

2006

## America's Other Peculiar Institution: Exploring the York County Free Black Register as a Means of Social Control, 1798-1831

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<https://dx.doi.org/doi:10.21220/s2-n4mf-tx02>

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**AMERICA'S OTHER PECULIAR INSTITUTION: EXPLORING THE YORK  
COUNTY FREE BLACK REGISTER AS A MEANS OF SOCIAL CONTROL**

**1798-1831**

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A Thesis

Presented to

The Faculty of the Department of Anthropology

The College of William and Mary in Virginia

In Partial Fulfillment

Of the Requirements for the Degree of

Master of Arts

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By

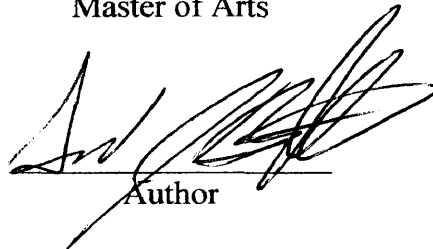
Andrew Butts

2006

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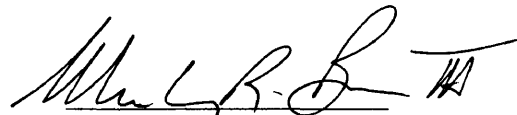
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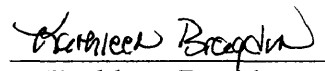


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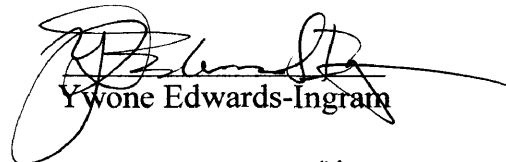
Approved, December 2006




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## ACKNOWLEDGEMENTS

I would like to thank first and foremost, my parents. It is because of their unwavering support (and occasional prodding) and unconditional love that I was able to complete this thesis. I would like to thank Marley Brown and Ywone Edwards-Ingram for being the guiding academic force behind this thesis. With their guidance, that I am now a better archaeologist and scholar. I would like to thank Kathleen Bragdon for providing the initial encouragement that opened my eyes to the research potential within the York County Free Black Register. I would like to thank Fred Smith for providing inspiration through his own work on African American negotiative strategies. His studies helped to lay the foundation for this thesis. I would also like to thank Ophelie Boinot and Neil Mayberry, my very special friends for their unwavering support and encouragement. Thank you one and all.

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## **ABSTRACT**

The York County free black register provides insight into the panoptic state that freed people of color had negotiated in York County and Williamsburg, Virginia from the beginning of Early National period to Nat Turner's Rebellion of 1831. The register was part of a system of surveillance that was used to facilitate the policing, tracking and controlling of a growing free and enslaved black population. This means of social control assuaged the fears of a minority white class that was experiencing a decline in its population that occurred in conjunction with a decline in economic opportunities in the region. The register, through its detailed description of the people within its pages illustrates one of the dominant white class' methods for prescribing the conditions of their constantly surveiled state of existence onto another class that it perceived as a threat to its social structure.

This thesis will examine this existence and how it is reflected in the documentary record. Free Blacks still had to make a living and raise families within the context of this restrictive environment. It is the goal of this thesis, within the context of social control, to analyze, describe and comment upon the culture of surveillance that Free Blacks of York County existed in.

**AMERICA'S OTHER PECULIAR INSTITUTION: EXPLORING THE YORK  
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## INTRODUCTION

From an anthropological perspective, the early national period of the United States can be described as a period of transition. With the war for independence over, the search for a national identity was under way and understanding the meaning of freedom was prioritized. In an effort to define identity and freedom, laws were passed, enforced, and redefined about the people who would be recipients of this new version of freedom and equality.

In the beginning of the Republic, many enslaved blacks were freed and held ambiguous places in the evolving and complex cultural and social structure. Over time, their freedoms were restricted and they were forced to register their status and carry a physical symbol of this situation. The goal of this thesis is to look at the York County Free Black Register of Virginia and other pertinent evidence to discuss social attitudes and activities that impacted the lives of blacks.

As time progressed, the status of free blacks changed as they developed economically and socially. Their rights were whittled away and the policing of the population became a top priority. The policing of the population was further facilitated by the enforcement of the laws that required that all Free Blacks be registered with detailed descriptions of their physical characteristics (Plate 1). The details are few at first but increased in response to new legislations.

The status of free blacks was never guaranteed; it was always in flux. Further, this liminal state was precarious because of the changing laws of the land; over time, these laws became more restrictive. As the population increased, the need to define the

(42) Virginia In the Clerk's Office of Rockbridge County Court  
October the 2<sup>d</sup> 1824. This day registered James Harper  
aged twenty four years, four months and twenty six days, a bright  
mulatto <sup>man</sup>, six feet and half an inch high, has a scar on the left  
side of the head, about two inches above the ear, and three fourths  
of an inch in length, has a cherry mark on the upper part of the  
left breast, a scar across the lower part of the breast occasioned by  
a pen knife, a scar on the first joint of the right thumb and one on  
the same thumb on the third joint, one on the little finger of the  
left hand, above the nail, a scar on the left shin an inch and a  
quarter in length, three quarters of an inch wide at the lower end  
and a quarter of an inch at the top, said scar on the inner side  
of the shin, and was born free  
Teste H. Lyman J. P. Teste, Josephus H. Newell  
At Rockbridge County Court October 2<sup>d</sup> 1824.  
A register of James Harper a free mulatto  
man, made in the Clerk's Office of this Court, was produced  
in court, and the said Harper being examined. The court  
doth certify, that the said register has been truly made  
Attest Andrew Reid C. C.

people within it becomes more prudent. Therefore, the liminal position of the country also shifted. This shift resulted in the creation of more stringent laws directed at the descriptions that were to be obtained of the free black population. Each new law demanded more details about the appearance of the registrant than the previous ones.

Free Blacks were America's other "peculiar institution". They were neither totally free nor were they enslaved to specific masters. Their liminal status in a slave society could not be denied. But is this borne out in the documentary record? This is the one of the main questions that this thesis attempts to answer. Can this status be analyzed in a meaningful manner using the documentary record that is, itself, an artifact of free blacks 'in-between' position?

In my preliminary analysis of the Free Black Register, a variety of aspects of the life-ways of free blacks became apparent. These include issues concerning the social positions of free blacks and how these may be explored by analyzing the physical descriptions of the registrants. Registrants who, under the penalty of the law, submitted themselves to inspections underwent an experience reminiscent of examinations that may have been conducted on pack animals. The attributes collected for each participant ranged from the age of the registrant to the comments made by the clerk in reference to the appearance of the free blacks as they stood before him. There were a number of instances where the laws were not followed to the letter. These infractions included the clerk overstepping his bounds and examining parts of the body that were not listed in the statutes. The details in some of the descriptions contained more information than was required by the prevailing law.

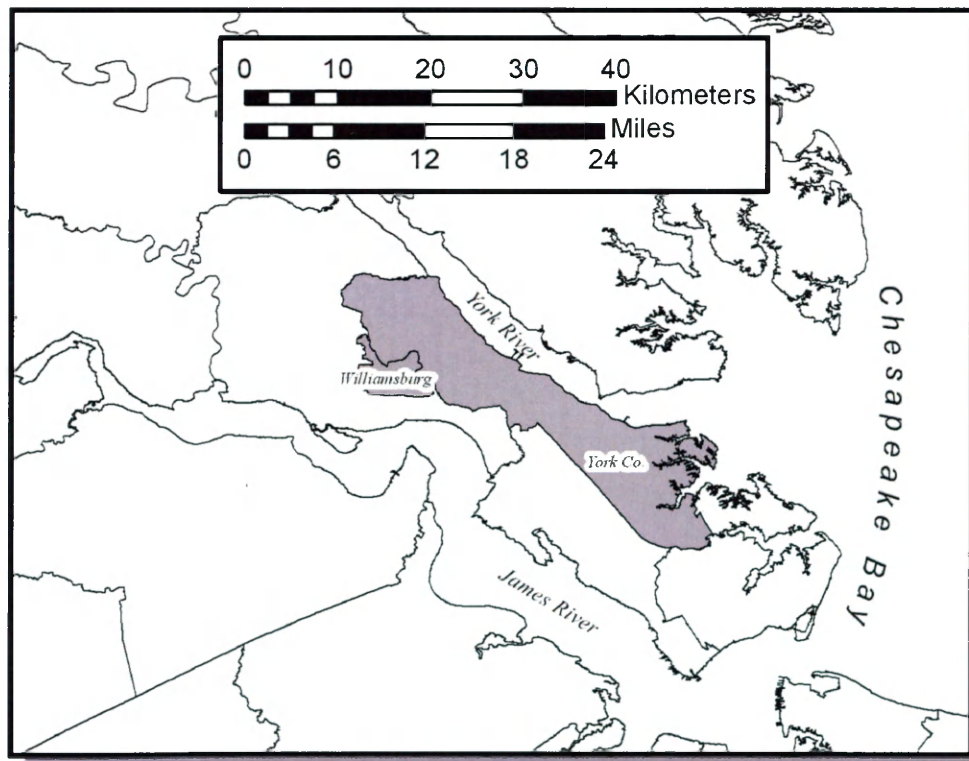
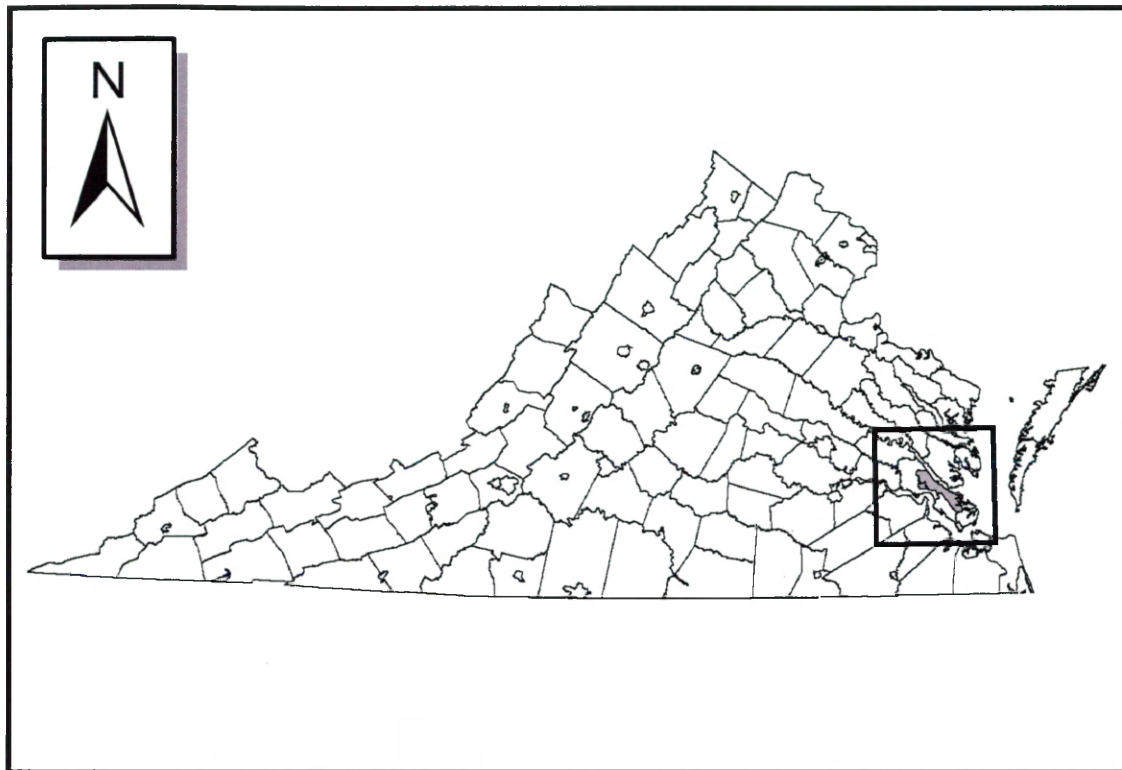
It was through this preliminary analysis that I developed the idea of exploring the free black register as a means of social control. My initial task was to find out whether or not any significant trends could be gleaned from the record that would give insight into the theory that I was developing. On examination, the descriptions in the register become more descriptive as time passed and the laws concerning free blacks increased as did other activities intended to constantly curtail the freedom of free blacks who resided in Virginia. The register then serves as a tangible representation of a particular method of social control.

For this thesis, I will conduct a detailed study of the descriptions of each registrant; for each entry is unique and offers insight into this method of social control. The number of physical descriptions/attributes that were recorded by the clerk for each registrant will be counted and recorded. These attributes consisted of the registration, number, age, sex, height, skin color, method of freedom, years renewed (when applicable), and, of course, a record of their distinguishing marks. In addition, I will review the existing laws and how they changed over time for it is important to compare the changes that occurred within the free black register. The register did not exist in a vacuum but was rather a continuum of control mechanisms that were used to constrict the social mobility of free blacks. The register, itself, is the result of such laws and activities.

The mechanisms of social control were of course not limited to free African Americans. Enslaved African Americans were the larger segment of the African American population during the antebellum period. Therefore, a section of my work will focus on the activities of enslaved African Americans. One of the prominent parallels of



Figure 1: Regional Map of Virginia and Extent of the Free Black Register Study Area.





the free black register were the runaway slave advertisements and fugitive laws. These advertisements also described African Americans in the context of social control.

For this analysis, I will divide the record into two distinct time periods. The first time period will coincide with the creation of the law that brought the free black register into existence in 1798. The second will cover the amendment of the law in 1803. These two time periods will serve as a starting point only; for the analysis of the fugitive laws and slave advertisements will not follow the same format. For example, the analysis of the runaway slave advertisements will concentrate on the language and descriptions used in them, for I will compare and contrast these variables with those used in the free black register.

My study will use materials from York County, located on Virginia's middle peninsula, near Williamsburg (Figure1). The county's rural setting provides a counterpart to Williamsburg's urban setting. During this time period the middle peninsula experienced a variety of changes on both the economic and cultural landscapes. The most significant economic shift came as a result of the moving of the state capital from Williamsburg to Richmond, Virginia. This move put the region into an economic tailspin that it would not recover from until the mid nineteenth century (Smart 1986: 179). Another significant shift was the result of the depletion of soil productivity in the Tidewater area (Smart 1986: 187).

The overall decline in economic opportunities resulted in an overall shift in population density and demographics of the area. Many whites left the area in pursuit of better economic opportunities in the west. However, the free black population did not experience a decline and continued to rise. The white residents of York County were

now fewer in number and had to compete with a growing black population for work in a diminishing job market. The white residents, though fewer in number still had more political power than any African American, enslaved or free and that they used this power to assuage their fears of the growing black population in the form of a panoptic device, the York County Free Black Register. I propose that there are patterns in the register that reflect this use of political power that can be traced to the slave rebellions and conspiracies during the early national period of York County and the surrounding areas.

A section of this thesis will also review the works of scholars who have studied both free blacks and the methods of social controls that were employed against them. The peculiar social position of free blacks has been commented upon by several historians, including scholars from the early twentieth century like Herbert Aptheker to later historians such as Ira Berlin and John Franklin. In addition, social scientists like Michel Foucault and Christian Parneti have examined the issue of social control. I will explore their works and relate these to my study of the free black register.

## **CHAPTER I**

### **HISTORICAL BACKGROUND**

The following is a partial excerpt from the definition of the term 'freedom' as it is found in Webster's Collegiate Dictionary, Magraw-Hill edition.

Freedom (freedom), n: 1. the state of being free or at liberty rather than in confinement or under physical restraint. 2. exemption from external control. 3. the power to determine action without restraint... 8. ease or facility of movement or action...12. the right to enjoy all the privileges or special rights of citizen, membership, etc., in a community or the like (1991).

To the members of the free black communities of the antebellum south, the preceding definition of freedom would have been completely contrary to their daily existence. When the phrase peculiar institution is used one usually thinks of the enslavement of Africans and African Americans. Free blacks were not exactly free, but they were not slaves either. This was America's other peculiar institution, the quasi-free person of color. They held a unique position in the social hierarchy of the day. Their mobility was restricted daily. While the Blacks that held this social position were considered to be free people of color, they did not enjoy the same freedoms that their white neighbors enjoyed. Racism and discrimination on both the social and legislative levels made it impossible for free persons to hold the same jobs or pursue the same professions as could the free whites in the same community. Whatever privileges their status may have allowed them were subject to be rescinded at the discretion of a governing body over which they had little or no control or access.

Free blacks held a unique position in the social hierarchy of the day. These quasi-free people of color had some rights and privilege, but they were very limited. These limits were put in place primarily to restrict the movements of free blacks both economically and socially and to protect the economic and social standings of whites.

Free blacks faced a variety of obstacles. While free black communities existed during America's colonial period, many free black communities have their roots in America independence from Great Britain. As a result of Americans gaining their own independence from what they considered an unjust British monarchy, slave holders were swept up in the spirit of freedom and granted some freedom to some of their slaves. This spirit of freedom was so pervasive and widespread that every southern state, with the exception of North Carolina, made it possible for masters to emancipate their slaves (Wright 1993: 138). This led to an appreciable rise in the free black populations in the south. Many slaves were granted their freedom because they had served in the American army during the Revolutionary War. Grateful masters who had told their slaves that they would be set free in exchange for service in the army kept their promises of manumission and emancipated their slaves at the end of the war.

During the war however, these blacks were reminded of their subordinate social position. In the southern Colonial armies, they were rarely permitted to handle firearms, they carried shovels instead. This was done in an effort to reinforce the existing social hierarchy and as a form of protection. Unarmed soldiers assuaged white's fears of armed insurrection. The shovels reminded the black soldiers of their subservient position in the social hierarchy (Berlin 1974: 19). Nevertheless, at the end of the war a new generation of freedmen was introduced into the communities of the antebellum South.

Whites, fearing that their own social status was now in jeopardy, began to enact social policies that would continue to guarantee their positions in the societies of the post-war South. Free blacks did not fit into the framework of the social hierarchy. They were of African descent and were therefore treated as inferior. Southern whites were intent on

reinforcing in the minds of free blacks their role as a subordinate social class through the active and vigorous administration of social and legislative programs of discrimination. This plan however was not complete in its effectiveness as demonstrated by the fact that some free blacks were able to amass a significant amount of material wealth in the face of an increasingly hostile social and political environment. Their social ambiguity was seen as a threat to the 'proper' social order, as it was envisioned by the white ruling class. This ambiguity made the free blacks a threat. In order to stabilize the social order whites regulated free blacks to the second-lowest rung of the social ladder by retarding their social and economic growth at every possible level.

To keep economic competition at a minimum, whites employed various discriminatory methods to block able-bodied and willing free blacks from work. One such method was the binding out of free blacks between the ages of eight and twenty-one to work for whites who in turn would teach them 'proper' respect and behavior (Wright 1993: 145). Some southern states, including Virginia and Georgia levied special taxes on free persons of African descent to retard their economic growth. These mechanisms increased the economic burden that was already being experienced by a majority of free blacks. Some free blacks were able to be successful despite these mechanisms of economic repression.

As free black populations grew over the years, a class system began to emerge. Out of the emancipations of the 1790's, arose a professional group of free blacks that dominated this segment of the society (Wright 1993: 142). Below these were the free blacks who were self employed. Free blacks who had experienced freedom relatively early had a chance to establish themselves in their communities and began to distance

themselves from the uneducated and poorer free blacks. By distancing themselves from the lower classes these free blacks were hoping to gain the favor of the dominant white southern class. This however had the opposite effect in some instances. As free blacks became successful and were able to thrive in an institutionalized hostile environment, some whites began to resent them and claim that they were putting on airs (Wright 1993: 142). While southern whites resent the material wealth of some of the free black class, they helped to facilitate the economic growth and social standing of some blacks.

As with any system of exclusion, there are always exceptions to the rule. In the case of free blacks, it was the mulatto who became the exception. Mulattoes were initially the offspring of white indentured servant men and black women (Berlin 1974: 6). As time goes by the term was applied to any child born of one white parent and one black parent.

Some southern whites viewed mulattos with suspicion and distrust, while others gave them special consideration (Berlin 1974: 198). Since the free mulattos shared similar physical characteristics with the dominant social class they were given a certain level of leeway in the social system. Their lighter skin, eyes, and straighter hair provided the mulattos' with a margin of social flexibility that worked toward their advantage in a variety of situations, the most advantageous being in the legal arena. In the lower southern states, a mulattos ability to 'blend in' to the higher ranks of the social order could save him/her from the harsher treatment that non-racially mixed free blacks had to endure. A Supreme Court justice dismissed a case involving a mulatto man accused of rape as a result of his mixed heritage (Berlin 196, 1974). The justice dismissed the case by making the following statement:

If the statute against mulattos is by construction to include quadroons, then where are we to stop?...are we not bound to pursue the line of descendants, as long as there is a drop of Negro blood remaining? (Berlin 196, 1974)

This close association with the dominant ruling class may have provided some mulattos with a higher level of legal and social security that were not available to the darker skinned members of the free black community. The most important privilege was a small respite from the retribution of the white class due to the “white blood that presumably coursed through their veins” (Berlin 1977: 196). This resulted in the belief that mulattos would ally themselves with whites and act as a buffer between and blacks, both slave and free in the event of an insurrection. A belief that in the future would proved to be misguided.

The privileges that some mulattos experienced would lead to schisms in the free black community creating social divisions based on gradients of skin color and parental lineage. Darker-skinned free blacks were not able to manipulate the social system and attain the economic prosperity that some free mulattos were able to attain. Their darker complexions kept them on the periphery of the southern social order where they were forced to make do with the limited resources that the dominant social class allowed them.

Many free blacks tried to distance themselves from their former masters as soon as was realistically possible, however, this is not easily achieved. Many newly manumitted blacks had no choice but to stay within the close vicinity of the plantation where they were formerly enslaved because they had relatives still in bondage. As a result of their close vicinity to their former masters, some free blacks found themselves back in their employ. While some free blacks reluctantly entered into service agreements with their former masters, other free blacks benefited from such arrangements they

negotiated sound business relationships with their former masters. Using the relations that they had developed with their former masters as a foundation for a steady market base, these free blacks were able to secure a stable economic position for both parties involved. Through these and other means they were able to quietly subvert a system that was designed to restrict their economic growth.

**"Be it so enacted" An overview of laws pertaining to the free blacks of Virginia.**

This preliminary discussion has concentrated on discriminatory tactics that were employed by the dominant southern white social class against the free blacks mainly at the local or state level. These systems, however, could not have functioned without the backing of the higher levels of American government. As seen from the case I have presented, the highest court in the land could intervene on the behalf of the lowest of its inhabitants. This was usually and still is the exception to the rule. By the early nineteenth century, Congressional legislation had helped to cement the status of free blacks in America on the second lowest rungs of the social ladder.

Federal legislature barred the social and economic advancement of free blacks at the federal level as well. By the 1820's the Attorney Generals had more often than not agreed that the Constitution in no way conferred citizenship to any Negro (Bracey 1971: 150). State legislatures used every means at their disposal to place free blacks in their 'proper' place in southern white society. As free black populations rose, these legislatures used every legal means at their disposal to limit the movements of their free black populations. In order to distinguish the free blacks from the slaves, some states mandated that the free blacks must at all times wear a patch on their person that had the word 'free' stitched on it (Wright 1993:144).



In Virginia, all manner of laws were passed by the state legislature that prevented free blacks from any rights of citizenship which include: voting, holding political office, enrolling in militia, possessing weapons, to raising a hand to a white man (Bracey 1971: 151). All of these laws served one purpose, that of control over a population that was considered a threat. The state legislature employed a method of identification that further limited the movements of the free black populations by mandating the use of Free Black Registers. These registers were used throughout Virginia and other parts of the South. They were mandated by laws that were passed and ratified by the state senate. The law establishing the register is in Chapter 22 of “An Act of the Laws of Virginia for regulating the police of towns in this commonwealth, and to restrain the practice of Negroes going at large.” (passed December 10, 1793) Article 2 -reads:

*Be it enacted*, by the general assembly, that from and after the passing of this act, every free negro or mulatto, who resides in, or is employed to labour within the limits of any city, borough or town, shall be registered and numbered in a book to be kept for that purpose by the clerk of the said city, borough or town, which what court the said negro or mulatto was emancipated; or that such negro or mulatto was born free. A Copy of said register, signed by the clerk, and attested by one alderman or town magistrate, shall be annually delivered to the said negro or mulatto, for which copy the clerk shall receive twenty-five cents, to be paid by the person receiving the same (Hudgins 1, 1995).

In keeping with the social and political climate of social control, the Virginia legislature passed a number of laws, including the one above that restricted the mobility of free men and women of color even further. In later years, the registration law was revised and made more specific. The following amendment to the previous law is an example of the tighter restrictions imposed on free blacks thus increasing and intensifying the oppressive conditions where they lived.

Chapter 21, Article 1. of the Laws of Virginia, December 1803 reads:

1. be it enacted by the general assembly, That from and after the commencement of this act, every free negro or mulatto, who resides in any county in this commonwealth, shall be registered and numbered in a book to be kept for that purpose by the clerk of the court of said County, which register shall specify the age, name, colour and stature of such free negro or mulatto, together with any apparent mark or scar, on his or her face, head or hands and in what court he or she was emancipated; or that such negro or mulatto was born free. A copy of the said register, signed by the clerk and attested by one justice of the peace of the county wherein such register shall be made, shall be delivered to the said negro or mulatto, on application, for which copy the clerk may demand and receive twenty five cent, to be paid by the person receiving the same (Hudgins 1995: 10).

The free black register of York County provides insight into one of the most widespread methods of control used against free blacks. The process of having to stand before a clerk for inspection of one's body reinforced the inferior position others held about blacks. Free blacks were required to carry this documentation on their person at all times. Failure to produce the document could have dire results. If a free black could not produce the proper documentation verifying this quasi-free status, he or she was liable to be jailed, fined, and/or sold back into slavery (Wright 1993: 145).

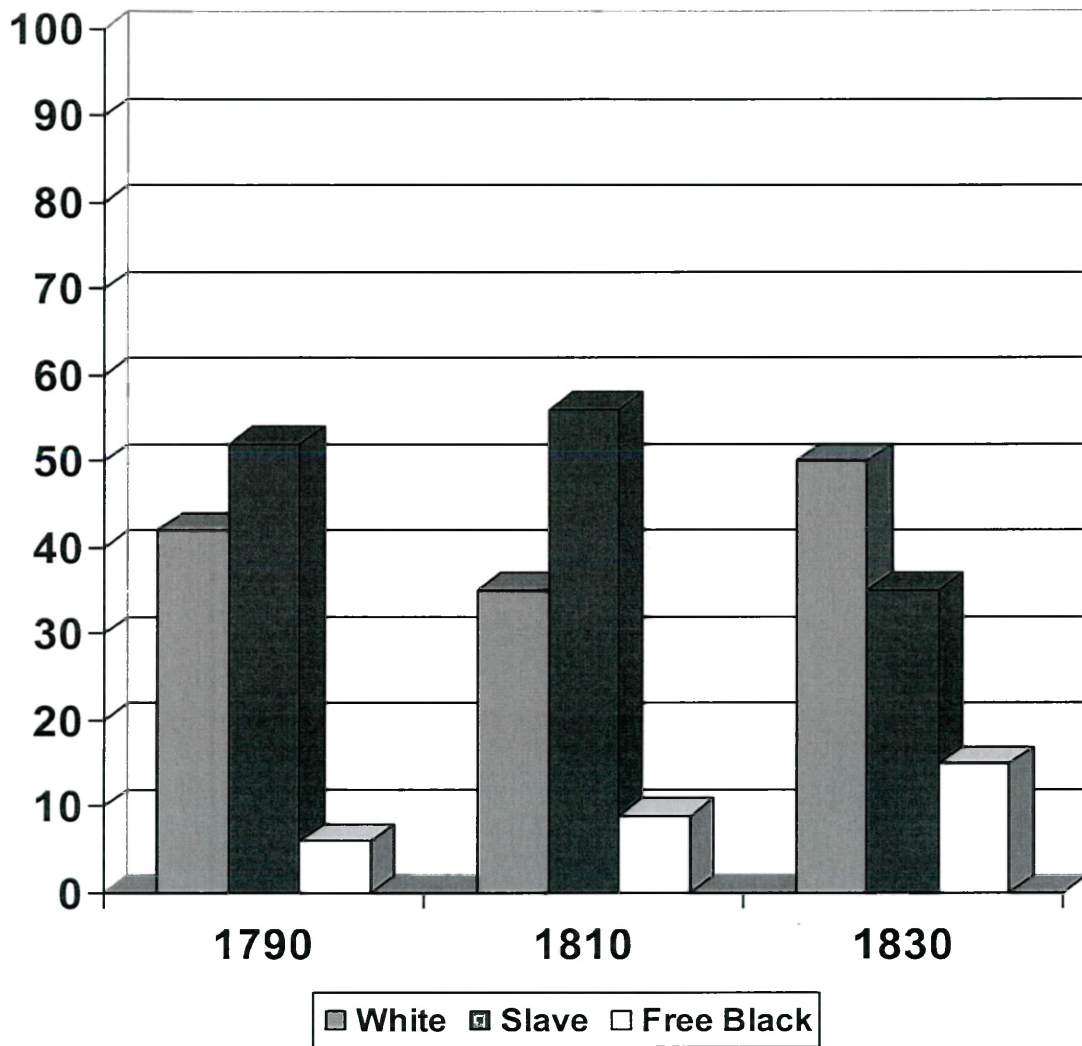
As evidenced by the above accounts, the laws governing the freedom of this liminal segment of society grew and became more restrictive. The changing laws ensured that the population would always be in a contained position. The defined boundaries of their existence were being constantly changed. As soon as the population had adjusted to this new situation the parameters in which they existed in were rearranged in order to benefit the dominant white society. This change in the law required a more detailed description of the applicants' appearance. The descriptions by law were to be made more detailed. As the situation that free blacks had to live in became more complex, so did the register that recorded them.

There were other laws enacted on the state level that added to the climate of oppression. In 1801, a law was passed that empowered the commissioners of revenue to annually complete a list free Negroes within their districts (Guild 1996: 95). This list, when completed was to include the names, sex, place of abode, and trade of each free person of color and the list was to be fixed to the door of the courthouse (Guild1996: 95). By 1806, no free Black could carry a firearm without a license. In 1823, one law stipulated that any free black convicted of a crime that was punishable by imprisonment for more than two years could be sold into slavery and banished beyond the limits of the United States (Guild 1996: 110). The laws became increasingly restrictive as the years passed. From a social control standpoint, the laws can be seen as being constantly evolving to undermine the social and political opportunities of free persons of color during the antebellum period. The free black register is one of the methods used to accomplish this objective.

#### **“Every Free Negro or Mulatto” free black life in York County, Virginia**

At the end of the eighteenth century, York County was experiencing a period of decline. Westward expansion resulted in whites leaving the area in pursuit of better financial opportunities. Westward expansion led to a steady decline in the white population that did not stabilize until the early 1830’s (Figure 2). York County was also suffering from an economic depression brought on by a depletion of local soils (Smart, 179: 1986).

**Figure 2: York County Population Comparison**



Adapted from Smart 1986:193

The vacuum left by the exodus of the white labor pool encouraged enabled free blacks to fill in some of the gaps. Many free blacks were employed as day-laborers during the harvest seasons (Smart 1986: 206). It has also been suggested that free blacks were also involved in trades and a few free blacks managed to prosper during this time. One such individual was the free black preacher, Gowan Pamphlet.

Gowan Pamphlet began his ministry as an enslaved tavern worker in Williamsburg, Virginia who began to preach in late eighteenth century (Rowe 2006: 1) Gowan's owner relocated him and the tavern to Chesterfield County circa 1786, a testament to the dwindling economic opportunities that resulted from the relocation of the state capital from Williamsburg to Richmond (Rowe 2006:1). He returned to the Williamsburg area in 1791, with a new owner and while still enslaved was the recognized pastor of a Baptist Church of black people in Williamsburg in 1793 (Rowe 2006:2). In 1793, he was manumitted from his owner David Miller. He would have had to carry this proof and manumission (Plate 2) with him at all times as proof of his status as a free man of color. Gowan Pamphlet eventually owned part of a lot in Williamsburg and fourteen acres in James City County and was the pastor of the church until his death which occurred between 1807 or 1808 (Rowe 2006:2).

Plate 2. Copy of the Original Manumission of Gowan Pamphlet, Colonial Williamsburg Website.

Know all men by these presents that I David Miller of York County do hereby manumit emancipate and set free a Negro man named and called Gowan Pamphlet, and do for myself my heirs executors and administrators hereby declare the said Negro man Gowan Pamphlet released of and from all servitude whatsoever and do hereby declare him to be a free man and do renounce all right title interest claim and demand whatsoever to the said Gowan in Witness whereof I have hereunto set my hand and affixed my seal this twenty fifth day of September 1793

Sealed & Delivered  
In presence of  
Philip Moody  
William Stead

David Miller

At a Court held for York County the 16<sup>th</sup> day of December 1793  
This deed of Emancipation was acknowledged by David Miller Truly  
Heard and ordered to be recorded

Ro. H. Waller Esq.

Another free person of color that managed to be successful in this harsh environment was John Dipper of York County. John Dipper was the slave of James and Elizabeth Cocke. After their deaths, he purchased his freedom from his new owner William Browne for “reasons of merit” on December 31 1816 (Lane and Freeman 1992: 489). Dipper, a bootmaker by trade, also had a wife Edey whom he purchased out of slavery in 1818 (Lane and Freeman 1992:490) and a child, John Jr., that he purchased out of slavery in 1830 (Lane and Freeman 1992:492) and was allowed to possess a firearm (Lane and Freeman 1992:493). But Dipper also owned his own slaves which secured the trust of white citizens. He was safe in their eyes because he too believed in the system of slavery enough to exploit it for his own financial gain. Through his financial and social dealings he became one of the wealthiest free blacks in the county (Lane and Freeman 1992:497). He was also a prominent member of the black Baptist Church in Williamsburg (Lane and Freeman 1992:498). This was the same church that was formerly led by Gowan Pamphlet. He was quite successful in Williamsburg until the drastic legal measures that were taken by whites after Nat Turner’s Rebellion forced him to leave the state and eventually settle in Red Bank, New Jersey (Lane and Freeman 1992:503).

Despite the limited successes that some free blacks were able to achieve some modicum of economic success they were still subject to the harsh reality of living in a racially-stratified society. A society that was still controlled by the whites despite their declining numbers. Their control was exerted over free blacks using various methods of social control. These methods and how they pertain to the Register will be explored in the following chapter.

## **CHAPTER II: THEORETICAL BACKGROUND**

### **The Free Black Register in the Context of Social Control**

Free Blacks lived within a social system that was constantly changing which often led to the erosion of their status within the society. Many of these changes took place during the formative years of the country. These years include the transformation of the United States from a British colony to a sovereign nation in the late eighteenth century to the first three decades of the nineteenth century. This period had been referred to by some scholars as the early republic (Bracey 1993: 2). As stated before, the country was in the process of determining its identity. An important part of this process was determining who exactly would qualify as a free citizen of the country. As the formative period progressed people of color were shut out of the dialogue. What few rights Free blacks had were systematically whittled away (Bracey 1971: 1). This was the case on both the state and federal level. Both agreed that all African Americans both free and enslaved, constituted an inferior lower class and that their legal status should reflect this degraded position (Bracey 1971: 140).

One of the manifestations of this degraded status and the focus of this thesis was the creation and implementation of free black registers. The registers were created as a means of controlling the movements of free people of color in order to serve the public “good” of the dominant section of the society. Control of the society was after all in the hands of the people that made the laws. And free blacks had been excluded from the process. While they were excluded from the process of making the law, their participation was required to uphold it. Registrants had to present themselves before the court to verify their status and pay for the “privilege” of their freedom. In effect, the register acts as a form of self regulation. The system put the majority of the

responsibility in the hands of the holder of the license. If the holder did not meet the necessary criterion to keep it, this license could be revoked and the person in question could be sold into slavery. With the specter of life long enslavement constantly looming over their heads, free blacks were forced to comply.

Their forced compliance can be viewed as a particular form of social control that was tailor made for the other “peculiar institution” of quasi black freedom. The register greatly restricted their mobility which was seen by both sides as a crucial source of power (Parenti 2003: 14). Free blacks were allowed just enough mobility to register and obtain a pass thus assuaging white’s fears of anonymous African Americans roaming the countryside, gathering for clandestine meetings which could lead to insurrection. This fear of insurrection can also be interpreted as fear of loss of social control. The pass along with the register can be viewed in the larger panoptic context of social control.

The panoptic method of surveillance was created in late eighteenth century by Jeremy Bentham as a system of perfect observation of prisoners. This was to be accomplished through a prison that allowed for the prisoners to be viewed at all times. However, the prisoners were never sure when they were actually being observed. Bentham reasoned that the prisoners that were under constant observation would be less likely to break the laws of the prison. For Michel Foucault’s *Discipline and Punish: the birth of the prison*, the panoptic theory can be applied to every aspect of society. Foucault, a twentieth century French philosopher, expanded Bentham’s concept of surveillance to include free as well as unfree members of a society. Surveillance would become all encompassing through various panoptic devices, the result being that everyone would eventually be part of the panoptic machine (Foucault 1977: 217) of surveillance that aided the ruling class in



its efforts of social control and as with Bentham, the machine worked best only when it needed to be seen for it relied on the complicity of the individuals, that were being watched, to function properly (Foucault 1977: 201). In other words, the panoptic machine did not have to always be seen or even used. Just the simple knowledge of its presence was enough to maintain order in most situations.

In Linda Bryant's book, *I Cannot Tell a Lie: The True Story of George Washington's African-American Descendants*, the author depicts this acknowledgement of the system with her hypothetical depiction of a free black family registering after Nat Turner's Revolt. The Ford family of Mount Vernon took the view that their voluntary registration would protect them from any reprisals from fearful whites. The following passage illustrates this concern and belief that by registering they were securing some tenuous semblance of safety:

"In spite of the grave danger, West knew that he had to travel off of Mount Vernon during those fateful weeks. "Too many of our people done been killed, Priscella....We got to take the children and go register our freedom." Putting his arms around her and pulling her close he said with a world-weary sigh, "This country be fearful place to live in and even free Negroes have to be careful now. And ....as long as there be slavery, there's gonna be insurrections-because all men gots the right to be free. And because we're free, we gots to register." (Bryant 2001:114)

West Ford, the patriarch of the family, his wife Priscella, and their three children William, Daniel, Jane and Julia all registered on October 17, 1831 (Bryant 2001: 115).

Just like the Fords of Mount Vernon the free blacks of York County were required to carry their free papers with them at all times or risk serious repercussions. The white population could request this paper at anytime; their surveillance was indeed panoptic. The register was indeed part of the larger system of controlling all people of African descent within the borders of antebellum America. In his book, *The Soft Cage*:

*Surveillance in America from Slave Passes to the War on Terror*, Christian Parenti explores the concept of “the pass” as panoptic device. Parenti primarily focuses on slave passes and the various methods of resistance that African Americans, both free and enslaved, employed to subvert the control of the dominant white class on the national level. The author includes examples of African Americans’ subversions from across the ante-bellum era America. His study of “the pass” as a panoptic device casts a wide net over the subject. This approach allows for more in-depth study of the phenomenon. The surveillance of free and enslaved African Americans on the national level has already been explored in this thesis; however it has yet to be discussed on a regional basis or better yet on a register by register basis.

The York County Free Black Register provides an opportunity to examine the phenomenon of social control of a particular free black community through surveillance at the regional level. The concept of social control has primarily been used to explore the relationship between master and slave using Michel Foucault’s panoptic theory as it pertains to the ruling class’ ability to constantly view and therefore control a subordinated group. Free blacks are treated as a subcategory of this theory, as evidenced by Parenti’s work on the subject. This subcategory is the focus of this thesis.

### **Surveillance and its Application within the Context of Social Control in the York County Free Black Register**

Themes of social control have typically been explored within the realm of sociological studies. By this, I mean that it is used to describe the need of society to control the mobility of a section of its society that it deems to be a threat. This is the case with Parenti’s use of the theory in his analysis of the evolution of surveillance in the

United States. In regards to the free black register, it will be studied in the context of its use as a panoptic device that enabled the white ruling class a greater degree of control over the free blacks of York County. The descriptions found in the register provide insight into the culture of social control that free blacks existed in. The cultural information that can be gleaned from the register comes from the details that were recorded for each registrant.

As time passed the descriptions became more populated with words other than the ones used to simply record the appearance of each registrant. The descriptions were not limited to the simple cataloguing of features that were mandated by the government. The higher level of the descriptions comes from both the required characteristics and the unsolicited remarks of the clerk. The rote practice of the task sometimes gives way to small insights into the values of the larger white culture. African facial features are given European descriptions. Different temperaments are described. The method of how some of distinguishing marks found on some of the registrants are recorded. In some (but not all) of the descriptions a small glimpse of the world of the free black community can be gleaned from the few sentences of their registration entry.

The descriptions of runaway slaves were similar to the descriptions found in the free black registers. They tended to mention many of the same physical characteristics that the free black registers mentioned. They did however have a dimension that the free black registers did not. Where the free black registers were a symbol of control over the black population, runaway slave advertisements were symbols of a lack of or loss of control on the part of the dominant white ruling class. In his master's thesis "Social Equalization and Social Resistance: A symbolic Interactionist Approach to Strategies of

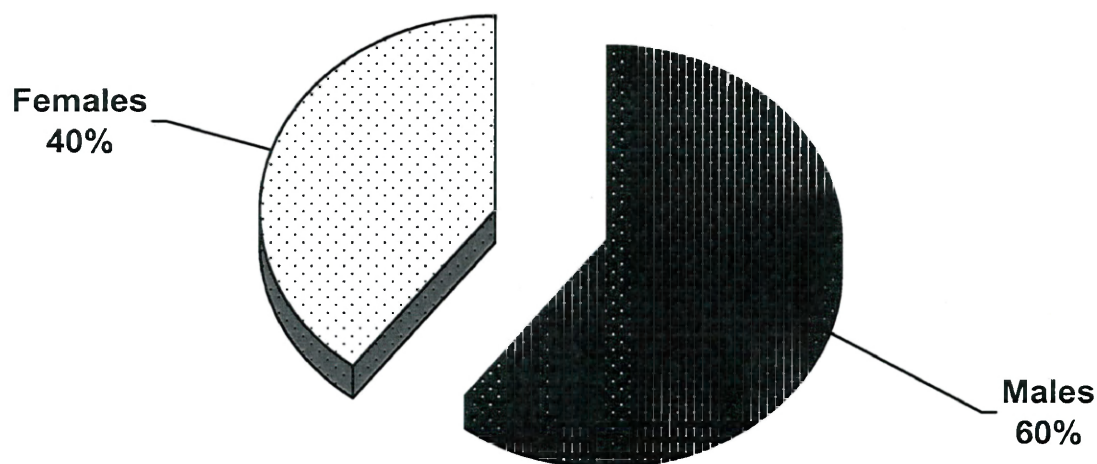
African American Slave Populations”, Fred Smith explores the various methods enslaved African Americans employed to “achieve a sense of personal control within the bonds of slavery” (Smith 1994: viii). Smith used runaway slave advertisements to explore how enslaved African Americans used the social meanings found in the description’s white’s ascribed to them to develop a means of negotiating their position in a racially stratified society. Through his analysis, Dr. Smith concluded that social strategies apply to every strata of a society that cannot be divorced from one another. This more inclusive approach would ultimately “enlighten our understanding of processes and goals of social groups” (Smith 1994: 68).

This thesis will explore York County Free Black Register as a means of social control using the Foucaultian framework of surveillance. Using this framework, the register acts as a panoptic device. This exploration provides a look into how this widespread panoptic device was implemented against the free blacks of the region.

### CHAPTER III: DATA SET OVERVIEW

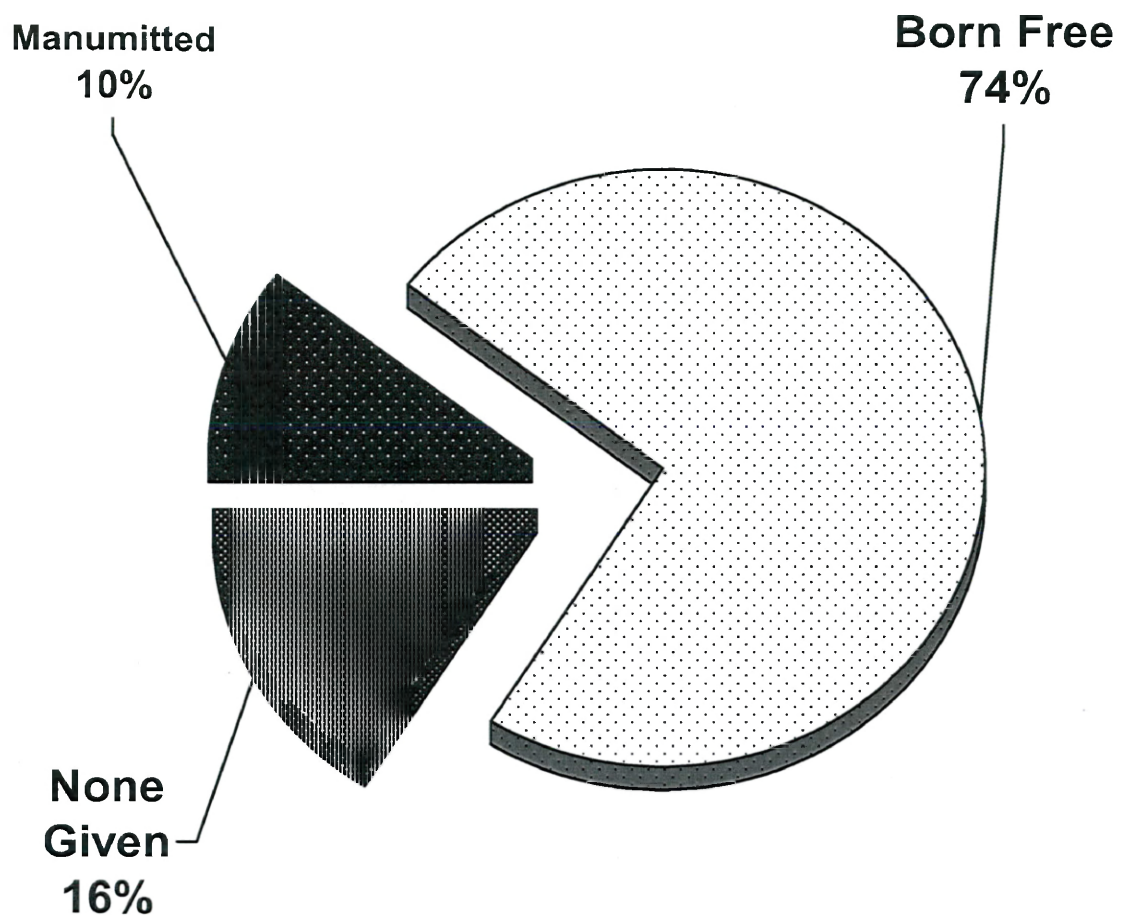
The York County free black register included both men and women at various ages. In the register, more men are registered than women. There were 180 men registered compared to 115 women. Figure 3 graphically represents this ratio of males to females that were registered in the York County Free Black Register between 1798 to 1831.

**Figure 3: Ratio of Males to Females i n the York County Free Back Register.**



The majority of both males and females found within the register were born into freedom while a smaller minority was manumitted from bondage (Figure 4 ).

**Figure 4: Comparison of Methods of Freedom.**

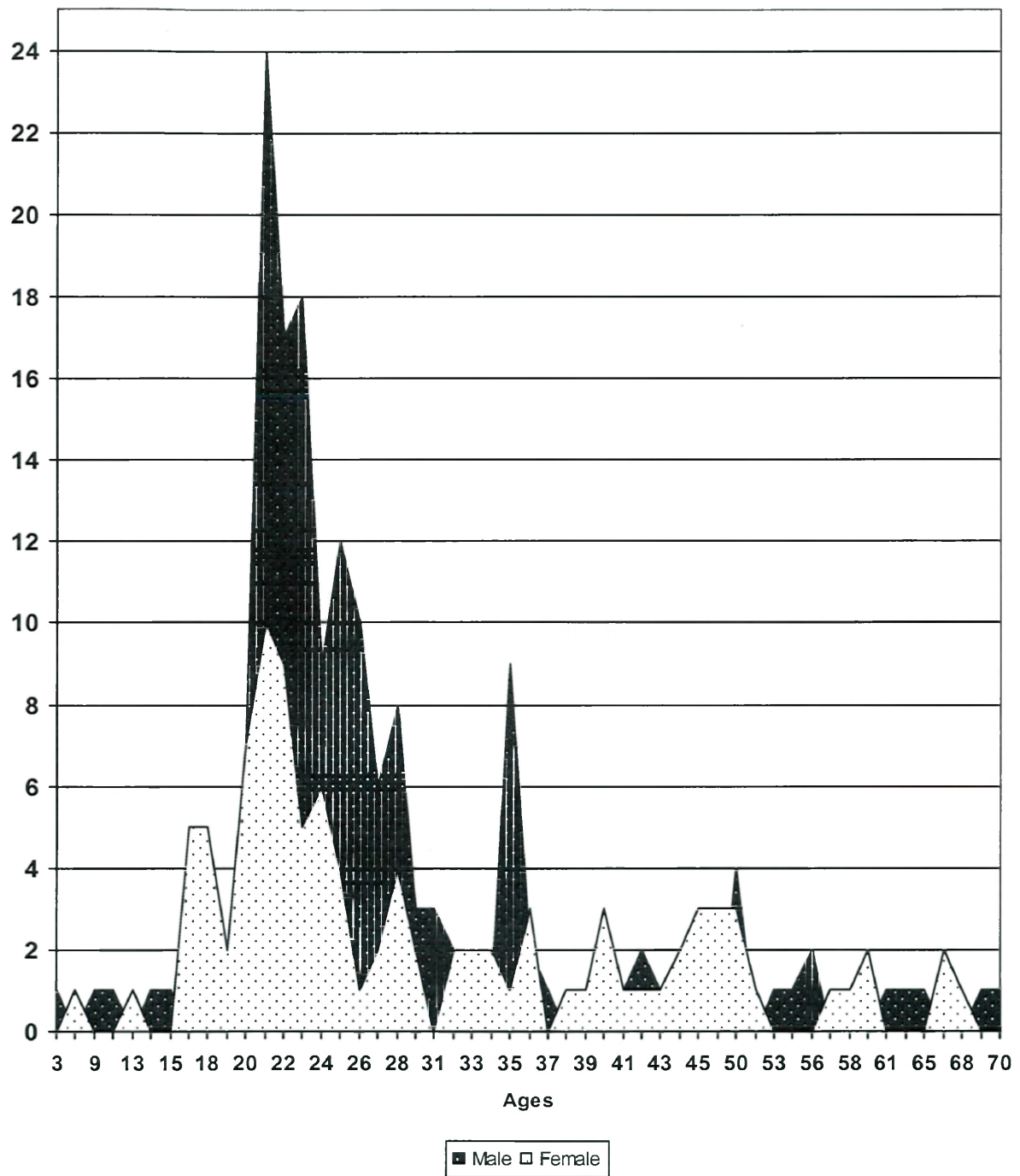


The free black register is not a census record. Although some of the entries are collected from the 1800 and 1810 Censuses, it is first and foremost a record of the free blacks that, at best, were viewed as a messy byproduct of a slave society. And at worst a threat to the social and economic stability of white society that was hostile to their existence. While all free blacks were considered a threat, black men were in some instances considered more of a threat than black women. The threat was both social and economic; both were restricted.

Whites employed a variety of tactics that restricted the economic prosperity of free blacks. The previously mentioned method of 'binding out' young black males between the ages of eight to twenty-one was a successful method of restricting their economic growth (Wright 1993:145) and also served as a means of surveillance. During this period of time, free black males were considered less of a threat because they were under the watchful eye of a white supervisor. Therefore, they were not recorded in the register until they were released from being bound. Upon release, these free black men added their labor to the pool of the competing workforce, thus becoming a threat to the economic well-being of southern whites.

The evidence for this hypothesis can be seen in the range of ages that appear in the register. Figure 5 gives a graphic representation of the range of ages for both men and women in the register. The ages for both males and females spike around the twenty to twenty four year age range. It must be taken into account that these are the ages at which the free blacks first appear in the register and that rather than being assigned a new number, were required to renew their register every three years. While the graph shows a similar trend in the age ranges of registration for both free black males and females, the spike for the males is significantly more exaggerated. This gives a higher level of credence to the hypothesis about white's perception of free blacks of different age groups. Younger men were seen as posing a greater threat which resulted in additional restrictions being applied to their mobility. Older freedmen were seen as less of a threat. They were too old to pose a physical threat that resulted in more flexibility in the society. These older members of the free black community were able to

Figure 5: Age Range of Registrants



petition county governments for special considerations. An example of special consideration involved the ability to remain in a county after they had been required by



law to leave (Guild 1996: 105). Such considerations were also allocated to free blacks that possessed qualities/ characteristics white society considered ‘good’. Virtually all southern cities like sought to review the character of free blacks in an effort to ascertain which members of the population possessed it (Cashmore 1991: 71).

**Table 1. Color Modifiers Found Within the York County Free Black Register**

<b>Non-Mulatto Related Color Modifiers</b>	<b>Mulatto Related Color Modifiers</b>
Bright Yellow	Mulatto
Light	Yellow/Brown
Not Very Dark	Bright Mulatto
Olive	Dark Mulatto
Quite Black	Light Mulatto
Remarkably Black	
Tawney Complexion	
Very Black	
Yellow	
Dark	
Negro	

The most desirable of all the qualities was dependence upon the social order. This stemmed from the oppressive conditions that free blacks lived under. The pressure

of constant surveillance and the almost arbitrary execution of the law whites led many free blacks to formalize an arrangement with a white person of good “social standing” to vouch for them. This was usually done by expressing the correct amount of deference to a prominent white businessman. The prominent person would in turn put the free person of color under their protection (Berlin 1974: 339). Special concessions were also made to free blacks that provided some meritorious or praiseworthy service. This service was related to the characteristics that deemed a free black as one of the “good” ones. Such is the case with the example from 1828 for Culpeper, Virginia. Several free people of color were put under this man’s care as due to the “value of their labour” (Guild 1996: 103). The Hambelton family was granted a twelve month extension to stay within the boundaries of Lee County because they came to the defense of their former master’s children during an earlier Native American raid (Guild 1996: 100).

There was another quality that all free blacks possessed: their ethnicity. In terms of surveillance, this was the attribute that automatically identified them as a threat to the social system that required monitoring. The importance of the attribute is reflected in the register. There are 16 color modifiers found throughout the register (Table 1). An analysis of the descriptions of each registrant was needed. The results of this analysis appear in the following chapter.

## **CHAPTER IV.**

### **Analysis of Free Black Register as a Means of Social Control**

This chapter deals with the analysis of the descriptions of each registrant found in the York County Free Black Register. The number of physical attributes of each registrant was recorded and tabulated. The average number of attributes for each registrant for each year was then recorded. The resulting records were then divided into two relatively arbitrary time periods. The first time period coincides with the creation of the law in 1793. The second coincides with the amendment of the law that was passed in 1803. These two time periods served as a starting point for the analysis only. In 1793, the first iteration of the law calling for a register of free people of color was created. The law was created in response to the increase in the number of free blacks after the end of the Revolutionary War (Reiss1997: 123). The law aided the surveillance of the increasing numbers of blacks which allowed for a strong sense of control over this population. This version of the law establishes the parameters of the register in its function as a panoptic device. Surviving records of the York County free black record start in 1798, and this will be the starting point of the analysis.

#### **1798 to 1802**

As free black populations grew in number they were required to give more information when registering for inclusion in the free black register. The 1793 version of the free black register law requested the following compliance:

...every negro or mulatto... shall specify his or her age, name, colour and stature, by whom and in what court the said mulatto was emancipated; or that such negro or mulatto was born free (Hudgins 1995: 1).

The courts were specifying the characteristics that they felt constituted an accurate description of a free black at the time. The York County register follows this format. The following is an entry from the York County register during this time period:

...Alice a Negro emancipated by John Moss of York County by Deed recorded 5 feet 2 inches high a little pock freckled, yellowish complexion, some of her upper foreteeth out smiles when spoken to 24th Decr 1798.

According to the above reading, the clerks took some administrative license and added extra information to the descriptions of the free blacks. Going beyond the specifications of the law, the clerk added that Alice was missing some of her upper front teeth. The most likely reason being that he wanted this information to further identify her. Also, in the description of her complexion he added that she had contracted an illness that left a lasting memorial to its existence on her face. In doing so, the clerk added another layer to the physical description - that of life experience. The body is a living record for the illnesses and injuries that it sustains from the hazards of everyday life. Our bodies collect and preserve these life experiences as scar tissues. This living record can be used to tell a story of the person or as a permanent and reliable method of identification. In the eighteenth and also early nineteenth centuries, the Virginia General Assembly recognized this and added the following provision to chapter 21; article 1. of the Laws of Virginia, December 1802 (passed January 25, 1803):

1. Be it enacted by the general assembly, That from and after the commencement of this, every free negro or mulatto, who resides in any county in this commonwealth, shall be registered ... which register shall specify the age, name, coulor and stature of such free or mulatto, together with any apparent mark or scar, on his or her face, head or hands....

Ancestry, relating to Africa, was of major concern to the clerks who performed registration a service. For, these details were needed to maintain control over the black

populations' fee and unfreed. Another entry from the register illustrates this point. It was recorded when the laws required the most detailed information and thus whites had the greatest amount of control over the person's body during the inspection process. This would be the period after January 25, 1803 when the free black laws of Virginia were amended to account for scars and other distinctive body markings.

The following is another entry from the York County register:

...Edwd Chavis a slim blk fellow 25 yrs of age 5 feet 10 and one half inches high fine short curly hair small Ears which stick close to his head, a small scar on the left side of his face & a large one on his right knee which was occasioned by a Burn His ankles are very large and appear to be swelled and the hollow parts of his left jut out as if also swelled also a scar scarcely visible on his left foot - Ed. Chavis has a round smooth face black Eyes, Little or no beard and no other scar on his face than the one above mentioned - He has small scar on the back of his right hand, little above the first joint of his fore finger\* was born of free parents in Bruton parish York County and registered I Yk Cy 15 Aug 1808

\*and another nearly in the palm of his left hand opposite the little finger--....

The proceeding entry gives a prime example of the control that the dominant southern white class had over free blacks. In the York County entry, the clerk went far beyond the mandate of the law and included, in his inspection, a description of Edward Chavis' legs, knee, and ankles. While standing before the clerk, Mr. Chavis had to endure the reinforcement of his inferior position in southern white society by allowing his person to be inspected by the clerk.

Analysis of the data set reveals an increase in recorded attributes. However, the average number of attributes recorded for the year 1800 actually decreases and does so again in 1802 (Figure 6). The reason for the decrease is that no male registrants were recorded for the year 1800, and no female registrants were recorded in 1802. For the years that both sexes are recorded the male registrants have more recorded attributes than the female registrants (Figure 7). In 1798, the male registrants average 5 recorded

attributes to the females 3.5. By 1801, the male registrants average 8 attributes to the females 7.5. While the trend is indeed real it can be argued that the time span in which it occurs is too brief for any meaningful analysis.

**Figure 6: Total Number of Recorded Attributes from 1798 to 1802.**

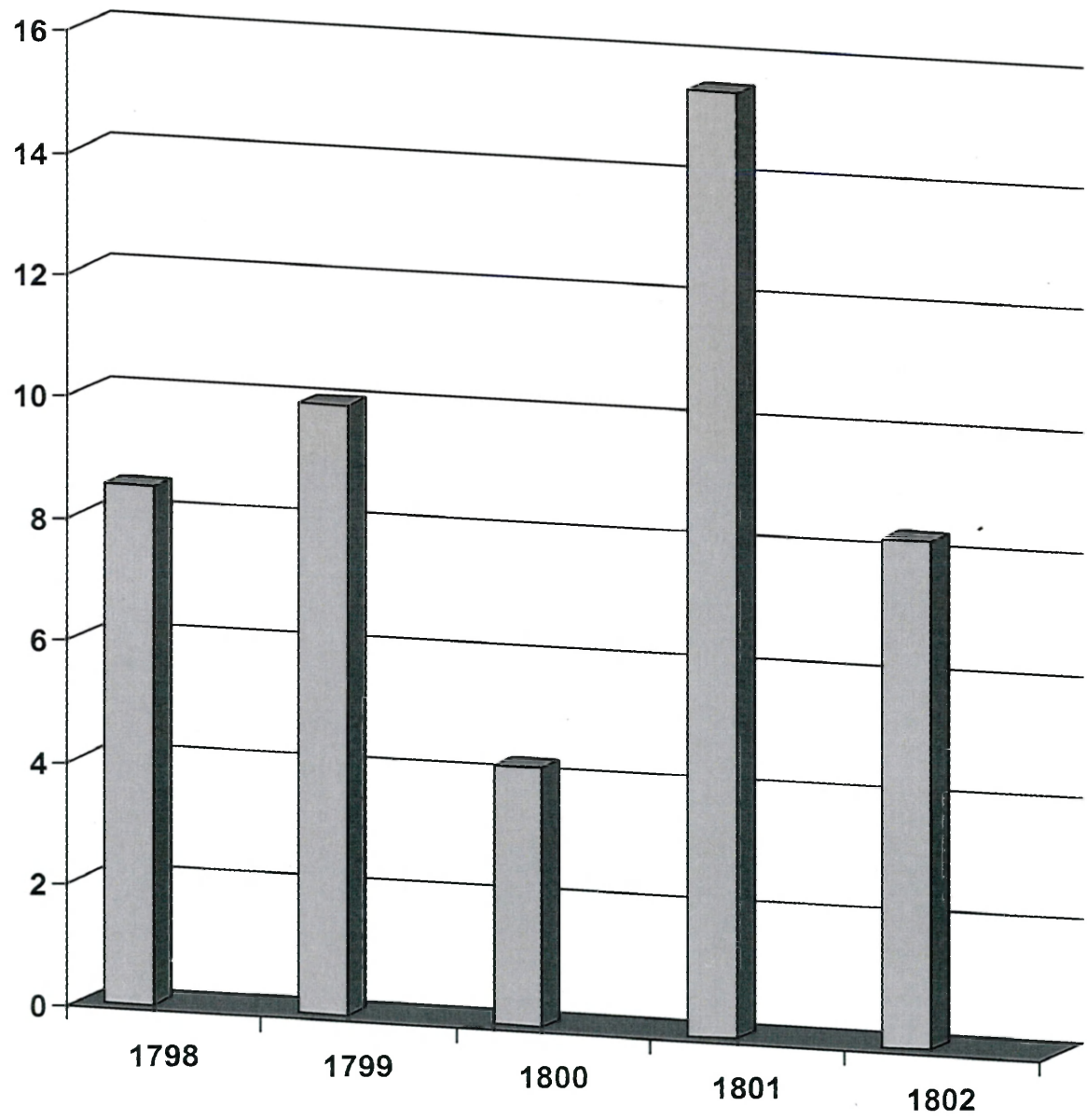
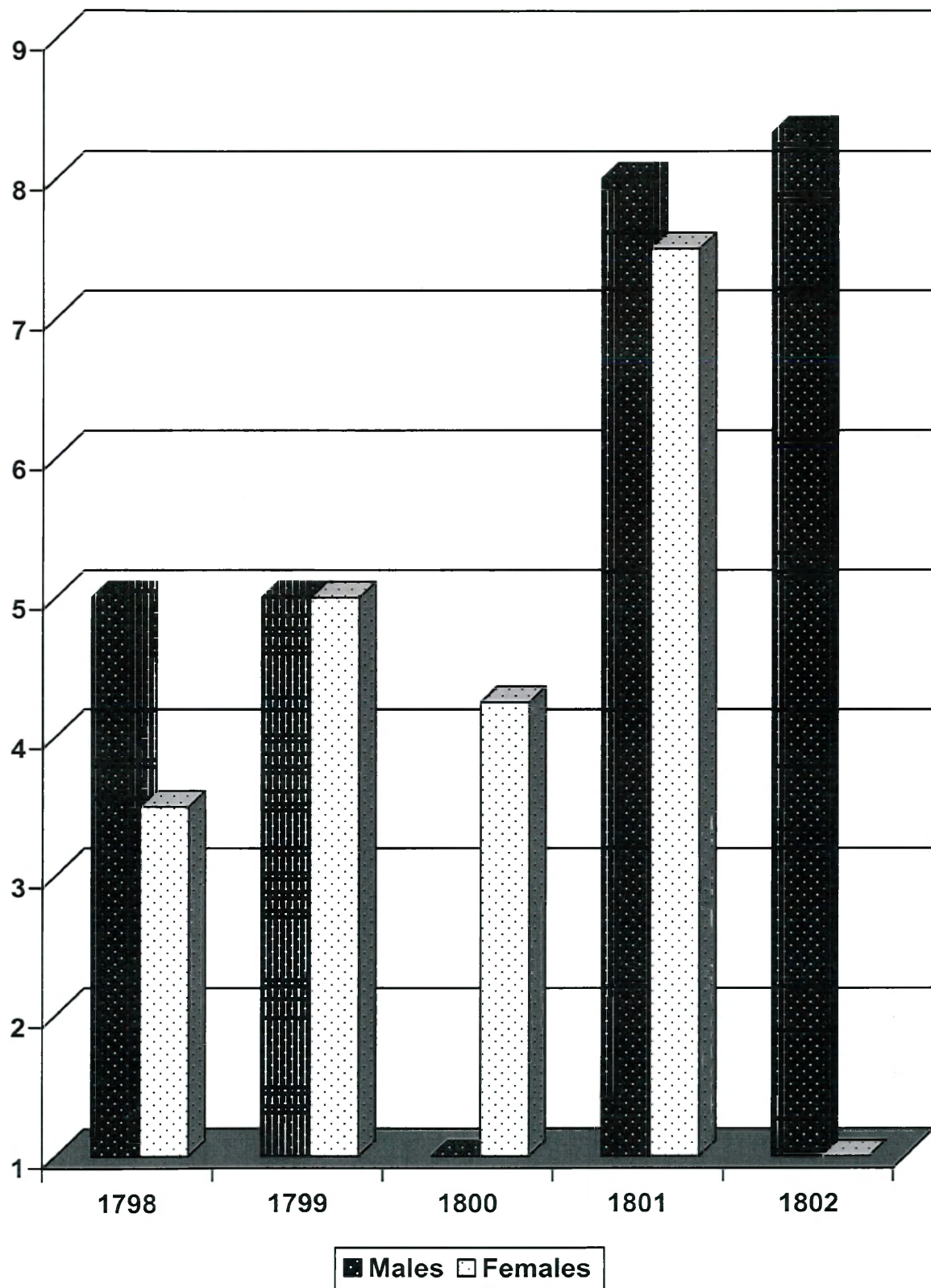


Figure 7: Numeric Comparison of Male to Female Attributes from 1798 to 1802.



In 1801, the number of recorded attributes almost doubled for the males and more than doubled for females when compared to their 1798 counterparts. This increase is almost certainly a response to the thwarted slave revolt that was led by Gabriel Prosser. Slave revolts were commonplace during this time period. These revolts further fueled whites' anxieties and fears of the general threat of black unrest throughout the south. Prosser's revolt as well as several other slave insurrections will be discussed in further detail in the following chapter.

In response to the increasing number of revolts, the free black register law was amended in 1802 (but not passed until 1803), requiring more detailed descriptions of the free black residents of York County. The new amendment would demand a higher level of scrutiny on the part of the people that had to enforce the law. The results of this more stringent law are reflected in the second section of the free black register, the years 1803 to 1831.

### **1803 to 1831**

In 1802, the 1793 law that gave rise to the Free Black Register was amended by the Virginia General Assembly. The law which required each free black resident of the county to specify his or her age, name, colour and stature and to declare their method of freedom now demanded the following additional information:

Chapter 21; article 1. of the Laws of Virginia, December 1802 (passed January 25, 1803):

1. Be it enacted by the general assembly, That from and after the commencement of this, every free negro or mulatto, who resides in any county in this commonwealth, shall be registered ... which register shall specify the age, name, colour and stature of such free or mulatto, together with any apparent mark or scar, on his or her face, head or hands....



With the passage of this amended law it was no longer sufficient for free blacks to simply give testimony in regards to the descriptions that they were required by law to provide. It was now mandatory for clerk in charge to examine the body of the person standing before them.

The results are not immediately observed during the year of its passing into law. The number of recorded attributes actually decreased from the previous year. In 1802, an average of 8.3 attributes per registrant were recorded whereas in 1803 an average of 6.5 attributes were recorded per registrant. The next two years the numbers indeed increased (Figure 8). But the predicted steady rise in recorded attributes does not pan out as expected. While the steady growth that was hypothesized to support the social control analysis of the register does not show itself, it can be argued that the hypothesis holds some credence when the average numbers of recorded attributes from the two time periods are compared. The combined average total for the years 1798 to 1802 equal 9.32 whereas the average for the years 1803 to 1831 equals 11.03 indicating an appreciable rise in the number of recorded attributes between the years 1798 to 1831. When viewed in this context, the descriptions do become more detailed over time thus reflecting the dominant societies increasing desire to monitor free blacks. While the number of attributes appears to fluctuate with the passage of time, they never drop below the original average number of 8.5 attributes recorded in 1798 when the aggregates average is taken into consideration (Figure 6).

The difference between numbers of recorded attributes between the genders has not been addressed. As evidenced by the narrowing time span of 1798 to 1802 and which is again reflected in the longer time span of 1803 to 1831, the number of recorded

attributes fluctuates. And as with the smaller time span the genders have been separated in an effort to ascertain a reason (in part) for the phenomenon.

**Figure 8: Total Record of Attributes from 1803 to 1831.**

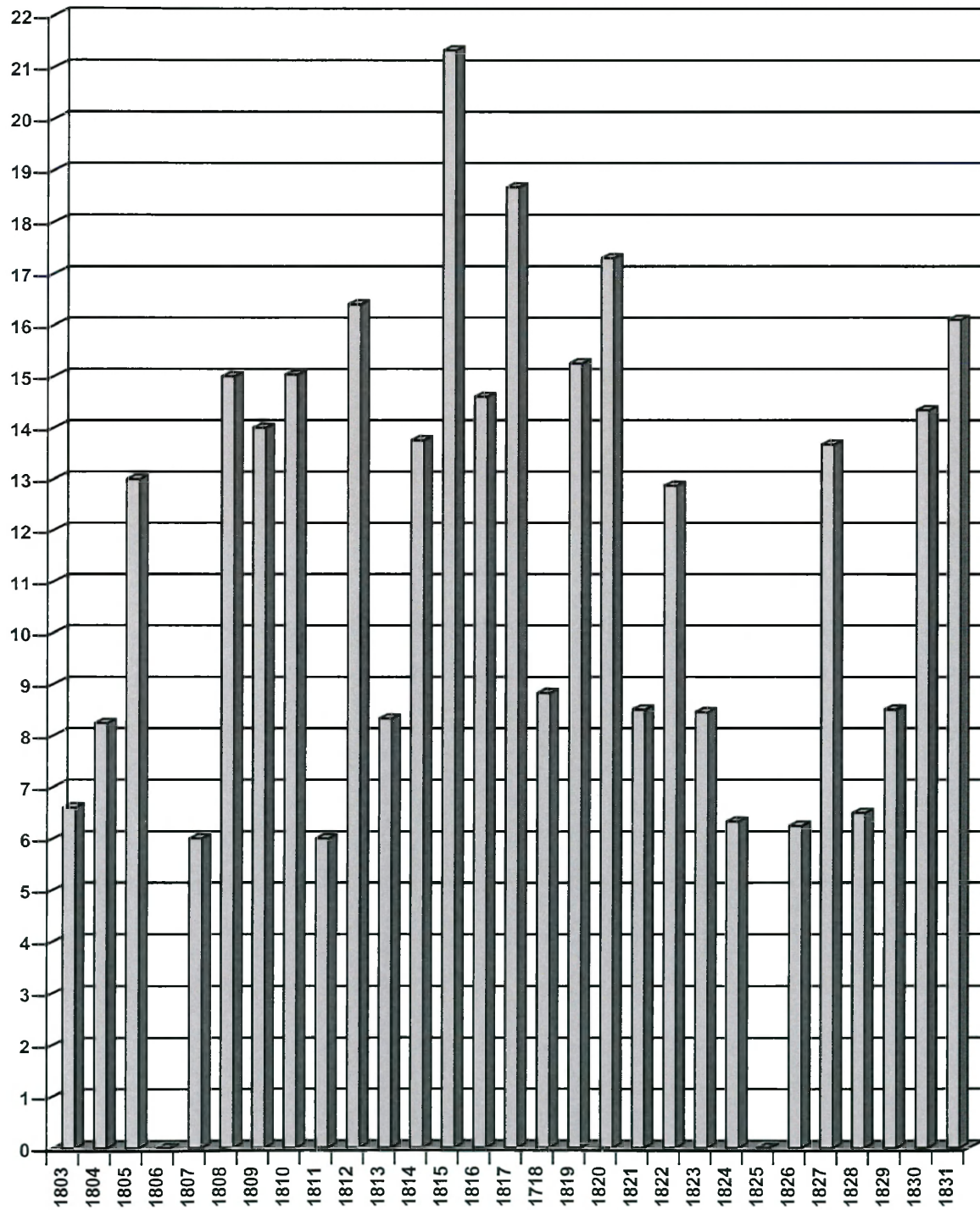
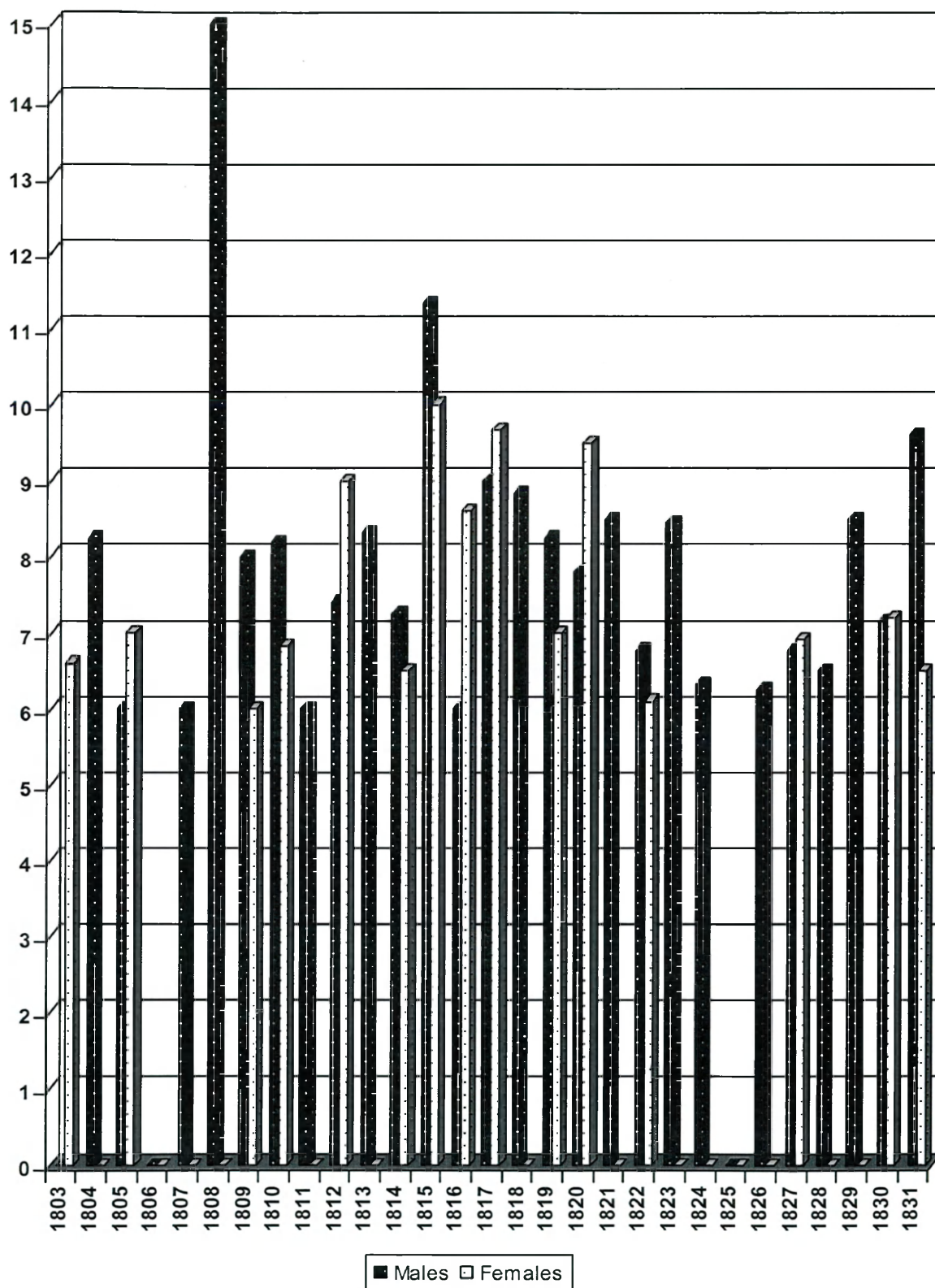
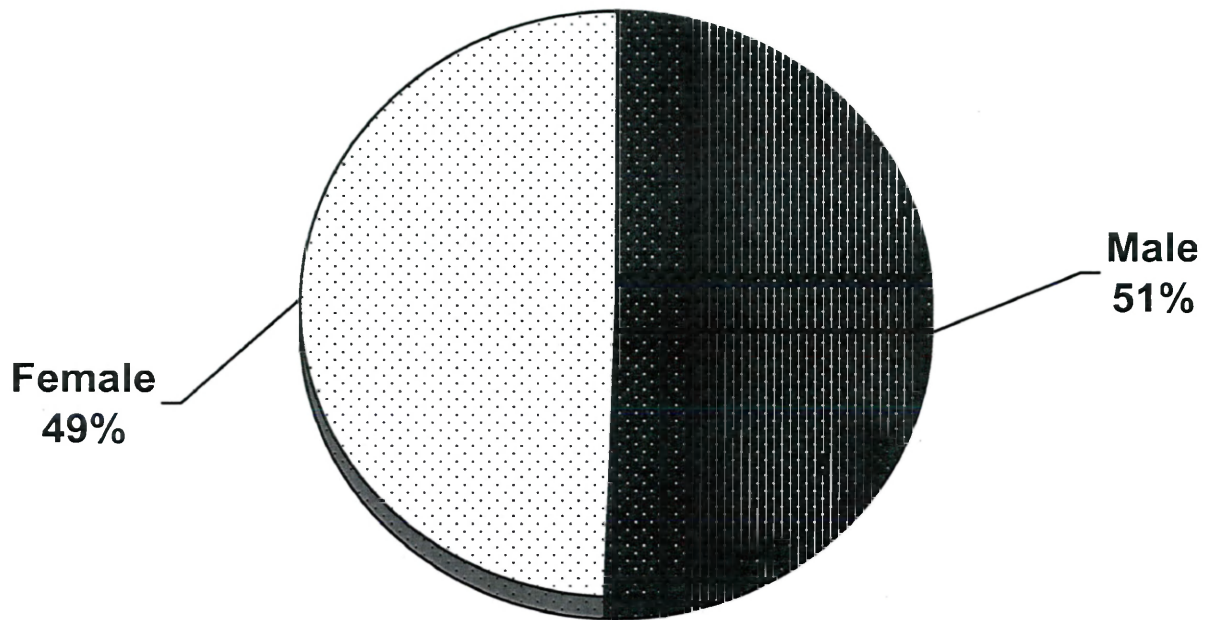


Figure 9: Numerical Comparison of Male to Female Attributes from 1803 to 1831.



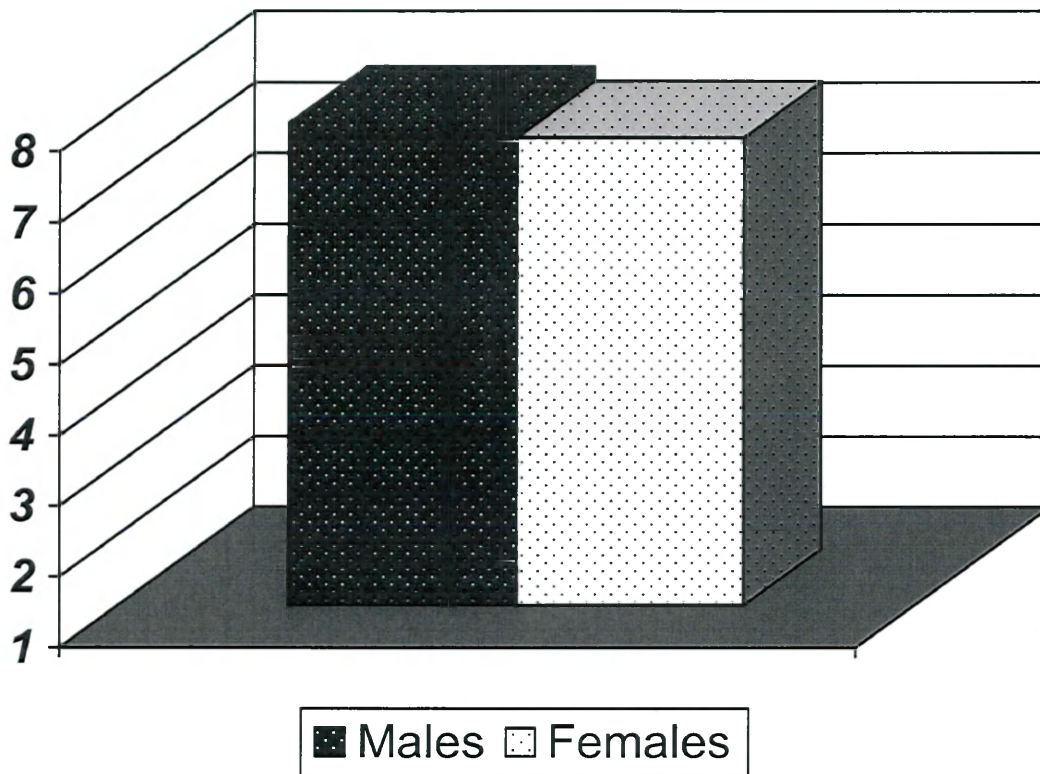
**Figure 10: Ratio of Female to Male Attributes from 1803 to 1831.**



Upon initial examination, the latest data set appears to mimic the previous one. The males, by the virtue of possessing more representative members appear to outnumber the females in attributes (Figure 9). However, after eliminating the years that did not have comparative sets of attributes a different picture emerged. The numbers of attributes recorded for each gender are almost even (Figure 10). The males are slightly higher than the females by a 2 percent margin. Males and females are also close to even in terms of the average number of recorded attributes (Figure 11). Males averaged 7.82 recorded attributes to the females 7.62. When analyzed in this non-aggregate form the results illustrate a less than dramatic increase for the time period of 1803 to 1831. The data does still show an overall increase in the number of recorded attributes with an emphasis on males. The reason for the higher number of male attributes is most likely work related.



Figure 11: Average Number of Recorded Attributes from 1803 to 1831.



Males were involved in jobs that were more labor intensive (such as those requiring the use of heavy equipment and sharp tools) that would lead to more opportunities to obtain scars that would be noticeable and then noted by the clerk during the examination. These scars aided in the identification of the threatening element of the population—the free black male.

There is still, however a disproportionate amount of males represented during this time period. The reason for this overabundance of male registrants is in all likelihood is related to the “binding out” hypothesis that was proposed in chapter three. Here, I attempt to explain the overall disparity of female registrants found within the Free Black Register. After a free black male was released from being bound out whites may have

made extra efforts to record his description in order to ensure that this new economic threat was properly documented.

The numbers also reflect an increase in the free black population in York County. Whites also perceived this phenomenon as a threat. As mentioned earlier, the register is not a census of this particular segment of the population of York County. It is a means of controlling a growing group that was seen as a potential threat to the economic and political stability of the social structure. The free black population grew through two primary ways. The first is manumission, which occurred primarily after the Revolutionary war (Wright 1993: 3) but continued throughout the time period. The second, and arguably more prolific means of increase, is through natural propagation. Manumissions were totally dependant upon the decision of the individual slaveholder. Also, by 1805 newly freed slaves were prohibited by law from remaining in the state longer than one year after receiving their freedom (Finkelman 1989: xii). There were no laws prohibiting, punishing or discouraging natural propagation. Consequently, the population grew by taking the path of least resistance.

The 1803 amendment to the original law was a reaction to the realization that this segment of the population would not go away. In fact, the free black population was growing and becoming more of an economic threat to the white dominated, racially-stratified social order. This racially-stratified social order, likewise, was also under constant danger from slave revolts/insurrections.

These factors represent the panoptic conditions that free people of color lived under during this time period. The laws pertaining to the monitoring and policing of their free black population become more constrictive as the socio-economic demographics of

the population change. Changes associated with the addition of new laws followed suit.

When viewed in an aggregate form, a Foucaultian interpretation of the descriptions found within the York County Free Black Register can be seen as a viable method of analysis.

The analysis also uncovered a series of trends that reinforce the Foucaultian interpretation of the register. The ramifications of this analysis will be discussed in following chapter.

## CHAPTER V. RESULTS

The preceding chapter provides a Foucaultian interpretation of the descriptions found in the York County Free Black Register as a means of social control. Free blacks were not the only ones whites subjected to detailed descriptions and documentation as a means of surveillance. Another example of this panoptic device was the runaway slave advertisement and slave passes. The descriptions of runaway slaves were similar to the descriptions found in the free black registers. They contained many of the same physical characteristics that the free black registers mentioned. They did however have a dimension that the free black registers did not. Where the free black registers were a symbol of control over the black population, runaway slave advertisements can be read as symbols of a lack of or loss of control on the part of the dominant white ruling class over the enslaved population. To illustrate this point, I will review a number of entries from the runaway slave advertisements. The advertisements come from the Virginia Independent Chronicle and General Adviser as they appear in Lathan A. Windley's *Compilation; Runaway Slave Advertisements: A Documentary History from the 1780's to 1790, Volume 1: Virginia and North Carolina*.

As stated before, these advertisements can be seen as a symbol of the lack or loss of control by the white master over his subordinate slaves. The runaway slave in turn acquired a certain level of control over his or her person through the subversive act of running away, the term 'stealing oneself to freedom' is an apt term in regards to this type of situation.

The following runaway slave advertisements are from the Virginia Independent Chronicle and General Advertiser.



Example: Number I

July, 1790

Ran away, from the subscriber's plantation in Goochland county, some time in April last, a likely negro fellow named Surry, about 26 year old- It has been suggested that he would endeavor to cross the bay, in order to get to the Eastern-Shore, where he was raised, as I have been informed he was some time skulking about col. Carey's in the neighborhood of Hampton. A generous reward will be given for apprehending and securing him, so that I may recover him again.

Wm. Reynolds.

Sept. 20, 1790. (Windley 417, 1983)

Example: Number II

September 29, 1790.

Run Away from the subscriber, about the last of July, an African negro man, named MUNGO – about 5 feet 3 or 4 inches high, 24 or 25 years old, of a good countenance and speaks very broken English. He formerly belonged to Mr. Brekenridge, late of Hanover, where it is probable he is now lurking – or in Richmond, where he has acquaintances. Whoever apprehends the said fellow, and delivers him to me at Cabin Point, shall receive FIVE DOLLARS reward.

B. MIDDLETON.

Sept. 20, 1790. (Windley 419, 1983)

The preceding advertisements both represent the loss of control by the white masters over their runaway slaves. Upon further inspection however, these advertisements also speak of the vast amount of power and control the slave holder still has over the slave. While it can be viewed as a symbol of the slaveholder's inability to hold on to his 'property', it is a demonstration of the power at his disposal. By advertising his loss, the slaveholder is able to mobilize a considerable surveillance force in an effort to reacquire the runaway slave in question.

The runaway slave advertisements reinforce the use of descriptions of African American's as an important means of social control. Another reinforcement was the demand by the ruling class that enslaved African American's had to carry slave passes

**Plate 3. Pewter Slave Passport of Jemima Johnston from, Nicholas Plantation, Warrenton, Virginia Historical Society.**



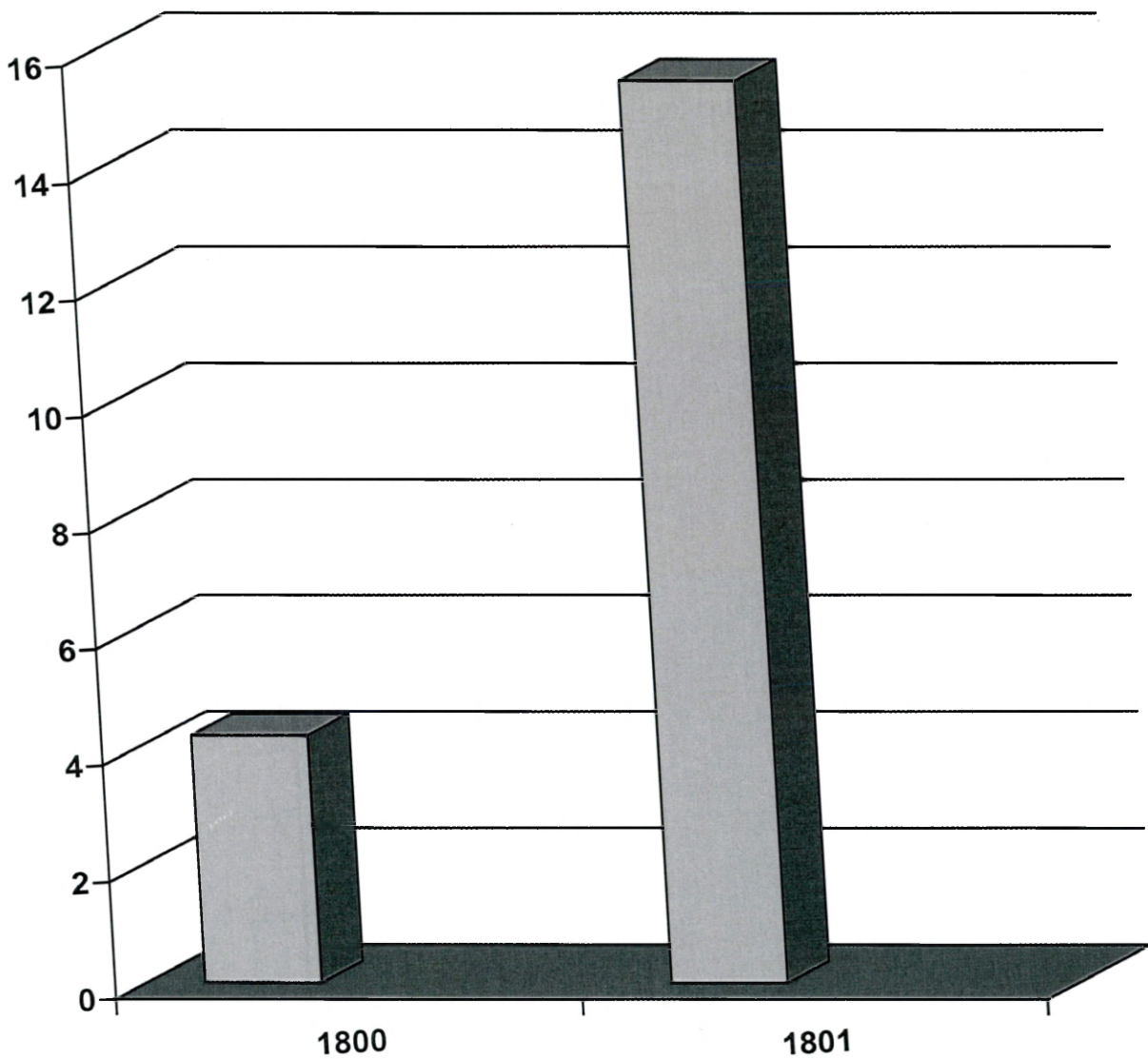
similar to the free black pass (Plate 2) An almost all consuming fear of loss of control of the black population is the underlying theme of both documents. This fear was justified however, whenever slave revolted. Through the analysis of the register a trend of reactive repression was observed that was directly connected to revolts and conspiracies that were carried out by enslaved and free African Americans. The trend can be observed during the increased number of registrants and renewals that follow slave insurrections or conspiracies. The first example of this trend occurs the year after the event known as the Gabrielle Conspiracy.

The Gabrielle revolt was to have taken place on August 20, 1800. The plan was to take Richmond by a surprise attack during harvest time (Buckley 2001: 42). Unfortunately for Prosser and his compatriots, his plans were quashed by a heavy rainstorm that washed out very bridge and road to the capital city just as they were planning to attack. And like so many failed slave revolts before and after, Prosser was betrayed by a fellow slave and eventually executed.

Also in 1802 another insurrection was planned by an enslaved African American from nearby Henrico County named Arthur. News of his revolt was spread through a leaflet that proclaimed that with the help of several white coconspirators he would “lead me to the magazine” (Buckley 2001: 43) where he would procure the necessary arms. And again the plan was defeated before it could be enacted by a slave informant.

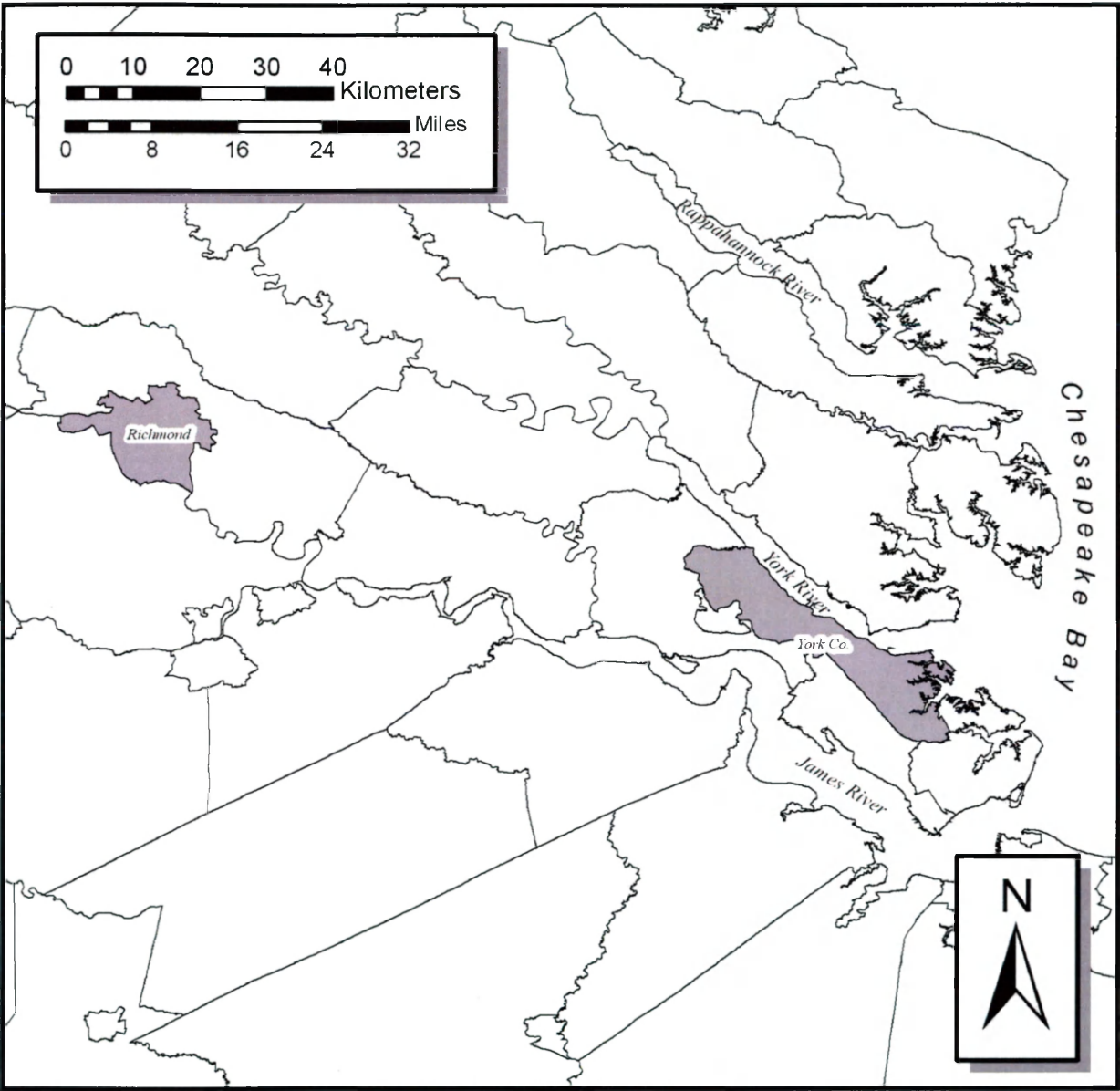
In response to Gabrielle’s actions the average number of described attributes more than doubles for the 1801 registrants as compared to the entries from the previous year (Figure 12). This increase in described attributes takes place two years before amendment to the free black registration law is enacted 1803. The increase is the reactionary response of a fearful dwindling white population that feels it needs to increase its sense of security. The two failed insurrections were carried out by slaves in neighboring City of Richmond and Henrico County. With Richmond just 52 miles from York County (Figure 13), the threat must have seemed all too real. The increase in described attributes improves the registers performance as a panoptic device. The additional detail functioned as an added layer of encryption in the sense that the identification of each resident became more unique making more it difficult to copy or forge. The white Virginians obviously saw the merit of this innovation and as a result passed it into law in 1803 (Hudgins 1995: 20).

Figure 12: Numerical Comparison of Attributes from 1800 to 1801.

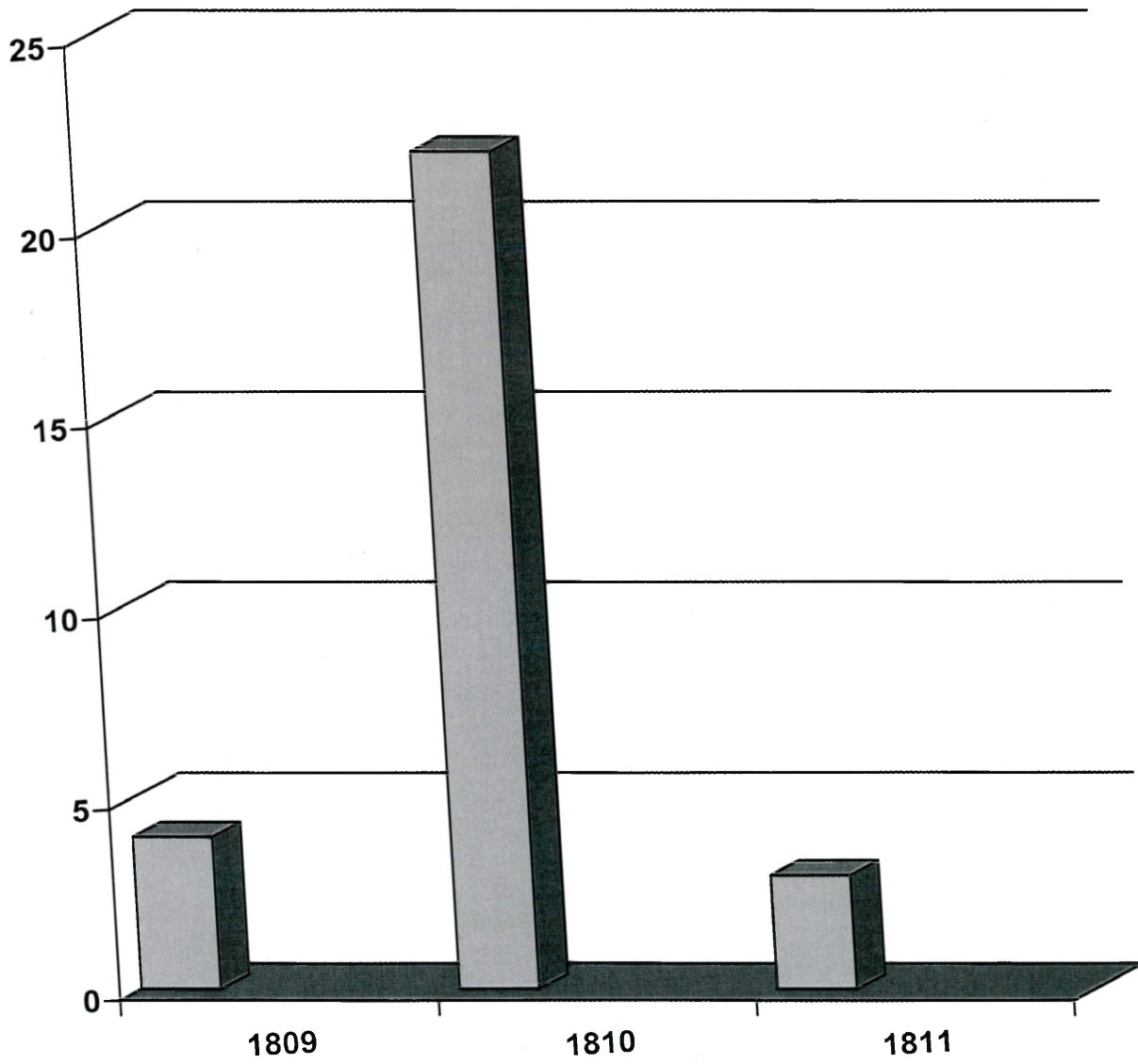


As illustrated in Figure 12 above, the second spike occurred during 1810. However, this time the number of registrants second increases rather than the number of described attributes. The number of new registrants almost quadrupled from the previous year (Figure 14). And once again, the reason for the dramatic rise can be attributed to thwarted slave unrest. Richard W. Byrd, a slave holder in Smithfield, Virginia, discovered the plot that involved the participation of slaves from his farm and North Carolina (Aptheker 1939: 34). Investigations of the conspiracy identified local slave preachers as the leaders of the aborted rebellion which lead to the execution of one enslaved man named, Glasgow (ibid 1939: 34). Again, geography plays a role in the reactionary response of the dominant class. Smithfield is in closer proximity to York County than either Richmond or Henrico County (Figure 15). The successful prevention of yet another insurrection so close to home plus the added security of more detailed descriptions were not enough measures to assuage the white populace of York County.

Figure 13: Location of Gabrielle's conspiracy of 1800 Relative to York County, Virginia.



**Figure 14: Numerical Comparison of New Registrants from 1809 to 1811**



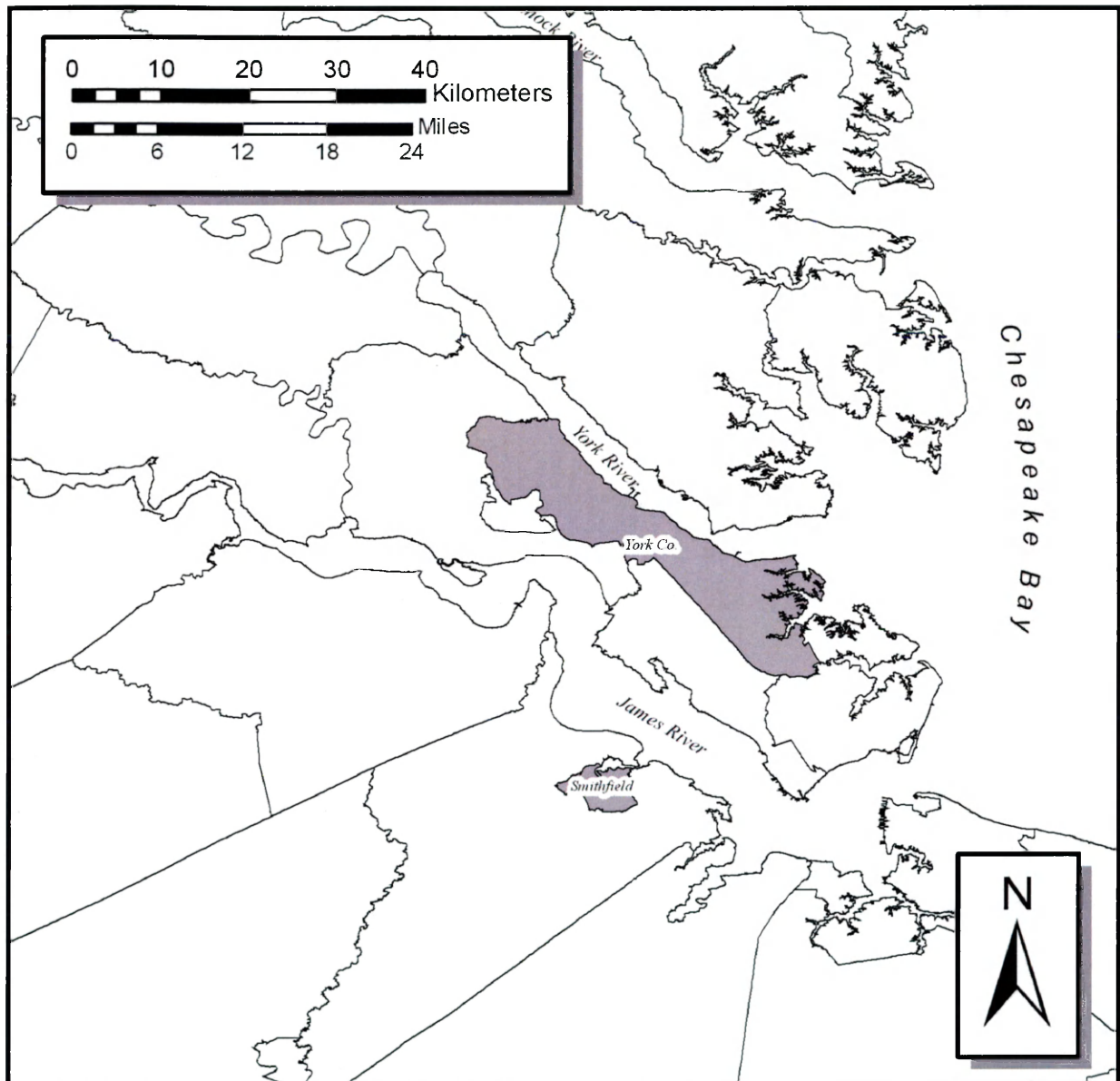
The result can be interpreted as a nineteenth-century version of a ‘crackdown’ on free blacks in the county. The dramatic rise in new registrants can be interpreted as an act to reestablish control over free blacks in the area. In “Out of Order?: Policing Black People”, Homer Hawkin’s and Richard Thomas argue that this manner of social control was essential to the mental health of white populations that lived with large black populations (Cashmore 1991: 68). The evidence for this supposition is present in the dramatic drop of new registrants the following year. The rise occurs during a time of heightened stress in the form of a threat of a possible slave revolt so close to the borders of the county. The registrant numbers decreased when the conspirators were captured and ultimately punished (Figure 14).

A similar trend was observed in relation to the number of new registrants in 1822. The cause of the latest instance of black unrest was Denmark Vesey’s conspiracy that took place in 1822 in Charleston, South Carolina. Denmark Vesey, a free black, was the coordinator of one of the most well-know, slave conspiracies in American history (Aptheker 1939: 40). During the summer of 1882, Denmark Vesey and his compatriots conspired to take the city of Charleston, the capital city of South Carolina.

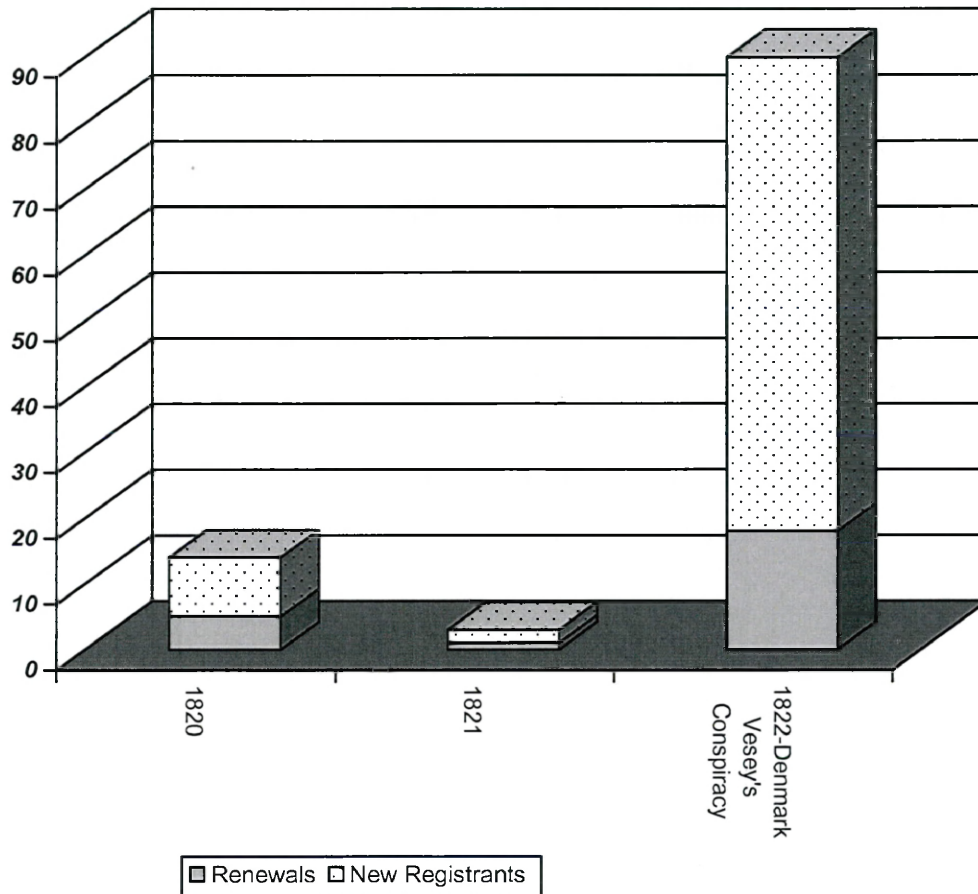
In the hopes of securing a decisive victory, Vesey initially had planned his revolt for the second Sunday in July of 1822 (Aptheker 1938: 41). This date had to be moved up when news of the revolt was leaked to white authorities (Wright 1993: 104). Denmark Vesey’s plot failed because of betrayal by spies and his inability to communicate with his co-conspirators. Although the event occurred in South Carolina, its repercussions were felt throughout the south.



Figure 15: Location of the Conspiracy of 1810 Relative to York County, Virginia.



**Figure 16: Numerical Comparison of New Registrants and Renewals from 1820 to 1821.**



Whites were fearful of all blacks regardless of their status.

The increase in the number of registrants can be viewed as yet another reaction to white's fears and paranoia about blacks in pre-civil war America. The increase in the number of registrants took on a new dimension with this next entry in the reactionary trend of social control of free blacks in York County, Virginia. The similar trend of increased new registration is evident as well a new development in regards to a new phenomenon, renewal (Figure 16). Renewals appear in the register in 1820 and continue through the 1831 entries. The most common reason for renewal was the loss of the original pass. This practice was so common that it was incorporated in the 1802 iteration

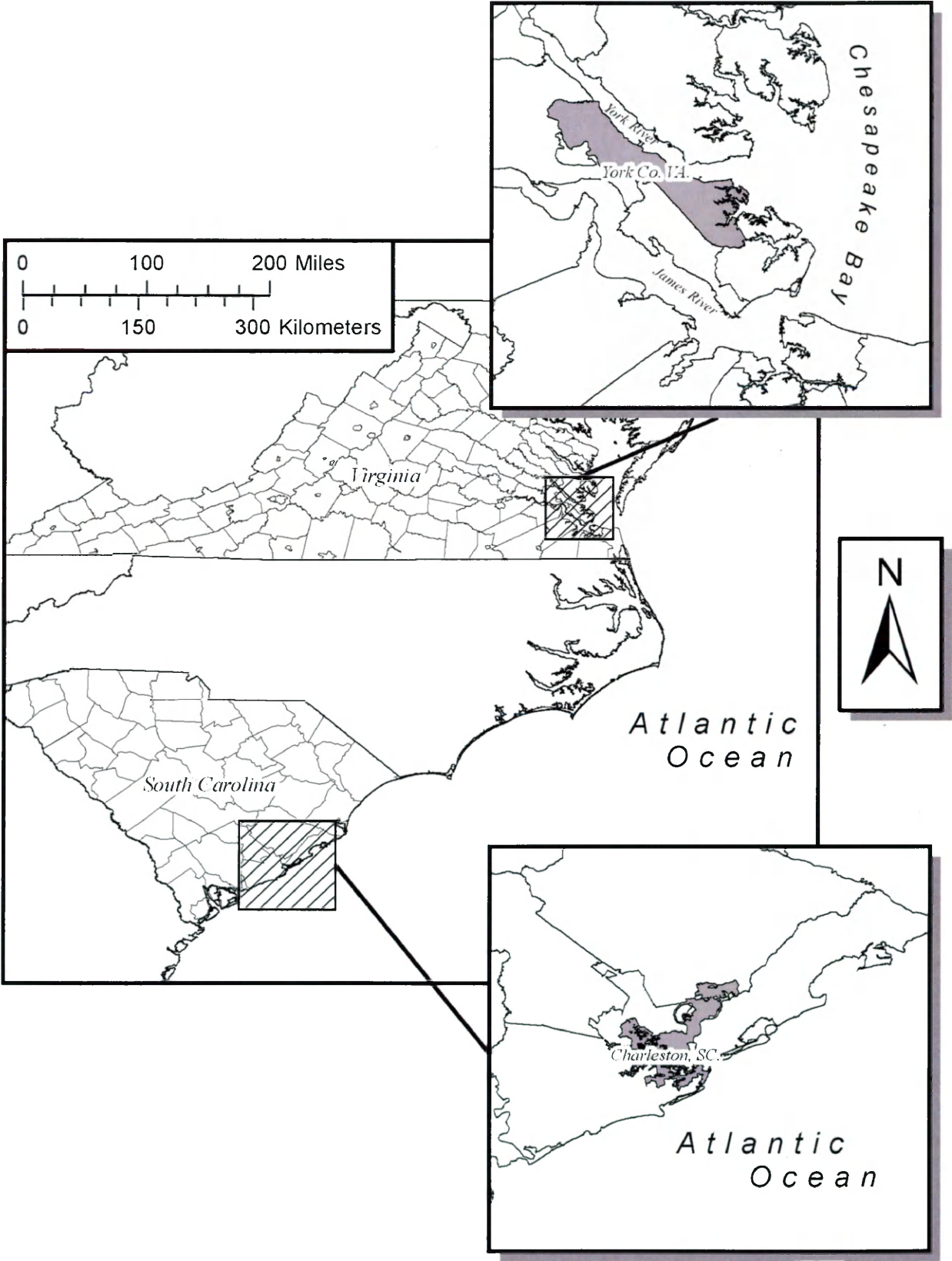
of the law (Hudgins 1995: 20). Figure 15 illustrates the dual phenomenon of increase in registration and increase in renewals.

Once again, the phenomenon of reactionary white fear manifests itself. The white population of York County was at its lowest (Smart 1986: 188). This led, once again to a heightened level of fear in the white population. I propose that the heightened level of fear also resulted from the conspiracy, for it was led by a free person of color rather than an enslaved African American. Whites had long suspected that free blacks were a driving factor of slave unrest. Many slave owners were under the belief that free blacks were loyal to the cause of offering assistance to the movement of freeing enslaved African Americans from the bondage (Franklin and Schweninger 1999: 278). And now they had tangible proof.

The result is an increase in the level of surveillance by the dominant group in the form of another ‘crackdown’ that tried to respond to the reality that free blacks were indeed as unsatisfied with their existence in the racially-stratified society and, like enslaved African Americans, were willing to take up arms to secure their liberty. The dominant group attempted to account for as many free people of color as they could, for this surveillance, helped the dwindling white population to feel secure. The reactionary response represented in the register reflects this heightened fear. Although the conspiracy originated 400 miles away in Charleston, South Carolina (Figure 17), the free blacks of York County, Virginia, felt the ramifications of Vesey’s actions.

Free blacks would experience this hyper state of white fear and paranoia yet again. The next occurrence took place in 1831, the year of Nat Turner’s Rebellion.

Figure 17: Location of Denmark Vesey's Conspiracy of 1822 Relative to York County, Virginia.

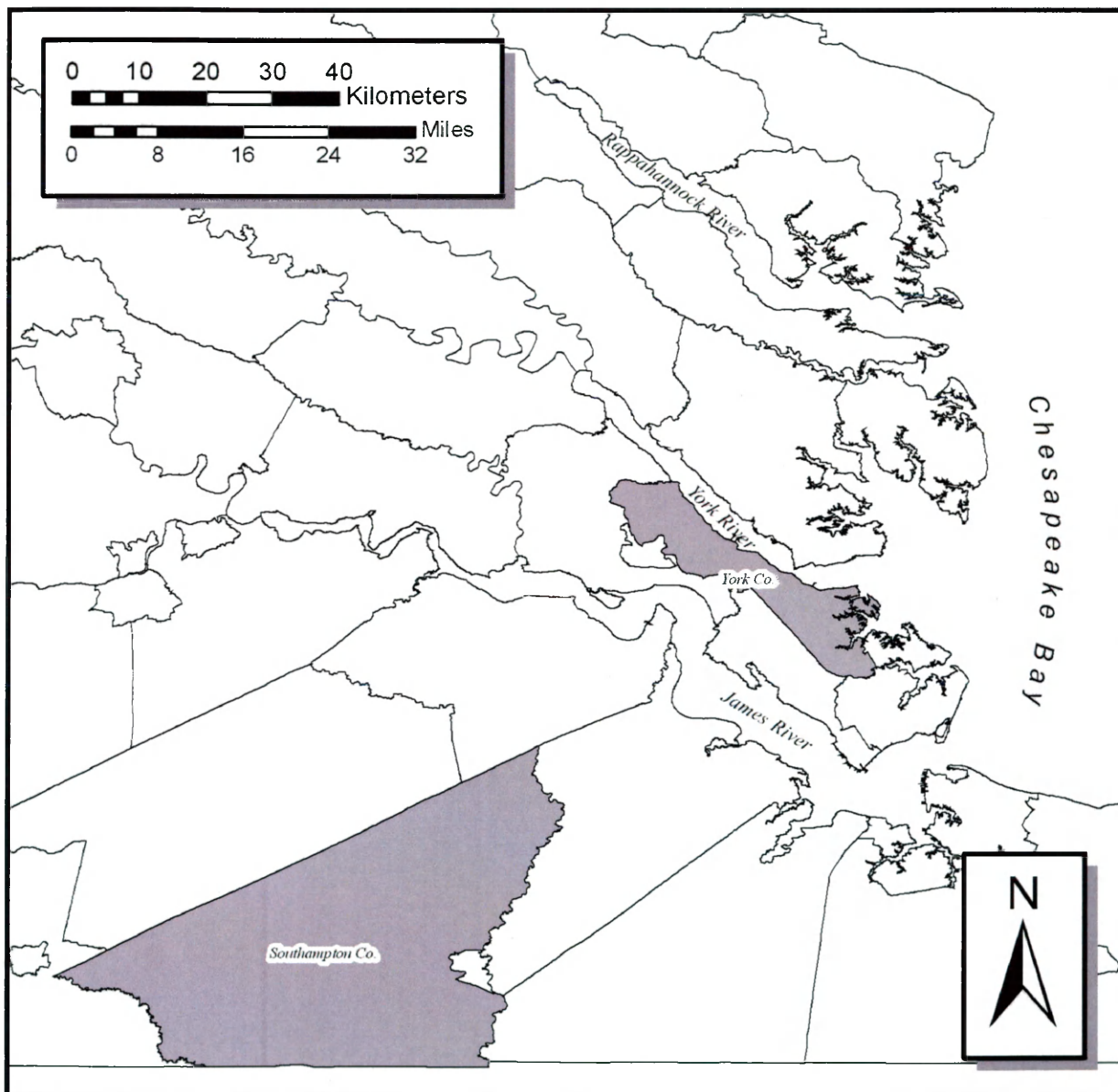


The phenomenon manifested itself in the register in manner that was unique, particularly to the time and place that the civil unrest occurred.

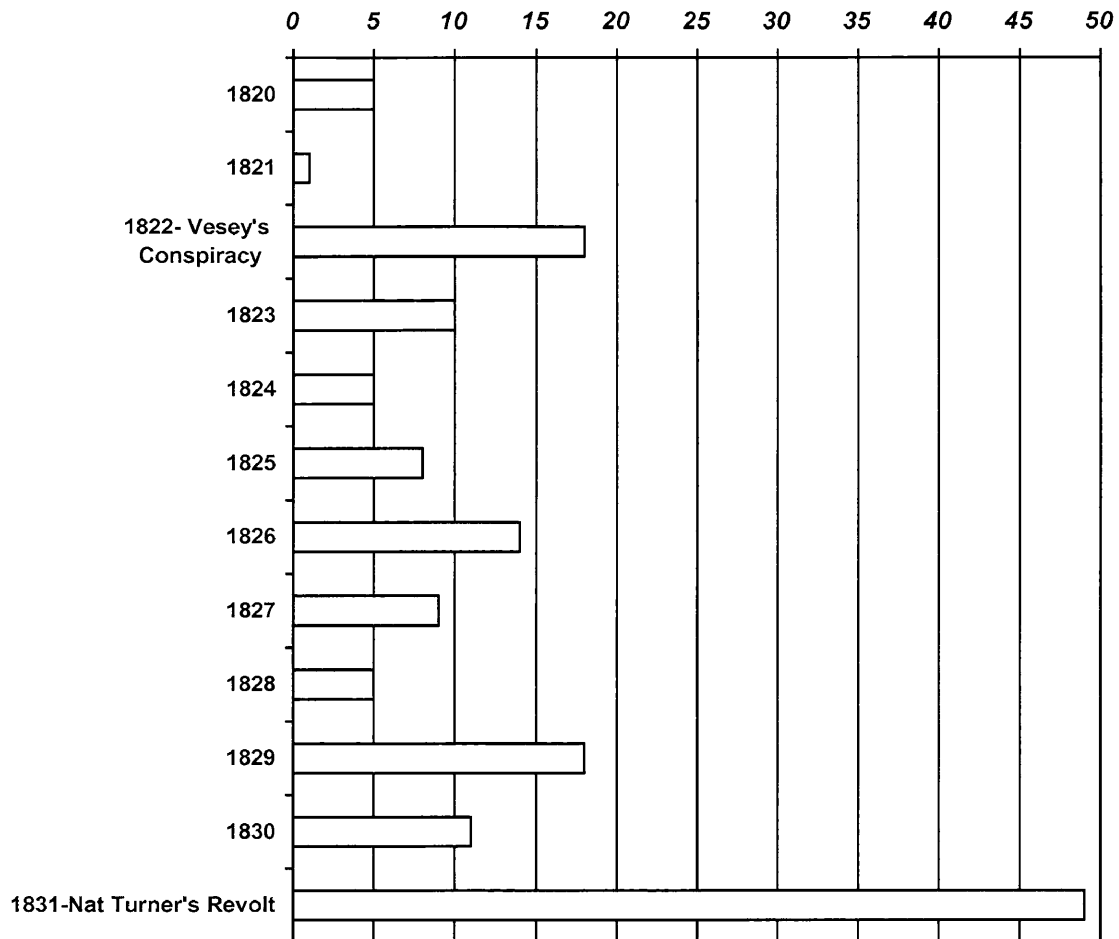
In August of 1831, Nat Turner led an uprising in Southampton County, Virginia that would later be known as the Nat Turner Rebellion. Nat Turner was a deeply religious and literate slave who was a lifetime resident of Southampton County (Aptheker 1939: 51). The rebellion began with killings of the members of his master Ben Turner and his entire family (Wright 1993: 111). Turner and his compatriots about seventy individuals ultimately killed an estimated fifty-five to sixty white residents of the county (Geschwender 1978: 149). Reports of the deaths focused on the cruelty of the attacks. One report of the aftermath described “whole families...butchered, thrown into heaps, and left to be devoured by hogs and dogs or to putrify on the spot” (Wright 1993: 111). Turner was eventually captured and hanged along with twenty of his coconspirators some six weeks after the insurrection had begun (ibid 1993: 113).

The bloody nature of Turner’s act of resistance sent waves of fear throughout the surrounding areas. The resulting hysteria of the white population consequently added more than two hundred retaliatory deaths of free blacks and slaves throughout North Carolina and Virginia (ibid 1993: 113). The proximity of the attacks to York County added to and further heightened the need for control. Southampton County was a mere 25 miles southwest of York County (Figure 18). This desire for racial dominance and social security was reflected yet again in the register, the analysis of the trend is on the number of renewals and when they took place relative to the time when the attacks occurred in Southampton. Figure 18 illustrates the relationship between the rebellion and the high number of renewals that occurred during the year of 1831. Of all the years that

Figure 18: Location of Nat Turner's Rebellion of 1831 Relative to York County, Virginia.



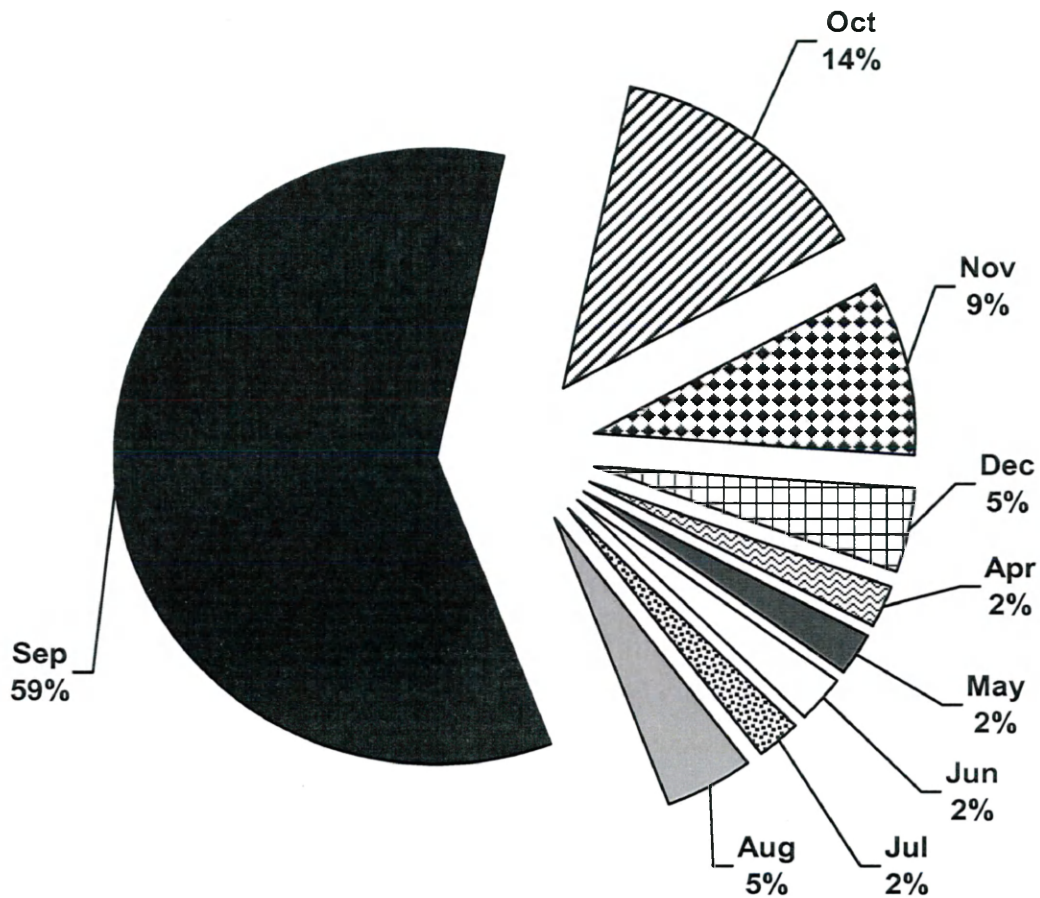
**Figure 19: Number of Renewals from 1820 to 1831.**



renewals were recorded in the register, 1831 has the highest number. The timing of the renewals is also very important. The overwhelming majority of the renewals occurred the month after Nat Turner's insurrection began (Figure 19). The intensity of the killings demanded swift action from the white population. The overall population of York County was at its lowest during this time (Smart 1986: 187). The slave population was in



Figure 20: Comparison of 1831 Renewals by Month.



a steady decline, however the free black population was still experiencing a steady increase in numbers that would not end until a decade later (ibid 1986: 188), which resulted in a population ratio of approximately fifty percent black and fifty percent white (ibid 1986: 193). Due to the volatile time only seven new entries were made in 1831. Immigration into the county was most likely vigorously prohibited. This supposition leads back to the free black population in the area and how the registers function as a panoptic device against them. Surveillance of the population was undoubtedly a top priority during this turbulent time. White vigilance was paramount to keep social stability. In the face of a growing free black population a swift accounting of the free



blacks in the county was probably seen as the most prudent course of action. The ramifications of Turner's action were felt the next year when the Virginia assembly enacted a law "reducing into one the several acts concerning slaves, free Negroes, and mulattoes..."(Guild 1996: 107).

All of insurrections or conspiracies discussed above had different beginnings and different endings, although they all sought the same goal, freedom. The register reflects white society's response to this desire by attempting to increase the policing power of the register which in turn would limit the social and physical mobility of a growing free black population. Any growth in the free black population was viewed with suspicion and was regarded as a threat to the dominant white social order. By increasing the effectiveness of the free black register as a panoptic device, the white population simultaneously prescribed a degraded status to free blacks while providing a sense of security to an anxious white populace.

## CHAPTER VI. CONCLUSION

Essentially, the register was used as a panoptic device by a white population class that, while socially dominant, was numerically outnumbered by the black residents of the county. This numerical imbalance was indicative of the American antebellum south due to the region's reliance on enslaved Africans and African Americans for labor. The racial imbalance was magnified by the mass exodus of whites from the area after which was the result of the state capital moving to Richmond and the depletion of the local soils forced many whites to search for better economic opportunities to the west. While both the white and enslaved black populations declined during the early national period, the free black population of York County slowly but steadily increased. The numerical dominance of the black population caused the dwindling white population in the region to feel unsafe both numerically and economically. Due to diminished job opportunities, whites and free blacks were now competing for jobs.

The new economic unease was also coupled with a more established anxiety associated with slave society; slave unrests or revolts. Throughout this time period a number of revolts, rebellions, and conspiracies occurred in and around the area that further fueled white anxieties about the African American population in the area. Both free and enslaved African Americans participated in these acts of resistance. In the eyes of the white population, neither segment could be trusted and therefore needed to be monitored. This unease resulted in the creation of several laws that were meant to restrict the socio-economic mobility of the free black population. One of these laws led to the creation of the free black registration system that was used as a method of surveillance against a segment of the black population that threatened the socio-economic balance of

this racially-stratified region. As stated before, registers can be interpreted using Foucaultian theory as a kind of social 'panoptic devices'. The register acted as a social panoptic device because it gave the impression that the white population that was in constant surveillance of the free blacks enabled them a semblance of overt control over the free black population.

Through analysis of the detailed descriptions of the free blacks within its pages, certain trends of prescription of this panoptic state of existence were revealed. The most demonstrable trend was related to the many historically significant slave rebellions or conspiracies that occurred during the time period. Using a Foucaultian framework of analysis, the register can be seen as a reactionary response to the threat of social disorder that these rebellions or conspiracies represented. The York County Free Black register was part of this panoptic phenomenon. When revolts or conspiracies took place, changes occurred in the York County Free Black Register.

The final analysis of register proved that a Foucaultian theory of social control could be applied to the register. There were four distinct instances located throughout the register that proves its use as a means of social control. These instances involved an increase in either the detail of the descriptions; an increase in new registrants; increase in renewals or a combination of increases; and a combination of renewals and new registrants. All of these increases coincided with insurrections or planned revolts of enslaved African Americans. The increases in the register were the result of white Americans attempts to assuage their fears of populace that they viewed as possible coconspirators of the enslaved.

My analysis of the York County free black register has provided insight into the panoptic state that free people of color had to negotiate in York County during the early national period. Through analysis of the detailed descriptions of the free blacks within its pages, certain trends of prescription of this panoptic state of existence were revealed. The most demonstrable trend was related to the many historically significant slave rebellions or conspiracies that occurred during the time period. My analysis showed that the Slave revolts and conspiracies agitated the anxieties that the white population felt toward a small but constantly growing free black population. Revolts and conspiracies, which were sometimes aided by free blacks, threatened the social order of the day. The register illustrates one response to this threat.

The changes in the register can be interpreted as an attempt to calm a nervous white population by presenting tangible evidence (by way of the increases in the register) that they were still in control. The register also confirmed to the free black population that whites were not incomplete control. While I have interpreted the register as a means of overt social control, it is possible that some free blacks viewed the register as a means of protection. Linda Bryant took this point of view in her fictional account (but based on historical facts) of a free black family registering in Alexandria, Virginia after the Nat Turner revolt in her book *I Cannot Tell a Lie: The True Story of George Washington's African-American Descendant*. If you were free and did not have the physical representation of this "protection" you ran the risk of being fined or being sold back into slavery. While the register may have worked for some free blacks in this fashion, it was still intended, as the law states, as a method of restricting their movements and to further

reinforce the social order of the day. This idea of the duality of the register can be further explored in additional research, not possible under the tenets of this thesis.

There is more to be learned from not just this particular type of document. The same analysis that was applied to this register can be applied to the other surviving free black registers of Virginia. It would be interesting to determine if the same trends occur in the different registers during the same time period. Such an analysis could be used as a good comparison/contrast to the results found in this analysis. Also, a comparison of the recorded attributes between the different registers could be done. It would be very interesting to ascertain if every register followed the letter of the law or if some of the records are more elaborative in their descriptions of free blacks. Regional analyses could, of course, reveal regional trends and differences in the registers. Because of the variety of information found in the registers, the possibilities for analysis are only limited by the scope of the analytical framework used to study it.

During the time of the register, York County was experiencing an economic depression which resulted in a few free blacks gaining a modicum of upward mobility which in turn challenged the status quo of the region. This population began to compete with the remaining whites in a shrinking job market. This new competition added to the already existing anxiety of a repeatedly rebelling enslaved population. The politically dominant whites responded with a panoptic device—the free black register. This response provided assurance to a diminishing white population. It reassured them of their place of dominance in a racially-stratified society by empowering every member of this social group with the ability to monitor and prohibit the mobility of the growing free black

population. The York County free black register provides insight into the panoptic state that free people of color had to negotiate in York County during the early national period.

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## **VITA**

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