party might have been something completely different, an event which served for the transmission of valuable information, goods, or even people on the run. Evidence of the same free blacks appearing in both pass forging cases and unlawful assembly accounts (discussed in a later chapter) strongly suggests that

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<sup>5</sup> For a discussion of religious meetings among free and enslaved blacks and persons of mixed race in Fredericksburg, see Ruth Coder Fitzgerald's, *A Different Story: A Black History of Fredericksburg, Stafford, and Spotsylvania, Virginia*, Unicorn Press, 1979.

alternative activities not discussed in MCOB unlawful assembly accounts likely occurred at least some unlawful assemblies.

Illegal activities such as: gambling, drinking/trading/selling liquor without licenses, and possibly prostitution allegedly occurred in the intimate settings of private homes and outdoor spaces; alleged dances provided economic opportunities for persons, free and enslaved, white and black, and of mixed race to exchange goods. Participation in these alleged activities challenged and subtly undermined common societal attitudes. Meeting illegally allowed individuals to exchange goods (such as alcohol, food, personal effects, and stolen items), to build new relationships, and to strengthen old ones. More importantly, unlawful assemblies allowed individuals opportunities to exchange information. Inhibitions could diminish as persons of differing races, genders, and classes sought self advantage while undermining local laws and values related to white supremacy, the belief in a racial hierarchal order commandeered by the naturally derived superior white race.<sup>6</sup> Nevertheless, unlawful assemblies did not significantly diminish the control of the predominantly merchant-based authorities in Fredericksburg's town slave society.

Certain local and state regulations defined who and what constituted an unlawful assembly. Scholars usually refer to unlawful assembly briefly without defining it, accepting the common definition that it was the illegal gathering of enslaved individuals

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<sup>6</sup> I apply my interpretation of George Fredrickson's explanation of white supremacy, a specific form of racism, to Fredericksburg. See *Racism: A Short History*, (Princeton, N.J: Princeton University Press, 2002) 5-6. Fredrickson argued further that white supremacy was a form of racism. It was "not merely an attitude or set of beliefs; it also expresses itself in the practices, institutions, and structures that a sense of deep difference justifies or validates. Racism, therefore, is more than theorizing about human differences or thinking badly of a group over which one has no control. It either directly sustains or proposes to establish a racial order, a permanent group hierarchy that is believed to reflect the laws of nature or the decrees of God."

and whoever was found with them. This is limiting. Fredericksburg legislation defined unlawful assembly in 1782 as an illegal meeting of enslaved individuals found among other enslaved individuals, with or without free blacks, persons of mixed race, and white attendees. Some whites attended unlawful assemblies, at times had them on, or, in their properties, and were often punished for attending them, though legal descriptions of unlawful assembly attendees in regulations do not appear to include whites.<sup>7</sup> Unlawful assembly records indicated that Fredericksburg authorities interpreted and exercised unlawful assembly laws as primarily applicable to free and enslaved blacks and persons of mixed race. Concern with white participants was secondary.

I then explore fines, punishments, and informants involved with unlawful assembly; followed by an examination of unlawful assembly regulations, in an effort to understand the potential risks and consequences involved with unlawful assemblies. I then examine the challenges and insights of examining women identified in unlawful assemblies and how gender affected authorities' decisions concerning fines and punishments. Finally, I discuss the challenges I encountered in this work and the questions it raises for future scholars.

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<sup>7</sup> Unlawful assembly laws are discussed further in later chapters.

## CHAPTER 1 Overview

Scholars of slavery brought much needed attention to the physical and emotional horrors of slave punishment and torture on slave ships, rural plantations, and cities. Towns have received significantly less attention.<sup>8</sup> Most scholars focused on plantation slavery and examined towns as assimilated extensions of the rural landscape until the 1970's, when social and Marxist historians encouraged scholars to examine class, race, gender, and new landscapes, such as the city slave society. Those scholars examined towns with larger and more diverse racial populations as merely small versions of cities. Town slavery discussions from the late twentieth-century were anecdotal or miniscule accounts that appeared in works that focused primarily on urban or rural slavery. A few article-size works that examine individual towns as local studies from the 1970's to the present exist, but there was no significant attempt to study a town within its own unique framework until Tennessee small town historian Lisa Tolbert published her book, *Constructing Townscapes: Space and Society in Antebellum Tennessee* in 1999.

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<sup>8</sup> For scholarship on Southern towns, see: Tolbert, *Constructing Townscapes*; Robert C. Kenzer, *Kinship and Neighborhood in a Southern Community* (Knoxville: University of Tennessee Press, 1987), *In My Father's House Are Many Mansions: Family and Community in Edgefield, South Carolina* (Chapel Hill: University of North Carolina Press, 1985); William L. Richter, "Slavery in Baton Rouge, 1820-1860," *Plantation, Town, and County: Essays on the Local History of American Slave Society*, ed. Elinor Miller and Eugene D. Genovese, (Chicago: University of Illinois Press, 1974) 377-398; Terry L. Seip, "Slaves and Free Negroes in Alexandria, 1850-1860," *Plantation, Town, and County*, 397-414.

*Constructing Townscapes* focused on architectural buildings, town maps, and traditional historic documents such as court records and contemporary papers to discuss race, gender, class, architecture and space in four small towns in Tennessee, which she refers to as ‘townscapes.’ Tolbert called for small towns to be studied within their own unique context in addition to the urban and rural comparisons that larger Southern towns receive.<sup>9</sup> To escape the problems of defining towns by their population size and boundaries, Tolbert argued that “the focus needs to move toward a cultural interpretation of small towns that takes account of the distinctive experience of town life....”<sup>10</sup> Tolbert also provided helpful insights on slavery in small towns. Sharing a combination of traits from rurally isolated plantations and densely populated urban cities, town slave societies required examination within their own unique context. Tolbert rightly argued that, “In small towns, by contrast [with rural plantations and cities], slaves did not have the opportunity to create physically segregated black communities. Nevertheless, antebellum town space was racially configured, its communities separated by powerful social customs.”<sup>11</sup>

The generalizations in *Constructing Townscapes* about small southern town slave societies are not applicable to all time periods and to all southern small town slave societies, especially Fredericksburg, Virginia from 1821-1834, which is larger than the small town she describes but smaller than the cities typically found in slavery scholarship. Some of Tolbert’s assertions come from four Tennessee small town slave societies and

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<sup>9</sup> Tolbert, 5.

<sup>10</sup> Ibid, 6.

<sup>11</sup> Ibid, 194.

mostly records from the 1850's evidence. At times, this implies that there is a one-size fits all framework for all southern town slave societies which does not work. In constructing a framework to study southern small-towns, she neglects to include a framework to study large-towns, leaving an unanswered question, "What about the large town, particularly the large town slave society?" This question is apparent throughout the work but one example stands out in particular for this study. Tolbert declared:

Furthermore, analysis of the townscape as a vernacular form shows that although small-town builders were certainly inspired by urban models, they did not simply build urban microcosms. For example, owning and hiring slaves was common practice in Middle Tennessee county seats, where more than 40 percent of the population was unfree. But in stark contrast to southern cities, the free black population in small towns was almost nonexistent....These relationships are best understood by focusing on the material world—the architectural fabric—of the small town and by studying the social interactions within that world.<sup>12</sup>

Tolbert's four small-town Tennessee slave society conclusions included a minute discussion of the few free blacks who populated her small towns, but in general, her conclusions of small town life did not factor in free black populations. This factor alone makes it difficult to apply many of Tolbert's assertions to a southern town like Fredericksburg, the focus of this study. Fredericksburg possessed a significant free black population that interacted with whites, the enslaved, free blacks, and persons of mixed race.

Inspired by Tolbert, I argue that Fredericksburg was a large southern town slave society because of its landscape, identification as an incorporated town, population size, and diverse population of whites, free and enslaved blacks, and both free and unfree persons of mixed race. Unlawful assembly records revealed a more brutal "communal intimacy" in Fredericksburg than in the small southern town slave societies that Tolbert

discussed<sup>13</sup> with a considerable free black population that shared traits commonly found in southern cities.<sup>14</sup> It is not my intention to create a new framework for studying large Southern towns, as that would be beyond the scope of this thesis, but an examination of antebellum Fredericksburg does reveal that the existing research frameworks are limited and in need of revision.

The dearth of existing and accessible records combined with the traditional tendency to pass over locally-focused studies for the ‘bigger picture’ have led most scholars to neglect unlawful assembly in their work. Those who do mention unlawful assembly discuss it within the context of larger narrative histories, such as Ira Berlin’s *Slaves Without Masters: The Free Negro in the Antebellum South* or Peter Kolchin’s *American Slavery 1619-1877*. The few local studies that do address unlawful assembly, discuss it briefly, as is the case with William A. Byrne in his article, “Slave Crime in Savannah, Georgia” and William L. Richter’s “Slavery in Baton Rouge, 1820-1860.” To date, unlawful assembly has yet to appear as the central focus.<sup>15</sup>

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<sup>12</sup> Ibid, 5.

<sup>13</sup> Lisa Tolbert wrote, “The social dynamic of town life was marked by a degree of racial intimacy that was altogether different from both plantation and urban conditions. Harriet Jacobs [a bondswoman who wrote an extensive commentary on slavery and her life as a slave woman] argued that communal intimacy constrained white slave owners, thereby offering some protection to vulnerable slaves. At the same time, it forestalled attempts to create an autonomous black community, until slave churches emerged in the renovated townscape.” Ibid, 223; Harriet Jacobs, *Incidents in the Life of a Slave Girl, Written by Herself*, edited by Jean Fagin Yellin, (Cambridge: Harvard University Press, 1987) 12.

<sup>14</sup> I look to urban free black studies in this work because I did not find studies of free blacks in large Southern towns. Free black scholarship remains dualistic—rural or urban.

<sup>15</sup> For narrative histories that briefly discuss unlawful assembly, see: Ira Berlin, *Slaves Without Masters: The Free Negro in the Antebellum South*, (New York: The New Press, 1974); *Many Thousands Gone: The First Two Centuries of Slavery in North America*, (Cambridge, Massachusetts: Harvard University Press, 2000); *The Slaves’ Economy: Independent Production by Slaves in the Americas*, (London: Frank Cass and Co., 1991); Peter Kolchin, *American Slavery, 1619-1877*, (New York: Hill and Wang, 1993). Eugene D. Genovese, *Roll, Jordan, Roll: The World the Slaves Made*, (New York: Vintage, 1972). For a brief discussion of unlawful assembly in a Southern town, see: Richter, “Slavery in Baton Rouge, 1820-1860.”

Melvin Patrick Ely's *Israel on the Appomattox: A Southern Experiment in Black Freedom from the 1790's Through the Civil War*, based primarily on Prince Edward County, Virginia court records; inspired me to utilize court records "creatively" but within the respectable confines of the criteria established by professional historians.<sup>16</sup> Ely declared that of the various types of county court records, "The richest categories of evidence by far are the various administrative records of county government and the courts' ended papers [often referred to as loose papers as well]."<sup>17</sup>

Phillip Schwarz's work: *Twice Condemned: Slaves and the Criminal Laws of Virginia, 1705-1865*, argued that Virginia courts 'twice condemned' enslaved persons. At first, enslaved persons are condemned as property of others according to law, stripped of basic legal rights granted to white humans.<sup>18</sup> Then, enslaved persons are condemned of breaking laws that neglect to recognize them as human beings. Schwarz argues that Virginia criminal cases reflect grave injustices against enslaved persons in Virginia. Since

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For urban slavery works that briefly discuss unlawful assembly see William A. Byrne, "Slave Crime in Savannah, Georgia," *The Journal of Negro History*, Vol. 79, 1994; Robert Wade, *Slavery in the Cities: The South, 1820-1860*, (New York: Oxford University Press, 1964); Claudia Golden, *Urban Slavery in the American South, 1820-1860: A Quantitative History*, (Chicago and London: The University of Chicago Press, 1976); and Midori Takagi, *Rearing Wolves to Our Own Destruction: Slavery in Richmond, Virginia, 1782-1865*, (Charlottesville, Virginia: University Press of Virginia, 1999); Campbell, *Slavery on Trial*. To better understand slave laws in Virginia, see Phillip Schwarz's works: "Forging the Shackles: The Development of Virginia's Criminal Code for Slaves"; In *Ambivalent Legacy: A Legal History of the South*, ed. David J. Brodenhamer and James W. Ely Jr. (Jackson, Miss., 1984); For a discussion of unlawful assembly-like behavior, see Timothy Ryan Buckner, *Constructing Identities On The Frontier Of Slavery: Natchez, Mississippi, 1760-1860* [electronic resource], Doctoral dissertation, The University of Texas at Austin, 2005, Available electronically from <http://hdl.handle.net/2152/962>. Byrne, "Slave Crime in Savannah, Georgia,"

<sup>16</sup> Melvin Patrick Ely, *Israel on the Appomattox: A Southern Experiment in Black Freedom from the 1790's Through the Civil War*, (New York: Alfred A. Knopf, 2004).

<sup>17</sup> Ely's section, "Sources and Interpretations," provided an insightful look at the challenges and methodology of working with Virginia court records. Ibid, 455-468, 455.

<sup>18</sup> Phillip Schwarz, *Twice Condemned: Slaves and the Criminal Laws of Virginia, 1705-1865*, (Baton Rouge, Louisiana: Louisiana State University Press, 1988) xi-xii.

enslaved persons were not afforded equal protection under Virginia law, were viewed as chattel property, and were not granted the possibility of a fair defense (among many other reasons, the inability to testify or to have another slave person testify against a white person),<sup>19</sup> their alleged guilt or innocence cannot be determined.

I share Schwarz's assertion that guilt cannot be established to enslaved persons because of the overwhelming court biases when discerning court records involving enslaved persons. I believe that this is also applicable to free blacks and persons of mixed race as well since they, too, were denied fair access to the courts. Women often faced additional gender bias, as most were unable to testify on their own behalf or own property in their own right. This further hindered their access to justice.<sup>20</sup> In spite of court biases, great value exists in court records and their related 'loose papers,' but inherent prejudice foils the possibility of determining absolute guilt. Because of this bias, I chose to focus on activities and people to whom authorities assigned guilt or innocence. I found tremendous value in analyzing both the association between persons named in each account and the details each situation revealed.

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<sup>19</sup> Ibid, xi-xii. Fredericksburg MCOB accounts and loose papers contain records, though rare, that defy this law according to Barry McGhee, Fredericksburg Historic Court Records Archivist. Interview with the author, November 12, 2008.

<sup>20</sup> For a discussion of women in the courts, see: Stephanie Cole, "Keeping the Peace: Domestic Assault and Private Prosecution in Antebellum Baltimore," in *Over the Threshold: Intimate Violence in Early America*, ed. Christine Daniels and Michael V. Kennedy, (New York: Routledge, 1999); Laura F. Edwards, "Law, Domestic Violence, and the Limits of Patriarchal Authority in the Antebellum South," *Journal of Southern History* 65 (1999): 733-70. Riley, "Legislative Divorce in Virginia, 1803-1850," *Journal of the Early Republic* 11 (1991), 51-67; Michael Grossberg, "Battling Over Motherhood in Philadelphia," A Study of Antebellum American Trial Courts as Arenas of Conflict," in *Contested States: Law, Hegemony, and Resistance*, edited by Mindie Lazarus-Black and Susan F. Hirsch (London: Routledge, 1994); Myra C. Glenn, "Wife-Beating: The Darker Side of Victorian Domesticity," *Canadian Review of American Studies* 1 (1984), 17-33; Susan E. Barber, "Depraved and Abandoned Women: Prostitution in Richmond, Virginia, across the Civil War," in *Neither Lady nor Slave: Working Women of the Old South*, ed. Susanna Delfino and Michele

Criminal justice historian James M. Campbell's recent work, *Slavery on Trial: Race, Class, and Criminal Justice in Antebellum Richmond, Virginia*; examined more than seven thousand Richmond, Virginia criminal cases from 1830-1860, including many cases from the Richmond's Mayor's Court proceedings. His study of Richmond court records revealed "how race infused every aspect of the judicial system in both theory and practice" and found that in antebellum Virginia, more so than any other state, "the criminal law was fundamentally bifurcated by race."<sup>21</sup> Campbell discovered in his own research as well as other Virginia law historians' that "Invariably, slaves fared worse in Virginia's courts of justice than free black Americans, but during the antebellum period free blacks were increasingly made subject to the same modes of trial and similar punishments as slaves, and it was always race, rather than free or slave status, that was the primary determinant of an individual's legal experiences."<sup>22</sup> Such was the case also for the unlawful assembly accounts and other Fredericksburg court records that I examined for the years 1821-1834.

*Slavery on Trial* utilized significantly more of the same types of records I utilized for my study and provided a thorough discussion of how court cases, especially those in the Richmond Mayor's court, offered insights into the lives and social conditions of whites, enslaved blacks and persons of mixed race, and free blacks and persons of mixed

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Gillespie,(Chapel Hill: University of North Carolina Press, 2002) 155-73; Ariela J.Gross, "Beyond Black and White: Cultural Approaches to Race and Slavery," *Columbia Law Review* 101 (2001), 640-89.

<sup>21</sup> Campbell, *Slavery on Trial*, xii.

<sup>22</sup> Campbell, *Slavery on Trial*, xi; John B. Minor, *A Synopsis of the Law of Crimes and Punishments in Virginia*, Philadelphia, 1858; Schwarz, *Twice Condemned*; June Purcell Guild, *Black Laws of Virginia: A Summary of the Legislative Acts of Virginia Concerning Negroes From Earliest Times to the Present*, (Richmond: Whittet and Shepperson, 1936); Thomas D. Morris, *Southern Slavery and the Law, 1619-1860*, (Chapel Hill: University of North Carolina Press, 1996) and "Slaves and the Rules of Evidence in Criminal Trials," in *Slavery and the Law*, edited by Paul Finkleman, (Madison, Wisconsin: Madison House, 1997);

race. Campbell briefly discusses unlawful assembly record accounts in his study. He follows the trend, however, of scholars who dismiss unlawful assembly accounts as infrequent and isolated incidents that authorities processed with little alarm. Moreover, unlike Campbell, I study Fredericksburg within a large town framework that is not solely urban, as was the case with Richmond.

In her 1979 work, *A Different Story: A Black History of Fredericksburg, Spotsylvania, and Stafford*, Ruth Coder Fitzgerald provided an excellent overview of Fredericksburg black history from the beginnings of slavery in the immediate Fredericksburg area to the mid twentieth-century.<sup>23</sup> Fitzgerald's local study built a strong launching pad for scholars studying slavery and free blacks in the Fredericksburg area by introducing thousands of individuals from contemporary records such as court records, newspapers, family papers, town council papers, and hundreds of other similar documents from numerous libraries and research institutions. Considering that histories of Fredericksburg rarely, if ever, discussed either free and enslaved blacks or persons of mixed race, *A Different Story's* publication in 1979 was monumental. For the first time, a book-length discussion of Africans and African-Americans in the Fredericksburg area introduced scholars and lay readers alike to the tremendous history, work, sacrifice, triumphs, and perils of a long-ignored local population. For these reasons, I frequently reference her work. Since 1979, millions of records pertaining to Fredericksburg history recently became available online and in local, national, and international institutions.

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Edward Ayers, *Vengeance and Justice: Crime and Punishment in the Nineteenth-Century American South*, (Oxford: Oxford University Press, 1984).

<sup>23</sup> Fitzgerald, *A Different Story*.

Through my work in the MCOB and my examination of at least a hundred other varied contemporary records in addition to related secondary sources, I am making a significant contribution to the pioneering work of Ruth Coder Fitzgerald.

## CHAPTER 2 The Fredericksburg Milieu

During the time period examined, 1821-1834, Fredericksburg was a busy port town located on the fall line in the Tidewater region of Virginia, an incorporated town of Spotsylvania county since 1781. It would eventually become a city, but not until 1879. Contemporary writers and town authorities usually referred to Fredericksburg as a town or ‘the Corporation,’ but not a city. Some scholars have mistakenly labeled Fredericksburg a southern city because of its urban characteristics and in doing so, neglected its distinct town identity.<sup>24</sup>

Whites, free blacks, free persons of mixed race, and enslaved black and mixed race persons shared space within Fredericksburg town limits. In her 1826 *Sketches of History, Life and Manners in the United States*, Anne Royal commented that Fredericksburg’s “houses are mostly of brick, and some of them are handsome and commodious. There are two bridges over the river. It is an incorporated town, contains four churches...a courthouse, jail, collector’s office, a post-office, an academy, and about 4,000 inhabitants.”<sup>25</sup> Within the town of Fredericksburg, merchant interests and power

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<sup>24</sup> From 1821-1834, Fredericksburg was an incorporated town of Spotsylvania County. The terms ‘town council’ and ‘common council’ will be used in this work even though the records are commonly called ‘city council records.’ To clear up the confusion I will refer to the records as ‘town council records.’

<sup>25</sup> Anne Royal, *Sketches of History, Life and Manners in the United States*, 1826. Page reference is unknown. Quoted in *Fredericksburg Times Magazine*, August 1990. Clipping found in the Central Rappahannock Regional Library’s File Collection. Royal’s estimate likely reflected both the resident and temporary population of the port town at the time of her visit.

dominated local government authorities. Evidence of this is in the Town Council papers, tax records, the *Virginia Herald* newspaper, and the U.S. Federal census records. The residents of the town did not include planters, large-plantation-owning men of the South whose interests often dominated rural counties and cities throughout the South. Rather, Fredericksburg was made up of mid-to-small scale farm and land owners who were often merchant businessmen. Many of these men were descendents of the colonial men who Audrey Smedley explained in her work, *Race In North America: Origin and Evolution of a Worldview*, sought to create a new life for themselves without the restrictions of “language, family name, education, and class origin. They learned that not only were there great fortunes to be made but that the social dynamics in the fluid arenas of expanding, bustling towns and frontier areas obfuscated older class lines.” Many of these descendents operated in a colonial “American atmosphere vibrant with energy and spirit of adventure that made the rigidities of class for whites less relevant.”<sup>26</sup>

According to federal U.S. census estimates, Fredericksburg’s population increased an average of twenty-three percent from 1810-1820, eight percent from 1820-1830, and twenty percent from 1830-1840. In 1820, the census declared that 3076 persons resided within the town limits. There were 1549 whites, 367 free blacks, and 1160 slave persons. In 1830, the census taker estimated the town population to be 3307 persons; 1798 were whites, 384 were free blacks, and 1125 were slave persons. Fredericksburg town census estimates reveal that the population of persons of color and mixed race closely matched the population of white persons within the established town borders, so clearly defined within

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<sup>26</sup> Audrey Smedley, *Race In North America: Origin and Evolution of a Worldview*, Third Edition,

Spotsylvania County that it had a separate census.<sup>27</sup> Fredericksburg's population diversity related more to nearby Virginia cities Petersburg and Alexandria than to the nearby rural counties of Culpepper and Caroline at this time.

The first recorded blacks to arrive in the Stafford and Spotsylvania region came with white settlers in the 1600's as indentured servants and slaves. Soon after, slavery became more established in the region as many whites forced enslaved black laborers to work in their homes, on their farms, and in their mines and mills. Fredericksburg's free black community grew as both free blacks and newly manumitted slaves settled in the area and birthed generations of free children.<sup>28</sup>

One reason for Fredericksburg's significant free black population is related to wheat. Ira Berlin argued, "The economic transformation that accompanied the growth of wheat culture and concomitant urban development reignited the growth of the free black population in the Upper South."<sup>29</sup> Fredericksburg's free black population was a significant result of this. Slave mobility and hiring increased as wheat cultivation required less frequent agricultural labor throughout the year but it in turn demanded an increase in skilled professions related to the tools and transportation of wheat such as draymen, blacksmiths, laborers, and dockworkers. In the late-eighteenth and early-nineteenth century, many slaveholders, whether motivated by abolitionist ideas, economics, or a

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(Colorado: Worldview Press, 2007) 231.

<sup>27</sup> Scholars find population size difficult to ascertain in towns when borders between the county and the town are unclear. I base my population estimates on the US Federal Census for Fredericksburg town, separate from Spotsylvania County's. For more on town population challenges, see: Darrett Rutman with Anita H. Rutman, "The Village South," in *Small Worlds, Large Questions: Explorations in Early American Social History, 1600-1850*, (Charlottesville: University of Virginia Press, 1986) 231-272, 239; Tolbert, *Constructing Townscapes*, 5.

<sup>28</sup> Fitzgerald, *A Different Story*, Chapters 1-4.

combination of both, manumitted slave persons. Berlin explained: “The growth of a class of free blacks—who would support themselves most of the year but be available for hire at planting and hiring time—seemed to fit better with the new agricultural regime than with the old monoculture.”<sup>30</sup>

Fredericksburg’s dock, merchant shops, and manufacturing businesses served local, regional, and international customers. Anne Royall believed that Fredericksburg “possesses two great advantages, viz: that of rich soil, which extends some distance on both sides of the river; and secondly, the advantages of navigation; vessels of one hundred and thirty tons ascend to the town. The amount of exports annually is estimated at four million of dollars.”<sup>31</sup> The Rappahannock River, dividing Fredericksburg from the town of Falmouth and Stafford County to the north, empowered industries in both places. The river “provided an avenue [on which] to ship their products to Baltimore, Norfolk, and Philadelphia.”<sup>32</sup> Many Fredericksburg manufacturing businesses processed rural commodities from the surrounding region. Kerri S. Barile argued: “The period from the 1780’s through the 1820’s was marked by a dramatic increase in the stripping and milling industry in Fredericksburg and the nearby town of Falmouth....Families turned to new

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<sup>29</sup> Ira Berlin, *Many Thousands Gone*, 277.

<sup>30</sup> *Ibid.*, 280.

<sup>31</sup> Anne Royal, *Sketches of History, Life and Manners in the United States*, 1826. Page reference is unknown. Quoted in *Fredericksburg Times Magazine*, August 1990. Clipping found in the Central Rappahannock Regional Library’s File Collection.

<sup>32</sup> Erik F. Nelson, “Tobacco to Tourism: The Varying Fortunes of Fredericksburg and Falmouth,” *Fredericksburg History and Biography*, Volume One, (Fredericksburg, Virginia, Central Virginia Battlefields Trust, 2002) 97.

crops to sustain the family plantations, primarily wheat.”<sup>33</sup> The rise of wheat production coincided with the decline of iron manufacturing and tobacco processing.<sup>34</sup> Warehouses along the Rappahannock River “held flour, tobacco, and later cotton awaiting shipment, as well as imported consumer and other goods. Farmers, haulers, and watermen took use of the town’s inns and taverns.”<sup>35</sup>

As a large town, Fredericksburg assisted both neighboring counties and nearby states with their economic and transportation needs. Providing mail service is an excellent example. According to Rodney Green; “In 1810, seven mail routes emanated from Fredericksburg and by 1822, the mail from five states was being sorted and distributed from Fredericksburg.”<sup>36</sup> Fredericksburg docks serviced merchant ships with domestic and international port destinations and by 1822, the Swift Run Gap Turnpike Company completed thirty-six miles of a roadway that connected Fredericksburg to the Orange County Courthouse.<sup>37</sup>

Fredericksburg historic preservation scholar Gary Stanton wrote: “By the mid 1820’s, the combination of repeated fire, subdivision of downtown lots, and a concern for fire created a tightly packed core in Fredericksburg with virtually no eighteenth century

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<sup>33</sup> Kerri S. Barile, “Where Drink Was Deep and Play Was High: The History of the Indian Queen Tavern and 616-622 Caroline Street, Fredericksburg, Virginia, Part I,” *Fredericksburg History and Biography*, Volume Five, (Fredericksburg, Virginia, Central Virginia Battlefields Trust, 2006) p.72-95, 78.

<sup>34</sup> Nelson, “Tobacco to Tourism,” p.96.

<sup>35</sup> Kerri S. Barile, “Where Drink Was Deep and Play Was High,” 79.

<sup>36</sup> Rodney Dale Green, “Urban Industry, Black Resistance, and Racial Restriction in the Antebellum South: A General Model and a Case Study in Urban Virginia.” Unpublished Doctoral Dissertation, American University, 1980, p. 39.

<sup>37</sup> Nelson, “Tobacco to Tourism,” p.97. Littlefield, *Economic Challenge*, 102-114.

fabric left, except at the periphery.”<sup>38</sup> Fredericksburg’s free and enslaved citizens occupied space within buildings that varied from large Georgian and Federal residences to shanty structures.<sup>39</sup> In the 1820’s and early 1830’s, most white and enslaved Fredericksburg residents occupied some spaces similar to the small Tennessee towns described by Lisa Tolbert. According to her, such areas were: “less segregated by race than either plantations or cities. Town slaves occupied kitchens, hallways, and occasionally independent households scattered all over town near the white families they served.”<sup>40</sup> Some segregation did emerge in Fredericksburg as newer neighborhoods such as ‘Liberty town’ and ‘Sandy Bottom’ became more populated with a majority of free blacks and persons of mixed race, with a small white minority.<sup>41</sup>

Many slave owners listed in unlawful assembly accounts owned larger homes in town lots or row houses that had living quarters above their first level merchant stores. Many of the non-slave owning individuals named in the unlawful assembly records, but not further identified in census or land tax records were among those labeled “sundry tenants.” These were men and women sharing spaces in households or alone who either eluded or were ignored by tax authorities due to their circumstances. Some enslaved individuals hired out to town residents from surrounding counties were ‘sundry tenants,’

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<sup>38</sup> Gary Stanton, “How Fire Changed Fredericksburg, Virginia,” *In Shaping Communities: Perspectives in Vernacular Architecture*, Volume VI, Ed. By C.L. Hudgens and E.C. Cromley, (Knoxville: University of Tennessee Press, 1997) pp. 122-134, quoted in Kerri S. Barile, “Where Drink Was Deep and Play Was High,” 82.

<sup>39</sup> Edward Alvey, *The Streets of Fredericksburg, Virginia*, (Fredericksburg: Mary Washington College Foundation, 1978)

<sup>40</sup> Tolbert, *Constructing Townscapes*, 204.

<sup>41</sup> Mary Beth Gatzka, *Liberty Town: The Past and Present of a Fredericksburg Suburb*; edited by Gary Stanton and Susan Taylor, (Fredericksburg, Virginia: Center for Historic Preservation, Mary Washington College, 1994).

individuals who eluded census and tax lists because they were not owned by local slave owner residents. Some local enslaved individuals likely resided in buildings or structures away from their temporary or permanent owner that likely eluded tax records. Other sundry tenants could be boarders, authorized renters, or unauthorized occupants living on another's property unlisted in census and tax records. Many of such individuals within Fredericksburg were without familial, economic, or political connections. Many of these individuals were also poor, considered lower class, disruptive, and were without a fixed, permanent residence. It is hard to connect many of these individuals to the shelters they occupied because of their anonymity in most records. Some dwellings occupied in the town limits with sundry tenants were the equivalent of wooden shacks that were abandoned buildings or fixtures left on privately owned land plots.

A more brutal 'communal intimacy' existed within the Fredericksburg 'townscape' than in the small Middle Tennessee townscapes Tolbert discussed in her study. Whereas small Tennessee towns commonly possessed market houses/market squares that held public auctions, including slaves; they lacked the slave pens, specialized slave quarters, and frequent and numerous public auctions, defined as "direct physical marks of slavery," that Fredericksburg possessed.<sup>42</sup>

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<sup>42</sup> Tolbert wrote: "There were no direct physical marks of slavery on the antebellum maps of Middle Tennessee's county seats. Southern surveyors and developers drew the same type of town plans—grid patterned with central courthouse squares—that appeared in northern and western communities, where slavery had become a metaphor rather than a labor system. There were neither slave pens to facilitate the marketing of human property nor specialized urban slave quarters like those found in southern cities such as Alexandria, Virginia, or Memphis, Tennessee. Nothing in the overall designs of small towns betrayed the fact that a significant proportion of town residents lived in bondage. The impact of slavery on physical space in the small town was subtle. For example, town kitchens combined residential and work space by serving as slave dwellings." *Constructing Townscapes*, 194-195.

Fredericksburg's town jail held free and enslaved individuals imprisoned for any alleged crimes. It also served as a 'slave pen' for slaves awaiting auction by the courts or by local slave traders who paid fees to lodge their captives there. Describing enslaved prisoners, white Fredericksburg American Colonization Society member Mary Minor Blackford noted: "The town jail faces the Presbyterian Church and I have sat there during the preaching and looked at the innocent prisoners peeping through the iron bars, and have thought that they were kept there for the crime of desiring to be free..."<sup>43</sup> In Fredericksburg, encounters with slavery were "not isolated instances of wrong and oppression, but daily occurrences, so common as scarcely to excite a remark....And yet they [free residents, white residents likely] pass daily by the Slave Market and Slave jail, or gangs of chained human beings going South, with indifference."<sup>44</sup> On a daily basis, enslaved persons lived in what scholar Norrece Jones called "a state of war" where they faced the constant fear of being sold, tortured, or murdered, or having the same done to loved ones. This state of war of slavery was inescapable. In slavery, a slave person's world was often turned upside down in a swift moment.<sup>45</sup> A kind owner could die, leaving his trustees to sell enslaved persons to pay off debts and be divided among family members. John Washington described such degradation. When their slave owner hired his

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<sup>43</sup> Mary Minor Blackford quoted by L. Minor Blackford, *Mine Eyes Have Seen the Glory: The Story of a Virginia Lady Mary Berkeley Minor Blackford 1802-1896*, (Cambridge: Harvard University Press, 1954) pp. 41. Mary Minor Blackford's Collection, University of Virginia Alderman Library.

<sup>44</sup> Ibid, 39.

<sup>45</sup> Norrece Jones Jr. argued that the true "essence of slavery" was "a state of war" that did not depend on external factors including the complexity of a slave's culture or a master's ideology. Being someone's property held an enslaved person's life and happiness for ransom with the threat of sale and separation from loved ones at an owner's will. Jones likened this as the state of war slave persons existed in. *Born A Child of Freedom, Yet a Slave: Mechanisms of Control and Strategies of Resistance in Antebellum South Carolina*,

mother and siblings away from Fredericksburg to Staunton, Virginia to work, Washington remained behind alone at the age of twelve without any assurance of being reunited with his family in the future. John Washington lamented: “Bitter pangs filled my heart and thought I would rather die....Then and there my hatred was kindled secretly against my oppressors and I promised myself if ever I got an opportunity I would run away from these devilish slave holders—The morrow came and with tears and Lamentations [train]cars left with all that was near and dear to me on Earth.”<sup>46</sup>

Non-slave residents rarely escaped the brutal, ‘communal intimacy’ slavery afforded in Fredericksburg. Mary Minor Blackford tried to do so. She helped convince a local citizen to purchase the home used by slave traders to confine slave persons at 300 Caroline Street in an effort to rid her neighborhood of the traders. To her dismay, the same slave traders then used the local jail and the basement at 211 Caroline Street to continue their slave trading business, unabated.<sup>47</sup> This brutal intimacy was present at public auctions where enslaved persons faced dehumanizing sale procedures, as well as the horror of losing loved ones to new slave owners, many of whom took their newly purchased slave persons far away, into the unknown, and not infrequently to the dreaded deeper South. No matter how kind a master or living situation, Fredericksburg town slaves were aware that they could be sold to local slave traders and taken down South swiftly. Advertisements in

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(Middletown, Connecticut: Wesleyan University Press; Hanover, New Hampshire; University Press of New England, 1990), 194.

<sup>46</sup> David Blight, *A Slave No More: Two Men Who Escaped To Freedom Including Their Own Narratives of Emancipation*, John Washington’s “Memory of The Past,” (New York, Harcourt Inc., 2007) p. 172.

<sup>47</sup> John Hennessy briefly discussed slave trading and local ‘slave pens’ in his article, “Some Notes on Slave Traders and 300 Caroline Street,” *The Journal of Fredericksburg History*, Volume 10, 2008, p.55; Fitzgerald, *A Different Story*, 82.

the *Virginia Herald* of slave auctions and private sales from 1821-1835 reveal that enslaved persons were imported and exported on an average bi-weekly basis. Sometimes slave sales occurred more frequently, weekly or almost daily at times depending on the increase of estate sales, traveling traders, and newly-docked ships from Southern ports looking to sell or buy enslaved persons. Common local paper advertisements such as those of Samuel L. Dawson advertised a consistent demand for local slaves: “The Subscriber will give cash for likely sound young Negroes, of both sexes, from 10 to 25 years old. There is a gentleman at my house, just from Alabama, who wishes to purchase a few, in families for his own use.”<sup>48</sup>

In Fredericksburg’s town slave society, authorities created and enforced laws that supported a system of white supremacy, best described by scholar George Fredrickson as an “ideology...[that] finds its clearest expression when the kind of ethnic differences that are firmly rooted in language, customs, and kinship are overridden in the name of an imagined collectivity based on pigmentation....” Fredrickson argued further that white supremacy was “not merely an attitude or set of beliefs; it also expresses itself in the practices, institutions, and structures that a sense of deep difference justifies or validates. Racism, therefore, is more than theorizing about human differences or thinking badly of a group over which one has no control. It either directly sustains or proposes to establish a

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<sup>48</sup> This Samuel Dawson ad began July 4, 1829. *Virginia Herald*, December 16, 1829.

*racial order*, a permanent group hierarchy that is believed to reflect the laws of nature or the decrees of God.”<sup>49</sup>

Fredericksburg’s authorities maintained a racial order that upheld the supremacy of whites and categorized individuals primarily by their race, which was most often defined in court records by skin pigment, then by secondary descriptors such as free status, class, gender, and age. James Campbell in his study of Richmond court records that in general, “The aim of the racial divide in Virginia criminal law was to keep separate and distinct the legal experiences of blacks and whites in order to enhance control of the African American population, strengthen the racial ideology of white supremacy, and perpetuate the slaveholders’ rule.” He then argued that legal outcomes often differed from the intended aim of white elites.<sup>50</sup> Although most Fredericksburg unlawful assembly accounts, for example, demonstrated a bias in favor of whites, this was not always the case. In this regard, my findings were not unlike those of Campbell.<sup>51</sup>

White women found in the company of free or enslaved blacks and men of mixed race were punished and looked down upon by authorities. Their mere presence, let alone behavior threatened white supremacy. White women who built alliances with men of color undermined white male superiority by denying them exclusive rights in white womanhood. Moreover, when white women birthed mixed race children, they helped to increase the free

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<sup>49</sup> George Fredrickson, *Racism: A Short History*, (Princeton, N.J: Princeton University Press, 2002) 5-6.

<sup>50</sup> Campbell, *Slavery on Trial*, Preface xi.

<sup>51</sup> To date, Campbell’s, *Slavery on Trial* contains one of the largest examinations of an antebellum Mayor’s Court, where a significant number of court cases involving free and enslaved blacks and persons of mixed race were tried. I examined Fredericksburg Mayor’s Court Order Books and discussed the unlawful assembly accounts found there from 1821-1834- a much smaller study than his, but one that included all Mayor’s Court Order Books known to exist in antebellum Fredericksburg.

black and mixed-race population. Again, Friedrichson is instructive, “A key feature of the racist regime maintained by state law in the South was a fear of sexual contamination through rape or intermarriage which led efforts to prevent the conjugal union of whites with those with any known or discernable African ancestry.”<sup>52</sup>

To ensure that their mixed race children would be recognized as free citizens, white mothers needed local authorities to acknowledge their children’s free status. This acknowledgment is evident in the child’s free certificate. For example, Nicy Thompson’s 1812 free certificate “certified upon [an] oath by George Ellis” that her mother was a white woman and because of this, the court recognized Thompson as a free mulatto female.<sup>53</sup>

George Ellis was a prominent white man in town and owner of enslaved persons. According to the 1821 Personal Property Tax Lists for Fredericksburg, George Ellis’ paid taxes for eight slaves. This is a far smaller number than the twenty two slaves listed in his household in 1820.<sup>54</sup> He appears in many contemporary records, including an 1821 unlawful assembly account. A free black woman named Betty Rich Johnston,<sup>55</sup> an unnamed slave girl owned by Caty Riddell, and slaves, Peyton, and Henry were guilty of being at Geo. Ellis’s for an “unlawful assemblage and improper behaviors;” on Saturday June 30, 1821. It is unclear whether Ellis was present at this alleged unlawful assembly.<sup>56</sup> It is also unclear which of the seven town properties owned by Ellis served as the unlawful

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<sup>52</sup> George Fredrickson, *Racism: A Short History*, (Princeton, N.J: Princeton University Press, 2002) 2.

<sup>53</sup> Nicy Thompson Free Certificate, (Fredericksburg Circuit Court Repository, Fredericksburg, Virginia), 1812.

<sup>54</sup> In the 1820 census, Ellis’ household listed twenty-two enslaved males and females aged fourteen to forty-four. 1820 U.S. Census, Fredericksburg, Virginia.

<sup>55</sup> Probably the same Johnston who appeared in the May 8, 1821 account but because of the differing names, one must assume that they are different people until proven otherwise.

<sup>56</sup> MCOB, Book 1, June 30, 1821, p.43.

assembly location as he owned several properties in and around the outskirts of the Corporation.<sup>57</sup>

There are several probable reasons to explain why Thompson's father and mother are not directly named in Nicy Thompson's free certificate, as well as why George Ellis appeared in court to testify for Thompson's free status. As head of his household, George Ellis might have appeared in court because Thompson was related to him—perhaps he was her grandfather, uncle, cousin, or even in secret, her own father. Perhaps Ellis was Thompson's legal guardian and he secured her legal interests before she was of age. Perhaps Ellis' daughter was Nicy Thompson's mother, and to protect his white daughter from the shame of the court, while securing Thompson's free status, he presented the claim to the court. Nicy Thompson's record and other related accounts argue that to local Fredericksburg authorities, race and free status were significant identity constructors. Other free certificates attest to this in their often detailed descriptions of skin pigment along with the free status of their listed parents.<sup>58</sup>

Authorities also prohibited white persons from cohabitating with or marrying black or mixed race persons. Those who challenged local sanctions were punished. On July 16, 1828, Nathan Combs, “a free mulatto” and Polly Knight, alias Polly Fritter, a white woman, were arrested for “cohabitating and living together in an unlawful manner, contrary to good morals.”<sup>59</sup> Few records, if any, describe interracial couples made up of

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<sup>57</sup> Perhaps it was his chief residence, plat 54 & 55 taxed \$200.00 in 1821, or the lesser taxed properties on plats 142, 104, 197, 198, and 9.9, List of the taxable Town lots 1821.

<sup>58</sup> The Fredericksburg Historic Court Archives have a significant collection of free certificates and related papers accessible to scholars.

<sup>59</sup> MCOB, July 16, 1828, p. 10.

white males and black or mixed race females. In a town slave society where free and enslaved black women found little, if any, legal protection from white male sexual exploitation, it is no surprise that few records discuss or elude to the rapes, coerced sex, and consensual sex that involved black and mixed race women by white males in Fredericksburg. Trace evidence of such activity appears in 'Free Negro Certificates,' birth certificates, and estate records. These same records also reveal considerable insights into Fredericksburg's free black community.

The very existence of a free black community challenged white supremacist beliefs that upheld enslavement as a natural condition for blacks to endure. George Fredrickson argued, "It was, however, the hostile and discriminatory treatment of the free blacks of the northern and border states, who had been emancipated after the Revolution[ary war], that showed American white supremacy in its starkest form."<sup>60</sup> In his studies of free blacks in the port town of Norfolk, Virginia, historian Tommy Bogger wrote: "As free blacks in a slave society, they never suffered from a lack of attention. Their problem, in fact, was too much attention. They were an anomaly, a glaring contradiction in a closed society that thought in terms of absolutes: freedom for whites, slavery for blacks. Newspaper editors, legislators, and apologists for slavery gave them far more attention and criticism than their numbers or influence merited."<sup>61</sup> Successful free blacks challenged white supremacy even more. If any free blacks possessed more wealth, education, and success than any local whites, the supposed natural superiority of whites was undermined. As 1815 tax data

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<sup>60</sup> Fredrickson, *Racism*, 380.

<sup>61</sup> Tommy Bogger, *Free Blacks in Norfolk, Virginia 1790-1860: The Darker Side of Freedom*, (Charlottesville, University of Virginia Press, 1997) 1-2.

revealed, however, only a minority of Fredericksburg free blacks possessed substantial wealth: few possessed taxable luxury items, large homes, or any other property indicating wealth.<sup>62</sup> According to Tommy Bogger, “the free blacks of Norfolk, living in a society where social custom and law linked servitude with blackness and freedom with whiteness, experienced a type of freedom that fell far short of the ideal that white Virginians enjoyed after their successful revolution...Freedom was extended to them as a conditional privilege rather than a right.”<sup>63</sup> This assessment was true for the free blacks of Fredericksburg as well. To combat the success of free blacks there, local authorities actively enforced regulations to weaken the black community, a subject that will be discussed further in later chapters.

Some citizens in Fredericksburg believed that free blacks should permanently leave the area and entire nation permanently. In 1819, “A number of citizens of Fredericksburg and its vicinity” created “a society, auxiliary to the American society for Colonizing the Free People of Color in the United States, with their consent.”<sup>64</sup> They argued that they, along with “the wisest and best men of the nation, have been fully sensible of the pernicious influence of this class of population upon the most important interests of the state, and see no adequate remedy for the evil but in restoring them to the land of their fathers and elevating them there into their proper rank of moral and intellectual beings.”<sup>65</sup> As a group, they were concerned with misconceptions of their goals and tried to recruit

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<sup>62</sup> For an insightful discussion of luxury consumption among free blacks in Fredericksburg, see: Shannon Lynn Hughes, “Luxury Consumption in 1815 Fredericksburg, Virginia: Gender, Race, and the Personal Property Tax,” Unpublished Master’s Thesis, College of William and Mary, 1999.

<sup>63</sup> Bogger, *Free Blacks in Norfolk*, 1.

<sup>64</sup> *Virginia Herald*, June 5, 1819 Public Address of the Fredericksburg Auxiliary Colonization Society.

others into their organization. They emphasized: “THE SOLE OBJECT OF THE SOCIETY BEING, TO PROVIDE A COUNTRY FOR & THE MEANS OF TRANSPORTING TO IT, SUCH FREE PEOPLE OF COLOR AS MAY BE WILLING TO EMIGRATE.”<sup>66</sup> They argued that citizens must take immediate action to address the fact that “The number of Free People of Color has greatly and rapidly increased in the state of Virginia, and has exceeded the proportion of increase in whites: [list of statistics for the years 1790, 1800, and 1810]...It is hightime, therefore, to try a remedy for an evil of so much magnitude; and if we cannot wholly get rid of it, to diminish it or to stay its increase as much as we can.”<sup>67</sup>

The American Colonization Society struggled in two areas according to historian Marie Tyler-McGraw: “They failed to receive direct funding from the Congress and they failed to receive significant support from free blacks. Northern free blacks generally dismissed the idea of African colonization, believing it was designed to strengthen the system of slavery, but it was of interest to some Chesapeake free blacks.”<sup>68</sup> Some reasons

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<sup>65</sup> Ibid.

<sup>66</sup> Ibid.

<sup>67</sup> Ibid.

<sup>68</sup> Marie Tyler-McGraw, "Liberia Stories," Virginia Emigrants to Liberia, Virginia Center for Digital History, University of Virginia, <http://www.vcdh.virginia.edu/liberia/index.php?page=Stories&ion=Martha%20Ricks>) and *An African Republic: Black & White Virginians In the Making of Liberia*, (Chapel Hill: University of North Carolina Press, 2007);. For further works on the American Colonization society and movement, see the following: Philip Staudenraus, *The African Colonization Movement, 1816-1865* (New York: Columbia University Press, 1961). Tom Shick, *Behold the Promised Land: A History of Afro-American Settler Society in Nineteenth-Century Liberia* (Baltimore: Johns Hopkins University Press, 1980). Eric Burin, *Slavery and the Peculiar Solution: A History of the American Colonization Society* (Gainesville, FL: University Press of Florida, 2005). Penelope Campbell, *Maryland in Liberia: The Maryland State Colonization Society, 1831-1857* (Urbana: University of Illinois Press, 1971.) Richard Hall, *On Afric's Shore: A History of Maryland in Liberia, 1834-1857* (Baltimore: Maryland Historical Society, 2003) Claude A. Clegg, III, *The Price of Liberty: African Americans and the Making of Liberia* (Chapel Hill: University of North Carolina Press, 2004); Kenneth Barnes, *Journey of Hope: The Back-to-Africa Movement in Arkansas in the late 1800s*

for blacks to support the Society were: to gain emancipation from a pro-colonization slave owner, to seek a better life and future in Liberia, and to spread Christianity to Africans. Most free blacks rejected the beliefs and efforts of the Society. Refusing to see their existence as “evil,” many free blacks and persons of color did not wish to abandon America for a foreign country and its existence, especially with heavy strings attached to white slave owners, or former owners. After Peter Bullock’s family moved to the farming colony of Caldwell, Liberia; from Louisa County, Virginia, they wrote along with a description of their situation as ‘deplorable’: “We have found nothing here as it was told us in America.”<sup>69</sup> Tyler-McGraw concluded, “The justified complaints of the emancipated Bullocks circulated among free and enslaved African-Americans in Virginia and did much to cool any enthusiasm for emigration. The Bullocks were the first emancipated Virginians to write of their negative experience, but they would not be the last.”<sup>70</sup>

From 1821-1834, the Fredericksburg Auxiliary Colonization Society appeared to organize annually and rather quietly according to newspaper advertisements.<sup>71</sup> In 1829,

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(Chapel Hill: University of North Carolina Press, 2004); and Alan Huffman, *Mississippi in Africa: The Saga of the Slaves of Prospect Hill Plantation and their Legacy in Liberia Today* (New York: Gotham Books, 2004). In Fredericksburg see: Fitzgerald, *A Different Story*: 79; “Fredericksburg First and Last,” *Magazine of American History* (New York, June 1887), Volume XVII, Number 6, page 450; *Virginia Herald*, May 10, 1826.

<sup>69</sup> Benjamin Brand to Lott Cary, Jan. 15, 1829, Brand Papers, Virginia Historical Society, Richmond, Virginia; Charles, Patrick, and David Bullock to Col. Bullock via Benjamin Brand, enclosed in Benjamin Brand to R.R. Gurley, June 10, 1828, Reel 4, Records of the American Colonization Society, Manuscript Division, Library of Congress, Washington D.C., Marie Tyler-McGraw, "Patrick Bullock: Abandoned in Liberia," Virginia Emigrants to Liberia, Virginia Center for Digital History, University of Virginia (<http://www.vcdh.virginia.edu/liberia/index.php?page=Stories&ion=Martha%20Ricks>). April 28, 2008.

<sup>70</sup> Marie Tyler-McGraw, "Patrick Bullock: Abandoned in Liberia," Virginia Emigrants to Liberia, Virginia Center for Digital History, University of Virginia (<http://www.vcdh.virginia.edu/liberia/index.php?page=Stories&ion=Martha%20Ricks>).

<sup>71</sup> For a brief discussion of the Fredericksburg Auxiliary Colonization Society, see Fitzgerald, *A Different Story*, 78-82.

Rachael aged, 45, Isaac, 50, Abraham, 11, Elizabeth, 5, and James, 2, were emancipated by a Mr. Stubblefield from Fredericksburg/Spotsylvania in 1829 and left for Liberia on the ship *Harriet*.<sup>72</sup> Also from the area was a Mr. Morton, a listed slave emancipator for the year 1832, but who he emancipated and sponsored to Liberia is unclear according to the database.<sup>73</sup> From an examination of local newspaper advertisements and a brief discussion of the society in a local history book, it appears that the society met annually, with some prominent citizens of town as chief position holders. Robert Lewis, Mayor of Fredericksburg for the year 1821 until 1829 (the year he died), was one of four listed vice presidents of the Fredericksburg Auxiliary Colonization Society in 1828.<sup>74</sup> A strong supporter of the society, Lewis even invited citizens to a meeting at the Mayor's Office one year.<sup>75</sup> Mary Minor Blackford was also an active member of the Fredericksburg Auxiliary. It appears that the Society sponsored the largest number of emigrants to Liberia in 1850, long after the time period for this study of 1821-1834.<sup>76</sup>

The presence of the Fredericksburg Auxiliary Colonization Society indicated that some local citizens believed that free blacks did not belong in the area; so much so, that they organized and actively planned how to convince them to leave. Whether those active

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<sup>72</sup> Emigrants Database, Virginia Emigrants to Liberia, Virginia Center for Digital History, University of Virginia (<http://www.vcdh.virginia.edu/liberia/index.php?page=Resources&ion=Search%20Emigrants>).

<sup>73</sup> Emancipators Database, Virginia Emigrants to Liberia, Virginia Center for Digital History, University of Virginia (<http://www.vcdh.virginia.edu/liberia/index.php?page=Resources&ion=Search%20Emigrants>).

<sup>74</sup> *Virginia Herald*, March 1, 1828.

<sup>75</sup> *Ibid*, Feb. 4, 1826.

<sup>76</sup> 12 immigrants went to Liberia from Fredericksburg in 1850 according to the Emigrants Database, Virginia Emigrants to Liberia, Virginia Center for Digital History, University of Virginia (<http://www.vcdh.virginia.edu/liberia/index.php?page=Resources&ion=Search%20Emigrants>).

in this society acted out of good will or spite, they still sent the same message to free blacks: you are not welcome.

Twelve people from the Fredericksburg area eventually emigrated to Liberia on behalf of the American Colonization Society. Most, if not all of these free blacks, were recent slaves emancipated by their owners on the sole condition that they emigrate to Liberia. Most free blacks not newly emancipated did not participate in the society which viewed their free existence among the white population as a stated “evil” whose only solution would be “in restoring them to the land of their fathers and elevating them there into their proper rank of moral and intellectual beings.”<sup>77</sup>

The November 20, 1824, Committee of Arrangements for the Fredericksburg visit of General Marquis de Lafayette’s published newspaper statement reveals much about the white supremacist attitudes local white Fredericksburg authorities possessed at the time. People of color in Fredericksburg, whether free or enslaved, were simply not persons most white authorities wanted the wider world to acknowledge as either citizens or simply present in their town. For security and for image purposes, free and enslaved persons of color were not welcome to celebrate, nor partake in rituals executed to glorify and immortalize the town on behalf of the Revolutionary war hero General Lafayette. Nor did they want the anticipated thousands of national and international newspaper readers following his well-documented visit in the United States to take note of that black presence. To the Lafayette committee planners, Fredericksburg needed to hide its free blacks and slave persons, the brutal shame of its existence as a slave society, far from the

French visitors, whose country bore a past with slavery, but slowly sought a future without it. In anticipation of Lafayette's visit, the committee, made up of prominent militia and town councilmen, published a lengthy summary of requests and plans in the *Virginia Herald* newspaper. The committee asked local slave owners to, "Keep their slaves within their respective lots, and to not suffer them to go into any of the streets through which the procession will march, on any pretense whatever. And all colored persons are warned, that they are not to appear in any of the streets through which the procession will pass, under the penalty of immediate punishment, from those conducting it."<sup>78</sup>

According to Sally Hadden, "As Southern urban areas expanded in the eighteenth and nineteenth centuries, they might have been expected to develop their own police forces, comparable to those created in Northern cities....The big difference was that in the South, the 'most dangerous people' who were thought to need watching were slaves—they were the prime targets of patrol observation and capture."<sup>79</sup> Hadden accurately acknowledged how Southern towns and cities varied in how they organized their policing systems but in Fredericksburg, according to the unlawful assembly accounts, the 'most dangerous people' were not only the enslaved, but free blacks and persons of mixed race, a point that we will turn to now.

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<sup>77</sup> *Virginia Herald*, June 5, 1819 Public Address of the Fredericksburg Auxiliary Colonization Society.

<sup>78</sup> *Ibid*, November 20, 1824. Fitzgerald, *A Different Story*, 39.

<sup>79</sup> Sally E. Hadden, *Slave Patrols: Law and Violence in Virginia and the Carolinas*, (Cambridge, Massachusetts: Harvard University Press, 2001). 4.

## **CHAPTER 3 Fredericksburg Authorities**

The examination of the unlawful assembly records and other court records within the MCOB demonstrate ways that elected officials enforced laws and inflicted punishments in order to maintain control and the appearance of control within the limits of the Corporation. In Fredericksburg, property-owning white males were qualified to vote; they elected the Mayor and councilmen to fill the Town Council. The Mayor worked with the council and presided over select disputes and crimes within the Corporation's limits, such as disturbing the peace, speeding drays, petty larceny, and similar offences that were not transferred to upper courts. On Wednesday, March 21, 1821, the Fredericksburg city council appointed a committee to create a night watch "for the protection and safety of the Corporation ...consisting of David Briggs, Charles Austin, and Robert Lewis." Three days later, on Saturday, March 24, 1821, for unspecified reasons, Mayor Garritt Minor resigned and Robert Lewis took his place. Most unlawful assembly records examined in this thesis are those of Mayor Lewis until his passing in 1829. After his death, Thomas Goodwin became Mayor and his judgments span from 1829 into years past the focus of this study. For the purposes of this study, Mayor Goodwin will only be discussed for the accounts he

presided over, from 1829 until 1834, the year the last unlawful assembly account is found in the existing MCOBs.<sup>80</sup>

It is important to examine the mayor's position and its relationship to the unlawful assembly accounts because so much decision making power rested with the mayor.

Politically, the mayor had to navigate numerous interests in order to win re-election for his position each year. He worked closely alongside the town council to maintain both order and the perception of order within the town while striving to appease the interests of his supporters and maintaining a wider appeal to white male registered voters.

Any personal bias held by the Mayor potentially influenced determinations of guilt or innocence and impacted the lives of those who sentenced, especially those who faced painful physical punishments from the whip. Inconsistencies in judgments are consistent evidence that the mayor's personal beliefs, reputation, and connections were clear factors in determining court outcomes. This was especially the case when slave persons owned by Mayor Robert Lewis were involved. In a March 1, 1824 MCOB account, two persons owned by Lewis were present in the account. Burnett and Henry, "slaves of the mayor,"<sup>81</sup> are named along with Harry, a slave of Archibald R. Taylor, as individuals allegedly found assembled and gambling at white male Lewis Courtney's residence.<sup>82</sup> Assumed guilty, the

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<sup>80</sup> Mayor Robert Lewis maintained the position from early 1821 till his death in 1829. His successor, Mayor Thomas Goodwin, then maintained the position from 1829 till his death, in early 1836.

<sup>81</sup> MCOB, Book 1, Monday, March 1, 1824, p.277. Robert Lewis paid taxes on five slaves according to the 1824 Personal Property Tax lists. 1824 Personal Property Tax Lists, Fredericksburg, Virginia.

<sup>82</sup> Lewis Courtney is also known by his alias, Lewis Coatney. He appears in numerous court records both as a defendant accused of criminal offenses and as a person who accumulated private debts until his death in 1825. MCOB, Book 1, Monday March 1, 1824, p.277. In the 1820 Fredericksburg Census, Courtney is listed as head of household aged 26-45 years of age. Also in his household is a white boy under ten years of age and two white females between the ages of sixteen and twenty-six. 1820 United States Federal Census, Roll M33-135, page 165. A marriage record states that Lewis Coatney and Hannah Brennen

court recorder noted that thirty-two unnamed slaves and free blacks “were severally fined and whipped” while Burnett, Henry, and Harry were brought to court to receive their public punishment of ten lashes each. In this case, the mayor exercised power to punish others as both a slave owner and as an elected official. Did he order lesser or harsher punishments for the persons he owned? Were the three enslaved men named given special attention in the records because of who owned them or because of they possibly played a leadership role in organizing the unlawful assembly? The answers are unclear. It is also unclear whether the ten-lash whipping of Burnett, Henry, and Harry was more or less punishment than the unnamed free and enslaved individuals received.

Robert Lewis, mayor for the majority of the years examined in this study, came from a prominent Virginia family. Among the many familial connections he had, the most advantageous one was having the first president, George Washington, as an uncle. Lewis served his first career position as one of Washington’s private presidential secretaries in both New York and Philadelphia.<sup>83</sup> Robert Lewis was an active Fredericksburg citizen. During the time period 1821-1834, Robert Lewis managed his job as mayor of Fredericksburg, his family’s merchant interests, freemasonry with Fredericksburg Lodge No. 4, and active membership and leadership in the Fredericksburg Auxiliary Chapter of the American Colonization Society.<sup>84</sup> Published lodge returns of Lodge No. 4 indicate that

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married in Spotsylvania, Virginia on January 27, 1813. Ancestry.com Virginia Marriages, 1740-1850 [database on-line]. Provo, UT, USA: The Generations Network, Inc. 1999. Original data: Dodd, Jordan R., et al.. Early Marriages: Virginia to 1850. Bountiful, UT, USA: Precision Indexing Publishers.

<sup>83</sup> Jane Taylor Duke, *Kenmore and the Lewises*, (New York: Doubleday and Company, Inc., 1949) 176. Fitzpatrick, *Writings of Washington*, Vol. 30, pp. 228-229.

<sup>84</sup> As previously stated in Chapter 2 of this thesis, Lewis was an active member in the Fredericksburg Auxiliary Colonization Society. “Robert Lewis, Mayor of Fredericksburg for the year 1821 until 1829 (the year he died), was one of four listed vice presidents of the Fredericksburg Auxiliary Colonization Society in

many other prominent white townsmen listed in the unlawful assembly accounts were also freemasons. Robert Lewis was a member of Fredericksburg Freemason Lodge No. 4. Lodge returns for the years 1821-1829, list Lewis as an E.A Entered Apprentice, someone who had achieved the first degree of masonry. In freemasonry, one attains degrees and works through the society's hierarchy by ability and study. While wealth and connections could assist a white man in joining a masonic lodge, once there, his abilities would be his only way of advancement. This would explain why in theory, the most powerful man in town could be only an entered apprentice while a less-connected man could be a master mason.<sup>85</sup>

Thomas Goodwin, Esq., was Mayor for the last five years of the time period of this study, 1829-1834, though the unlawful assemblies he presided over began in 1830. In that year, Thomas Goodwin dominated a household of twenty-one persons, eleven of them enslaved, and his property tax records for the 1830's demonstrate consistent wealth holding and merchant interests within the town. Upon his death at the age of sixty-five, the *Virginia Herald* described Goodwin as "one of our most respectable merchants."<sup>86</sup> Goodwin had many social and business connections as a prominent citizen of town, but unlike Lewis, Goodwin possessed fewer visible community ties according to contemporary

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1828. A strong supporter of the society, Lewis even invited citizens to a meeting at the Mayor's Office one year." Fitzgerald, *A Different Story*, 79.

<sup>85</sup> For lodge return lists and a discussion of freemasonry in Fredericksburg, see J. Travis Walker's, *A History of Fredericksburg Lodge No.4, A.F. & A.M. (1752-2002)*, (Fredericksburg, Virginia: Sheridan Books, Inc. 2002) 271-280. Interview with Shelby L. Chandler II, Master Mason of Fredericksburg Lodge #4, A.F. & A.M. by Sarah Blunkosky, Fredericksburg, Virginia, 2006.

<sup>86</sup> *Virginia Herald*, January 16, 1836.

records, making it difficult to gather insights into the personal interests and biases that likely affected his judgments.

From 1821-1836, white land-owning Fredericksburg males continually elected wealthy, white, slave-holding merchants as the Mayor of their town. The fact that both Robert Lewis and Thomas Goodwin continued to seek and win re-election as Mayor until each of their deaths reveals a strong likelihood that these men's decisions represented the majority of their fellow white male voters' interests. Voters were also likely to have confidence in their Mayor's ability to manage the town's policing system.

Some Southern towns adopted a policing system such as Fredericksburg's, which relied on a few constables and occasional slave patrols made up of white town citizens, whereas a rural county in North Carolina might rely on a nightly slave patrol to meet its security needs.<sup>87</sup> Fredericksburg maintained a militia and a small, salaried policing force made up of a few constables hired by the town council and the Mayor. Most years in the MCOB mention two constables each year (they change depending on the year) that received an agreed upon salary decided by the town council. An agreed upon portion of monies gathered from court fees and fines made up their salary. It is unclear whether the positions were full-time or part-time positions. The records do not indicate certainty as the needs of the Corporation varied depending upon time of year. The town council and Mayor required constables to patrol the town limits and maintain social order. Constables executed search warrants, brought arrested individuals into court, assisted with fine collection, and often discussed the accused in the Mayor's courtroom. In the September

20, 1834, unlawful assembly account, the record indicated that Constable Lindsey Pullen's opinion motivated the Mayor to remit Wm Webb's punishment of twenty lashes.<sup>88</sup>

Constables were sometimes held accountable when they strayed from their job description.

An October 20, 1841 *Political Arena* notice written by Mayor Benjamin Clark

informed citizens of what was expected of the local constables:

For their information as police officers they are required to cause all nuisances, impediments and obstructions in the street be removed; to give information to all owners of drays for hire which have not paid tax; to give information of the erection of any horse rack or trough which injures public property; to persons whose chimneys may catch fire in dry or windy weather, or for carrying fire through the streets without having the same properly secured.

To give information about any person discharging firearms or crackers; against persons assembling and playing at any games or amusements, or throwing stones in any of the streets, or for flying kites, drawing any indecent figure or writing any indecent words in any public place; or for beating any drum after dark; for permitting a horse to run away while attached to any dray, and to give information against all persons who shall willfully strain any horse in the said corporation, or shall put any horse to vehicle for the purpose of breaking such horse within the limits of the same.

To give information against all persons who shall drive or ride on any of the footways, or roll any wheelbarrow on the same. To give information against all people who shall keep their shops open on Sunday. To prevent riotous and disorderly conduct on the street at all times, particularly at night and on the Sabbath.

As constables they are required to use their best endeavors to part all affrays that happen in their presence. They are required to suppress all unlawful and dangerous assemblies, to suppress all unlawful meetings of slaves, free Negroes and mulattoes. To apprehend such persons assembled and carry them before the justice of the peace. To apprehend slaves permitted to go at large and trade as free persons and all who profane the Sabbath day by trading with slaves. Sheriffs, under-sheriffs (constables) and justices are made liable for failing upon information to cause them to be carried into effect, and that officers of Fredericksburg will use their best exertions to carry these laws into effect.

BENJAMIN CLARK, Mayor<sup>89</sup>

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<sup>87</sup> In general, this type of policing system is explained in a larger context in Sally E. Hadden's *Slave Patrols*.

<sup>88</sup> MCOB, Book 4, September 20, 1843, p. 214.

<sup>89</sup> "A Reminder of the Duties of Police Officers and Constables From the Mayor's Office," *Political Arena*, October 20, 1841. Published and discussed in Ted Kamieniak's "Policing the Corporation," *Fredericksburg, Virginia: Eclectic Histories for the Curious Reader*, (Charleston, SC, The History Press, 2008) pp.129-140, 139-140. In his chapter, "Policing the Corporation," Kamieniak discusses the establishment and early policing of Fredericksburg and Spotsylvania county, mainly in the 1780's. For more on policing in Virginia, see: Michael T. Miller, compiler, *Murder and Mayhem: Criminal Conduct in Old Alexandria Virginia 1749-1900*, (Bowie, MD: Heritage Books Inc., 1988), Joseph A. Mayo, *A Guide to Magistrates; with practical forms for the discharge of their duties out of court. To which are added precedents for the use of prosecutors, sheriffs, coroners, constables, escheators, clerks, &c.* (Richmond: Nash and Woodhouse, 1853) pp. 484-485.

Informants assisted policing efforts in the Corporation of Fredericksburg. In *Slave Patrols*, Sally Hadden briefly discussed how informants assisted patrols. In pointing out how South Carolina law dictated that “the informant about a crime received a portion of the fine paid by the convicted wrongdoer,”<sup>90</sup> Hadden explained how some Southern authorities used informant fines to fund their police force while others relied on different funding avenues. The Virginia State legislature also enacted laws such as the “Act, reducing into one the several acts concerning slaves, free negroes, and mulattoes,” effective January 1, 1820, that relied upon informants to report crimes such as unlawful assembly, to local authorities in exchange for monetary rewards. The very same state laws, such as the one previously mentioned, helped to ensure that crimes reported by informants were prosecuted by local authorities and not dismissed or ignored by holding local officials subject to monetary fines that were to be paid to informants.<sup>91</sup> In doing so, state authorities sought to control localities and prevent massive organized slave insurrections.

Monetary gain is a significant motivation for informing authorities of illegal activities, as numerous records in the Fredericksburg MCOB clearly indicate in the years 1821-1834. The informant system is clever in its ability to compensate for a small police force by providing an incentive for the entire town population to observing their neighbors, waiting for an opportunity to profit from their wrongdoing. By rewarding individuals who reported infractions or those preparing to commit infractions, local authorities achieved a

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<sup>90</sup> Hadden, *Slave Patrols*, 57.

high degree of surveillance at a low cost. The court arrested James Apple on May 7, 1832, and charged him “with having an unlawful assembly of negroes at his house...and with keeping a disorderly house.” Jesse Shaffer and Edm[und] Southard served as witnesses against Apple but the court did not indicate whether they were paid informants.<sup>92</sup>

In theory, if a town person knew that another person could be paid to report his or her law-breaking activities, this would likely motivate the person not to break the law within view of those who would not hesitate to collect the informant’s reward. Everyone was subject to the gaze of informants—even constables. On August 13, 1822, the Mayor advised white constable Robert Mills to step down from his position for “being suspected on Saturday last of corrupt communication with sundry slaves belonging to John Pratt Esq.”<sup>93</sup> Though later MCOB accounts for 1822 revealed that Robert Mills returned to constable work soon after August 13, the Mayor’s serious reaction to the charge revealed a need to err on the side of caution, regardless of whether the informant’s claim was valid or invalid. To preserve the perception of a white controlled and orderly maintained town, the Mayor chose to distance the suspected constable from other white authorities by asking him to step down from his position.

Most paid informants in the unlawful assembly accounts appear to be white. It is difficult to identify many of the informants as they are either unnamed or possess a name that is difficult to ascertain, as was the case of informant William Jones. In the June 2,

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<sup>91</sup> Virginia General Assembly Laws, “An Act reducing into one the several acts concerning slaves, free blacks, and mulattoes” March 2, 1819. Boston Recorder (1817-1824) May 6, 1820; 5, 19. APS Online pg. 74.

<sup>92</sup> MCOB, Book 4, Wednesday May 9, 1832 p.155.

<sup>93</sup> MCOB, Book 1, August 13, 1822, p.306.

1830, unlawful assembly account, the court named Jones as an informant of an unlawful assembly and gambling party.<sup>94</sup> Because there were several William Jones, black and white in contemporary records, it was impossible to determine with certainty the particular Jones. In other accounts, several whites testified against defendants in unlawful assembly accounts, providing informant information. Slaves were banned from testifying against whites.<sup>95</sup> Free or enslaved blacks and persons of mixed race may have testified against other free or enslaved blacks or persons of mixed race, but this was unclear. In the unlawful assembly account of April 13, 1830, Amy West & Benjamin West “made oath that William Bouncer, Davy Jackson, Thomas West, Carter Amistead & Andrew Rawlins, did on yesterday, assemble together in the road at Sandy Bottom, in a riotous and disorderly manner, a warrant is issued for their arrest.”<sup>96</sup>

With a town of neighbors operating on a for-profit informant system, one cannot accurately assess the level of corruption and coercion a system such as this could logically create. Philip Schwarz rightfully ascertains in his research on slave persons in the Virginia court records that the issue of factual guilt (did he or did he not do it) should not be assumed when the very system making that claim is so inherently biased and corrupt.<sup>97</sup> When neighbors profited from reporting such a variety of low-level infractions, one has to

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<sup>94</sup> MCOB, Book 4, June 2, 1830, p.88.

<sup>95</sup> Barry McGhee, Fredericksburg Historic Court Records Archivist, argued that court records and loose papers in the collection reveal that slaves did offer testimony against whites in certain cases, though it was rare. Interview with the author, 2008.

<sup>96</sup> MCOB, Book 4, April 13, 1830, p.82.

<sup>97</sup> Phillip Schwarz, *Twice Condemned: Slaves and the Criminal Laws of Virginia, 1705-1865*, (Baton Rouge, Louisiana: Louisiana State University Press, 1988) xi-xii.

wonder how many offenses were actual and how many were created for the profit of those reporting them to court constables.

## CHAPTER 4 Incendiary Materials/Insurrection/Education

A history of slave insurrection and fire in the Fredericksburg area from 1800 to 1821 reveals that Fredericksburg residents lived with a realistic, ever-present threat that insurrection could erupt within their town slave society. The fear of slave insurrection was a universal consequence of keeping human beings enslaved. Herbert Aptheker stated: “Serious insurrections among slaves occurred during the 1820’s in Martinique, Puerto Rico, Cuba, Antigua, Tortola, Demerara, and Jamaica. News of them regularly appeared in the press of the United States, particularly outside of the South.”<sup>98</sup> Even before one of the most infamous North American slave rebellions occurred, led by the man contemporaries called Nat Turner in 1831,<sup>99</sup> at least three publicized insurrections or conspiracies to revolt took place within seventy miles of the Fredericksburg area.

In addition to insurrection, Fredericksburg area residents dealt with the fear and effects fire posed as “there were at least five large-scale fires in Fredericksburg over a twenty-five year period (1799, 1807, 1816, 1822, and 1823).”<sup>100</sup> Authorities suspected arson as the cause for at least one of those fires. Shortly after this 1823 fire, local authorities offered a reward for identifying the arsonist, whose free status or race was not

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<sup>98</sup> Herbert Aptheker, *David Walker’s Appeal: It’s Setting & Its Meaning*, (New York: Humanities Press, 1965) 34.

<sup>99</sup> See Kenneth S. Greenberg’s, “Name, Face, and Body,” *Nat Turner: A Slave Rebellion in History and Memory*, (London: Oxford University Press, 2004), pp. 3-23, for a discussion of the name Nat Turner.

indicated.<sup>101</sup> The town of Baton Rouge, Louisiana, had a similar fire frequency that caused authorities to suspect arsonists, offering hefty \$500 dollar rewards for their capture.<sup>102</sup>

In Fredericksburg, between 1821-1834, local papers reported information concerning Denmark Vesey's slave conspiracy in Charleston, South Carolina, on August 3, 1822 as well as letters on February 24, 1830 that described an unnamed incendiary document that surely was David Walker's *Appeal in Four Articles Together with a Preamble, to the Colored Citizens of the World, But in Particular and Very Expressly to Those of the United States of America*. A summary of local insurrection accounts as well as a sampling of those elsewhere in the state, regionally, and internationally in Fredericksburg's *Virginia Herald* shows how Fredericksburg, as a town slave society, could not have escaped the potential threat of slave insurrections.

In mid 1800, for example, Fredericksburg residents learned of the conspiracy for a planned slave insurrection led by the man whites called Gabriel Prosser.<sup>103</sup> In September, Virginia newspapers such as Fredericksburg's *Virginia Herald* reported details of the unraveling conspiracy. Local citizens and authorities became alarmed that several slaves in neighboring Caroline county were arrested as suspects in this geographically expansive

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<sup>100</sup> Kerri S. Barile, "Where Drink Was Deep and Play Was High," 82. Gary Stanton, "How Fire Changed Fredericksburg, Virginia," pp. 122-134.

<sup>101</sup> Fredericksburg Town Council Minutes, Saturday, February 2, 1824. Arson was a possibility but not always suspected. Phillip Schwarz found that in Spotsylvania, Essex, Southampton, and Henry counties, one third of all enslaved arson suspects were convicted. Schwarz, *Twice Condemned*, 211, 299; quoted in Campbell, *Slavery On Trial*, N. 40: 216-217; Herbert Aptheker argued that "Several southern cities suffered from slave-set fires, notably Petersburg, Virginia, Mobile, Alabama, and Augusta, Georgia..." *David Walker's Appeal: Its Setting & Its Meaning*, (New York: Humanities Press, 1965) 34. Kenneth Stamp, *The Peculiar Institution: Slavery in the Antebellum South* (New York, 1956), 127-128. Richter, "Slavery in Baton Rouge, 120-1860" 385.

<sup>102</sup> Richter, "Slavery in Baton Rouge, 120-1860," 385.

plot.<sup>104</sup> On his journey from Fredericksburg towards Richmond, John Minor observed the heavy presence of militia and patrolmen along the way.<sup>105</sup>

Five years later in 1805, an insurrection attempt occurred around Christmas time at the Chatham estate, a plantation located across the Rappahannock River, about a quarter of a mile from the Fredericksburg town limits. Some unnamed slaves owned by William Fitzhugh “rebelled, overpowering and whipping his overseer and four others. An armed posse put down the rebellion and punished those involved. One black man was executed, two died while trying to escape, and two others were deported, perhaps to a slave colony in the Caribbean.”<sup>106</sup> Ten years later, in March 1815, authorities seized white storekeeper George Boxley west of Fredericksburg, in rural Spotsylvania County for planning an armed insurrection to free local slave persons after an informant divulged the plot. On March 2, 1815, the Virginia Herald “reported a rebellion rumor that turned out to be true.” Four days later on March 6, 1815, locals learned that George Boxley and twenty others were part of the conspiracy.<sup>107</sup> Before he could go to trial, Boxley escaped jail and fled the

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<sup>103</sup> Gabriel did not adopt or use the surname Prosser as contemporary whites did. Douglas Egerton, *Gabriel's Rebellion: The Virginia Slave Conspiracies of 1800 and 1802*, (Chapel Hill: University of North Carolina Press, 1993) 20.

<sup>104</sup> Scholars of Gabriel’s Rebellion argue that the plot extended from near and inside Richmond to at least Caroline County, maybe even further. See: Egerton, *Gabriel's Rebellion*; James Sidbury, *Ploughshares into Swords: Race, Rebellion, and Identity in Gabriel's Virginia, 1730-1810*, (New York: Cambridge University Press, 1997). Apetheker, *American Negro Slave Revolts*.

<sup>105</sup> Egerton, *Gabriel's Rebellion*, 76-77, Fitzgerald, *A Different Story*, 65, *Kentucky Gazette* (Lexington), November 3, 1800.

<sup>106</sup> “Chatham Manor,” Fredericksburg and Spotsylvania County Battlefields Memorial, <http://www.nps.gov/frsp/chatham.htm>. Accessed April 23, 2007. Fitzgerald, *A Different Story*, 65. Legislative Petitions, Stafford County, Virginia, December 19, 1805, *Virginia Herald*, January 4 & 8, 1806. Two enslaved persons named Robin and Cupid were found guilty of “conspiracy and insurrection” in Stafford, Virginia, April 1804. Fitzgerald, *A Different Story*, 65; Apetheker, *American Negro Slave Revolts*, 241.

<sup>107</sup> *Virginia Herald*, March 2 & 6, 1815, Fitzgerald, *A Different Story*, 65.

state.<sup>108</sup> According to many scholars, George Boxley exemplified the type of white man that upper class white authorities feared. Both James Hugo Johnston and Jeff Forret rightly describe how threatening a man like Boxley, one who conspired and traded with slaves, was in the minds of white authorities.<sup>109</sup> Boxley not only compromised, but betrayed local white supremacy by trading with and assisting enslaved and free blacks and persons of mixed race. He aligned himself with them against authorities and signified what could happen when enslaved and free blacks had opportunities, such as at unlawful assemblies, to build alliances and even friendships with whites. Whites could in turn honor those relations against alliances with whites, a denial of the racial hierarchy enforced by local white authorities. The fact that Boxley intended to lead a violent rebellion that marched from Spotsylvania into Fredericksburg in 1815 would be a recollection that remained in the minds of local people for decades, especially among authorities who passed and enforced local restrictions.

Fredericksburg authorities were most concerned, however, with the intermingling of free blacks, persons of mixed race, and slave persons. White persons named as defendants in the accounts disturbed authorities as well, but ultimately, to a lesser extent. In the minds of local white authorities, the enslaved and free black population that nearly equaled the white population possessed far greater incentives to conspire and rebel against them than the minority of local whites who might conspire against their own race.

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<sup>108</sup> For more on Boxley's arrest and escape, see Schwarz, *Migrants Against Slavery: Virginians and the Nation*, (Charlottesville, Va.: University Press of Virginia, 2001) chapter 4; Fitzgerald, chapter 5.

<sup>109</sup> Forret quotes extensively from Johnston's description and discussion of George Boxley, a man typically described as a disgruntled white man fed up with slaveholding society. Jeff Forret, *Race Relations*

Responses to white defendants named in unlawful assemblies indicated that authorities feared the rise of another Gabriel much more than another Boxley as the treatment of guilty white defendants reflected more dismay and annoyance than fear. This was especially the case since most white defendants appeared as drunken misfit types rather than potential insurrection organizers. The court charged Cha[rles] Procter, for instance, with having “an unlawful assemblage of negroes-slaves-and free people of colour at his house” on July 3, 1824.<sup>110</sup> The court arrested him for the charges and noted his present drunkenness two days later when he failed to pay his fine.<sup>111</sup> In the eyes of the court, this drunken white man was not a threat, and lacked a serious capacity to organize a slave insurrection. Lewis Courtney, another local white man, did alarm authorities. His criminal record and illegal ventures made him a liability in the eyes of the court and a man to watch.<sup>112</sup>

Historians have long held that the insurrection of select slaves and free blacks in Southampton County on Saturday, August 20, 1831, led by the man contemporaries called Nat Turner, struck panic and widespread fear throughout the slaveholding South. The records demonstrate that this was also the case in the town of Fredericksburg.<sup>113</sup> The fear-driven increase in night patrols in Fredericksburg the weeks following the Southampton

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*at the Margins*, 152-153; James Hugo Johnston, “The Participation of White Men in Virginia Negro Insurrections,” *The Journal of Negro History*, Vol. 16, No. 2 (Apr., 1931), 163-166.

<sup>110</sup> Days before major holidays, such as July 4, were more dangerous because control was lessened at times of such celebrations.

<sup>111</sup> MCOB Book 2, July 5, 1824, p.317.

<sup>112</sup> See chapter seven of this thesis for further discussion of Courtney..

<sup>113</sup> See Kenneth S. Greenberg’s, “Name, Face, and Body,” *Nat Turner: A Slave Rebellion in History and Memory*, (London: Oxford University Press, 2004), pp. 3-23, for a discussion of the name Nat Turner.

insurrection mirrored other Virginia counties' activities around the same time.<sup>114</sup> The year 1831 in the MCOB reflects the Fredericksburg town government's perception of slave and free black insurrection as an ongoing threat to the town limits. The Southampton rebellion led by Nat Turner with reinforced fear and caution. Although patrols were common in the first half of the year, in late August 1831, the mayor ordered almost incessant citizen patrols, a marked change from previous weekend and special occasion-only town patrols.

Some patrol orders were further illuminated in two letters copied into the MCOB that were then sent to government officials, one to the local jailer and one to the Governor of Virginia. The Wednesday, August 24, 1831, letter to the Governor of Virginia was a desperate plea based on information received from W. Stevenson, "our Commonwealth Attorney." Based on this information, the Mayor stated, "I have strong grounds to suspect an Insurrection of the Blacks, in this county....we are destitute of arms or ammunition of any kind, and to request that a supply may be forwarded with as little delay as possible, in addition to those for the volunteers of this place."<sup>115</sup>

Two weeks later, the mayor addressed two urgent letters to Carter L. Stevenson Esq. The first letter was not recorded for reasons of secrecy and the second letter outlined the mayor's response to the first unrecorded letter. The second letter read:

Dear Sir,

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<sup>114</sup> See Sally E. Hadden, *Slave Patrols: Law and Violence in Virginia and the Carolinas*, (Cambridge, Massachusetts: Harvard University Press, 2001). For works on Nat Turner see: Herbert Apetheker, *American Negro Slave Revolts*. 5th edition., (New York: International Publishers, 1983); Apetheker, *Nat Turner's Slave Rebellion*, (New York: Humanities Press, 1966); Stephen B. Oates, *The Fires of Jubilee: Nat Turner's Fierce Rebellion*, (New York: HarperPerennial, 1990). Kenneth S. Greenberg, ed. *Nat Turner: A Slave Rebellion in History and Memory*, (New York: Oxford University Press, 2003); Scot French, *The Rebellious Slave: Nat Turner in American Memory*, (Boston: Houghton Mifflin, 2004).

<sup>115</sup> MCOB, Book 4, Wednesday, August 24, 1831 p.131.

The inclosed letter was found on one of the Butcher[']s stalls last evening by a small boy, and handed to me about 8 o clock, by which an inference may be drawn that there is some concert between the blacks in the Country and town, and that an attempt may be made to rescue those in the [Spotsylvania] County Jail. I have therefore thought it adviseable to make this communication to you as it may be deemed proper to have the Jail well guarded. I have consulted several of our friends, who concur in opinion with me, that the contents of the letter should be kept as private as possible, at least for the present, as it may lead to some discovery; you will therefore please use it in that way and when you come to town return it to me. W. Lunsford Long promised to deliver this at the [Spotsylvania] courthouse this evening, in case of your not being there, I have requested him to deliver it to Capt. Gabriel Long to whom it is directed in case of your absence.

I am Dear Sir

Yrs Truly

Tho. Goodwin Mayor

\* W. Lunsford Long having met me in the street after 4 O clock and stated that he was disappointed in leaving town as soon as he expected and that it was uncertain if he could do so, until late. Samuel Doggett was hired as exfirsto? and the letter delivered him at a gr. Past 4 O Clock. TG

To Carter L. Stevenson Esq. Attorney for Shots a (if absent) to Gabriel Long Esq.<sup>116</sup>

After these initial alarms after the Southampton Insurrection, the MCOB noted less activity from the patrols and noted fewer alarming accounts. On November 10, 1831, a Grand Jury determined that “Troy and his son [,] the hired slaves of Wm Bullard deceased, had in their possession a number of Guns.” They were arrested the next day with “a number of guns.” The Mayor ordered the guns and enslaved persons “to be restored to the representative of William Bullard deceased, and Troy and son [are] discharged on payment of the costs.”<sup>117</sup> If authorities felt that Troy and his son were threats to the town, then they would not have been released so swiftly. A month and a half later, reflecting on the peace and lack of fear in the town December 31, 1831, the Mayor said, “The town has been unusually orderly and quiet since that day [December 23]; in no instance has there been a complaint made to me. This is very pleasing for the end of the year 1831.”<sup>118</sup>

A local history of insurrection combined with newspaper articles describing insurrections and alleged conspiracies made slave insurrection a common, unchanging

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<sup>116</sup> MCOB Book 4, September 6, 1831.

<sup>117</sup> MCOB Book 4, November 10-11, 1831, pp. 137-138.

reality of slave societies in the minds of Fredericksburg residents. Examples of newspaper reporting from 1821-1834 demonstrate this. On June 1, 1822, the *Virginia Herald* newspaper reported “that the Blacks in the island of Guadeloupe had made an attempt to rebel.” After dispatching two French frigates to St. Barts, French officers searched “the houses of the people of color, where they found a large quantity of arms and ammunition, which was to have been forwarded to Guadeloupe for the use of the conspirators.”<sup>119</sup> On July 24, 1822, the *Virginia Herald* published a July 19, 1822, letter from Charlottesville, Virginia, describing a plot by a man named Langley “to persuade several negroes to leave their masters and accompany him to the Western Country.”<sup>120</sup> On August 3 and August 7, 1822, the *Virginia Herald* reported details of what would later be called the Denmark Vesey Conspiracy from Charleston, South Carolina. August 3, 1822, under the headline, “The Negro Plot, at Charleston,” Fredericksburg citizens learned of an extensive, long-planned plot to kill whites and slave owners by well-organized slave persons. The account stated:

Their plan appears to have been well digested—They intended to have provided themselves with passes so as to deceive the guard and place themselves at certain parts of the city; then a party was to secure the guard at the guard house, and an indiscriminate massacre was to commence on all whites who appeared in the streets,....It appears that this was in agitation for a considerable length of time. They formed themselves into a society, and held meetings at a farm that they could approach by water, to avoid being stopped by any patrols, which farm is situated near the fork of the road on the meeting street side....Most of the ringleaders were the rulers or class leaders in what is called the African Society, and considered faithful, honest fellows. Indeed many of the owners would not be convinced ‘till the fellows confessed themselves that they were concerned, and the first object was to kill their masters.<sup>121</sup>

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<sup>118</sup> MCOB, Book 4, December 31, 1831, p.140.

<sup>119</sup> *Virginia Herald*, June 1, 1822.

<sup>120</sup> *Ibid*, July 24, 1822.

<sup>121</sup> *Ibid*, August 3, 1822.

On August 7, 1822, the paper reported that on Saturday, July 27, the Charleston court “organized for the trial of insurgent slaves, adjourned, and was dissolved....The day previous to their adjournment, six more individuals were found guilty, and ordered for execution on the 30<sup>th</sup> July.”<sup>122</sup> Some scholars believe that the 1822 Denmark Vessey Conspiracy was one of the most extensive and significant plots to overthrow and to escape slavery in the United States. Considerable literature on the subject reveals many parallels between the port city slave society of Charleston, South Carolina, and the port town slave society of Fredericksburg. Both had free black communities that interacted with enslaved persons, both bordered rural agricultural areas, and both had busy shipping ports. Fredericksburg and Charleston also occasionally shared the same ships in their ports, making the Charleston Plot an insurrection reality that likely “struck home.” On September 5, 1829, the *Virginia Herald* reported that “a most shocking outrage was committed in Kentucky.” Several chained slaves being transported by dealers in Kentucky allegedly murdered all but one of the dealers, stole the money they carried, and then fled into the woods, where they were soon recaptured and set to stand trial.<sup>123</sup> Below that article was a narrative with the headline, “Threatened Insurrection at St. Barts,” that discussed fights between whites and blacks that led to a mob, later dispersed by the militia. The article concluded, “Considerable apprehension still existed among all classes of white people, who complain bitterly at the want of energy and promptness in their government in treating

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<sup>122</sup> Ibid, August 7, 1822.

<sup>123</sup> Ibid, September 5, 1829.

these late disturbances.”<sup>124</sup> Then, on January 20, 1830, the *Virginia Herald* reported the December 22, 1829 verdicts from a slave mutiny on board the schooner *Lafayette*.<sup>125</sup>

Letters from Boston, Massachusetts, Mayor H.G. Otis occupied most of a column on the February 24, 1830 front page of Fredericksburg’s *Virginia Herald* newspaper. His letters condemned the creation, content, and intended distribution of Boston free black writer and publisher David Walker’s 1829 and/or 1830 self-published pamphlet, *Walker’s Appeal in Four Articles Together with a Preamble, to the Colored Citizens of the World, But in Particular and Very Expressly to Those of the United States of America* without naming the document or its author.<sup>126</sup> The paper abstained from elaborating further on the matter of the incendiary document that authorities throughout the South were currently seeking to suppress with vigilance. Boston Mayor H.G. Otis’s February 10, 1830 letter explained that his authorities were powerless to suppress the pamphlet whose ideas the local white Boston citizenry did not agree with. Otis lamented the effects the pamphlet might have in Southern states, “With deep disapprobation and abhorrence.” Feeling

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<sup>124</sup> Ibid, September 5, 1829.

<sup>125</sup> Ibid, January 20, 1830.

<sup>126</sup> David Walker, *Walker’s Appeal in Four Articles Together with a Preamble, to the Colored Citizens of the World, But in Particular and Very Expressly to Those of the United States of America*, first ed. (Boston: published by David Walker, 1829). In 1830, the second edition was published in Boston. For a discussion of the rarity and editions of the work, see Clemont Eaton’s footnotes in “A Dangerous Pamphlet in the Old South,” *The Journal of Southern History*, Vol. 2, No. 3 (Aug., 1936), pp. 323-334. For David Walker Scholarship, see: Peter Hinks, *To Awaken My Afflicted Bretheren: David Walker and the Problem of Antebellum Slave Resistance*, (University Park: The Pennsylvania State University Press, 1997); Hasan Crockett, “The Incendiary Pamphlet: David Walker’s Appeal in Georgia” *The Journal of Negro History*, Vol. 86, No. 3, (Association for the Study of African-American Life and History, Inc. Summer, 2001), pp. 305-318; Marshall Rachleff, “David Walker’s Southern Agent,” *The Journal of Negro History*, Vol. 62, No. 1 (Association for the Study of African-American Life and History, Inc. Jan., 1977), pp. 100-103. See also: Herbert Apetheker, *One Continual Cry*, 1965; Charles M. Wilste *David Walker’s Appeal*, 1965; William Loren Katz, *Walker’s Appeal and Henry Highland Garnet’s Address to the Slaves of the United States of America*, 1969; Gary Howard, “The Georgia Reaction to David Walker’s Appeal,” 1976; Dennis Raper, “The

powerless, without the legal authority to prevent its publication and distribution, Otis lamented, “We think that any public notice of him or his book, would make matters worse. We have been determined, however, to publish a general caution to Captains and others, against exposing themselves to the consequences of transporting incendiary writings into your and the other Southern States.”<sup>127</sup>

That ships arrived and departed to Boston from Fredericksburg on a nearly monthly, often bi-weekly basis in 1829 and 1830 likely alarmed local authorities and area slave owners. At least one existing first edition of *Walker’s Appeal* had the September 28, 1829 publication date near its title.<sup>128</sup> Assuming other copies shared that information, then Fredericksburg authorities likely surmised by looking at port logs that a seaman could have smuggled the pamphlet into town by ship as early as October or November.<sup>129</sup> The mail also was a likely worry for authorities both in the town of Fredericksburg as well as the greater South. Since Fredericksburg sorted and distributed mail to five states, the pamphlet’s arrival and distribution through Fredericksburg would be a likely concern for authorities not wanting to be viewed as negligent for the pamphlet’s spread, not to speak of any danger the pamphlet might inspire locally.<sup>130</sup> Local members of the Fredericksburg

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Effects of David Walker’s Appeal and Nat Turner’s Insurrection on North Carolina,” 1969; Henry Highland Garnet, *Walker’s Appeal with a Brief Sketch of His Life*, 1848.

<sup>127</sup> *Virginia Herald*, February 24, 1830. Boston Feb. 10, 1830 Letter to the Mayor of Savannah from Boston Mayor H.G. Otis.

<sup>128</sup> Clemont Eaton, “A Dangerous Pamphlet in the Old South,” footnote 2, p. 1.

<sup>129</sup> A glance at port announcements in the *Virginia Herald* declared that the Schooner Hero arrived from Boston on September 29, 1829 as well as the Schooner *Lucretia*, which arrived November 18, 1829. At least three ships arrived from Boston in December 1829 (Dec.9, Dec. 23, 1829 *Virginia Herald*). About twice as many ships departed Fredericksburg for Boston with commodities such as wheat and corn during this time period, October-December 1829. Ships came from Boston throughout 1830 as well.

<sup>130</sup> I cannot currently substantiate what authorities were thinking or planning concerning *Walker’s Appeal*. I assume that Fredericksburg area authorities discussed the pamphlet quietly with discretion, similar

Auxiliary Colonization Society, had they actually read it, likely became distressed with the threat of *Walker's Appeal*, especially the section titled, Article IV., "Our Wretchedness in Consequence of the Colonizing Plan," that which attacked the ideology and efforts behind the movement supporting the colonization of free blacks outside the United States.<sup>131</sup>

To acquire an education as a free or enslaved person in Fredericksburg required a similar secrecy and discretion common to those insurrection organizers. White authorities realized that education inevitably allowed individuals greater access to information, ideas, and abilities. For example, the ability to read and write could inspire a bondsperson to forge a free pass (a written note from their owner or slave driver, that allowed a slave to carry out an errand or visit a designated location with permission) and runaway.

White lawmakers enforced laws banning education for free and enslaved persons of color for control and suppression. Concerning Fredericksburg education laws, Mary Minor Blackford lamented, "Our laws require that the Slaves be kept in profound ignorance, the penalty being fifty dollars fine or three months imprisonment for any one who should teach one of them to read unless it were his or her Slave....I am forced to refuse frequent

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to how Georgia's General Assembly called a special session to discuss the pamphlet on December 22, 1829. Hasan Crockett, "The Incendiary Pamphlet: David Walker's Appeal in Georgia," *Journal of Negro History*, Vol. 86 No. 3 (Summer 01), pp. 305-318, 310. What actions Fredericksburg authorities likely took to search, and suppress the document are at present, unknown to me.

<sup>131</sup> David Walker, *Walker's Appeal, in Four Articles; Together with a Preamble, to the Coloured Citizens of the World, but in Particular, and Very Expressly, to Those of the United States of America*, Written in Boston, State of Massachusetts, September 28, 1829, Electronic Edition. Text transcribed by Apex Data Services, Inc. Images scanned by Elizabeth S. Wright, Text encoded by Apex Data Services, Inc., Elizabeth S. Wright, and Natalia Smith, First edition, 2001ca. 200 K, Academic Affairs Library, UNC-CH, University of North Carolina at Chapel Hill, 2001.

applications to receive colored children, for if I were to enlarge my Sunday School at all, the threat so often given of breaking it up might be put into execution.”<sup>132</sup>

In Virginia, “Before 1830, there were some schools for free blacks, sponsored by the black beneficial societies in some Virginia towns. But an 1831 law following the Southampton insurrection closed these schools. It said: “All meetings of free Negroes or mulattoes, at any school house, church meeting house, or any place for teaching them reading and writing, either in the day or night, under whatsoever pretext, shall be deemed and considered an unlawful assembly.”<sup>133</sup> One known illegal school for enslaved and free blacks shut down in Fredericksburg according to the MCOB. On Wednesday, April 1, 1829, constables brought Joseph Hooten to court on the charge of “having open a school at his house last night for the instruction of free negroes[,] mulattoes[,] + slaves.” Hooten did not deny the charge. The recorder noted that he “plead ignorance of the law” and eluded punishment because of “his youth and penitence.” Sam Dabb, Minna Dabb, W[illiam] Newton, John Jones,<sup>134</sup> Richa[rd] Ferguson, James Rawlins, and a slave of W[illiam]

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<sup>132</sup> Minor Blackford, 44-45. Blackford is also discussed briefly in Fitzgerald, 80; and John Blasingame’s, *Slave Testimony: Two Centuries of Letters, Speeches, Interviews, and Autobiographies* (Baton Rouge, Louisiana, 1977) p.61-62.

<sup>133</sup> Fitzgerald, 73. Luther Porter Jackson, *Free Negro Labor and Property Holding in Virginia, 1830-1860* (New York and London, 1942) p.19, 20.

<sup>134</sup> According to his free certificate dated March 16, 1829, John Jones, would have been 21 or 22 at the time of this arrest. The document also describes him as a mixed race mulatto, five feet and eight inches in height with a scar on his chin. *Certificates and Registry of Free Negroes, City of Fredericksburg, 1790-1862*, Central Rappahannock Regional Library Virginia Collection, p.230.

Bruce,<sup>135</sup> were listed as his students. The account made clear that the previous night was “the commencement of his school.”<sup>136</sup>

This was not the first illegal school in Fredericksburg, but the only unlawfully assembled school account in the MCOB for the time period examined.<sup>137</sup> Some free black families sponsored their own illegal schools in town rather than risk sending their children out of state for education, where they faced the greater dangers of kidnapping in less known communities and risked not being able to re-enter Virginia because of residency laws banning free blacks from entering the state. One known illegal free black school in Fredericksburg run by an Englishwoman named Mrs. Beecham and her daughter used strategic methods to evade authorities and informants such as, “they kept on hand splinters of wood which they had the children dip into a match preparation and use with a flint for ignition to make it appear that they were showing them how to make matches.”<sup>138</sup>

Scholars of free black education in Fredericksburg discussed the legislative petition dated March 18, 1838 “that requested authorization to open a public school for free black persons residing in the Corporation of Fredericksburg. Its signatories included: Adolph

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<sup>135</sup> An advertisement for William Bruce’s business as a carriage maker advertised Bruce possessing “workmen of skill and quality” that included a blacksmith to do ironwork. *The Virginia Herald* 1787-1876, (Fredericksburg, Virginia Newspaper) January 6, 1830.

<sup>136</sup> MCOB, Book 4, Wednesday, April 1, 1829 p. 36.

<sup>137</sup> In pre-Revolutionary Fredericksburg, Fielding Lewis, father of Mayor Robert Lewis, operated a school for local enslaved children’s biblical education. For more on illegal schools in Fredericksburg, see . Fitzgerald, 73-74; Jackson, *Free Negro Labor and Property Holding in Virginia*, p.25; W. B. Hartgrove, “The Story of Maria Louise Moore and Fannie M. Richards,” *The Journal of Negro History*, Vol. 1, No. 1 (Jan., 1916), pp. 23-33. [Association for the Study of African-American Life and History, Inc.](http://www.jstor.org/stable/2713513) Stable URL: <http://www.jstor.org/stable/2713513>, 25. These works cite a legislative petition dated March 18, 1838 “that requested authorization to open a public school for free black persons residing in the Corporation of Fredericksburg. Its signatories included: Adolph Richards, Edward De Baptist, William De Baptist, Thornton Fox, William Thornton, Henry Lucas, and others.” Legislative Petitions, Spotsylvania County, March 18, 1838.

Richards, Edward De Baptist, William De Baptist, Thornton Fox, William Thornton, Henry Lucas, and others.” Legislative Petitions, Spotsylvania County, March 18, 1838.

While the petition occurred after the period of this study, it is interesting to note that some of the same prominent free black male signatories of the petition, such as Henry Lucas and Edward De Baptist, appeared in unlawful assembly accounts featured in this study. Their appearance in unlawful assembly records and their legislative activities argue that prominent free blacks sought a hospitable life in Fredericksburg that included the legal right to educate their children. During the 1840’s, stifled by authorities’ restrictions and powerless to facilitate needed change, prominent free black Fredericksburg families felt the town offered limited to no opportunities for their children. Many of these families, including the Richards and DeBaptist families, led an exodus out of town, permanently relocating to areas such as Detroit, Michigan.<sup>139</sup>

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<sup>138</sup> Hartgrove, “The Story of Maria Louise Moore and Fannie M. Richards,” pp. 23-33. [Association for the Study of African-American Life and History, Inc.](#) Fitzgerald, 73-74.

<sup>139</sup> Ibid.

## **CHAPTER 5 Unlawful Assembly: Who Assembled and Why**

Many individuals illegally assembled despite the financial and/or physical punishments awaiting those who were caught. People unlawfully assembled to meet people they were forbidden to encounter in other circumstances without close supervision. Those who assembled met friends, acquaintances, relatives, and business associates. Enslaved persons assembled with free and enslaved persons from neighboring farms or town homes. Whites met free blacks and slave persons to gamble, drink, talk, and dance. Unlawful assembly attendees thus met for social reasons, for financial reasons, for personal or societal gain, or for a combination of reasons. In addition to Fredericksburg town occupants, unlawful assembly attendees also included persons who lived in the surrounding counties: Spotsylvania, Stafford, Caroline, Westmoreland, Fauquier, and King George.

Some unlawful assembly accounts suggest that persons of both genders, races and free statuses met at unlawful assemblies for sexual pursuits, whether to meet new sexual partners or to engage in sexual relations at the unlawful assembly location. Women or men without financial means could use their bodies as currency for social or monetary gain at assemblies. Poor or enslaved persons might exchange sex for money, objects, or personal favors, such as helping a relative to run away. Those who already possessed wealth and power might have sought sex from persons who because of their status or

poverty could not black-mail, testify against, or bring much harm to their reputation. Unlawful assemblies were discreet and secretive in nature, probably only revealed to persons who could be trusted not to inform on them to authorities.

The term “disorderly house” in court records commonly referred to places such as those that disturbed the peace of the neighborhood, had illegal drinking, illegal gambling, and sometimes in addition to one or more of those designations, had prostitution. Antebellum scholars usually find prostitution venues in court records referred to as “houses of ill fame” but the description “disorderly house,” sometimes referred to prostitution, though far less frequently in court records. Not all disorderly houses had prostitution and unless otherwise suggested, it is difficult to discern whether prostitution occurred.<sup>140</sup>

People unlawfully assembled to meet persons they encountered infrequently or were banned from associating with at anytime. Enslaved persons likely met relatives or friends at assemblies. It is difficult, even impossible many times, to accurately identify blood relatives of enslaved persons residing in the Fredericksburg area. When only first names of enslaved persons are used and there are many who share the same name, the researcher cannot ensure accuracy in identification. Many enslaved persons had relatives who resided in neighboring areas that they visited with and without permission from owners. One way the town council recognized this fact is evident in their Sunday restrictions. The council stated: “No negroe slave shall come within the Jurisdiction of the

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<sup>140</sup> I will elaborate on this in chapter eight.

the Corp on the Sabbath day except those having wives in Town.<sup>141</sup>" Another local acknowledgement of this mobility comes from runaway slave advertisements that list names, locations, and possible family members capable of hiding the fugitive slave person. Alexander Morson of Stafford, Virginia, described his runaway slave, named Sam in an advertisement as follows, "Of a light complexion, approaching the mulatto; about five feet 10 inches high, and supposed to be about 23 years of age....He has been hired for some years past to Messrs. Blackford, Arthur & Co. for their Iron Works in the county of Shenandoah. It is probable that Sam may expect to be concealed in the neighborhood of one of those places; or he may be still lurking about Fredericksburg or Falmouth."<sup>142</sup>

Some unlawful assembly records alleged gambling activities, many with the names of the participants, the type of gambling event, and the specific location. This information revealed a glimpse into Fredericksburg's illegal gambling culture whose participants engaged in activities and games with rules and etiquette forged and enforced outside the legal public realm on the town's periphery. On April 17, 1821, James Williams, a free black man, was arrested with Charles, a slave of Mrs. Tenants, for unlawful assemblage, gambling, and speeding their drays, indicating that they both worked as local draymen.<sup>143</sup> At the same session, the court charged five white persons Matilda Burnett,<sup>144</sup> William Raines, John Coakley, and "young men" Leeson Farrell and Austin Farrell with associating and gambling with free blacks. On May 1, 1821, William Briscoe, a slave of William

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<sup>141</sup> Fredericksburg, Virginia City Council Minutes, Thursday, July 1, 1824.

<sup>142</sup> *Virginia Herald*, May 22, 1819.

<sup>143</sup> MCOB, Book 1, Tuesday, April 17, 1821, p. 3.

<sup>144</sup> Thirteen days later, Matilda Burnett appeared in court again for unspecified reasons on Monday, April 30, 1821. MCOB, Book 1, Monday, April 30, 1821, p. 10.

Stone, was brought to court for dancing without permission among an unlawful assembly of blacks, where Wm Lucas testified to gambling at the same assembly.<sup>145</sup> Three years later, March 1, 1824, Burnett and Henry, “slaves of the mayor [Robert Lewis],”<sup>146</sup> are named along with Harry, a slave of Archibald R. Taylor, as individuals allegedly found assembled and gambling at white male Lewis Courtney’s residence.<sup>147</sup> Assumed guilty, the court recorder noted that thirty-two unnamed slaves and free blacks “were severally fined and whipped” for being at the assembly and Burnett, Henry, and Harry, each received a ten lash punishment.<sup>148</sup> This was not a small card party, but an exceptionally large illegal gathering where thirty-six enslaved and free black individuals appeared to be gambling at a white man’s house when they were discovered. What if gambling was just a secondary activity, a safe cover for a more secretive primary activity? If this were the case, which is highly plausible, then a group of thirty-six organized individuals gathered at night could pose a considerable threat if armed, organized, and disrespectful of or opposed to the social order.

Four years later, on March 14, 1828, the court issued a warrant against “sundry free negroes and slaves for an unlawful assemblage and gambling in the kitchen of Wm

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<sup>145</sup> MCOB, Book 1, Tuesday May 1, 1821, p. 13.

<sup>146</sup> MCOB, Book 1, Monday, March 1, 1824, p.277. Robert Lewis paid taxes on five slaves according to the 1824 Personal Property Tax lists. 1824 Personal Property Tax Lists, Fredericksburg, Virginia.

<sup>147</sup> Lewis Courtney is also known by his alias, Lewis Coatney. He appears in numerous court records both as a defendant accused of criminal offenses and as a person who accumulated private debts until his death in 1825. MCOB, Book 1, Monday March 1, 1824, p.277. In the 1820 Fredericksburg Census, Courtney is listed as head of household aged 26-45 years of age. Also in his household is a white boy under ten years of age and two white females between the ages of sixteen and twenty-six. 1820 United States Federal Census, Roll M33-135, page 165. A marriage record states that Lewis Coatney and Hannah Brennen married in Spotsylvania, Virginia on January 27, 1813. Ancestry.com Virginia Marriages, 1740-1850 [database on-line]. Provo, UT, USA: The Generations Network, Inc. 1999. Original data: Dodd, Jordan R., et al.. Early Marriages: Virginia to 1850. Bountiful, UT, USA: Precision Indexing Publishers.

Cobler.”<sup>149</sup> Four free men of color were fined three dollars each. The court recorder noted that Geo Debaptiste and Wm Lucas “were discharged upon the payment of three dollars” while James Williams and James Ferguson<sup>150</sup> “surrendered themselves, and paid a fine of three dollars each.” The court punished two slaves named Henry and Oliver. The court released them both after Henry received ten lashes and Oliver’s unnamed master paid a one dollar fine. Fees were also paid to informers in this account.<sup>151</sup>

Two years later, informant William Jones testified at the June 2, 1830 session. The mayor issued arrest warrants for many free persons of color and slaves, charged with being at an unlawful assembly on the “turnpike road at a cock fight + gambling party on Monday [June 28].” The court recorder noted that the designated free persons of color “appeared, confessed the charge [,] and paid a \$1.26 const[able] fee.” They were: John Jones,<sup>152</sup> Wm Lucas, John Coombs,<sup>153</sup> Joseph Stounell, Tom West, Berry Coombs, Frank Coombs, John Clemons, William Aulins, Rich Wyatt, John Whitehouse, Wm Thornton, Henry Lucas,

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<sup>148</sup> MCOB, Book 1, Monday March 1, 1824, p.277

<sup>149</sup> MCOB, Book 3, Friday, March 14, 1828, p.188.

<sup>150</sup> According to his free certificate dated May 23, 1816, James Ferguson, would have been 35 or 36 at the time of this arrest. Another free certificate lists Ferguson as the father to Polly, a twelve year old girl listed as the daughter of his free wife, dated May 16, 1815. *Certificates and Registry of Free Negroes*, p.175, p.174. An 1833 Overseer of the Poor Apprenticeship Record names James Ferguson as a master barber to nineteen year old John Ham. *Apprenticeship Records*, (Fredericksburg Circuit Court Repository, Fredericksburg, Virginia).

<sup>151</sup> MCOB, Book 3, Friday, March 14, 1828, p.188.

<sup>152</sup> This is the second time John Jones appears in the unlawful assembly records. According to his free certificate dated March 16, 1829, John Jones, would have been 21 or 22 at the time of this arrest. The document also describes him as a mixed race mulatto, five feet and eight inches in height with a scar on his chin. *Certificates and Registry of Free Negroes*, p.230.

<sup>153</sup> According to his free certificate dated October 14, 1823, John Combs, alias John Fry, would have been 36 or 37 at the time of this arrest. *Certificates and Registry of Free Negroes* p. 175, p.210. John Combs’ name is also present on the 1828 List of Insolvent Free Negroes and Mulattoes in Fredericksburg. “List of Insolvent and Free Negroes & Mulattoes in Fredericksburg, ret.d. by the Sergeant-Jany. Ct. 1829,” *Free Negro/Slave Records*, (Fredericksburg Circuit Court Repository, Fredericksburg, Virginia).

Edw. DeBaptist,<sup>154</sup> James Ross., Nancy Mencia, Jeffery Lucas, Thornton Fox, and Field West.<sup>155</sup> Willis Poole, a slave of Duff Green, received the same order as the free persons, as did James Taylor, Stephen Bryant, James Dixon, and John Dixon, all of whom were discharged after paying constable fees. Some enslaved persons received arrest warrants and their owners were ordered, “to pay cost or stripes inflicted,” a ten-lash whipping or a \$1.26 fine. These slave persons were: Ceaser Garnett, John Hunter, W. Smocks Jere., Mr. Smith, Tom W. Gordon, Alis Butler, Billy Robinson,<sup>156</sup> Wm Matthews, Rich[ar]d Meyers, and Billy Biscoe.

In their brief references to unlawful assemblies and gambling, scholars usually acknowledge that whites, free and enslaved blacks and persons of mixed race intermingled on the edge of towns and cities, commonly referred to as being at the periphery of such locations. In his study, *Free Blacks in Norfolk, Virginia*, Tommy Bogger noted:

There were areas near the periphery of the city where the lawless flouted the curfew by gambling, drinking, and having a good time well past ten o'clock, much to the annoyance of nearby residents. Free blacks rendezvoused with slaves and whites at these gatherings just beyond the city limit. Very disturbing to city officials was the knowledge that the riotous living was based on proceeds from stolen property traded at the gatherings.<sup>157</sup>

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<sup>154</sup> An 1829 list of slaves suspected of going at large states that free black slave owner Edward DeBaptist received fines for permitting his slaves to go at large and hire themselves [out]. List of Slaves suspected of going at large, (Fredericksburg Circuit Court Repository, Fredericksburg, Virginia).

<sup>155</sup> An undated Overseers of the Poor apprenticeship record for a seventeen year old Fielding West names Benjamin DeBaptist, a relative of Edward DeBaptist, as his master. Using his September 19, 1837 free certificate which lists him as a “mulatto man, aged 30 years,” one can assume that he began his apprenticeship in either 1824 or 1825 with Benjamin DeBaptist. It is likely that the apprenticeship was an opportunity for meeting new people, if he hadn't done so already. *Apprenticeship Records*, (Fredericksburg Circuit Court Repository, Fredericksburg, Virginia).

<sup>156</sup> An 1829 list of slaves suspected of going at large lists “Billy Robinson, property of Robert Lewis[the Mayor]-now in the use of his mistress” as a slave suspected of going at large. List of Slaves suspected of going at large, (Fredericksburg Circuit Court Repository, Fredericksburg, Virginia).

<sup>157</sup> Bogger, *Free Blacks in Norfolk*, 134.

Other scholars of gambling in the South focus on the absence or presence of “a masculine culture of honor” in gambling cultures. In his study of Natchez, Mississippi,

Timothy Ryan Buckner stated:

The restrictive notions of who could perform honor and manliness in Southern culture, specifically, drinking, gambling, and illicit sex, broke down in Natchez. The urban milieu of the town, and especially Under-the-Hill, offered black men, both enslaved and free, an opportunity for interaction with whites and the ability to assert masculinity. While blacks were not included in the culture of honor, they could participate in the practices elite white men used to assert it. The interracial nature of these activities caused a sense of unease for slaveowners looking for stricter racial control...<sup>158</sup>

Unlawful assembly records allege white men and at least one white woman attended unlawful gambling assemblies with free and enslaved persons of color, some of whom, though unnamed, may have been women. These unregulated, illegal gambling events where individuals of differing classes, genders, and races intermingled, occurred in Fredericksburg; the MCOB records document them and more.

Historians Bertram Wyatt-Brown and Kenneth Greenberg described Southern gambling as a culture intricately tied to values and rules dictated by Southern elitist planter whites’ conceptions of honor, the supremacy of the white race, and the assertion of masculinity. According to Greenberg and also alluded to by Wyatt-Brown; free and enslaved blacks were excluded from the Southern elitist whites’ culture of honor due to their racial inferiority. To understand gambling culture, one must understand the culture of honor. At this time, with evidence of a gambling culture that existed on Fredericksburg’s periphery clearly revealed in unlawful assembly records, relying on such a weighty honor emphasis is limiting. Wyatt-Brown explained, “Under such circumstances of shifting

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<sup>158</sup> Timothy Ryan Buckner, “Constructing Identities On The Frontier Of Slavery,” 101; Wyatt-Brown, *Southern Honor*, 341-350, Greenberg, *Honor & Slavery: Lies, Duels, Noses, Masks, Dressing as a Woman*,

power relations within and around racial and class hierarchies, it might appear impossible to locate an all-embracing definition for honor and shame.”<sup>159</sup> In this study, I believe it is impossible due to lack of contemporary accounts that reveal insights into unlawful assembly attendees’ personal beliefs and value systems.

Existing gambling studies outside the framework of honor reveal little insights into gambling in Fredericksburg’s unlawful assemblies for several reasons. Since Fredericksburg’s white elites were primarily merchants, notions of honor based on genteel Southern planter elitist culture could not be applicable for most, if not all of the town’s culture. This was certainly the case for the few listed whites found at gambling unlawful assemblies such as Lewis Courtney, a merchant who hosted an unlawful gambling assembly at his home and eventually died in debt (gambling likely contributed to this). Also, enslaved and free blacks appeared to outnumber white attendees at unlawful gambling assemblies where loss and gains were not regulated or taxed by white authorities, arguing that Fredericksburg’s illegal gambling culture revealed in unlawful assembly records had a majority non-white culture. If the majority culture dictated gambling rules in unlawful assemblies, then free and enslaved blacks and persons of mixed race possessed “the upper hand” over the minority white gambling attendees—a situation rarely (if not ever) described in the secondary literature. Deciding betting rules, wagers, and when to meet with discretion were negotiated between individuals of differing races and excluded white authorities. Finally, the presence of white woman Matilda Burnett and possibly free

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*Gifts, Strangers, Humanitarianism, Death, Slave Rebellions, the Proslavery Argument, Baseball, Hunting, and Gambling in the Old South* (Princeton: Princeton University Press, 1996), 135-145.

and/or enslaved black women contributed further to the dynamics of the gambling culture found at unlawful assemblies. If women were active gambling participants, for example, and not mere observers, then unlawful assemblies further illuminate a gambling culture devoid of racial and gender barriers, further complicating the honor/masculinity/white racial superiority framework.

Authorities did not charge any individual with drunkenness or possession of illegal liquor at unlawful assemblies, though evidence of drinking at unlawful assemblies is present in at least one MCOB account. Charles Proctor, who appeared in the Mayor's Court on July 5, 1824, "for having an unlawful assemblage of negroes—slaves—and free people of colour at his house" the previous night, came to court intoxicated and spent time in jail when he could not immediately pay the fine.<sup>160</sup> Obtaining alcohol for unlawful assemblies was an illegal activity. Regulations in Fredericksburg restricted the making, taxing, and distribution of alcohol in Fredericksburg.<sup>161</sup> William Richter argued, "Of all diversions available to the slave population of Baton Rouge, the one that was most popular and caused the most trouble was drinking."<sup>162</sup> In 1818, as a young enslaved man in Fredericksburg, Reverend Noah Davis was bound as a shoemaker's apprentice. As the newest apprentice, Davis was the designated "runner for the shop," trained to bring "liquor among the men with such secrecy as to prevent the boss, who had forbidden it to come on the premises, from knowing it." He argued that drinking was very common: "With such

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<sup>159</sup> Wyatt-Brown, *The Shaping of Southern Culture: Honor, Grace, and War, 1760s-1890s*, (Chapel Hill: University of North Carolina Press, 2001) Appendix, 303.

<sup>160</sup> MCOB, Book 2, July 5, 1824 p.317.

<sup>161</sup> See Chapter Five of this thesis.

<sup>162</sup> Richter, *Slavery in Baton Rouge, 1820-1860*, 391.

examples all around, I soon learned the habit of drinking, along with every other vile habit to which my companions were addicted.”<sup>163</sup> No different than today, it is likely that drinking lowered inhibitions between individuals of differing genders, classes, and races.

Individuals knew each other as family members, neighbors, church members, business partners, and as strangers who shared town spaces, and even the spaces outside the town limits in surrounding counties. Unlawful assembly records offer clues to how individuals arrested together might have personally known each other. One example found in the MCOB is between merchants and draymen. White and free black merchants, along with registered draymen, appear in several court records. Many free blacks and enslaved persons of the Fredericksburg area worked in this business as coach makers, blacksmiths, and drivers.<sup>164</sup> It was not uncommon for enslaved and free persons of color to receive fines and punishments for speeding their vehicles, often referred to as ‘drays’. In the third account for April 17, 1821, James Williams, a free black man, was arrested with Charles, a slave of Mrs. Tenants, for unlawful assemblage, gambling, and speeding their drays.<sup>165</sup>

For the job, draymen and merchants needed to possess knowledge of local, regional, and even state transportation routes along with relevant contact persons relating

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<sup>163</sup> Rev. Noah Davis, *Noah Davis*, (Baltimore, John F. Weishampel, Jr., 1859) 15. Photocopy of book located in Central Rappahannock Library’s Virginiana Collection. It appears that Davis censored his work intentionally, to fulfill his purpose in writing and selling the book, to raise enough money “to free his last two children from slavery.”

<sup>164</sup> An 1801 list of sixty-one free blacks and their professions in Fredericksburg lists six of the twenty three presumed males as draymen. The remaining were divided as follows: six men were listed as laborers, two were shoemakers, two were blacksmiths, two were tobacco stemmers, one gardener, one cabinetmaker, one carpenter, one baker or seafarer, and one appeared as a barber. List of Free Negroes & c within the Corporation of Fredericksburg, Free Negro/Slave Records, (Fredericksburg Circuit Court Repository, Fredericksburg, Virginia).

to business endeavors. This knowledge was essential in order to ensure that goods and people were delivered to their destinations in profitable time. Tommy Bogger wrote of free black draymen in Norfolk, Virginia:

Drayage was vital to a seaport town. Tons of merchandise were transported to and from the surrounding countryside, and between wharves and mercantile houses. Even firewood and drinking water were brought into the borough. Thus, there was always work for draymen, and several free blacks made a very good living at the trade. A run-down horse and a makeshift cart were the minimum necessities for getting started. The established draymen usually owned at least two horses, or mules, and several carts and wagons.<sup>166</sup>

Whites, free blacks, and slaves would have interacted with draymen on a daily or weekly basis depending on how successful business was. Business patrons, those enslaved persons owned or hired by them, and others along transportation routes would make up a potentially large network of people with which to associate, especially on a social level. An example of such a communication network and possibly more is found in the 1822 Denmark Vesey conspiracy. For example, some contemporary whites suspected enslaved individuals who served as slave drivers (persons responsible for organizing and enforcing work assignments dictated by slave owners and overseers on plantations) of conspiring against them.<sup>167</sup>

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<sup>165</sup> MCOB, Book 1, Tuesday, April 17, 1821, p. 3. Racing and fleeing from authorities may have been activities related to the speeding of drays mentioned in this account. It also may have just referred to breaking a safety regulation enforced to prevent horse and pedestrian injuries.

<sup>166</sup> Bogger, 67.

<sup>167</sup> Douglas Egerton stated: "Harder yet to explain away is the evidence Robert L. Paquette uncovered in the memoirs of Samuel Wragg Ferguson, which is also uncited by Johnson. Born in Charleston in 1834, the future Confederate general was long told that black drivers around the lowcountry were involved as recruiters. No longer merely a plot of five or six Charleston magistrates, Johnson's conspiracy must now be broadened to include planters far across the Ashley and Cooper Rivers. Either that, or the terror consciously created by the court convinced not only George Wilson, Governor Bennett, and Justice Johnson of a slave plot; it also fooled naïve planters in nearby counties into joining in the paranoia to the extent that they accused their own drivers, the most trusted men on their estates, of being involved in Vesey's exodus." "Forgetting Denmark Vesey; Or, Oliver Stone Meets Richard Wade," *The William and Mary Quarterly*, Third Series, Vol. 59, No. 1 (Jan., 2002), pp. 143-152, 148. Published by: [Omohundro Institute of Early American History and Culture](#). Robert L. Paquette, "The Drivers Shall Lead Them: Image and Reality in

Not all registered or known draymen appear in court records accused of conducting illegal activity but of those who are, the business of transportation would be an advantageous one that often afforded opportunities to free blacks and slaves that other professions might not. In Norfolk, Virginia, Tommy Bogger found that free black draymen “maintained a high degree of autonomy. As independent businessmen they did not have to act submissively toward prospective customers” in spite of strict ordinances such as price fixing, that regulated their profession more than others.<sup>168</sup> Less direct supervision, greater flexibility, and more social interaction were all potential advantages of working as a drayman. Because of this, draymen would have been the ideal messengers for those planning unlawful assemblies.

One local Fredericksburg dray business owner found in the unlawful assembly accounts is white merchant Lewis Courtney, also known by the alias Lewis Coatney, no stranger to the local courts of Fredericksburg and Spotsylvania. In 1818, Courtney took out an advertisement in the Virginia Herald newspaper for his Liberty Town Coaches business. He advertised that he had a smooth driving coachman available for transport anywhere in the United States.<sup>169</sup> Five years later, in 1823, he advertised an estate sale of land, house, new wagon, and house ware items to pay off his many outstanding debts.<sup>170</sup> It is difficult to ascertain where Lewis Courtney’s place of residence was at the time of his alleged unlawful assemblage in March 1824, and how much property and wealth he

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Slave Resistance” in Paquette and Louis A. Ferleger eds. *Slavery, Secession, and Southern History*, (Charlottesville, 2000) 48, 57 n 48. From *Ferguson’s Memoirs*, Duke Collection.

<sup>168</sup> Bogger, 68.

<sup>169</sup> *The Virginia Herald* 1787-1876, July 11, 1818, Lewis Courtney is named in the advertisement for Liberty Town Coaches.

possessed, but he did pay the considerable \$35.00 fine (one dollar for 35 slaves and persons of color named in the account) that was divided among an indeterminate number of unnamed informers.<sup>171</sup> Numerous existing court records name Courtney as a defendant charged with crimes including: assault, battery, participating in a riot, unlawful detention of a horse, slander, unlawful gaming at cards, keeping a disorderly house, and failing to pay several debts and taxes, many of which remained unpaid at his death one year later in 1825. Lewis Courtney, a white man, was well known in the local courts. In one particular account, the court accused Courtney of enlisting the help of an unnamed enslaved man on William Woodford's plantation to steal wheat from his master. Another account named Courtney as a merchant of illegal liquor. Numerous accounts reveal that Courtney was an active participant in illegal activities with others.<sup>172</sup>

Lewis Courtney's court records disclose an illegal network of local individuals. Charles Proctor, like Courtney, appears in court records for similar crimes. Their records shared a common associate, white male Robert Mackaboy, whose records were also criminal in nature at times. Three and a half months later from the last unlawful assembly account, on Monday, July 5, 1824, the court issued a warrant for Cha[rles] Procter, "for having an unlawful assemblage of negroes—slaves—and free people of colour at his house on the 3<sup>rd</sup> \_\_\_\_\_inst (Saturday)[July 4<sup>th</sup> weekend]." The court recorder noted that Procter arrived at the courthouse intoxicated and was later arrested when he was unable to pay his

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<sup>170</sup> *The Virginia Herald* 1787-1876, July 23, 1823, 3/5.

<sup>171</sup> *Ibid*, July 11, 1818, 3/5 Lewis Courtney is named in the advertisement for Liberty Town Coaches.

<sup>172</sup> (Fredericksburg Circuit Court Repository, Fredericksburg, Virginia).

fine.<sup>173</sup> None of these men were strangers to the local courts. In another court records, for instance, Procter was a defendant charged with crimes that included: assault on a slave, assault on a free person, maltreatment, abuse, resisting a constable, and not paying debts.<sup>174</sup>

A unique community of alleged individuals conducting illegal activity comes into focus when individuals are repeatedly identified in records that share the same types of crime or link individuals together by having the same accused accomplice. Town council minutes and other loose papers related to Fredericksburg court documents further illuminate the unregulated activities of those accused of selling liquors without licenses, conducting business on the Sabbath, and selling, trading, or possessing stolen goods. Some of those same individuals appear at unlawful assemblies where gambling, dancing, cockfighting, and other illegal acts took place. An examination of Fredericksburg's and Spotsylvania's Hustings Court Criminal Actions from 1821-1835, document hundreds, almost thousands of court record accounts where defendants accused of illegal gaming, having disorderly homes, selling liquor without licenses, stealing, and retailing goods without licenses appear.<sup>175</sup> Although such records are beyond the scope of this particular

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<sup>173</sup> MCOB, Book 2, Monday, July 5, 1824, p.317.

<sup>174</sup> (Fredericksburg Circuit Court Repository, Fredericksburg, Virginia).

<sup>175</sup> "The Hustings Court, also known as the Corporation Court in jurisdictions incorporated as independent cities, was the town/city equivalent of the County Court. It was presided over by Justices under the Mayor of the town/city and heard civil and criminal matters. Civil actions on appeal and criminal matters resulting in conviction were sent to the next higher court (Hustings Court to District Court / Superior Court and Corporation Court to Circuit Court) for further action." Thomas Jefferson Headlee, Jr, *The Virginia State Court System, 1776- A Preliminary Survey of the Superior Courts of the Commonwealth With Notes Concerning the Present Location of the Original Court Records and Published Decisions*, (Richmond: Virginia State Library, 1969); Historic Court Records Website, 'Court Records History,' Barry McGhee, <http://www.historiccourtrecords.org/courthistory.stm#HU> accessed January 2009.

study, they provide further evidence of a culture of individuals who existed outside the confines of local laws, appearing, albeit briefly, in local accounts.<sup>176</sup>

Information was a valuable commodity shared by unlawful assembly attendees. Even though information exchange was complex and not directly revealed in records, it is obvious that individuals exchanged meeting times and where to assemble to select individuals. Organizing an illegal assembly was no simple matter. To manage the logistical details of when, where, and who to invite required those planning the assembly to calculate how to communicate with invitees information without alerting local white authorities.

The value of information to each unlawful assembly attendee is difficult to judge. For individuals from differing races, free statuses, and economic classes, the value of information might be exchanged for goods, services, or valuable personal alliances. For example, an enslaved man on a neighboring farm might discuss the value and goods on his owner's farm to a neighboring white merchant farmer curious about his local competition. A thief might solicit information from an enslaved female house servant residing in town concerning her owner's sleep habits and possessions in exchange for money, items, or a service.

Unlawful assemblies potentially served as an opportunity for individuals to exchange illegal marketing information, as well as stolen goods. The MCOB and other court records bear evidence of an unregulated market outside of the taxes and regulations of local authorities. Many individuals appear in numerous records with mutual

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<sup>176</sup> Index of Hustings Court Criminal Actions, 1821-1835, (Fredericksburg Circuit Court Repository,

acquaintances associated with thefts, illegal distribution of alcohol and or stolen goods, as well as similar criminal offences. As historian Ira Berlin states:

The expansion of the slave's economy—be it overwork, marketing, or handicraft—disturbed both slaveholders, who feared it would disrupt the social order of the towns, and non-slaveholders, who bridled at the competition....But such fears paled beside concerns for another aspect of the slaves' economy—theft. Townspeople, particularly small traders and peddlers, had little compunction about dealing with stolen goods, and slaves were only too happy to engage in the exchange.<sup>177</sup>

Authorities feared the corruption unlawful assemblies provided, especially to local whites.

Building economic relationships by exchanging goods stolen from whites undermined white supremacy, especially when free or enslaved blacks profited off of items whites stole from other whites. 1782 legislation reveals evidence of white authorities attempts to dissuade such illicit trade at unlawful assemblies:

And be it further Ordained, that if any white person, free Negroe, or Mulatto, shall be found in Company, with any Servant, or Slave, at unlawful meetings, Gaming with, dealing, entertaining, or harbouring such, without the Owners consent, shall, (upon conviction before a Magistrate) forfeit to the Owner of such Servant, or Slave, four times the value of the thing bought from them, to be recovered with costs by Action on the Case in the Court of Hustings of this Corporation, and shall moreover forfeit five pounds to the Person who shall sue or Prosecute such Offender to be recovered with Costs as aforesaid before the Court of Hustings, or receive thirty nine lashes on his or her bare back well laid on at the Public whipping Post --<sup>178</sup>

Information exchange in Fredericksburg was all the more possible because of the mail. Fredericksburg received, sorted, and transported mail from five states by 1822.<sup>179</sup>

Manual slave labor was common in the town, and it is likely that slave persons labored in different ways with the mail operations. Given that secret schools existed in

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Fredericksburg, Virginia).

<sup>177</sup> Berlin, *Many Thousands Gone*, 276.

<sup>178</sup> March 31, 1782, Fredericksburg Town Council Minutes, pp. 10-11. Transcribed into the searchable online database by Gary Stanton, "1782 Fredericksburg City Council Minutes," Fredericksburg Research Resources, available online at: <http://departments.umw.edu/hipr/www/fredburg.htm> This is discussed in greater context in the next chapter of this thesis.

<sup>179</sup> Rodney Dale Green, "Urban Industry, Black Resistance, and Racial Restriction in the Antebellum South: A General Model and a Case Study in Urban Virginia." Unpublished Doctoral Dissertation, American University, 1980, p. 39.

Fredericksburg for some free blacks and slave persons, it is likely that some literate free blacks and enslaved persons potentially had remarkable access to local information, including that gleaned from five different states' mail. It is possible that letters may have been read, stolen, or manipulated for calculated purposes.

Authorities were aware of the value of information and how a relationship between free blacks and slave persons could threaten local white power. In a September 1, 1831, letter to the jailer copied in the MCOB (no doubt directly inspired by the Southampton insurrection led by Nat Turner) Mayor Thomas Goodwin feared that 'there is some concert between the blacks in the Country and town' that were planning on freeing local blacks imprisoned in the county jail. Goodwin wrote:

The inclosed letter was found on one of the Butcher[']s stalls last evening by a small boy, and handed to me about 8 o'clock, by which an inference may be drawn that there is some concert between the blacks in the Country and town, and that an attempt may be made to rescue those in the [Spotsylvania] County Jail. I have therefore thought it advisable to make this communication to you as it may be deemed proper to have the Jail well guarded. I have consulted several of our friends, who concur in opinion with me, that the contents of the letter should be kept as private as possible, at least for the present, as it may lead to some discovery;<sup>180</sup>

Fredericksburg authorities knew that some 'concert between the blacks in the Country and town' existed, especially since Gabriel's 1800 Rebellion. People shared news and gossip; information spread across gender, racial, and class barriers. Whites recognized that in order to regulate the communication and kinship networks of free and enslaved blacks and persons of mixed race, along with the whites who interacted with them, whites had to enforce local laws against unregulated activities such as unlawful assembly, assisting runaway slaves, and educating free and enslaved blacks in illegal schools that would

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<sup>180</sup> MCOB Book 4, September 6, 1831.

strengthen the very networks, or ‘the concert’ between free and enslaved blacks that authorities sought to suppress.

A MCOB account describing the search warrant used in pursuit of a slave runaway reinforced the suspicion among authorities and local slaveholders’ suspicions that free blacks assisted runaway slaves, an activity highly plausible in unlawful assembly accounts.

On August 24, 1821, the court issued a warrant to search free black women Alice Webb’s and Dinah Webb’s homes (likely related) for a slave named Aldey, owned by William Street, a white man.<sup>181</sup> As a slave owner, after failing to locate Aldey with his own resources, Street petitioned the court for help and claimed that both Webbs were assisting Aldey, now a fugitive slave. The court complied and issued a search warrant. Both Street and constables searched the homes of Alice and Dinah Webb in their pursuit of Aldey. They did not find her but ordered Alice Webb to a twenty-lash whipping for speaking insolently to Street.<sup>182</sup> To authorities, a free black woman insulting a white slave owner and likely hiding a fugitive slave deserved brutal punishment.

Unlawful assembly accounts provide lists of individuals found or suspected of being together illegally inferred relationships. Community relationships are illuminated further in other MCOB accounts. An example of this can be gleaned from the following December 5, 1829 account:

On the information of John L. Marye issued a warrant to apprehend both Joseph Stonnell and Eliza Newton; the parties being in custody and on being charged with illicit traffic in buying corn and other articles from slaves, and keeping a house of ill fame, on hearing testimony, the said Stonnell was found guilty of the charge and committed to jail, and was released therefrom by George Debaptist and Peter Newton becoming his security for his keeping the peace and good behavior for twelve months.<sup>183</sup>

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<sup>181</sup> Book 1. August 24, 1821, p. 84.

<sup>182</sup> August 24, 1821, p. 84.

<sup>183</sup> Monday, December 5, 1829.

Undermining economic sanctions against enslaved persons, eluding taxes with their unregulated business activities, and supporting prostitution were offenses that all violated local laws. After their arrests, local free blacks George DeBaptist and Peter Newton appeared in court to provide security for Stonnell's and Newton's release.

Another MCOB account further illustrates the type of illegal networks that alarmed local authorities. The December 31, 1832 account stated:

In consequence of information inst. Letter from Archd Hart of Baltimore to Fayette Johnston; stating that Billy and Randolph two slaves, the property of Mrs. Storke were taken up, and confined in Baltimore Jail, and that they had stated, that William Duncan had prepared and furnished them with free papers; in consequence therof, a warrant is issued to arrest said Duncan who being in custody is committed to jail for further examination.<sup>184</sup>

The Mayor dictated the following letter, recorded in the MCOB below the above account:

Arch de Hart Esqr-Mayor's Office

Dear Sir In consequence of your communication of the 29<sup>th</sup> Instant to Mr. Fayette Johnston of this place now before me I issued a warrant for the arrest of Wm Duncan, now in Jail, to undergo a further examination. I shall therefore be much obliged, by your forwarding me, the free papers alluded to with as little delay as possible, as also any other information you can obtain.

Very Respectfully Yrs Truly,  
Thos. Goodwin Mayor<sup>185</sup>

Six days later, on January 5, 1833, the record stated:

William Duncan having made application to be released from jail and offered Alex Duncan and Edward Debaptist as securities for his appearance, at this office on Saturday next who entered into a recognizance, himself, in the sum of \$50 and his securities in the sum of 25\$ each. The said Duncan is discharged from Jail. The recognizance and a letter from Mr. Arch de Hart of the 2<sup>nd</sup> instant is filed in this office.<sup>186</sup>

One week later, Saturday, January 12, 1833, William Duncan appeared in court "and having no further charges against him, he was discharged from the present prosecution."<sup>187</sup>

The heavy fines levied against William Duncan and the men who offered themselves to the

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<sup>184</sup> Monday, December 31, 1832 p.172

<sup>185</sup> Monday, December 31, 1832 p.172-173.

<sup>186</sup> Saturday, January 5, 1833, p.173

<sup>187</sup> Saturday, January 12, 1833, p.173

court as his securities indicate the seriousness of the allegations against Duncan— providing counterfeit free papers to runaway slave persons. To support William Duncan, both Edward DeBaptist and Alex Duncan, free blacks, appeared in court and paid fines to get William out of jail. Though the court found the evidence circumstantial enough to release Duncan, it illustrates one way Fredericksburg free blacks could assist other free blacks and local enslaved persons. The accounts of William Duncan, as well as the account of Eliza Newton and Joseph Stonnell, each revealed DeBaptist family members offering their reputations and money to assist fellow their local free black citizens.

A further examination of the MCOB accounts demonstrates a striking pattern: male members of the DeBaptist family appear in court and pay fines as securities for free blacks charged with various crimes. Some appear in unlawful assembly accounts too. George DeBaptist appeared on behalf of Joseph Stonnell and Eliza Newton on December 5, 1829, and Edward DeBaptist appeared on behalf of William Duncan on January 5, 1833.<sup>188</sup> Edward DeBaptist paid a \$1.26 constable fee for attending an unlawful assembly on the “turnpike road at a cock fight and gambling party in June 1830.”<sup>189</sup>

There were two unlawful assemblies noted for 1828, and they both included George DeBaptist. On Friday, March 14, 1828, the court issued a warrant against “sundry free negroes and slaves for an unlawful assemblage and gambling in the kitchen of Wm Cobler.”<sup>190</sup> Four free men of color were fined three dollars each. The court recorder noted

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<sup>188</sup> Monday, December 5, 1829 MCOB, Saturday, January 5, 1833, p.173.

<sup>189</sup> MCOB, Book 4, June 2, 1830, p.88. Free black slave owner Edward DeBaptist also paid fines for permitting his slaves to go at large and hire themselves [out] in 1829. 1829 List of Slaves suspected of going at large, (Fredericksburg Circuit Court Repository, Fredericksburg, Virginia).

<sup>190</sup> MCOB, Book 3, Friday, March 14, 1828, p.188.

that Geo Debaptiste and Wm Lucas “were discharged upon the payment of three dollars” while James Williams and James Ferguson<sup>191</sup> “surrendered themselves, and paid a fine of three dollars each.” The court punished two slaves named Henry and Oliver. The court released them both after Henry received ten lashes and Oliver’s unnamed master paid a one dollar fine. Fines were also paid to informers in this account.<sup>192</sup>

The second unlawful assembly recorded for 1828 with George Debaptist occurred in June. Individuals were brought to court Friday, June 20, 1828, because free, enslaved, and persons of mixed race were arrested “for an unlawful assemblage on the past Sabbath [Sunday June 15]<sup>193</sup> at the house of Wm Kirk.”<sup>194</sup> The court ordered them to pay three dollars each or receive a whipping of thirty lashes. Step. Young, Wm Ollins, Isaac Liverpool,<sup>195</sup> Geo. Debaptiste, Henry Lucas,<sup>196</sup> John Brown, Adolph Richards, and Thornton Fox were identified as free black attendees. The recorder indicated that “Lewis

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<sup>191</sup> According to his free certificate dated May 23, 1816, James Ferguson, would have been 35 or 36 at the time of this arrest. Another free certificate lists Ferguson as the father to Polly, a twelve year old girl listed as the daughter of his free wife, dated May 16, 1815. *Certificates and Registry of Free Negroes, City of Fredericksburg, 1790-1862*, Central Rappahannock Regional Library Virginia Collection, p.175, p.174. An 1833 Overseer of the Poor Apprenticeship Record names James Ferguson as a master barber to nineteen year old John Ham. *Apprenticeship Records*, (Fredericksburg Circuit Court Repository, Fredericksburg, Virginia).

<sup>192</sup> MCOB, Book 3, Friday, March 14, 1828, p.188.

<sup>193</sup> MCOB, Book 4, Friday, June 20, 1828 p. 7.

<sup>194</sup> I cannot confirm William Kirk’s racial identity. In a *Virginia Herald* advertisement dated August 13, 1825, an agent seeks farmers of Fauquier and Culpepper counties interested in building William Kirk’s threshing machine in their area as the rights to do so were recently acquired. *The Virginia Herald 1787-1876*, (Fredericksburg, Virginia Newspaper) August 13, 1825 3/5.

<sup>195</sup> Isaac Liverpool’s May 27, 1825 free certificate states that he is a twenty year old black man. *Certificates and Registry of Free Negroes, City of Fredericksburg, 1790-1862*. An 1822 ‘List of Born Free and Emancipated Mulattos and Blacks’ lists Isaac Liverpool as being born free, black, and sixteen years old. *Free Negro/Slave Records*, (Fredericksburg Circuit Court Repository, Fredericksburg, Virginia).

<sup>196</sup> According to his July 23, 1832 free certificate, Henry Lucas, “ a bright mulatto man aged 34 years, 5 ft 10.5 inches high, who was born free, is registered in Fredericksburg.” This would make Lucas around thirty years old at the time of this account. Lucas is also listed in the 1828 List of Insolvent and Free Negroes & Mulattoes in Fredericksburg. “List of Insolvent and Free Negroes & Mulattoes in Fredericksburg, ret’d. by

[.] a slave [.]” paid a one dollar fine along with Wales Minor and Danl, whose free status was unknown. Since many enslaved persons in Fredericksburg unlawful assembly records appear with first names only, it is likely that Danl was not free in this instance. Lastly, the court discharged Jas Williams without punishment as the court believed that he was absent from this unlawful assembly, innocent of the charge.

Some scholars argued that the court targeted the DeBaptist family with false arrests and bogus fines because they were free, black, and successful.<sup>197</sup> The DeBaptists owned successful businesses and homes in Fredericksburg according to contemporary records. Free blacks and persons of mixed race like the DeBaptists in Fredericksburg, often undermined the supremacy of many local whites who possessed less property, education, and overall prosperity than themselves. Another probable scenario is that one or more of the DeBaptist men did assist local free and enslaved blacks and persons of mixed race, to work around local laws and undermine white authorities.

Postbellum research on DeBaptist relatives reveal that assisting runaway slaves and fellow persons of color was a family affair. Abolitionist George DeBaptist, son of John DeBaptist and grandson of the George DeBaptist mentioned above, was born 1815 in Fredericksburg. According to two Detroit obituaries, DeBaptiste lived a life of service dedicated to assisting enslaved and free blacks before and after the Civil War. He worked both as a barber, personal servant, and abolitionist during his lifetime. In Richmond, he

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the Sergeant-Jany. Ct. 1829,” *Free Negro/Slave Records*, (Fredericksburg Circuit Court Repository, Fredericksburg, Virginia).

<sup>197</sup> Schwarz, *Migrants Against Slavery*, 66; Fitzgerald, 40; Thomas Field Armstrong, “Urban Vision in Virginia: A Comparative Study of Antebellum Fredericksburg, Lynchburg, and Staunton,” Unpublished PhD Dissertation, University of Virginia, May 1974, p.349-350.

trained as a barber and assisted his first runaway to escape from that city. He permanently left the Fredericksburg area in 1838. His exodus from Fredericksburg was typical of many free blacks in the area who after being denied the right to open schools for free black children in town, decided to seek better opportunities for their families unavailable in Fredericksburg. From 1838 to 1840, George DeBaptiste served General and, then later President William Henry Harrison as his personal servant and eventually as Steward of the White House. After Harrison's death, DeBaptiste returned to Madison, Indiana, where he had settled after leaving Fredericksburg. He labored there as a barber and worker for the local underground railroad until suspicions about him prompted a move to Detroit, Michigan, where he continued to assist the underground railroad. As a prominent businessman and Detroit abolitionist, DeBaptiste is credited with helping to inspire John Brown's raid on Harper's Ferry. After the Civil War ended, DeBaptiste continued to serve the black community by lending vocal and financial support for community efforts such as equal public education for local black children.<sup>198</sup>

Most DeBaptist scholars attribute his early antislavery work was rooted in Richmond, but Ruth Coder Fitzgerald suspects that DeBaptist's efforts and knowledge base came from his family's history of assisting runaway slaves and local free blacks in Fredericksburg. The MCOB accounts, especially the unlawful assembly accounts, provide strong evidence of DeBaptist family involvement with aiding free and enslaved blacks and persons of mixed race in the Fredericksburg area. Indeed, George DeBaptist might have

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<sup>198</sup> "Death of George DeBaptiste," *Detroit Daily Post*, February 23, 1875; and "George DeBaptiste," *Detroit Advertiser and Tribune*, February 23, 1875; both accessible at Clarke Historical Library's website, <http://clarke.cmich.edu/undergroundrailroad/georgedebaptiste.htm>.

assisted Richmond slaves escape North with his family's assistance. Young George DeBaptist could have sent slaves north to Fredericksburg where they very well might have found help from his family and other local connections to continue North to freedom. The grave danger involved with such work required secrecy best maintained with little record that could one day incriminate others or sabotage plans. This likely helps explain why there is a lack of definitive evidence in this context.

There is one significant caveat in the theory that the DeBaptists assisted runaways to freedom: the fact that they owned slaves in Fredericksburg for a time before freeing them. In contrast to most white slave owners, most free black slave masters kept family members legally enslaved so they could remain in Virginia after residency laws that banned free blacks from the state without special legal dispensation went into effect. This most likely was the case for the enslaved persons in the DeBaptist family households. The younger George DeBaptist's inspiration to combat slavery may very well have begun with his own family's treatment of slave persons. Fredericksburg's town slave society would have introduced DeBaptiste to slavery as a child. This exposure alone could have driven him later to fight slavery by becoming an abolitionist.

Another likely explanation of the duality of slaveholding and assisting runaways that has not been sufficiently discussed in studies of the DeBaptists is entrepreneurial in nature. As successful Fredericksburg businessmen, the DeBaptists may have assisted runaways and free blacks undermine local laws and authorities for financial gain as well as the good-feeling from helping slaves to escape. From a purely financial, proslavery, and white supremacist perspective, most successful businessmen would only have taken such a

risk if it yielded a hefty profit. The physical and financial risks involved in assisting runaways and free blacks to undermine local laws were noble, but very grave pursuits, that had disastrous consequences if exposed and caught by authorities.

## CHAPTER 6 Local and State Unlawful Assembly Laws

Almost five months after Fredericksburg became an incorporated town of Spotsylvania County by an October 1781 General Assembly Act, recently elected authorities established new town regulations at a Saturday town council meeting on March 30, 1782. Among them were these regulations regarding unlawful assembly:

An Ordinance for prevention of unlawful assembling of Slaves and the Inhabitants of this Town from dealing with such was presented and is as follows to wit - Whereas 'tis absolutely necessary that the most effectual methods should be taken to prevent all Negroes or slaves and servants from unlawfully assembling Within the Town and Corporation of Fredericksburg and for detecting and punishing their Secret dealings with the Inhabitants

Be it ordained by the Mayor, Recorder, Aldermen and Common Council of the said Town and Corporation of Fredericksburg And it is hereby Ordained by the authority of the same that from and after the Tenth Day of April next ensuing, no servant or slave shall on any pretence whatever be permitted to sell any Article within this Town without written leave from his or her Master, Mistress or Overseer; or suffered to remain within the Town on Sabbath Day after the Hour of Two [Page 11]

O'Clock, and such Servant or Slave convicted thereof before a Magistrate shall for every offence receive on his or her bare back well laid on any Number of lashes not exceeding thirty nine at the Public whipping Post

And be it further Ordained that any Servants or Slaves belonging to the Town and Corporation that may be found dealing, either, with the Servants or Slaves of the Town and Country, Gaming, or riotously Assembling, shall (being convicted thereof before a Magistrate) receive on his or her bare back, a Number of lashes not exceeding thirty nine, well laid on, at the Public whipping Post, for every such Offence;

And be it further Ordained, that if any white person, free Negroe, or Mulatto, shall be found in Company, with any Servant, or Slave, at unlawful meetings, Gaming with, dealing, entertaining, or harbouring such, without the Owners consent, shall, (upon conviction before a Magistrate) forfeit to the Owner of such Servant, or Slave, four times the value of the thing bought from them, to be recovered with costs by Action on the Case in the Court of Hustings of this Corporation, and shall moreover forfeit five pounds to the Person who shall sue or Prosecute such Offender to be recovered with Costs as aforesaid before the Court of Hustings, or receive thirty nine lashes on his or her bare back well laid on at the Public whipping Post --<sup>199</sup>

As early as 1782, Fredericksburg authorities clearly defined and outlawed unlawful assembly, commenting: “Whereas 'tis absolutely necessary that the most effectual methods should be taken to prevent all Negroes or slaves and servants from unlawfully assembling within the Town and Corporation of Fredericksburg and for detecting and punishing their Secret dealings with the Inhabitants.”<sup>200</sup> An 1804 one-page document reiterated the same 1782 unlawful assembly regulations. Punishments for regulation breakers were the same for both 1785 and 1804: five pound fees and thirty-nine lashes.<sup>201</sup>

James Campbell stated, “In 1785, the Virginia General Assembly passed a law defining as legally white all persons with up to one-quarter ‘black blood,’ and this remained the line of demarcation between blacks and whites throughout the antebellum period.”<sup>202</sup> Local courts enforced the law and established individuals’ racial identity, a complex task in many cases.<sup>203</sup> In Richmond’s Mayor’s Court proceedings, Campbell noted that in the majority of questionable cases where racial identity of an individual was unclear, the Mayor inevitably decided individuals’ racial identity through observation

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<sup>199</sup> March 31, 1782, Fredericksburg Town Council Minutes, pp. 10-11. Transcribed into the searchable online database by Gary Stanton, “1782 Fredericksburg City Council Minutes,” Fredericksburg Research Resources, available online at: <http://departments.umw.edu/hipr/www/fredburg.htm>

<sup>200</sup> Ibid.

<sup>201</sup> This document is an undated “loose paper” found among a pile of 1804 town council loose papers. Fredericksburg Historic Court Records Archive, Fredericksburg, Virginia, 2009; 1804 town council loose papers.

<sup>202</sup> Quoted in Campbell, *Slavery on Trial*, 162. Gross, “Litigating Whiteness,” 109-88; Michael Johnson and James Roark, *Black Masters*, 55.

<sup>203</sup> Joseph Campbell stated: “In practice, the [local] courts relied on various types of evidence to determine an individual’s race. In the early national period, legal documentation of ancestry provided the most important guide to race, but in the antebellum era, courts turned to emerging theories of racial science, which they believed provided a more precise means of racial classification. At the same time, the courts also began to accept evidence of “racial performance,” or how an individual acted and was perceived in the local community.” 162, Campbell further discusses how local courts established racial identity throughout *Slavery on Trial*, but especially in pages 162-178.

and/or interview.<sup>204</sup> This was also true for Fredericksburg's Mayor's Court from 1821-1834, which in addition to processing small claims and criminal offenses, served as the primary enforcer for racial identification regulation.<sup>205</sup> The office managed and supervised free blacks who possessed, misplaced, and lost papers establishing their racial identities, which included descriptions of their complexions, noticeable scars or distinguishing birth marks, and/or status of named parent(s).<sup>206</sup> Fredericksburg authorities enforced unlawful assembly by first determining whether individuals found together were white, black, or of mixed race. Next, authorities judged whether an unlawful assembly occurred.

Scholar Douglas Egerton rightly argues that the majority of enforced legislation that restricted enslaved and free blacks in the early 1800's was a response to Gabriel's Rebellion. In 1801, for example, the Virginia legislature enacted vagrancy laws that outlawed free blacks from traveling into different Virginian counties or cities at the risk of being arrested as 'vagrants.'<sup>207</sup> In January 1804, the Virginia General Assembly passed additional legislation that included "An Act Further Declaring What Shall Be Deemed Unlawful Meetings of Slaves" in direct response to information gathered while

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<sup>204</sup> Campbell, *Slavery on Trial*, 163.

<sup>205</sup> It was likely true for some time before and after the study's examined time period as well, though I cannot concretely make that assertion without Mayor's Court records for those time periods.

<sup>206</sup> See "Certificates and Registry of Free Negroes, 1790-1862," Fredericksburg Circuit Court Repository, Fredericksburg, Virginia. For a discussion of free black males listed in the 1815 Personal Property Tax List, see: Shannon Lynn Hughes, "Luxury Consumption in 1815 Fredericksburg, Virginia: Gender, Race, and the Personal Property Tax," Unpublished Master's Thesis, College of William and Mary, 1999, 57-59.

<sup>207</sup> John H. Russell, *The Free Negro In Virginia 1619-1835*, (New York: Dover Publications, Inc.) 1969. First Published by The John Hopkins Press, Baltimore, 1913, 107. W.H. Hening, *Statutes at Large of Virginia*, vol. xv, p.301; I Revised Code, 441. "By the vagrancy laws of this time, "persons within the true description of a vagrant" were committed to a public workhouse for a term not exceeding three months, or were hired out by the Overseers of the Poor (2 Revised Code, 275, 276).

investigating Gabriel's planned insurrection in 1800.<sup>208</sup> The act formally acknowledged what unsupervised meetings and events attended by enslaved and free blacks and persons of mixed race could most dangerously create: vast insurrection conspiracies. Two years later, legislation sought to forcibly remove free blacks from the state after May 1, 1806. Soon after, several clauses offered alternatives and 'special' circumstances for select free blacks to bypass the state legislation and gain registration papers. This in turn allowed them to remain within the county, city, or town that issued their registration papers.

On March 2, 1819, the Virginia legislature approved an unlawful assembly law that went into effect eight months later on January 1, 1820. The law stated that "all meetings or assemblages of slaves, or free negroes, or mulattoes mixing or associating with slaves at any meeting house or houses, or any other place or places in the night, or at any school or schools for teaching them reading or writing, either in the day or night, under whatsoever pretext, shall be deemed and considered as an unlawful assembly."<sup>209</sup> The law obligated local authorities to seize and question all persons suspected of unlawfully assembling, and pay fines gathered to the informer(s). A fine of three dollars awaited any free person found guilty of breaking the law. Those who could not pay the fine faced a corporal punishment of up to twenty lashes upon their bare back. To hold local authorities accountable to the state law, a fine of eight dollars could be levied against each local official who knew about an unlawful assembly but failed to, or chose not to enforce the law. That fine had to be

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<sup>208</sup> Egerton, *Gabriel's Rebellion*, 165. "An Act Further Declaring What Shall Be Deemed Unlawful Meetings of Slaves," January 24, 1804, in Sheperd, ed., *Statutes at Large*, 3:108. For a lengthy discussion of post-insurrection legislation, also see Chapter 11 *Gabriel's Rebellion*.

paid to the informer(s) as well.<sup>210</sup> On Thursday, July 1, 1824, the Fredericksburg town council passed regulations to restrict economic and social activity on Sundays within the town limits. These were likely based on recommendations from the Mayor's Court which made judgments on much of the summer's illegal social activity. The Mayor's Court Order Book accounts documented individuals accused of participating in illegal activities on Sundays, including but not limited to unlawful assemblies. These provided incentives for councilmen to take restrictive action.

The middle of summer was not the most labor intensive part of the year for many laborers, especially the many locals directly or indirectly connected to agriculture. Many crops and products were not yet ready for cultivation or transport at that time. In theory, this afforded some free and enslaved persons of different races time to partake in personal activities if their owners permitted them non-laboring time. Non-sanctioned activities such as gambling parties or meeting at homes of free blacks would warrant unwanted attention from local authorities. The first regulation stated:

No article shall be exposed in the market house or elsewhere...by Butchers or other persons bound or free on the Sabbath day, nor shall any store or shop be opened for the purpose of selling any article within the jurisdiction aforesaid, at any period during the Sabbath day under the penalty of ten dollars for every offense if committed by a white person to be recovered by warrant before a magistrate, one half to the use of the informer and the other half to the use of the corporation if committed by a person of colour he she OR they shall be punished by stripes at the discretion of the magistrate not exceeding thirty nine.<sup>211</sup>

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<sup>209</sup> "An Act reducing into one the several acts concerning slaves, free blacks, and mulattoes," Virginia General Assembly Laws, March 2, 1819. *Boston Recorder* (1817-1824), May 6, 1820; 5, 19. APS Online pg. 74.

<sup>210</sup> Virginia General Assembly Laws, "An Act reducing into one the several acts concerning slaves, free blacks, and mulattoes" March 2, 1819. *Boston Recorder* (1817-1824) May 6, 1820; 5, 19. APS Online pg. 74.

<sup>211</sup> Fredericksburg, Virginia Town Council Minutes, Thursday, July 1, 1824.

Religious observation of Sunday as the acknowledged Sabbath day in most Christian sects throughout America during the mid-1800's called for a day devoted to religious reflection and rest. Most communities commonly closed businesses and stopped most work activities so individuals could attend religious activities. Ceasing business activity on Sundays enhanced town security in one way. Closed businesses did not attract crowds and Sunday church activities collectively supervised many free and enslaved individuals in attendance, many of whom were forced to attend by their owners. To deter individuals from ignoring the restrictions, the town council levied a large monetary fine against whites tempted to break the law. In painful contrast, a punishment of no more than the maximum allotted lashes under the law, thirty nine, awaited any free black or enslaved person tempted to ignore Sunday restrictions. It also stated that informants who helped authorities identify lawbreakers were to receive half of the assigned monetary fine, the same amount equal to the town council's share.<sup>212</sup>

Local authorities likely remembered the Boxley rebellion when they passed restrictions that forbid merchants from conducting business with slaves on Sundays. As discussed in the previous chapter, George Boxley, a white Spotsylvania merchant, tried to lead a slave rebellion from Spotsylvania into Fredericksburg in 1815. Merchants who conducted business with slaves in spite of the law built mutually beneficial alliances based on hiding their illegal activity. This likely created and/or affected economic competition between town merchants, many of whom were town authorities. Authorities noted this

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<sup>212</sup> Fredericksburg, Virginia Town Council Minutes, Thursday, July 1, 1824.

illegal trade activity and likely surmised that the capability and agency of enslaved and free black residents were applicable to other illegal activities.

In antebellum urban Natchez, Mississippi, Joseph Ingraham observed “a distinct gender difference on days when women attended church services while the men collected on the streets.” Ingraham asserted “the female slaves very generally attend church in this country” and the men could be found among the streets “or gathering around and filling the whiskey shops, spending their little all for the means of intoxication.”<sup>213</sup> Similar gender differences might be inferred in Fredericksburg based on the significantly greater amount of men rather than women listed among unlawful assembly accounts occurring on Sundays. Many local slave owners forced their enslaved persons to attend church as a means of supervising their Sunday activity. Describing his experience as an enslaved child in antebellum Fredericksburg, John Washington wrote: “...Mrs. Taliaferro [his slave owner] was most zealous in sending me to just such places on Sundays as she would by this means know where I was by asking Miss Olive Hanson, my teacher.... Notwithstanding such stringent rules as there were was laid for me on Sundays I resorted to lying and deception in order to get a few hours of play that was not allowed to me during the week.”<sup>214</sup> Some local enslaved persons thought Sunday was a good day to runaway. A runaway advertisement in the *Virginia Herald* described how “Mary, the

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<sup>213</sup> Joseph Holt Ingraham, *The South-West. By a Yankee* (New York: Harper & Brothers, 1835), 2: 56. Quoted in Timothy Ryan Buckner, “Constructing Identities On The Frontier Of Slavery: Natchez, Mississippi, 1760-1860,” p.106.

<sup>214</sup> John Washington’s “Memory of The Past,” *A Slave No More*, p. 175.

property of Wm. F. Carter, Esqr. Of Fauquier, hired to Mrs. Hay, in Stafford, . . . left her service on last Sunday morning, about 10 o'clock."<sup>215</sup>

Another part of the Sunday regulations stated that enslaved persons from surrounding counties could only enter Fredericksburg on Sundays if they were enslaved men visiting wives who lived in town or if they possessed special, written consent from their owner or overseer. An enslaved person could only carry out an errand or attend a religious meeting under these special criteria. Enslaved persons without special permission from their masters were sent before a magistrate. There, the magistrate inflicted slave persons with lashes and returned them to their masters, where they might receive an additional punishment by their owner or farm overseer in private.

The last part of the Sunday regulations are the most economically significant. After an explanation of Sunday restrictions, the town council states that slave owners should allow their slaves "living within the jurisdiction of the town" who have items to sell to market them on Saturdays, where they will be permitted to conduct their business "and remain unmolested until sunset."<sup>216</sup> Whether this restriction obliterated the 1806 restriction of leaving town by two o'clock or added a newer dimension to the restriction is uncertain. The regulation below displays a complexity that distinguishes between enslaved persons living within the town limits and those entering with written permission.

....No negroe slave shall come within the Jurisdiction of the the Corp on the Sabbath day (except those having wives in Town) unless in the service of their Master or Mistress or with permission from their Overseer in writing to come to some religious meeting under the punishment of corporal punishment to be directed by a Magistrate not exceeding thirty nine lashes. And it shall be the duty of the Constable to assist all county slaves found in the Town on the Sabbath day (with the exceptions aforesaid, and carry them before some Magistrate to be dealt with according to their ordinance. It earnestly recommended by the Council to

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<sup>215</sup> Advertisement first ran January 27, 1830. *Virginia Herald*, January 30, 1830.

<sup>216</sup> Fredericksburg, Virginia, Town Council Minutes, Thursday, July 1, 1824.

the Owners of Slaves living within the Jurisdiction of the Corporation to permit their slaves who have articles for market to bring the same to Town on Saturdays, where they may remain unmolested until sun set.<sup>217</sup>

About five months later, in the start of winter, the town council passed a detailed regulation to restrict organized activity of young men. On Monday, December 13, 1824, the town council declared,

It shall be the duty of every constable of this Corporation having knowledge of or notice of any collection of boys or other persons within the limits of this Corporation playing at any game or engaged in any amusement dangerous to themselves or others or which shall disturb the peace or quiet of the inhabitants, to request such boys or other persons to discontinue such game amusement or disturbance and if they shall fail upon such request, such constable shall apprehend them, or some of them, and take such as he may apprehend before the Mayor or some justice of the peace for this corporation, who if he shall be satisfied, by evidence of the guilt of any of them, may fine each guilty person or persons in a fine not exceeding two dollars, and if the person is fined shall be under the age of 21 years or a slave such fine and costs of all be paid by the parent; guardian, Master or Mistress, and may be levied by distress and fate of his, or her goods and chattels.<sup>218</sup>

This regulation serves as an example of how authorities were concerned with maintaining order and the appearance of order within the town. It also constitutes and exemplifies what scholars interpret unlawful assemblies to be in cities, towns, and rural areas—petty disturbances of the peace devoid of panic inducing danger. The problem is that this regulation was not an unlawful assembly regulation and it should not be interpreted as such. Fines and punishments for unlawful assemblies and the above regulation are similar, but they differ in language and intent. Unlawful assembly legislation and enforcement intended to prevent alliance building and their inherent potential for slave insurrections. The above regulation expressed no such concern or intent. It is both easy and unwise for scholars to conclude that both unlawful assembly and disturbing the peace regulations shared a similar intent when most unlawful assembly accounts are devoid of language describing panic or suspected insurrection. When the law's intent is disregarded, it

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<sup>217</sup>

Ibid.

obscures the bigger picture that unlawful assembly legislation upheld. Gabriel's Rebellion, and numerous insurrections that followed, reminded authorities that unlawful assemblies could and did breed insurrection. Prevention by constant enforcement of the law prevented disaster and reminded authorities of what could, and sometimes did happen—violent revolt.

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<sup>218</sup> Ibid, Monday, December 13, 1824.

## CHAPTER 7 Unlawful Assembly Records 1821-1834 and Local Punishment

The nature and condition of Fredericksburg unlawful assembly accounts presented a few research challenges. I personally extracted individual unlawful assembly accounts for the years 1821-1834 from the actual Mayor's Court Order Books (MCOB): four hardcover bound books with numbered, handwritten pages.<sup>219</sup> The current condition of the Mayor's Court Order Books vary from fair to good at their best, while others were in far worse shape. Evidence suggests, for example, that certain pages were torn out randomly. In some cases, handwriting is smudged or faded in certain places, making it extremely difficult to decipher at times. Moreover, there were irregularities and fluctuations in abbreviations and other markings.

Unlawful assembly accounts also posed challenges in identifying individuals at times. When extracting accounts, I strove to copy each one in its entirety or to summarize important terms of the account for brevity without sacrificing the account's integrity. If a name or letter was questionable, then it was noted as such—I made no assumptions. In instances where first names were missing or a cause for confusion might be found, the

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<sup>219</sup> It is possible that books are missing for the years 1821-1834, as no document confirms how many existed. Archivists cannot confirm or deny this possibility. For a historic controversy over court record account books concerning the 1822 Denmark Vesey Conspiracy, see: Egerton, "Forgetting Denmark Vesey; Or, Oliver Stone Meets Richard Wade," Michael P. Johnson, "Denmark Vesey and His Co-Conspirators," *The William and Mary Quarterly*, Third Series, Vol. 58, No. 4 (Oct., 2001), pp. 915-976, Published by: [Omohundro Institute of Early American History and Culture](#).

researcher's apprehension won out, even when cause for doubt was minimal. For instance, if I encountered a reference to a 'Mr. Smith' in records, context clues may have suggested with seventy-percent certainty that it was Mr. Smith Sr., rather than Mr. Smith Jr. If I could not confirm which Mr. Smith it was, referencing other records, I did not do so. Although many individuals appeared identifiable, if there was any doubt, I erred on the side of being overly cautious.

An examination of the Mayor's Court Order Books stored in the Fredericksburg Historic Court records archive from 1821-1834 reveals rare accounts of individuals charged with illegally assembling. Names, locations, and punishments are often listed in these accounts taken from the Mayor's Court Order Books. Alleged interactions between individuals insinuate or reveal illegal social connections and places of convergence. When individuals are found among other contemporary records, more insights are available. These existing documents include: court records, census lists, tax lists, newspapers, free certificates, emancipation records, mutual assurance policies, town council papers, and other assorted loose papers.

The Mayor's Court Order Books stored in downtown Fredericksburg's Historic Court Archives record weekly operations of the Mayor's court from 1821-1834. The Mayor's Court Order Books are an invaluable resource for scholars—crimes, debts, and the activities of hundreds of individuals are found within these antebellum records. Men and women of different races are named in the accounts, which are mostly criminal and property disputes. There are, moreover, numerous types of accounts: theft, disorderly conduct, fighting, speeding drays, hiding/assisting runaway enslaved persons, pretending

to be a free person, hiring oneself out without a slave owner's permission, insolent language, unlawfully assembling, and disputes over debts and personal property are among the more common types.<sup>220</sup> These accounts vary from short one sentence narratives to lengthier, descriptive paragraphs or even longer accounts. A June 9, 1821 account is representative: "Warrant filed ag[ainst] Maria Smith a free woman of color for a breach of the peace in abusing W[illiam] Shehard."<sup>221</sup> A lengthier narrative, illustrating the complexity of local life in Fredericksburg court records, is a June 1, 1821 court record involving a fight between two women: free person Matilda Grayson and Celia, an enslaved person belonging to Mrs. Massey of Spotsylvania. My transcription reads, "For a fight and creating a riot after a critical examination of respectable testimony the above named Matilda was ordered 10 lashes on their bare back [the 'their' is deliberate as the account did not specify if Celia received 10 lashes too] and Ralph the hired servant of Charles Austen 10 lashes likewise for being the instigator of the quarrel and keeping both women in the capacity of wives."<sup>222</sup>

Many of the property disputes in the MCOB included enslaved persons and their owners. Because enslaved persons were considered property, their owners sought damages for any harm done to their human chattels, the source of their income, profits, and wealth. Disputes against, between, or indirectly involving enslaved persons, as well as murders of enslaved persons, were types of alleged violent activities that appeared in the Mayor's Court. For instance, on December 24, 1821, the court issued a warrant for Gayton

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<sup>220</sup> For a more extensive study of Antebellum Mayor's Court Order Books, see Campbell, *Slavery on Trial*.

<sup>221</sup> June 9, 1821, p.31, Mayor's Court Order Books, Book 1.

Arrington for breaking three of slave person Willis' ribs.<sup>223</sup> Some violent criminal offences involving enslaved individuals received sentences before the mayor while others, such as murder, were transferred to upper courts.

Careful scrutiny was necessary for each account. Following historian Philip Schwarz's lead, I made no assumption of guilt. Individuals might have been guilty or innocent of the charges brought forth against them. Accounts might have been filled with partially inaccurate information as well, or be something entirely different than what the court thought they appeared to be. Because of this, each unlawful assembly record should be examined for what appears both on and below the surface. At the surface, an account described by the court as an illegal dance might have been a dance or no such thing. It might actually have been a secret meeting disguised as a dance to deceive authorities in the event of discovery. Unlawful assembly records attest that if free and enslaved individuals of differing races inside and outside of town were able to communicate and organize what ostensibly were social events to white authorities, then some of these same individuals and others, also possessed the ability to use the same or similar communication networks to meet for alternate and more dangerous purposes. The complexity of unlawful assembly and related records found in the MCOB disclose not only the intricate private lives of vibrant and complex human beings, but a host of challenges that historians face. What appeared to patrollers as a gambling party might have been an actual party where a few persons met together for drinks and entertainment. Or, that gambling party might have been something completely different, an event possibly that was used to transmit valuable

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<sup>222</sup> June 1, 1821. p.26. Mayor's Court Order Books, Book 1.

information, goods, or even people on the run in need of aid. And, it is not unimaginable that this gathering served each one of these aims.

Local unlawful assembly account records from the MCOB often, but not always, identify the people and their activities that challenged white authorities' restrictions to uphold local white supremacist control. Illegal gambling, drinking, marketing, and possibly prostitution allegedly occurred in intimate spaces of private homes and secret outdoor locations. Participation in these alleged activities challenged and subtly undermined common societal attitudes. Meeting illegally allowed individuals to exchange goods (such as alcohol, food, personal effects, and stolen items), build new relationships, and strengthen old ones. Most importantly, unlawful assemblies allowed individuals opportunities to exchange information. Inhibitions could diminish as persons of differing races, genders, and classes sought to advantage themselves in ways that undermined the laws and white supremacist values designed to preserve order upheld by local authorities without significantly diminishing the control of the merchant elite in Fredericksburg's town slave society.

The unlawful assembly accounts examined document alleged persons suspected of illegally meeting together for various reasons. Gambling, drinking, dancing, back fighting (spectator fights involving human fighters and often gambling), cock fighting, keeping a disorderly house, and attending an illegal school for free blacks and slaves are all elements in the unlawful assemblies presented in this study.<sup>224</sup> Interestingly, none of the unlawful

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<sup>223</sup> Dec. 24, 1821, p.155, Mayor's Court Order Books, Book 1.

<sup>224</sup> For a discussion of religious meetings among free and enslaved blacks and persons of mixed race in Fredericksburg, see Fitzgerald, Chapter 4.

assemblies found in my research alleged that individuals were illegally meeting for religious gatherings and/or rituals.

The individuals listed in unlawful assemblies here populate a unique town social network and environment that yield rich insights and promise more with further research. Persons often invisible in other contemporary records due to poverty, behavior, and having transitory residences or lifestyles sometimes appear in the court records that are the foundation of my thesis. Much is revealed when those accused of crimes such as assault, theft, disorderly conduct, and/or insolvent debtors make their appearance. In contrast to these individuals are the solvent persons of town. Though not directly involved with unlawful assemblies, solvent persons appear in unlawful assembly records when they are owners of slave persons accused of crimes.

Unlawful assembly records reveal a diverse population difficult to find in contemporary records. One advantage of my research, therefore, is to bring to the surface individuals not typically found and discussed in either public or private records. The discovery of elusive individuals in unlawful assembly records enables scholars to then examine these individuals in less traditional ways, such as by searching through other court records for links between individuals. These links can form groups based on similar connections with key individuals and reveal insights into the group dynamics of under-represented historic populations.

The court found most, but not all, persons accused of unlawfully assembling guilty. The way authorities determined an individual's guilt or innocence often revealed their attitudes, fears, and innermost beliefs. In 1821, the court arrested Richard, one of six male

slaves owned by Robert Mackey,<sup>225</sup> but found him innocent of “being with an unlawful assembly of negroes.”<sup>226</sup> Though rare, the accounts where the mayor found some individuals innocent of unlawfully assembling argues that authorities likely made some attempt (though impossible to accurately quantify) to determine actual guilt, or to present the illusion of searching for actual guilt before sentencing decisions. The potential relationships connected to the rare individuals found innocent of unlawfully assembling should also be considered. For example, was Richard innocent because his owner was Robert Mackey, one of the richest merchants in town, or was Richard innocent because the court believed he did not assemble unlawfully? Again, this is nearly impossible to quantify but worth considering, nevertheless.

In general, unlawful assemblies recorded in the MCOB appear inconsistent at times, especially when some years bore only one unlawful assembly and others bore none. Were some assemblies alleged but discussed by authorities in private and not recorded? Were some unlawful assembly accounts recorded in record books or papers that have not survived? It is difficult to surmise and to be safe, only the recorded unlawful assemblies in the MCOB from 1821-1834 will be discussed. It is impossible to say but the potential in further research holds great promise.

From 1821-1834, there were twenty-seven unlawful assemblies recorded in the MCOB. There were six unlawful assemblies in 1821: four in April, one in May, and one in June. In 1822, there were two unlawful assemblies, both were in February. In 1823,

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<sup>225</sup> 1820 U.S. Federal Census, Fredericksburg, Virginia.

<sup>226</sup> MCOB, Book 1, Tuesday, April 17, 1821, p.3

there were no recorded unlawful assemblies.<sup>227</sup> In 1824, there were three recorded unlawful assemblies: two in March and one in July. In 1825, there were no recorded assemblies. In 1826, the MCOB recorded one unlawful assembly in April. There was one unlawful assembly noted for 1827 in August. In 1828, there were two unlawful assemblies, one in March and one in June. In 1829, there were also two unlawful assemblies, one in March and one in April. There were five unlawful assemblies recorded in 1830: one in April, two in June, one in July, and one in November. There were no recorded unlawful assemblies in 1831. The court recorded one May unlawful assembly for 1832. In 1833, there were two unlawful assemblies, one in April and one in August. Finally, there was one unlawful assembly in January and another in September for 1834.

Unlawful assembly records are most prevalent in spring and summer months. Weather conditions were more favorable for outdoor travel and festivities. Warmer nights and longer stretches of daylight without the extreme conditions and dangers of snow and ice aided those who traveled longer distances to meet. [Since most assemblies were interrupted by patrols with hired constables or local volunteer militia men, hospitable travel conditions were ideal. It comes as no surprise, therefore, that most unlawful assemblies were discovered during non-harvest seasons when many enslaved persons' work loads were smaller. During this time, slave owners afforded some of their slave persons more time to focus on other tasks, usually after they completed activities that benefited their owners. In their own time, slave persons likely sold items at market, visited local kin, and tended a personal garden. Many Fredericksburg area slave owners afforded

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<sup>227</sup> It is equally possible that there were either no recorded unlawful assemblies for 1823, or there were

bondspeople time for their own activities, notably on Sundays. This was common enough that authorities passed and actively enforced restrictions such as the Sunday regulations (discussed earlier in the thesis) that sought to control their activities and movements within the town. MCOB accounts document some instances where enslaved individuals allegedly participated in illegal activities, such as unlawful assembly. Extra time allotted to enslaved persons by owners assisted efforts to plan, to communicate, and to coordinate unlawful assemblies.

In unlawful assembly accounts, ages of alleged participants are often indiscernible from other existing contemporary records. When the record refers to enslaved or free blacks' attendance in as a general group reference that does not name individuals, it is impossible to identify who, much less how old the individuals were. Most identifiable individuals' ages primarily spanned from twenty to forty. Only one named and identified child appeared in MCOB unlawful assembly accounts of 1821-1834. On Sunday, May 6, 1832 constables arrested several men at the house of James Apple.<sup>228</sup> The next day, Monday, May 7, 1832, they arrived in court, charged with "being at an unlawful assembly of slaves and free negroes." White male Peter Francis was among free black males John Glasgow, Joe Webb, James Rawlins, and James Reeves, who were listed to receive "twenty lashes or pay a fine of three dollars." Of the three enslaved individuals named in the account, two received punishments while the court released John Alexander, a slave,

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and their pages were lost.

<sup>228</sup> MCOB, Book 4, Monday, May 7, 1832 p.155. James Apple's racial identity is unknown.

for “being a small boy.” James Stillyard, a slave of W. Walkers, and Henry, a slave of Mrs. Rowe, were each ordered ten lashes as punishment.<sup>229</sup>

The Fredericksburg’s Mayor’s Court Order Books reveal frequent glimpses into a Southern town slave society’s use of brutal punishment in order to maintain white supremacy. James Campbell found in Richmond’s Mayor’s Court, “any punishment imposed on a slave in the mayor’s court that the slave’s owner believed to be too harsh or entirely erroneous challenged the sanctity of the master-slave relationship. For such reasons, slaveholders were reluctant to permit external authorities to discipline their slaves.”<sup>230</sup> In contrast, Lisa Tolbert found in small Tennessee towns that “widespread slave ownership and hiring practices among white residents fostered an enlarged sense of ownership that extended to African-American [free black] town residents in general.”<sup>231</sup> I believe that authorities in the large town of Fredericksburg shared common traits of both ideologies regarding slave punishment. Individual Fredericksburg cases reveal evidence of the communal ownership mentality observed by Tolbert, including public authorities’ desire to control free blacks almost as if they were an extension of the enslaved population. Fredericksburg court cases also reveal challenges between public authorities and slave owners—especially when the slave owner is himself a local authority.

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<sup>229</sup> Ibid.

<sup>230</sup> Campbell, *Slavery on Trial*, 34. Campbell quotes and bases this assertion on Suzanne Schnittman’s argument that public institutions punishing slaves compromised slave owner’s authority and community stature, Schnittman, “Slavery in Virginia’s Urban Tobacco Industry,” 336; also see: Jones, *Born A Child of Freedom*, 35; Stamp, *The Peculiar Institution*, 161, Grimstead, *American Mobbing*, 98-99; and Link, *Roots of Secession*, 40-41.

<sup>231</sup> Tolbert, *Constructing Townscapes*, 218.

In Fredericksburg, punishments for enslaved persons included confinement in jail, monetary fines, lash whippings, and death. Excluding death, the legal maximum physical punishment of a slave person was a whipping of thirty nine lashes. Lash punishments were also inflicted upon free black persons and persons of mixed race. Authorities exploited the brutality of whipping to deter and punish those who dared to violate local laws. In the Saturday, September 20, 1834 unlawful assembly account, Constable L. Pullen arrested and brought Wm Webb, described as “a cold free man,” to court on charges of “insulting language and being in an unlawful assembly.” Found guilty of the charges, the mayor ordered 20 lashes for Webb,” which were later remitted at the encouragement of a constable for unknown reasons.<sup>232</sup>

In some MCOB unlawful assembly accounts, instead of ordering fines or physical punishments, the Mayor ordered individuals to leave town permanently.<sup>233</sup> On Sunday, January 12, 1834, for example, the court charged Isaac Cornell “with having at his house on Yesterday [Saturday], an unlawful assembly of Free Negroes + slaves and with keeping a disorderly house.” Two witnesses, Jesse Shaffer and Robert Stair, testified against Isaac Cornell. The court found Cornell guilty of the charge. Because he could not adequately insure future good behavior, the court sent him to jail.<sup>234</sup> Four days later, on Thursday, January 16, 1834, the court released Isaac Cornell from jail, “on condition that he leave the

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<sup>232</sup> MCOB, Book 4, Saturday September 20, 1834 p. 214.

<sup>233</sup> The MCOB unlawful assembly accounts for 1821-1834 do not reveal instances of the court enslaving free persons as punishment, though other MCOB accounts sometimes show free persons being bound as apprentices to the Overseers of the Poor or being hired out to pay court costs.

<sup>234</sup> MCOB, Book 4, Sunday, January 12, 1834 p. 206.

limits of this corporation with his family, tomorrow, and not return, otherwise to be reprimanded to jail.”<sup>235</sup>

Another case raises some especially interesting questions. Authorities arrested individuals allegedly found at an unlawful dance assembly the night patrol discovered and shut down on Thursday, March 19, 1829.<sup>236</sup> Mayor Robert Lewis ordered punishments only for enslaved persons whose owners did not admit to giving their enslaved persons permission to attend. The court did not punish some of the owners, nor the enslaved persons they claimed ownership over, as they claimed awareness of the dance and allegedly allowed their slaves to attend with permission. In this instance, it appears that the dance was legal when enslaved persons attended with the permission of their owners. The dance became an unlawful assembly when slave persons socialized with free persons and/or enslaved persons who were not granted permission to attend. The court displayed displeasure and unease at the intermingling of free and enslaved persons, but permitted slaves to attend this dance if their owners had given them permission.<sup>237</sup>

A function of unlawful assemblies was to assure that masters were being “good” masters. Authorities either entrusted some degree of local slave control to slave owners themselves or enforced laws on a case by case basis. In the preceding instance, authorities did not appear alarmed. Local authorities trusted the owners to maintain control of their slaves and trusted that they were not threatening local stability by illegally assembling. The owners who had not given their slaves permission to attend the dance were fined and

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<sup>235</sup> Ibid, January 16, 1834 p. 206.

<sup>236</sup> *Mayor's Court Order Books*, Thursday, March 19, 1829, p.33. (Fredericksburg Circuit Court Repository, Fredericksburg, Virginia).

their slaves were punished because the owners did not appear to be doing their duty in maintaining and preserving white control. These owners were not in control: their slaves had defiantly attended the dance without permission. The owners were subjected to a fine and publicly exposed as not having absolute control over their slaves. Social events in similar nature also existed in Natchez, Mississippi. Timothy Ryan Buckner asserts that some social events in the Under the Hill neighborhood of Natchez called ‘darkey parties’ were thrown by white and free black residents where free blacks and enslaved persons with their owners’ permission were allowed to attend. Punishments were doled out by both the local slave patrol and slave owners when enslaved persons or contracted free persons attended events without permission.<sup>238</sup>

In Fredericksburg, patterns of fines and punishments did not reflect a wholly consistent enforcement of local ordinances and state laws. Fines were sometimes reduced or obliterated due to the poverty or poor health of the guilty. The testimony of a constable and other indiscernible reasons impacted punishments. After his arrest for hosting an unlawful assembly in his home, the court released James Apple from jail “in consideration of the state of his health.” The court also suspended an arrest warrant for his wife in this the same account.<sup>239</sup> An examination of why people unlawfully assembled, what they sought to gain by assembling, and how authorities responded to their assemblies, reveals even more insights about individuals in Fredericksburg.

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<sup>237</sup> Ibid.

<sup>238</sup> Buckner, “Constructing Identities;” Frederick Law Olmstead, *Journey in the Seaboard States* (New York: Capricorn Books, 1959), 84-85. Edwin Adams Davis and William Ransom Hogan, *The Barber of Natchez* (Baton Rouge: Louisiana State University Press, 1959), 56-57. Ronald L.F. Davis, *The Black Experience in Natchez, 1720-1880* (Natchez: National Historical Parks, 1993), 53.



## CHAPTER 8 Women and Gender in Unlawful Assemblies

Women named in the unlawful assembly accounts were enslaved and free, black, and white, and of mixed race. Some white women were named as slave owners, while others were only identified as wives, a 'Mrs.' in relation to their named husbands. While it is difficult to ascertain who many women there were because of name conflicts, some women are identifiable to varying degrees while others remain elusive. In the majority of accounts, prefixes such as "Mrs." refer only to white women, as most Southern courts denied free and enslaved women of color the respect afforded with a prefix. Identifying women is difficult when their last name or first name is missing. If they are listed with only a prefix and no named husband, it is nearly impossible to identify say, which of the five Mrs. Smith's in Fredericksburg is the actual one named in the record.

White women as well as free black women did not appear as frequently as men in court records because in general, most women were less likely to own property in their own name which would have established their presence in tax and other records. Some women are revealed in the records only by race and/or with only a first or last name, not enough to trace other records for more identifying information. The named women who did appear in court records were usually in less than ideal circumstances or were indirectly named in relation to property, such as a will. Poverty, slavery, racism, and the lack of strong familial ties afforded some women less protection in society, making them more

vulnerable to prosecution if found accused of illegal activities. “Henry, a slave, the property of Mrs. Rowe;” or “Charles, a slave of Mrs. Tenants;” are examples of how most of the named white women appeared in the unlawful assembly records. It is likely that these slave owning women were widows.<sup>240</sup>

In unlawful assembly accounts, women appear as defendants, witnesses, and ‘scuritys’ or ‘scurtys,” known formally as securities, persons who agree to vouch or assist for another’s behalf. On Friday, Feb. 8, 1822, the court issued a warrant against defendant Polly Bundy for having an “unlawful assemblage of negroes” at her house the previous night and sentenced her to pay 30 cents.<sup>241</sup> After being found guilty of having an unlawful assembly of slaves at her house, Mildred Leitch offered “James Glover and Anna Glover, her scurys for keeping an orderly house for 12 months.”<sup>242</sup>

Some also testify as informants, revealing information that incriminate others, such as Amy Mercer, who swore under oath that she witnessed men assembling at Sandy Bottom in a “riotous and disorderly manner.”<sup>243</sup> Unlawful assembly accounts can reveal much about the economic and social conditions present in women’s lives. On Tuesday, November 13, 1827, the court issued a warrant against “Elizabeth Snow for an unlawful assemblage of free negroes and slaves at her house on the 12<sup>th</sup> inst. at night.” After hearing testimony, the court fined Snow “\$15 and costs for the benefit of the informers.” The

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<sup>240</sup> The minority of independently wealthy women in Fredericksburg were widows. Hughes, “Luxury Consumption in 1815 Fredericksburg, Virginia,” Unpublished Master’s Thesis, College of William and Mary, 1999.

<sup>241</sup> MCOB Book 1, Thursday, Feb. 8, 1822, p.182.

<sup>242</sup> *Mayor’s Court Order Books, Order Book 1828 – 1835*, Saturday December 4, 1830, p.82. (Fredericksburg Circuit Court Repository, Fredericksburg, Virginia).

<sup>243</sup> *Mayor’s Court Order Books, Order Book 1828 – 1835*, April 13, 1830, p.82. (Fredericksburg Circuit Court Repository, Fredericksburg, Virginia).

court recorder noted that Mayor Lewis soon reversed his judgment “in consideration of the poverty of the said Elizabeth Snow and her promise of better behavior in the future.”<sup>244</sup> If Snow resided at the same residence three years later, then according to the 1830 census, “Eliza” Snow’s household was made up of herself, a white woman aged 40-50 along with six white children whose ages ranged from five to twenty.<sup>245</sup> Studies of poorer white women in antebellum records assert that in general, “poverty defeminized white women.”<sup>246</sup> In the case of Snow, her poverty and condition as a single, white mother without a male head of household left her in a vulnerable position. In her case, it is likely that the court showed additional mercy because she was both white and a mother of several fatherless children. If Snow had been an enslaved or free black woman, one doubts the same mercy would have been afforded to her by white authorities. In a court that gave free black women twenty lashes for “insolent language” against a white man, instances of compassion, mercy, and protection of black women were incredibly rare.

The MCOB account for Monday, June 28, 1830, charged two women, Mrs. Brimmer and Rhoda Timbers. They were seized and brought before the court at 11 o’clock Sunday night on June 27, 1830. Constables alleged that Rhoda Timbers was “keeping a disorderly house” and Mrs. Brimmer, “for being there, at a card party.” The court ordered them to appear at the office at 10 o’clock the next day. Rhoda Timbers appeared and received the option of “ten lashes or pay [unspecified] constables fees.” The court also

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<sup>244</sup> *Mayor's Court Order Books*, November 13, 1827, p.168, (Fredericksburg Circuit Court Repository, Fredericksburg, Virginia).

<sup>245</sup> 1830 Federal Census, City of Fredericksburg, 119-3.

<sup>246</sup> Bynum, *Unruly Women*, 7. Quoted in Forret, *Race Relations at the Margins*, 5.

gave Simon, a slave hired to James Vass, the exact same order. Beverly Coombs received a fine of three dollars for attending the party.<sup>247</sup>

On Monday July 12, 1830, Mrs. Brimmer appeared in court again, on another unlawful assembly charge. John Metcalfe and R.R. Hillyard's complaints to the court inspired arrest warrants for Jesse Brimmer and his wife on charges of "disorderly behavior at the house of Brimmer (unknown symbol) [charged] with keeping a disorderly house for the reception of free negroes + slaves." No others are named for the account. The court recorder's later notes explained how Jesse Brimmer arrived at court intoxicated, which landed him in jail "from whence he was discharged on the 25<sup>th</sup> [Sunday] past, conditions that he and his wife would leave town forthwith to which they consented."<sup>248</sup>

On the morning of Saturday, November 20, 1830, constables brought eight slaves into court for being at an unlawful assembly at the house of Mrs. Mildr[ed] Leitch the previous night. Apprehended and confined in jail, the following enslaved individuals were identified by their owner's last name and their first name only. Ralph, a slave of Mercer; Aaron, a slave of Patton; Giles, a slave of Rothrock; Joe, a slave of Scott; James, a slave of Harrow; Henry, a slave of Rowe; Moses, a slave of Buck; and Paris, a slave of Stanard, were all listed together in the account.<sup>249</sup> Their punishments were also noted: Joe, James, Henry, Moses, and Paris each received ten lashes. The remaining individuals "were each ordered ten lashes to be remitted by their masters paying the constables fees for arrest +

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<sup>247</sup> MCOB, Book 4, Monday June 28, 1830 p.91.

<sup>248</sup> Ibid, July 12, 1830 p.93.

<sup>249</sup> Ibid, Sat. November 20, 1830 p.106.

whipping.”<sup>250</sup> Once constables brought Mildred Leitch to court; she was then formerly charged “with having an unlawful assembly of slaves at her house last night and with keeping a disorderly house [.]” Three men testified to Leitch’s guilt: George Crawford, Thomas Lewis, and B.R.C. Hillyard. The court found her guilty of the charges and ordered her “to pay three dollars fine + constables fees, and to appear at this office on Monday next and enter into recognizance for good behavior and to keep an orderly house; herself in \$50 and one or more scuntys in the like sum.”<sup>251</sup> Two weeks later, Saturday, December 4, 1830, Mildred Leitch reappeared in court to offer “James Glover and Anna Glover, her scuntys for keeping an orderly house for 12 months.” Satisfied with her witnesses, the court released Leitch from her probationary arrest after “entering into recognizance in the sum of \$25.”<sup>252</sup> It is uncertain whether she received any of the money back after her period of good behavior.

Almost four months later, Thursday August 1, 1833, constables brought Mildred Taylor into court for a warrant granted on the information of Edmund Southard.<sup>253</sup> After “examining the witness,” the court found her guilty of “having at her house on Sunday last an unlawful assembly of free negroes + slaves.” A man named Charles Elliott “joined her in recognizance.” Taylor received “the penalty of 25\$ each for her good behavior” and the order “to keep an orderly house for 12 months.”<sup>254</sup>

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<sup>250</sup> Ibid, 107.

<sup>251</sup> Ibid.

<sup>252</sup> Ibid, Dec. 4, 1830 p.108.

<sup>253</sup> MCOB, Book 4, Thursday August 1, 1833 p. 188. A Mrs. Taylor paid taxes for one slave according to the 1833 Fredericksburg Personal Property Tax List 1833 Personal Property Tax Lists, Fredericksburg, Virginia.

<sup>254</sup> MCOB, Book 4, Thursday August 1, 1833 p. 188.

In one 1826 account, five female boarders were brought to court. Constables arrested fifteen people Saturday night, April 22, 1826, for an “unlawful meeting.” Among the ten white and free black men arrested were: Polly Trustow, Betsey Newton, Jane Hill, Lucy Hill, and Jane Hill. The arrested persons were then committed for trial on Monday where the court heard unspecified testimony from “the parties” in question. The court fined the white men one dollar each and the free men of color fifty cents each. Because the court decided the women were innocent boarders who resided in the house that held the unlawful meeting, the court discharged the women without penalty.”<sup>255</sup>

Gender is sometimes the most discernable factor influencing the court. In the MCOB account for Tuesday, April 17, 1821, the court charged five white persons; Matilda Burnett,<sup>256</sup> William Raines, John Coakley, and “young men” Leeson Farrell and Austin Farrell with associating and gambling with free blacks. While each of the men received a fifty-cent fine, Matilda Burnett, the lone female of the account, received a fine amounting to four times the amount dictated to the men--two dollars. Following the fine, Burnett then received the threat of corporal punishment for any future offence. In the eyes of the court, Burnett’s involvement with black men was four times worse as a white female. Martha Hodes explains eloquently:

Dominant ideas about poor white women included convictions about their promiscuity and debauchery that could mitigate blame of a black man. As Nell Irvin Painter points out, “The stereotypes are centuries old and have their origins in European typecasting of both the poor and the black, for sex is the main theme associated with poverty and with blackness.” And as Victoria E. Bynum writes, “Poverty defeminized white

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<sup>255</sup> *MCOB*, April 22, 1826, p. 13 (Fredericksburg Circuit Court Repository, Fredericksburg, Virginia).

<sup>256</sup> According to the 1820 Fredericksburg, Virginia census, a white female aged 14-25 named Malinda Burnett is listed as head of household with an infant daughter. 1820 U.S. Federal Census, Fredericksburg, Virginia Census. Thirteen days later, Matilda Burnett appeared in court again for unspecified reasons on Monday, April 30, 1821. *MCOB*, Book 1, Monday, April 30, 1821, p. 10.

women much as race defeminized black women.” In the dominant visions of the antebellum South, then, black women seduced white men, and poorer white women were capable of seducing black men.<sup>257</sup>

It is difficult to discuss enslaved women who appear in unlawful assembly records because additional factors make them more difficult to identify. When bondswomen are identified by their first name only and without the name of the person who claimed ownership over them, it is impossible to identify who they are. It is also difficult to identify bondswomen when only their owner’s last name is listed. In a town with slave owning families who shared last names and did not always leave detailed property lists that named slave persons, so many enslaved persons’ identities are not fully discernable. Since the census lists for 1820 and 1830 only list numbers of male or female slaves in a household in columns that designate age ranges, establishing identity becomes nearly impossible. Because most of their identities remain hidden, they are only identifiable by their name, gender (assumed if they shared a contemporary name typically reserved for females, such as Alice), for what type of assembly they are accused of attending, and the other accused individuals they were identified with. Enslaved women may have been included in unlawful assembly accounts where persons are not named individually, but rather, they are named according to their free status. Without names to give gender clues, it is impossible to know how many enslaved women were found among the designation of “slaves.” The same might be true for free women of color being found among the designation of “free blacks.”

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<sup>257</sup> Nell Irvin Painter, “Hill, Thomas, and the Use of Racial Stereotype,” *Race-ing Justice, En-Gendering Power: Essays on Anita Hill, Clarence Thomas, and the Construction of Social Reality*, ed. Toni Morrison, (New York: Pantheon, 1992) 206; Victoria Bynum, *Unruly Women: The Politics of Social and Sexual Control in the Old South*, (Chapel Hill: University of North Carolina Press, 1992) 7. Quoted in

The only unlawful assembly where enslaved women are somewhat indentifiable occurred Thursday, March 19, 1829.<sup>258</sup> Enslaved women Fanny, Nelly, Fanny, Alice, and Evelind were among “free negroes[,] mulattoes[,] and slaves, for unlawfully meeting at a dance at the house of Kittis Keys last evening until a late hour last night.”<sup>259</sup> Fanny, Nelly, and Fanny were “discharged in consequence of having permission from their Masters to go to the dance” while Alice and Evelind “were each ordered ten stripes or their owners to pay a fine of 1\$ each” because they did not have their owners’ permission to attend.<sup>260</sup>

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Martha Hodes’ *White Women, Black Men: Illicit Sex in the Nineteenth Century South* (New Haven: Yale University Press, 1997) 5.

<sup>259</sup> *MCOB*, Thursday, March 19, 1829, p.33. (Fredericksburg Circuit Court Repository, Fredericksburg, Virginia).

<sup>260</sup> *Ibid.*

## Conclusion

In his work, *American Slavery 1619-1877*, Peter Kolchin wrote that “for the vast majority” of enslaved persons in America, “Slavery never provided such a hermetically sealed environment: beings who were in theory totally dependent on their masters were able in practice to forge a semi-autonomous world, based on a multiplicity of social relationships, which accentuated their own distinctive customs and values.”<sup>261</sup> The phrase, “multiplicity of social relationships, which accentuated their own customs and values” is the essence that this thesis sought to capture from MCOB unlawful assembly accounts.

Unlawful assembly records in the town slave society of Fredericksburg revealed evidence of enslaved persons’ relationships beyond the periphery of their slave owners and provide glimpses of their multifaceted lives. These lives have frequently been neglected for contemporary sources often hinder the ability of scholars’ to identify and examine the interactions of enslaved persons with others in bondage; as well as with whites, free blacks, and mixed race persons. Although historians of enslaved persons have explored a vast spectrum of social and familial relationships between and among slaves and others, few have utilized unlawful assembly records such as the ones examined for this study, especially during the time frame of 1821-1834. Hundreds of articles and monographs have illuminated many of the complexities and social dynamics of enslavement, though the argument that consistently holds true, especially in Fredericksburg with its ever-present

slave auctions and slave pens, is that enslaved persons incessantly operated in a “state of war” where their minute by minute existence could never fully rest when their owners could sell their person, or their loved ones, in a blink of an eye.<sup>262</sup> Unlawful assembly records reveal rare evidence of enslaved persons in, but also outside that “state of war.” In illegally associating with both enslaved and free blacks, whites, and persons of mixed race, all of both genders, these unfree men and women made personal choices to assemble in spite of white authorities’ restrictions and their accompanying threat of punishment.

Unlawful assembly records provide glimpses of alleged illegal and unsupervised meetings away from the space and time restraints dictated by slave owners. They also reveal the “semi-autonomous world, based on a multiplicity of social relationships,” as discussed by Kolchin.<sup>263</sup> The Fredericksburg landscape, with its slave auction houses, blocks, and “pens” was an ever-present reminder of the impermanence of bondpeoples’ everyday existence, even more so than those on isolated plantations and farms. Free blacks did not fare significantly better than the enslaved except for the few who possessed some resources, though they, too, faced substantial obstacles, with which many local whites never had to contend.

Inspired by Tolbert, I argue that Fredericksburg was a large southern town slave society because of its landscape, self-identification as an incorporated town, population size, and diverse population of whites, free and enslaved blacks, and free and enslaved persons of mixed race. These records reveal a more brutal “communal intimacy” in

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<sup>261</sup> Kolchin, *American Slavery*, Introduction.

<sup>262</sup> Jones Jr., *Born A Child of Freedom* 194.

<sup>263</sup> Kolchin, Introduction.

Fredericksburg than in the small southern town slave societies that Tolbert discussed<sup>264</sup> due to its considerable free black population and many of the characteristics commonly found in southern cities.<sup>265</sup> Although it was beyond the scope of this thesis to create a new framework to study large Southern towns, my examination of antebellum Fredericksburg demonstrates the need for one.

Like other modern scholars, historian Melvin Ely finds that there is a wealth of untapped history within court record papers that needs to be unearthed. This examination of unlawful assembly accounts is one such attempt. I focused primarily on the unlawful assembly records over a fourteen-year period

This particular study of unlawful assembly in a large Southern town revealed many insights that according to most contemporary scholars were uncommon. Existing narratives are limited—Southern towns need more attention because there is not enough to accurately gauge generalizations as to what was common and uncommon in the Southern town. As Lisa Tolbert writes, “The demographics of the small town tell only part of the story. To fully understand the distinctive experience of small-town slavery, it is necessary to examine interactions among town residents—to reconstruct slaves’ participation in the social townscape.”<sup>266</sup> Within the constraints of modern research gathering, I assert that the superior way to do this is through court records. There are many limits and biases to work

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<sup>264</sup> Lisa Tolbert wrote, “The social dynamic of town life was marked by a degree of racial intimacy that was altogether different from both plantation and urban conditions. Harriet Jacobs argued that communal intimacy constrained white slave owners, thereby offering some protection to vulnerable slaves. At the same time, it forestalled attempts to create an autonomous black community, until slave churches emerged in the renovated townscape.” *Constructing Townscapes*, 223.

<sup>265</sup> I look to urban free black studies in this work because I did not find studies of free blacks in large Southern towns. Free black scholarship remains dualistic—rural or urban.

<sup>266</sup> Tolbert, 204.

around, but overall, court records reveal unique glimpses of town persons and daily life that other records do not; they are for example, usually the only records that document transitory individuals. In Fredericksburg alone, there are hundreds of court records documenting defendants accused of offenses such as; illegal gaming, having disorderly homes, selling liquor without licenses, stealing, and retailing goods without licenses. Those records reveal a culture of individuals who lived and existed inside and outside the confines of local laws. What James Campbell did in, *Slavery on Trial*, an examination of all of Richmond court records for the years 1830-1860, needs to be done in Fredericksburg.<sup>267</sup> Such a proposed study might also reveal evidence related to the existence of secret societies in the Fredericksburg area. In their work, *From Midnight to Dawn: The Last Tracks of the Underground Railroad*, Jacqueline Tobin and Hettie Jones discussed a secret society of fugitive slaves and underground railroad operators that existed based on the rare and vague mention in passing by individuals such as William Lambert and George DeBaptiste (born in Fredericksburg). Lambert referred to the secret society as the African-American Mysteries while DeBaptiste called it the Order of the Men of Oppression.<sup>268</sup> It is highly plausible that similar discoveries, including evidence found in unlawful assemblies, might be revealed through further court record studies.

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<sup>267</sup> Index of Hustings Court Criminal Actions, 1821-1835, (Fredericksburg Circuit Court Repository, Fredericksburg, Virginia).

<sup>268</sup> Jacqueline Tobin and Hettie Jones, *From Midnight To Dawn: The Last Tracks of the Underground Railroad*, (New York: Doubleday, 2007) 202-203. Tobin and Jones briefly discussed secret societies in their work. They cited the *Detroit Tribune* interview of William Lambert from January 17, 1886, and quote his discussion of the society he called African-American Mysteries. They also cited John Brown historian Jean Libby's brief discussion of Martin Delaney's (John Brown's friend and convener of the Chatham Convention) "periodical in Pittsburgh in the 1840's which was called 'The Mystery' after this system," 202-203. I believe the evidence of their existence is strong but still lacking the information unlawful assemblies (which often list meeting location, time, and attendee's names), could possibly supplement.

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## APPENDIX A

Included in this appendix are unlawful assembly accounts and directly related non-unlawful assembly accounts extracted from the Mayor's Court Order Books by the researcher for the years 1821-1834.

BOOK 1 (Robert Lewis presides from 1821-1829)

April 17, 1821, p.3 "Robert Mackey's Richard was arrested & charged with being with an unlawful assembly of Negroes. Examined and found innocent and discharged."

April 17, 1821, p.3 Thomas Hollinger Smith and Harry Clements (free negroes) Wigglesworth James chargeable—(unlawful assemblage) – have to pay constable fees and promise better behavior

April 17, 1821, p.3 "Mrs. Tenants Charles & James Williams, (a free man of colour) were arrested for an unlawful assemblage & gambling—The first was sentenced to receive ten lashes upon his bare back & the second, to pay one dollar for running his dray thro' life streets & for the first offense, ten lashes on his bare back."

April 17, 1821, p.4 Matilda Burnett, William Raines, John Coakley, young men Leeson Farrell and Austin Farrell [white?] – charged with associating and gambling with free blacks.

April 27, 1821 p. 4 Samuel Roddy and John Carter reprov'd for an association with people of color.

April 30, 1821 p. 10 Matilda Burnett appears in court again.

May 1, 1821 p. 13 "William Briscoe belonging to William Stone (found dancing without permission) among unlawful assembly of blacks.

June 30, 1821 p. 43 "Commonwealth agt. Free Betty Rich Johnston[,] Caty Riddell's girl[,] Peyton and Henry at Geo. Ellis's and Roderick at James Williams's for an unlawful assemblage and improper behaviors."

Feb. 7, 1822 p.181 “Vivion Ashby was taken this morning under warrant for keeping a disorderly house and having an unlawful assemblage of negroes about him the last night. He was sentenced to pay \$3.30 to the informer, cost inclusive, arrested the same time three negroes belonging to Major Jones, one to J\_\_\_\_\_J. Welford one to Rob. Ellis one to William Bernard [.] The five first were by their masters to pay fifty cents each, and the last, one dollar for taking up and imprisoning, all being found in the house of said Ashby. Fine (five?) appropriated to the informer.”

Feb. 8, 1822 p.182 Warrant issued against Polly Bundy for having an unlawful assemblage of negroes at her house the last night. She was sentenced to pay 30 cents cost.

August 13, 1822 p. 306 “Robert Mills Constable, being suspected on Saturday last of corrupt communication with sundry slaves belonging to John Pratt Esq. And circumstantial being strong ag. Him, he was advised by the Mayor to resign his office, which he did accordingly.”

## BOOK 2

March 1, 1824 p.277 “Burnett and Henry slaves of the Mayor and Harry the slave of Archibald R. Taylor were ordered 10 lashes each for being unlawfully assembled at Lewis Courtney’s and gambling—sundry others free negroes and slaves amounting to thirty two inclusives, with the foregoing, were severally fined and whipped”

March 2, 1824 p. 277 “Lewis Courtney, at whose house the above unlawful assemblage of white and colored people were found, was arrested and ordered to pay thirty five dollars fine, instante, or receive thirty lashes upon his bare back-the fine was paid and divided among the informers.”

March 22, 1824 p.287 “Wart issued ag’ nine free people of color and slaves for an unlawful assemblage on the last Sabbath and for engaging in backfighting contrary to law.”

“James Lewis, David Ham and Kellis Keys taken up by virtue of the above wart[,] all free men of color were fined, each one dollar which was given to the informer. Peter Hemp and Miner were discharged”

July 5, 1824 p.317 “Wart issued ag’ Cha Procter for having an unlawful assemblage of negroes—slaves—and free people of colour at his house on the 3<sup>rd</sup> \_\_\_\_\_inst.”-he was discharged

-came to court drunk, arrested when he couldn’t pay the fine

### BOOK 3

Sat. April 22, 1826 p. 13 “Thomas Short-Sullivan Barse, Andrew Barse-John C. Marston-Leroy Walker-Hill Ingraham white men- Wm Norman- Frank Clarke-Randale Hale + Wm Webb free men of colour and Polly Trustow-Betsey Newton-Jane Hill-Lucy Hill, and Jane Hill were arrested for an unlawful meeting on Saturday night + committed for trial on Monday-The parties having been set to the bar + the testimony examined, the white men were fined one dollar each, the free men of colour fifty cents each-the women being boarders in the house were discharged without penalty, + the money paid over to the informers, agreeable to law.”

Nov. 13, 1827 p.168 A warrant “agt. Elizabeth Snow for an unlawful assemblage of free negroes and slaves at her house on the 12<sup>th</sup> inst. at night. The testimony being heard, jnd. was awarded for \$15 and costs for the benefit of the informers.” R.L. Mayor  
“The above judg. Has been reversed in consideration of the poverty of the said Elizabeth Snow and her promise of better behavior in the future.” R.L. Mayor

March 14, 1828 p.188 “A wart issued ag’ sundry free negroes + slaves for an unlawful assemblage + gambling in the kitchen of Wm Cobler- Geo Debaptiste + Wm Lucas [,] free men of colour were discharged upon the payment of three dollars instante. Henry a slave was discharged on receiving ten lashes-Oliver a slave, on the payment of one dollar fine by his master- James Williams and James Ferguson [,] free men of colour, surrendered themselves, and paid a fine of three dollars each which fines goes to the informers agree to law-“

### BOOK 4

June 20, 1828 p. 7 “The undernamed free persons [,] mulatto’s[,], and slaves having been arrested for an unlawful assemblage on the past Sabbath at the house of Wm Kirk, were sentenced to pay three dollars each, or receive 30 lases, complied with the law instanter + were discharged accordingly:

Oiy: Step. Young-Wm Ollins Isaac Liverpool-Geo. Debaptiste-Henry Lucas-John Brown-Adolph Richards-Thornton Fox[,], freemen[,], Lewis a slave pd \$1- Wales Minor Do (symbol for paid) Danl Do (symbol for paid) Jas Williams was not present + therefore discharged[.]”

Thursday, March 19, 1829 p.33 “Benjn. R. Hillyard + L. Pullen having apprehended + brought to this office, the following named free negroes[,], mulattoes[,], and slaves, for unlawfully meeting and assembling at a dance at the house of Kittis Keys last evening until a late hour at night. Killis Keys confined in jail last night, released + fined \$3, Henry Johnston 3\$[,], Mary Brinik do(symbol for paid) 3\$, Jim Lucas fined 3\$ Climm fineremitted for his good conduct/ Welford James confined in jail, ordered 10 stripes or pay 1\$[,], Goodwin’s Susan “ “

Hough's Nelly + Fanny + Short's Fanny, discharged in consequence of having permission from their Masters to go to the dance

Staylor's Alice, Debaptist's Daniel, and Bragdon's Evelind, slaves, going to the dance, without their Master's permission, were each ordered ten stripes or their owners to pay a fine of 1\$ each.

Information lodged against Billy Bedford + Jack Whitehouse, free men, Simon Spotswood at Mr Vafs's, Wm Jackson's Edw Thornton[,] Francis W. Taliaferro's Leavins + \_\_\_\_\_ Randolph for being at the above named dancing party, the constables were directed to apprehend them."

Monday, March 23, 1829 p.34 "Francis M. Taliaferro, having stated that his two servants had permission to go to the dancing party on Wednesday night, they are discharged."

Saturday, March 28, 1829 p.35 "Wm Jackson's servant Edward ordered ten stripes for being at a dance last week without his master's permission or[der] his master to pay a fine of one dollar"

Wednesday, April 1, 1829 p. 36 "Joseph Hooten, brought to this office by the Constables, charged with having open a school at his house last night for the instruction of free negroes[,] mulattoes[,] + slaves confessed the charge, plead ignorance of the law and from his youth and penitence was reprimanded + dismissed[.] Sam Dabb[,] Minna Dabb[,] Wm Newton[,] John Jones[,] Richa[rd] Ferguson[,] James Rawlins[,] and a slave[,] the property of Wm Bruce[,] were his schoolers; last night being the commencement of his school."

(Thomas Goodwin Esq. Presides as Mayor now)

April 13, 1830 p.82 "Amy Mercer & Benjamin West, having made oath that William Bouncer, Davy Jackson, Thomas West, Carter Armistead & Andrew Rawlins, did on yesterday, assemble together in the road at Sandy Bottom, in a riotous and disorderly manner, a warrant is issued for their arrest."

June 2, 1830 p.88 On the information of William Jones, issued a warrant against the following name free colored persons for being at an unlawful assembly of slaves on the turnpike road at a cock fight & gambling party - Viz:

John Jones

William Lucas

John Coombs

Joseph Stonnell

Tom West

Benjamin Coombs

Frank Coombs

John Clemons

William Aulins  
Richard Wyatt  
John Whitehouse  
Willis Poole (a slave, the property of Duff Green)  
William Thornton  
Henry Lucas  
Edward Debaptist  
James Ross  
Nacy Menican  
Jeffrey Lucas  
Thornton Fox  
Fielding West

On the information as above a warrant is issued against the following slaves, the owners to pay costs or stripes inflicted:

James Taylor, Stephen Bryant, James Dixon & John Dixon - discharged  
Caeser Garnett & John Hunter - 10 lashes each or to pay constables for arrest & whipping \$1.26 each & summon for witnesses  
Jere, property of Mr. Smock; Tom, property of Mr. Smith; Aliss Butler, property of Mr. Gordon - 10 lashes or pay as above  
Billy Robinson - same order  
William Matthews & Richard Meyers - same order  
Billy Biscoe - same order

Tuesday June 28, 1830 p.91 “Mrs. Brimmer + Rhoda Timbers apprehended and brought before me at 11 o’clock last night, the former for keeping a disorderly house, the later for being there, at a card party[.] Ordered that they appear at the office at 10 o’clock tomorrow.

Rhoda Timbers appeared, is ordered ten lashes or pay constable[‘]s fees. Same order against Simon a slave hired to James Vafs. Beverly Coombs fined 3\$ + cost for being at the above named party, apprehended by R.R. Hillyard.”

Monday July 12, 1830 p.93 “On the complaint, and information of John Metcalfe + R.R. Hillyard, issued a warrant to apprehend Jesse Brimmer + wife charged with disorderly behavior at the house of Brimmer (unknown symbol) [charged] with keeping a disorderly house for the reception of free negroes + slaves; Jesse Brimmer being in custody, and in a state of intoxication is committed to Jail, from whence he was discharged on the 25<sup>th</sup> past, conditions that he and his wife would leave town forthwith to which they consented.”

Sat. November 20, 1830 p.106 “The following slaves confined in jail last night were brought to the office this morning charged with being at an unlawful assembly of slaves at the house of Mrs. Mildr Leitch were each ordered ten lashes to be remitted by their masters paying the constables fees for arrest + whipping. \_\_\_ Mercer’s Ralph[,] Patton’s Aaron[,]

Rothrock's Giles[,] Scott's Joe (stripes inflicted)[,] Harrow's James[,] Rowe's Henry[,] Buck's Moses[,] (Stanard's Paris apprehended by my warrant, and in custody the same order[,]) stripes inflicted)

p.107 "Mildred Leitch apprehended and brought to this office by my warrant; charged with having an unlawful assembly of slaves at her house last night and with keeping a disorderly house[,] on hearing the testimony of B.R.C. Hillyard, George Crawford[,] Thomas Lewis[,] she was found guilty of the charges[,] ordered to pay three dollars fine + constables fees, and to appear at this office on Monday next and enter into recognizance to be good behavior and to keep an orderly house; herself in \$50 and one or more suntys in the like sum."

Sat. Dec. 4, 1830 p.108 Mildred Leitch "this day appeared and offered James Glover and Anna Glover, her scuntys for keeping an orderly house for 12 months she was discharged from the arrest, on this entering into recognizance in the sum of \$25."

(Patrols/ Insurrection fears 1831-1832)

Monday, May 7, 1832 p.155 "Peter Francis[,] a white man, John Glasgow + Joe Webb[,] free negroes, taken up by my warrant for being at an unlawful assembly of slaves and free negroes, at the house of James Apple, on yesterday. They are severally ordered twenty lashes or to pay the fine of \$3 each. John Alexander[,] a slave[,] discharged being a small boy. James Stillyard a slave of W. Walkers ordered ten lashes. Henry[,] a slave the property of Mrs. Rowe ordered ten lashes.

James Apple arrested by my warrant, charged with having an unlawful assembly of negroes at his house yesterday, and with keeping a disorderly house committed to Jail, witnesses Jesse Shaffer + Edm Southard.

James Rawlins ordered twenty lashes or pay a fine of 3\$

James Reeves "

"

Wed. May 9, 1832 p.155 "James Apple committed to Jail on Monday last. Was released last evening in consideration of the state of his health. And the execution of the warrant against his wife suspended."

Wed. April 10, 1833 p.180 "Robert Mills brought to this office by my warrant on the information of William F. Murren charged with having at his house on Sunday last, an unlawful assembly of free negroes + slaves: he was admonished and discharged; suspicion being strong against him.

Wm Mardus brought to this office on a similar charge as the one above fined 3\$ + cost and ordered to give security in the penalty of 50\$ his good behavior for 12 months security given and Bond filed."

Thursday August 1, 1833 p. 188 "Mildred Taylor apprehended and brought to this office by my warrant on the information of Edmund Southard charged with having at her house on Sunday last an unlawful assembly of free negroes + slaves. On examining the witness, she was guilty of the charge. When Charles Elliott joined her in recognizance in the penalty of 25\$ each for her good behavior and to keep an orderly house for 12 months."

Monday January 12, 1834 p. 206 "Isaac Cornell, charged with having at his house on Yesterday, an unlawful assembly of Free Negroes + slaves and with keeping a disorderly house, on the oath of Jesse Shaffer, who being examined, and the oaths of Robert Stair he was found guilty of the charge, and not giving security for the good behavior was committed to Jail."

Friday January 16, 1834 p. 206 "Isaac Cornell released from jail, on condition that he leave the limits of this corporation with his family, tomorrow, and not return, otherwise to be reprimanded to jail."

Saturday September 20, 1834 p. 214 "Wm Webb a cold free man brought to this office by L. Pullen charged with insulting language and being in an unlawful assembly was found guilty and ordered 20 lashes which was remitted, at the instance of L.P."

## VITA

Sarah K. Blunkosky is a citizen of the United States of America and holds a Bachelor of Arts degree in History from the University of Mary Washington. From 2002-2003, Ms. Blunkosky taught social studies at Open High School in Richmond, Virginia, where she also served as a substitute teacher in 2004. From 2004-2005, she worked as a graduate teaching assistant in the history department at Virginia Commonwealth University. She currently resides in Virginia and works as a private researcher and educator.